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# Appeal Decision

Site visit made on 2 July 2024

**by J Bowyer BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 July 2024**

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**Appeal Ref: APP/Q5300/W/24/3337959**

**78 Halstead Road, London, N21 3DS**

- 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 S Procopiou against the decision of the Council of the London Borough of Enfield.
  - The application Ref is 23/00904/FUL.
  - The development proposed is single storey rear extension and conversion to two self contained flats.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - i) the effect of the proposal on the supply of family housing;
  - ii) whether or not living conditions for future occupiers of the development would be acceptable having regard to outlook and natural light for Flat 1 and the internal area and layout of Flat 2;
  - iii) whether or not the proposed access and parking arrangements would be acceptable having regard to pedestrian and highway safety and support for use of sustainable transport modes; and
  - iv) the effect of the proposal on flood risk.

## Reasons

### *Family Housing*

3. The appeal site includes a four-bedroom dwelling which would be extended and converted to form two flats. Both flats would be two-bedroom units and so there would be no compensatory provision for family accommodation (3 bedrooms +) which is required by Policy DMD 5 of the Development Management Document 2014 ('the DMD') where proposals involve the conversion of existing family units such as this into self-contained flats.
4. The proposal would therefore reduce the Borough's supply of homes suitable for families and I conclude that there would be an unacceptable loss of family housing in conflict with Policy DMD 5 of the DMD. The proposal would also be contrary to Policy H10 of the London Plan 2021 ('the LP') and Core Policy 5 of the Core Strategy 2010 ('the CS') insofar as they broadly seek an appropriate mix and range of housing sizes to meet housing need.

### *Living Conditions*

5. The single bedroom to Flat 1 would be served by a window to the side of the building facing towards the neighbour at 76 Halstead Road. Separation between this window and the boundary which is marked by dense hedgerow would be very limited, and there is only minimal further spacing between the boundary and the two-storey gable end to the side of No 76 beyond. The height and very close proximity of these features would result in a considerable degree of enclosure to views from the window. The window would further face directly onto the bin store for both flats. In combination, I find that these factors would result in a very poor standard of outlook for occupiers of the bedroom which would be detrimental to their quality of life. Moreover, the relationship with the boundary and No 76 would be likely to affect daylight and sunlight reaching the window and there is no substantive evidence before me to show that the bedroom would receive adequate levels of natural light.
6. Turning to Flat 2, the appellant has not disputed that its gross internal floor area would fall short of the 79sqm minimum specified at LP Policy D6 for a two-storey two-bedroom, four-person dwelling. The plans also indicate that the living room/kitchen on the second-floor would have a ceiling height of less than 2.3m and the appellant has not challenged the Council's evidence that Flat 2 would fail to meet the further requirement in Policy D6 for a minimum floor to ceiling height of 2.5m for at least 75% of the gross internal area. The Council has also suggested that the position of the living room/kitchen would be unsatisfactory, but the bedrooms beneath would be part of the same household and the arrangement would not in my judgement be unduly harmful to future occupiers of the Flat. Nevertheless, given the shortfalls in the internal area and height of the dwelling against standards, I am not satisfied that Flat 2 would offer future occupiers a suitable quality of life overall.
7. Having regard to outlook and natural light for Flat 1 and the internal area of Flat 2, I therefore conclude that the development would fail to provide acceptable living conditions for future occupiers. The proposal would conflict with Policy D6 of the LP, Core Policy 4 of the CS, and Policies DMD 5, DMD 6 and DMD 8 of the DMD insofar as they together broadly seek high quality housing development and suitable standards of accommodation.

### *Access and Parking*

8. The proposal indicates provision of hardstanding to the site frontage close to the boundary with 80 Halstead Road to provide two additional parking spaces, resulting in a total of three spaces on the frontage. The increase in the number of spaces would be likely to result in additional turning movements on a busy junction and their position on the site could encourage vehicles to cross a wider section of the footway when accessing them. On that basis, the proposal could increase potential for conflict with pedestrians and other highway users with consequent detriment to safety.
9. Moreover, a fourth parking space would be provided in the garage at the rear of the site. Policies T6 and T6.1 of the LP set out maximum parking standards indicating that parking for the development should not exceed 1.5 spaces. The provision of four spaces on the site would significantly exceed this maximum and would support, if not encourage use of private vehicles.

10. In addition, secure cycle parking would be provided but would be within a store adjoining the garage at the rear of the site. The path from Halstead Road to access the store would be less than 1m wide for the majority of its length which would inhibit convenient access with cycles, and access through the garage, which would also include narrow doors, would be unlikely to be available to occupiers of both of the proposed flats. The lack of suitable access to the cycle storage would discourage use by occupiers of the development and would be contrary to Policy T5 of the LP insofar as it requires proposals to help remove barriers to cycling and create a healthy environment in which people choose to cycle.
11. For these reasons, I find that the proposal would fail to make adequate provision to support use of sustainable transport modes and it would be detrimental to pedestrian and highway safety. I therefore conclude that the parking and access arrangements would be unacceptable and there would be conflict with Policies T2, T5, T6 and T6.1 of the LP, Core Policy 25 of the CS and Policies DMD 5, DMD45 and DMD 47 of the DMD insofar as they broadly seek appropriate vehicle and cycle parking, safe access and development that supports use of sustainable transport modes.

### *Flood Risk*

12. The appellant does not dispute the Council's identification of the site as being within an area identified as at risk of surface water and fluvial flooding.
13. The proposal includes an extension to the footprint of the appeal building and would result in an additional dwelling on the site as well as provision of bedrooms at ground floor level. In the absence of a site-specific Flood Risk Assessment, it is unclear how flood risk would be managed, whether the development would be safe from flooding, and I cannot be sure that flood risk either on the site or elsewhere would not be increased.
14. Accordingly, there is insufficient information to demonstrate that the development would not unacceptably increase flood risk and I conclude that the proposal would conflict with Policies SI 12 and SI 13 of the LP, Core Policy 28 of the CS and Policies DMD 59, DMD 60, DMD 61 and DMD 62 of the DMD. Together and amongst other things, these policies outline requirements for Flood Risk Assessments and broadly seek the investigation, management, minimisation and mitigation of flood risk.

### **Other Matters**

15. There have been no objections to the proposal from interested parties and I note that the Council has not raised objections in relation to the design of the extension or effects of the development on the character and appearance of the area or on neighbouring living conditions. Nevertheless, the lack of harm in these regards weighs neutrally and does not amount to a consideration in support of the appeal.
16. The appellant refers to similar extensions and conversions that have been approved in the vicinity, but no details of these have been provided. I am therefore unable to draw any direct comparisons with the circumstances of the development before me. The appellant has also said that they would be willing to incorporate additional mitigation measures or alterations to the plans to address concerns. However, there are no alternative proposals before me to

consider and in the absence of a detailed scheme, I cannot be certain that adequate mitigation could be provided to address my concerns about living conditions for future occupiers, effects on the supply of family housing and access and parking, nor that flood risk could be acceptably managed or mitigated. In these circumstances, it would not be appropriate to defer matters to a planning condition.

### **Planning Balance**

17. The proposal would provide an additional dwelling to the overall supply of housing locally. The National Planning Policy Framework ('the Framework') highlights the Government's objective to significantly boost the supply of housing and I give great weight to the benefit of the additional dwelling. There would also be some contribution to the local economy and I note that the Framework gives significant weight to the need to support economic growth and productivity. However, the extent of these benefits would be very limited given the small scale of the proposal.
18. Set against these benefits, the proposal would result in an unacceptable loss of family housing, would fail to provide suitable living conditions for future occupiers and adequate support for use of sustainable modes of transport, and has not demonstrated that there would not be an unacceptable increase in flood risk. The adverse impacts of the proposal would result in conflict with a number of development plan policies. The proposal would also be contrary to the Framework insofar as it includes requirements for housing to meet the needs of different groups including families, a high standard of amenity for future users, support for sustainable travel modes and development that minimises scope for conflicts between pedestrians, cyclists and vehicles. The policies in the Framework relating to areas at risk of flooding further provide a clear reason for refusing the development proposed and I find that the cumulative adverse impacts of the proposal would far outweigh the modest benefits.

### **Conclusion**

19. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

*J Bowyer*

INSPECTOR