



Appeal Decision

Site visit made on 18 September 2023

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2024

Appeal Ref: APP/Q5300/W/23/3318256

272 Chase Side, Southgate, Enfield N14 4PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ahir, Ahir properties LTD, against the Council of the London Borough of Enfield.
 - The application Ref is 22/03744/FUL.
 - The development proposed is described as 'double storey side and rear extensions. New roof over main building. External alterations and conversion of existing dwelling into self-contained flats with associated car parking, cycle parking refuse facilities and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of single family dwelling house into 7x self-contained flats, involving part single, part 2-storey rear and side extensions, alterations to roof involving new roof over main building, 1st floor balconies with privacy screen at rear, front roof balconies, with rear and side rooflights, associated car parking, cycle parking, refuse facilities and amenity space at 272 Chase Side, Southgate Enfield N14 4PR in accordance with the terms of the application, Ref 22/03744/FUL, dated 1 November 2022, and the plans submitted with it, subject to the conditions detailed in the attached schedule.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023 accompanied by a written ministerial statement (WMS). The revised Framework is a material consideration which should be taken into account from the day of publication. Having considered the revisions and in light of the principles of natural justice, the main parties were invited to make submissions on the revised Framework. I have had regard to the revised Framework, and the comments made by the parties in respect of the revisions, in reaching my decision.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has changed, and a different wording has been entered. Accordingly, in the decision section I have used the description of the development from the appeal form, correcting the number of flats described from 6 to 7 and amending the word 'sides' to 'side' in order to correctly describe the development proposed.
4. The Council initially described the proposed development incorrectly, stating that the proposal was for the conversion of the building in to 6 flats rather than

7 as shown on the submitted plans. At the request of the Inspector the Council re-notified relevant parties, including the correct description of the proposal, on 2 November 2023. Following the notification period, which ended on 5 December 2023, the Council confirmed that no representations were received as a result of the re-notification process.

5. The Council have provided no written representation within the relevant time limits. Notwithstanding this, there is sufficient information before me to enable a decision to be made based on the merits of the case.

Main Issues

6. As detailed above the Council has provided no written representation in respect of the proposed development. I have therefore defined the main issues based on the submitted evidence and my site visit, as follows:
 - the principle of the proposal;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of 274 Chase Side;
 - whether future occupants of the proposal would be likely to experience acceptable living conditions; and
 - whether the proposal is accessible, including appropriate car and cycle parking provision and the effect of the proposal on highway safety and the free flow of traffic on Chase Side.

Reasons

Principle

7. The existing dwelling is a large, detached family home with gardens to the front and rear. The proposal is for the extension and alteration of the property in order to allow for its subdivision into seven flats; a two-bedroom flat, three x one-bedroom flats and three x three-bedroom flats.
8. Within both the National Planning Policy Framework (the Framework) and the The London Plan 2021 (LonP) the Government support the delivery of more homes, to ensure sustainable development that sustains the creation of mixed and inclusive communities. The provision of a range of housing types to meet housing need is encouraged by the Council who support this aim under the terms of CP5 of The Enfield Plan Core Strategy 2010-2025 2010 (CS). The proposed development would include a mix of different flat sizes including three x three-bedroomed family homes, for market housing, which are identified as a priority by the Council.
9. The Council recognise that the clustering of multiple conversions of homes in to houses of multiple occupation (HMO) or flats in an area can have a harmful impact on the residential character. Based on the evidence before me the proposed development would not result in over one in a consecutive row of five units being converted. I do not have access to information regarding the overall percentage of properties that have been converted on Chase Side as a whole. However, I am satisfied that the proposal would not result in an over concentration of conversions or harm the residential character of the area.

10. Therefore, I conclude that the principle of the proposal is acceptable. The proposed development is therefore in accordance with Policies D3 and D6 of the London Plan, Policies CP5 and CP30 of the CS and Policy DMD5 of Improving Enfield, Development Management Document (DMD) 2014 (DMD) Policy DMD5. These policies are consistent with the framework in encouraging the provision of a variety of additional homes of varying types to meet the needs of the community while avoiding the over concentration of conversions of existing homes.

Character and appearance

11. The application site is located within a primarily residential area, Chase Side is a busy main road (A111) with properties on either side forming a linear pattern of development fronting the highway on both sides. There are a variety of housing types in the area including large, detached family homes and small blocks of flats; that are varied in terms of age, architectural style and scale.
12. The existing property is a large two storey detached property with a pitched roof and two balconies on the front elevation. The proposal includes two storey extensions to both the side and rear of the existing property. In order to accommodate the increased footprint, the resultant dwelling would have a crown roof, which would also allow for accommodation in the attic. A balcony is proposed on the rear elevation and the roof plane on the front elevation would incorporate two cut out balcony sections.
13. As detailed above the area is defined by properties that are a mix of architectural styles and there are examples of small blocks of flats that have crown roofs and reflect the proposal in terms of scale and massing. The resultant building would not be unduly prominent and responds positively to local distinctiveness.
14. For the reasons detailed above I conclude that the proposal would not have a harmful effect on the character and appearance of the area. As such the proposal is in accordance with Policy D3 of the LonP and Policies DMD8 and DMD37 of the DMD. These policies require new development to include high quality design that responds to local distinctiveness and is appropriate in terms of scale, bulk and massing.

Living conditions of neighbours

15. Based on the evidence before me no representations have been submitted in relation to the effect of the proposed development on the living conditions of neighbouring properties. I have based my assessment of the effect of the proposal on the living conditions of the occupants of the nearest neighbouring property 274 Chase Side (No 274), as the other neighbouring property, 270 Chase Side, is in commercial use.
16. The proposed extensions to the side and rear of the property would increase the width and overall bulk of the building in close proximity to the boundary with No 247. A first floor balcony is proposed across most of the rear elevation, which would incorporate a privacy screen at each end and between the balcony area allocated to each flat. On the side elevation that would face No 274, three windows, which would serve non-habitable rooms, are proposed at ground floor level and five velux windows are proposed within the crown roof.

17. The appellant submitted a Daylight, Sunlight and Overshadowing Assessment for Surrounding Properties (the Survey). The Survey focused on the impact of the proposal on neighbouring property No 274 in relation to the requirements of the British Research Establishment (BRE) guidelines. The Vertical Sky Component (VSC) of the assessment found that the development would have a negligible impact on No 274 as the VSC would be either greater than 27% or above 0.8 times their former values, which is compliant with BRE requirements. The assessment also found a negligible impact in terms of sunlight as the BRE target of 25% annual and 5% winter sunlight hours can be achieved in accordance with BRE standards. The survey also found only a negligible impact on overshadowing, which would effect only a small area of the rear garden. With no information to the contrary, the Survey establishes that the proposed development would not have a materially harmful impact on the living conditions of neighbouring properties in terms of daylight, sunlight and overshadowing.
18. The resultant building would be forward of the building line of the rear elevation. However, a large proportion of the extended area would be single storey, the proposed crown roof would reflect the height of the original building and would slope away from No 274. These factors reduce the impact of the proposal and it would not have a materially harmful impact on outlook from this neighbouring property.
19. The proposed ground floor windows on the side elevation facing No 274 would not serve habitable rooms and the height and angle of the proposed velux widows is such that they would not result in a material degree of overlooking. The proposed balcony would be fitted with a privacy screen. To ensure that the screen is of sufficient opacity to maintain the privacy of neighbouring occupants a condition requiring the submission of details of the materials used in the construction of the screen would be required. Details of boundary treatments are also required by condition in order to ensure that proposed rear boundary treatments allow for a suitable degree of privacy for neighbours.
20. The property is a large family house and the proposed subdivision would result in the intensification of the existing use. Seven separate flats are not directly comparable to a single family household and the level of activity is likely to be greater. However, Chase Side is a busy road and the mix of accommodation types results in a varied housing density. The character of the area is such that increased levels of noise and disturbance would be expected.
21. For the reasons detailed above I conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of 274 Chase Side. As such the proposal is in accordance with Policy D3 of the LonP and Policy DMD8 of the DMD which requires that new development preserves amenity in terms of daylight, sunlight, outlook, privacy, overlooking, noise and disturbance.

Living conditions of occupants

22. Policy D6 of the LonP seeks to ensure that new housing development provides adequate internal and external space to meet the needs of future occupants. Table 3.1 incorporated within this policy details the minimum gross internal floor area (GIA) depending on property type and proposed occupancy.
23. Based on the submitted plans all of the proposed flats would meet the required minimum gross internal floor area for their occupancy capacity. The submitted

Design and Access Statement confirms that the flats would also achieve a minimum floor to ceiling height of 2.5m for 75% of the GIA. In the absence of any information to the contrary I am satisfied that the proposal would meet the minimum ceiling height requirement as detailed within Policy D6 of the LonP.

24. The proposed development includes private balconies and gardens as well as a larger communal rear garden. I am satisfied that the proposed development would provide adequate private outdoor amenity space that complies with criteria 9 of Policy D6 of the LonP.
25. As such future occupants of the proposal would experience acceptable living conditions. The proposal is in accordance with Policy D6 of the LonP and Policy DMD8 of the DMD. These policies seek to ensure that new housing development meets the needs of future occupants by providing adequately sized rooms, with comfortable layouts which are fit for purpose.

Highway safety

26. As detailed above the application site is located off a busy road (A111) and there is an existing access off Chase Side that serves a private parking area. Within their consultation response the Council's Transport Team note that the application site is located within an area with a PTAL rating of 1a, which indicates a poor level of accessibility. However, I noted on my site visit that the application site is a 20m walk from Southgate Underground Station and Chase Side is on several bus routes. The proposed Site Plan shows parking provision for four cars and indicates cycle storage for eight bicycles.
27. Within their consultation response the Council's Transport Officer raises no material concerns regarding the accessibility of the development and the proposed car parking provision within the site. Based on the evidence before me I have no reason to disagree with this assessment.
28. However, the Council's Transport Officer did raise concerns regarding the retention of the existing access gate, which is not set back at least 5m from the edge of the highway. Given the resultant intensification of the use of the building, and potentially an increased number of vehicular movements to and from the site, a condition requiring that the existing gate is removed is required in order to ensure that vehicles entering and existing the site do not restrict the free flow of traffic on Chase Side. This would ensure compliance with DMD46 of the DMD, which requires that vehicle crossovers will only be permitted where they would not impact on road safety or the free flow of traffic.
29. The Council's Transport team also notes that the proposed plans do not clearly show the required minimum number of 13 cycle parking spaces. However, full details of proposed cycle parking provision can be requested via condition.
30. For the reasons detailed above I conclude that the proposal is in an accessible location and, with the use of appropriate conditions, would include appropriate car and cycle parking provision and would not have a harmful effect on highway safety and the free flow of traffic. The proposal is in accordance with Policies T5 and T6 of the LonP, Policy CP25 of the CS and Policies DMD45, DMD46 and DMD47 of the DMD. These policies require that proposed housing development provides appropriate levels cycle parking provision and car parking provision depending on the accessibility of the location of the site.

Conditions

31. I have considered the conditions put forward by the Council and the appellant's comments on them. I have included those conditions that meet the tests set out at paragraph 56 of the Framework, with some minor editing of the suggested wording for precision and enforceability.
32. A condition relating to the timing of the commencement of development is necessary to comply with Section 92 of the Town and Country Planning Act 1990. Conditions are also needed to require the development to accord with the plans and the submission of details of proposed external materials, as the proposal has been assessed on those terms and in the interests of visual amenity.
33. In order to ensure that the proposed development would not have a harmful impact on the privacy of future occupants and the occupants of neighbouring properties, a condition is required for the submission of details and the subsequent retention of the proposed privacy screens.
34. The submission of a Construction Management Plan is required by pre-commencement condition in order to ensure that the construction of the proposed development would not have a harmful impact on residential amenity, highway safety and the free flow of traffic.
35. Conditions relating to cycle parking and storage and waste storage and collection arrangements are required to ensure that satisfactory provision is made to protect the appearance of the area and meet the requirements of future occupants.
36. Conditions requiring details of proposed boundary treatments and the removal of permitted development rights for additional windows and external doors are required in the interests of the privacy and visual amenity. Also, a condition is required to restrict the height of fencing and the removal of the existing access gate in the interests of highway safety and the free flow of traffic.
37. Conditions requiring that the proposed flats incorporate the installation of water efficiency measures and the submission of an Energy Certificate upon completion are necessary to ensure they are sustainably constructed.
38. Conditions requiring the submission of a landscaping and planting schedule and details of hard surfacing are required in the interest of visual amenity.
39. In the interests of nature conservation, a condition requiring details of biodiversity enhancements should be submitted to the local planning authority.
40. Conditions requiring the submission of an Energy Statement and a SUDS Report are unnecessary as this information has been submitted in support of the application.

Conclusion

41. For the reasons given above I conclude that the appeal should be allowed.

C Livingstone

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 220305 1 of 1, 220305 1 of 4, 220305 2 of 4, 220305 3 of 4, 220305 4 of 4, S.SLP, S.BP, P001, P002, P003, P004, P005, P006, P007, P008.
- 3) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:
 - a) photographic condition survey of public carriageways, verges and footways in the vicinity of the site;
 - b) map showing routeing of demolition and construction vehicles to/from the site;
 - c) access arrangements for deliveries to the site;
 - d) wheel cleaning methodology and facilities or measures to keep the highway clear of mud and debris.
 - e) Arrangements for the parking of contractors' vehicles.
 - f) Arrangements for the storage of materials.
 - g) Details that accord with the 'Mayor of London's supplementary planning guidance 'The Control of Dust and Emissions During Construction and Demolition' detailing how dust and emissions will be managed during demolition and construction work.

The development shall be carried out in accordance with the approved Construction Management Plan.

- 4) Prior to the commencement of above ground works details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to the commencement of above ground works, details of biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority following guidance by a suitable qualified ecologist. The details shall include the exact location, specification and design of the habitats. The enhancements shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The development shall be carried out strictly in accordance with the details so approved prior to occupation and maintained as such thereafter.
- 6) Prior to the commencement of above ground works, full details of the surfacing materials to be used within the development including footpaths, access roads, parking areas and road markings shall be submitted to and approved in writing by the Local Planning Authority. The surfacing shall be carried out in accordance with the approved detail before the development is occupied or use commences.

- 7) Prior to the commencement of above ground works a landscaping scheme should be submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 8) All planting seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) The development hereby permitted shall not be occupied until the rear balcony has been fitted with privacy screens. Details of the materials used in the construction of the privacy screens shall be submitted to and approved in writing by the local planning authority before the screens are installed and once installed the privacy screens shall be retained thereafter.
- 10) The development hereby permitted shall not be occupied until a final Energy Performance Certificate has been submitted to and approved in writing by the Local Planning Authority.
- 11) The development hereby permitted shall not be occupied until facilities for refuse storage, including facilities for the recycling of waste, have been provided. Details of refuse and recycling storage shall be submitted to and approved in writing by the local planning authority. Following provision, the facilities shall be retained, and replaced when necessary, for the lifetime of the development
- 12) The development hereby permitted shall not be occupied until secure/covered cycle parking spaces have been provided. Details of the siting, number and design of secure/covered cycle parking spaces shall be submitted to and approved in writing by the local planning authority. The approved details shall thereafter be installed, retained for cycle parking and replaced, when necessary, for the lifetime of the development.
- 13) The development hereby permitted shall not be occupied until the site has been enclosed at its boundaries in accordance with boundary treatment details to be submitted to and approved in writing by the Local Planning Authority. This shall include plans and elevations indicating the positions, design, materials and type of boundary treatments to be erected.
- 14) The development hereby permitted shall not be occupied until details of the internal consumption of potable water has been submitted to and approved in writing by the Local Planning Authority. Submitted details will demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption equal to or less than 105 litres per person per day for the residential uses.
- 15) The development hereby permitted shall be carried out in accordance with the submitted Energy Statement.

- 16) The development hereby permitted shall be carried out in accordance with the submitted SUDS report.
- 17) Notwithstanding the details shown on the submitted plans, the vehicular access to the site should remain open and should not be fitted with a gate or other means of enclosure. No wall, fence or other means of enclosure should exceed 0.6m in height, for 2m on either side of the vehicular access.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows and doors other than those expressly authorised by this permission shall be constructed on the northwest elevation.

*****END OF CONDITIONS*****