

Appeal Decision

Site visit made on 3 September 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2024

Appeal Ref: APP/Q5300/W/23/3336143

9 The Spinney, Southgate, Enfield N21 1LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Aleksejs Mincenko against the decision of Enfield Council.
 - The application Ref 23/03446/CND sought approval of details pursuant to condition No 6 of a planning permission Ref 23/00259/FUL, granted on 27 July 2023 for “*Change of use from Use Class C3 (dwelling house) to Use Class C4 (house in multiple occupation) Retrospective*”.
 - The application was refused by notice dated 14 December 2023.
 - The details in dispute relate to Condition 6 which states that: *Within three months of the date of the decision hereby approved, further details of the siting, number and design of secure/covered cycle parking spaces must be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed and permanently retained for cycle parking.*
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Aleksejs Mincenko against Enfield Council. The application for costs is the subject of a separate decision.

Preliminary Matters

3. The reason for the appeal cited on the appeal form refers to refused permission to vary or remove a condition. However, it is clear from the evidence that the appeal relates to the refusal to approve a matter required by a condition on a previous planning permission. The Council considered the application on this basis, and I have taken the same approach with the appeal.
4. On my site visit, I observed that the proposed outbuilding had been erected in the rear garden. Bicycles, along with other items, were being stored within it. A tubular cycle stand had also been erected on the front driveway. The tubular stand I observed differs from the cycle parking facilities shown on

the submitted details, and on which the Council based its decision. I have based my consideration of the appeal on the details submitted, rather than the facilities I observed on site. This is because it is the submitted details that would be enforceable.

Background and Main Issue

5. Planning permission was granted on 27 July 2023 for the change of use of a dwellinghouse to a House in Multiple Occupation (HMO). The planning permission included condition 6, which required the submission and approval of details of cycle parking spaces within three months. The reason given for the condition is: *"To ensure the provision of cycle parking spaces is in line with the Council's adopted standards"*.
6. The main issue is whether the proposed cycle parking facilities would be safe, convenient, and accessible.

Reasons

7. Taken together, Policy DMD45 of the Development Management Document (Adopted November 2014) (DMD) and Policy T5 of The London Plan (March 2021) (LonP) seek to remove barriers to cycling, including through the provision of a sufficient number of safe, convenient and accessible cycle parking facilities. The quantity of cycle parking proposed would exceed the minimum requirements for this C4 House in Multiple Occupation, as set out in Table 10.2 of the LonP.
8. There would be sufficient space within the rear outbuilding for the storage of five bicycles. Given it would be sited within an enclosed rear garden with no direct access from the street, the outbuilding would also be reasonably secure. However, in order to move bicycles between the rear storage facility and the street, residents would need to navigate a long, narrow garden path with multiple steps, as well as a kitchen, conservatory, and hallway within the host property. Due to these obstacles, the outbuilding would be in an inconvenient location for cycle storage; and this would discourage residents from using bicycles as a primary mode of travel.
9. The proposed cycle parking spaces on the front driveway would have direct access to the road and the network of cycle routes that exist in the wider area. Therefore, the facilities would be conveniently located and accessible for use by residents. However, bicycles stored on the front driveway would be exposed to public views and, therefore, could be at a greater risk of theft. Based on the evidence, I am not convinced the design of the proposed facilities would enable the frame and both wheels of bicycles to be secured; and it would not be covered. Consequently, the facility would fail to comply with the guidance for residential cycle parking as set out in the London Cycling Design Standards (2014 Edition) (LCDS) and it would not provide safe and secure cycle parking facilities.
10. I recognise that there needs to be a degree of flexibility in the type and location of cycle storage, particularly where it is being retrofitted within an existing property. However, based on the evidence, I am not persuaded there is sufficient justification to depart from the guidance set out in the LCDS, which is cross-referenced in Policy T5 of the LonP.

11. I conclude that the proposed cycle parking facilities would not be safe, convenient, and accessible. Therefore, there would be conflict with Policy DMD 45 of the DMD and Policy T5 of the LonP insofar as they require developments to provide well-located and secure cycle parking.
12. The decision notice refers to Core Policy 25 of The Enfield Plan Core Strategy 2010-2025. This policy relates to the provision of routes for non-motorised modes rather than cycle parking. Therefore, I have not found Core Policy 25 to be determinative to the outcome of the appeal.

Other Matters

13. The appeal site is within walking distance of bus, rail and underground services which provide connectivity across London and beyond. However, the accessibility to public transport services does not negate the need to provide cycle parking provision in accordance with development plan policy.
14. I note the appellant's frustration that the opportunity was not provided to amend the proposal prior to the Council's decision. I have considered this matter further in my decision on the application for costs. However, it falls beyond the scope of my decision on the appeal proposal.

Conclusion

15. 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. Therefore, for the reasons given above, the appeal should be dismissed.

E Catcheside

INSPECTOR