



Appeal Decision

Site visit made on 24 June 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2024

Appeal Ref: APP/Q5300/W/23/3327488

Unit 3, 79 Pretoria Road, Edmonton, London N18 1SP

- 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 Tim Rody against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/01340/FUL.
 - The development proposed is change of use from social club to a House in Multiple Occupation (Use Class C4) for five individuals.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site is an appropriate location for the proposed change of use and the effect on the Locally Significant Industrial Site (LSIS),
 - whether the proposal would provide satisfactory living conditions for future occupiers, with regard to amenity space provision, noise and disturbance and the size of the bedrooms; and,
 - the effect of the proposal on highway safety.

Reasons

Location

3. The appeal site relates to the first floor of a large two storey building. It has its own entrance and is separate from the remainder of the building which is in use as a cash and carry. The building is located within an industrial estate that is designated as an LSIS. There is a mixture of industrial and residential uses in the area. However, in the immediate context, the industrial land uses are typically more clustered in one part of the road, divorced from the residential properties. This effectively creates two separate character areas, with the appeal site sitting in the area with the more industrial character.
4. Policy DMD 20 of the Development Management Document (DMD) 2014 (the Development Management Document) relates to the loss of industrial uses within LSISs. As the appeal building is currently in non-industrial use, the industrial use has been lost. As the policy specifically refers to proposals involving a loss of industrial uses, I do not consider the specific requirements of this policy apply in this case.

5. Notwithstanding this, the principle of the policy in seeking development that does not compromise the primary function of the LSIS, the operating conditions of other remaining industrial uses or the potential future use of neighbouring sites for industrial uses is consistent with paragraph 193 of the National Planning Policy Framework (the Framework). This sets out that decisions should ensure that new development can be integrated effectively with existing businesses and should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
6. Although there are residential properties nearby, the proposed residential use would be directly above and adjoined to an existing premises that could be used for industrial and other commercial purposes. It would also be located within the industrial area, surrounded by various industrial and commercial uses. The presence of a residential use, near these existing premises could lead to future objections from residents, resulting in the existing industrial activities being limited or curtailed to accommodate the new use which could threaten their future. This could also result in difficulty for new businesses for industrial purposes to move into the nearby premises. Consequently, the proposal would compromise the existing and future integrity and effectiveness of the LSIS in accommodating industrial type activities.
7. Even if permission was previously granted for partial use of the first floor as a one bedroom flat, this is not shown on the existing floor plans and was not evident at the time of my site visit. It is therefore not clear if this development was implemented. Furthermore, the permission pre-dates the adoption of the current development plan policies. This previous approval does therefore not weigh in support of the proposal.
8. I therefore conclude that the appeal site would not be in an appropriate location for the proposed change of use and would also cause adverse harm to the function of the LSIS. Accordingly, the proposal conflicts with Core Policy 15 of the Core Strategy 2010 (the CS) and Policies E2, E4 and E6 of the London Plan 2021 (the London Plan). When taken together, amongst other things, these policies seek to safeguard LSISs for a range of industrial uses to meet current and future demands for industrial and related functions. The proposal would also fail to accord with the aims of the Framework in building a strong, competitive economy.

Standard of residential accommodation

9. The proposal would provide 4 bedrooms with en-suites, and a shared living area and kitchen. There would be no amenity space provision. This would deprive future occupiers of opportunities for outdoor activities such as sitting, socialising and drying clothes to the detriment of their living conditions.
10. Even if the majority of the existing premises close after certain hours, I have not been made aware of what these hours are and if there are any planning controls to restrict the hours and days of operation of these businesses. The existing premises could choose to operate later into the evening than they currently do without any control.
11. Given that the proposal would be above an existing premises, it is likely that there would be some noise transmission from this use with the potential for noise and disturbance to be experienced by future occupiers. The nearby industrial buildings are also likely to generate some noise and disturbance from

their operations. Because of how close the appeal site is to these premises, this would be felt more by the future occupiers than the existing residents on the road. This would therefore result in unacceptable living conditions for future occupiers.

12. It is not clear what the source of the space standards referred to by the appellant is or their status. The proposal must therefore be assessed against the minimum standards set out in the Nationally Described Space Standards 2015 (the NDSS) which are adopted and specific to the requirements of Policy D6 of the London Plan.
13. The size of Room 4 would be below the expected minimum size of 7.5 square meters as set out in the NDSS for a single bedroom and would be cramped. Whilst Rooms 1 - 3 are all labelled as doubles, the description of development lists that the proposed HMO would be occupied by 5 individuals and as 4 bedrooms are proposed, only one of these bedrooms would be a double room. However, these rooms would have a floor area of less than 11.5 square meters and would be too small to meet the expected minimum size for a double room as required by the NDSS. Consequently, the proposal would not provide a comfortable and functional layout for all future occupiers, irrespective of the provision of a separate living and kitchen area and the availability of outlook.
14. I therefore conclude that the proposal would provide unsatisfactory living conditions for future occupiers, with regard to amenity space provision, noise and disturbance and the size of the bedrooms. It would conflict with Policy D6 of the London Plan, Core Policy 4 of the CS, Policies DMD 8, DMD 9 and DMD 37 of the Development Management Document and the NDSS. Amongst other things, these policies require housing development to be of high quality design, with adequately-sized rooms and good quality private amenity space. The proposal also conflicts with Policy D14 of the London Plan and Policy DMD 68 of the Development Management Document in so far as they seek to safeguard the amenity of future occupiers from significant noise to avoid impacts on quality of life.
15. The proposal would also fail to comply with the aims of the Framework and the guidance contained in the Mayor of London Housing Supplementary Planning Guidance 2016, which seeks to ensure that development creates places with a high standard of amenity for existing and future users and meets the NDSS.
16. The reason for refusal refers to Core Policy 30 of the CS which is more focused on the actions of the Council in maintaining and improving the quality of the built and open environment, and Core Policy 32 of the CS which relates to minimising pollution from developments. These policies are not determinative in the context of this main issue.

Highway safety

17. The application includes the provision of 4 parking spaces at the front of the adjoining building. As this area is not within the application boundary, it is not clear how this area could be reserved for parking for the proposal. At the time of my site visit, this area was also being used as a servicing area. This raises safety concerns as drivers of commercial vehicles might not be aware of pedestrians walking across the parking area to get to their cars.

18. The layout of the parking area as proposed appears to be tight with limited space for the manoeuvrability of vehicles if the car park was full. Given its restricted size and the lack of turning space, it is likely that there would be instances of vehicles reversing into the road to exit the car park. This would impede the free flow of the traffic and would give rise to an increased risk of collisions which would unacceptably impact the safety of road users and pedestrians.
19. The proposal would require residential facilities in the form of waste and recycling storage and cycle parking. Notwithstanding this, the existing premises in the LSIS likely have refuse facilities and waste collections. This arrangement at the appeal site would be no different.
20. The submitted proposed plans demonstrate that the refuse storage and cycle parking would be contained within the site frontage behind the site boundary treatment and away from the road. Access to these facilities would be within the confines of the appeal site. The presence of these facilities would not therefore prejudice the free flow of vehicles or cause harm to highway safety.
21. Whilst I have found no harm regarding the proposed refuse storage and cycle parking, for the reasons given above, the proposed vehicle parking would cause harm to highway safety. It would therefore conflict with Policies T4, T6 and T7 of the London Plan, Core Policies 24 and 25 of the CS, and Policies DMD 8, DMD 45 and DMD 47 of the Development Management Document. Amongst other things, these policies require development proposals to not increase road danger, provide adequate parking, and safe pedestrian routes. The proposal would also fail to comply with the aims of the Framework in minimising the scope for conflicts between pedestrians and vehicles.
22. Should the appeal succeed, further details regarding the refuse storage and cycle parking could also be secured by planning conditions. In this regard, the proposed refuse storage and cycle parking facilities would accord with Policies DMD 45 and DMD 47 of the Development Management Document and Policy T5 of the London Plan, in so far as these policies require development to provide safe provision for refuse collection and cycle parking in safe locations.
23. The reason for refusal refers to Policy T2 of the London Plan which relates to patterns of land use and Policy T3 of the London Plan which concerns transport capacity. These policies are therefore not determinative in the context of highway safety. As the proposal does not relate to a major development and I have not been advised that a transport assessment is required, Policy DMD 48 of the Development Management Document is not relevant in this case.

Other Matters

24. Positive feedback from neighbours regarding the proposed change of use is not a determinative factor in my assessment and would not alter my conclusions on the merits of the proposal.

Planning Balance

25. The appeal site would not be in an appropriate location for the proposed change of use and would also cause adverse harm to the function of the LSIS. It would also provide unsatisfactory living conditions for future occupiers and

would cause harm to highway safety. I place great weight on this harm and the conflict with the development plan.

26. There is little information to demonstrate why the existing use is not viable and whether any other uses of the building have been considered. This is therefore of limited weight.
27. The proposal would bring a vacant building back into use. It would make a small contribution to the supply and mix of housing in the area and would provide an alternative type of residential accommodation. Future occupiers would also bring trade to nearby shops and services. These are limited benefits given the quantum of development under consideration and would not outweigh the harm I have identified.
28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

Conclusion

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

L Reid

INSPECTOR