



Appeal Decision

Site visit made on 21 May 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

Appeal Ref: APP/Q5300/W/24/3337353

30 Heddon Court, Cockfosters Road, Enfield EN4 0DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Stevenson against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/02890/FUL.
 - The development proposed is conversion of maisonette to two self-contained one-bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the property is suitable for conversion in principle, having regard to the development plan policies, the availability of family accommodation and the clustering of flatted schemes in the area;
 - whether the proposed development would provide adequate living conditions for future occupants, with particular reference to the size of the internal accommodation; and
 - whether or not the proposed cycle storage arrangements comply with local policy and guidance.

Reasons

Loss of family housing

3. Policy DMD 5 of Enfield's Development Management Document (DMD), adopted 2014, is the principal policy in the development plan relating to conversion of existing units into self-contained flats. The policy supports such development subject to compliance with the specified criteria. Where a scheme proposes the conversion of existing family units into self-contained flats Part 2a) of the policy requires compensatory provision of family accommodation within the development. Part 1b) also seeks to restrict the number of conversions by setting limits on the clustering of such developments to not exceeding 20% of all properties along any road; and only allowing one out of a consecutive row of five units to be converted.
4. The appeal site comprises the host property which is currently in use as a three-bedroom dwelling. The property sits on the first and second floors above a ground floor retail unit within a row of similar properties. It is one of a block

of properties accessed from a staircase between two retail units. The residential properties are, as such, separate from the retail units below.

5. The existing property provides family accommodation in the form of a two-storey, three-bedroom unit. The proposal is for the conversion of this single unit into two number one-bedroom flats. The proposed development would result in the loss of the family unit and no compensatory family accommodation is provided. Consequently, the proposal fails to comply with part 2a) of policy DMD 5.
6. The proposal would also result in more than one of the row of five units converted from a single residential unit to flats. The appellant's evidence indicates that there are several units in Heddon Court that are already flats and this supports the Council evidence which notes two existing conversions in the row of five properties. The proposal would, therefore, also be contrary to Part 1b) of Policy DMD 5 which seeks to resist excessive clustering.
7. The restriction on clustering is to safeguard the provision of family housing and restrict the number of flat conversions, especially in areas that have already experienced loss of family housing. The policy, therefore, sets these restrictions to ensure that there remains a mix of house sizes and provision of family accommodation in Enfield. It is only relevant to areas with at least one existing conversion, as set out in the wording of the policy. The dominance of existing one-bedroom flats in Heddon Court, as the appellant asserts, would mean that it is even more important to retain the existing family accommodation to ensure a mix of house sizes.
8. That other properties behind Cockfosters Road are family dwellings is not material to the consideration of the clustering in any given row of five properties, which is the test within Policy DMD 5. The existence of other family accommodation also would not provide compensatory family housing as required by Policy DMD 5.
9. The appellant contends that Policy H10 of The London Plan, The Spatial Development Strategy for Greater London, 2021 (LonP) supports the provision of one and two-bedroom units in locations which are close to town centres or stations.
10. However, Policy H10 of the LonP should be read alongside the DMD and The Enfield Plan Core Strategy 2010-2025 (CS) which together provide additional local criteria for the consideration of housing supply and residential conversions. Both the DMD and the CS seek to ensure that the requirements of H10 of the LonP, to deliver a range of unit types and mixed communities, is met by maintaining family houses as well as providing smaller units. Policy H10 of the LonP also identifies the need for additional family housing and the pressure for conversion. I accept that the proposal would provide one additional unit of accommodation. However, this would be at the expense of family accommodation which is protected through Policy DMD 5 of the DMD.
11. Core Policy 5 of the CS also seeks to ensure a range of house sizes, to meet housing needs, and identifies a need for 45% three-bedroom housing and 20% one and two-bedroom flats. This is supported by the evidence within the Enfield Local Housing Needs Assessment. The appeal proposal would not provide the mix of housing sought by Core Policy 5 of the CS or provide for the mix sought within the needs assessment.

12. For the above reasons, the proposal would not be suitable for conversion in principle, having regard to the development plan policies, the availability of family accommodation and the clustering of flatted schemes in the area. Consequently, the development would be contrary to Policy DMD 5 of the DMD.
13. The loss of the three-bedroom unit would also adversely affect the supply of family housing contrary to the requirements of Core Policy 5 of CS, Policy DMD 8 of the DMD and Policy H10 of the LonP which, taken together, seeks to ensure a range of housing sizes that meet housing needs.
14. For the same reasons, the proposal would be contrary to the evidence in the Enfield Local Housing Needs Assessment which shows a greater need for family housing than for the supply of one-bedroom units.

Internal space

15. Both main parties accept that there is a shortfall in the gross internal floor areas below that required in the NDSS¹. The minimums set out in the NDSS and in Policy D6 of the LonP, are set to ensure that the living conditions of the future occupants of any development are acceptable and appropriate. This is also reflected in Policy DMD 8 of the DMD which requires development to meet or exceed the minimum space standards.
16. The Council has set out the proposed floor space and NDSS minimums within the officer report and I have no substantive evidence that these figures are not accurate. The shortfall, in floorspace provision for unit 1 is nearly five square metres and for unit 2 is approximately nine square metres. Neither of these represent a small shortfall. Unit 1 also lacks storage space, and the provision of additional storage would be at the detriment of other floorspace. The shortfall in floorspace would result in the proposed units not providing appropriate living conditions for the future occupants.
17. That there may be other units in Heddon Court that do not meet the NDSS would not justify the harm that would arise from the proposed development not meeting the standards now set out in the NDSS. I do not have the full details of the other units in Heddon Court to know whether they were approved since the introduction of the NDSS and the adoption of Policy D6 of the LonP.
18. For the above reasons, the development would not provide adequate living conditions for future occupants, with particular reference to the size of the internal accommodation. Consequently, the proposal would fail to comply with Policy D6 of the LonP, Core Policy 4 of the CP and Policy DMD 8 of the DMD which, taken together require development to provide at least the gross internal floor areas, as set in the LonP, and to provide high quality designed development.
19. For the same reasons, the proposal would not comply with the guidance in the National Planning Policy Framework (the Framework) or the Mayor of London Housing Supplementary Planning Guidance, adopted 2016, which, seek to ensure that development creates places with a high standard of amenity for existing and future users and maintains and improves the quality and condition of housing.

¹ Technical Housing Standards – Nationally Described Space Standard 2015 (NDSS)

Cycle parking

20. Policy T5 of the LonP requires development to provide appropriate levels of cycle parking, which is fit for purpose, secure and well located. Table 10.2 of the policy sets out the minimum standards and requires one cycle parking space per person for one-bedroom dwellings. No cycle parking provision has been shown on the submitted plans.
21. I acknowledge that cycle parking provision could be made available on the flat roofed section at the rear of the building. However, although this could provide cycle parking for the occupants of the proposed flat on the first floor it would not be readily accessible to the occupants of the second floor flat. The residents of the second floor flat would access their property from the front. The balcony area to the front is restricted in width and also serves as access to other properties beyond the appeal site. For these reasons, it would not be reasonable or appropriate to provide cycle storage on the front balcony. Moreover, there is no space within the internal hallway to provide high-level cycle parking within the flat.
22. Policy T5 of the LonP does allow for exceptions where on-site cycle parking is not possible. However, the provision of off-site cycle parking within the highway would require the payment of a commuted sum which would need to be secured through a legal agreement. Without such agreement before me I cannot be certain that cycle parking provision could be made available for the proposed two flats.
23. Consequently I, therefore, find that the proposed cycle storage arrangements would not comply with local policy and guidance set out in Policy T5 of the LonP for the reasons given above.
24. For the same reasons, the proposal would also not comply with Policies DMD 5, DMD 8, DMD 37 and DMD 47 of the DMD which seeks to ensure that development, including conversion of existing units into self-contained flats, incorporates adequate parking, puts people before private cars, promotes sustainable modes of transport and secures cycle access to development.
25. The lack of appropriate cycle parking would also be contrary to the design advice contained in the above policies and as set out in Core Policy 30 of the CS which seeks to ensure that all development is high quality and design led. Moreover, it would be contrary to the advice contained in the Framework which promotes cycle use by giving priority to pedestrian and cycle movements.

Conclusion

26. For the reasons given above the appeal should be dismissed.

K Townend

INSPECTOR