



Appeal Decision

Site visit made on 1 October 2024

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2024

Appeal Ref: APP/Q5300/W/24/3342816

67 Redlands Road, Enfield EN3 5HW

- 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 Steven Wotton, Disabled Facilities Consultant against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/02727/FUL.
 - The development proposed is construction of new two bedroom end terrace dwelling to meet National Space Standards.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed dwelling on the living conditions of the occupants of 67 Redlands Road (No 67), with particular regard to loss of light and outlook from the first floor bedroom opening; and,
 - whether the proposed dwelling would provide acceptable living conditions for future occupants, with regard to internal space standards.

Reasons

Living conditions of No 67

3. The proposed dwelling would be attached to the side of and project approximately 2 metres further to the rear than the existing rear elevation of No 67. The closest first floor rear opening of No 67 to the proposed dwelling are French doors serving a bedroom. The internal floor plans of No 67 provided, show that this bedroom is the full depth of the property and, that the bedroom also has a large window opening on the front elevation of the dwelling. Therefore, the bedroom would be well served by natural light and have a good degree of outlook from the existing bedroom due to its dual window aspect.
4. As asserted by the Council, the proposed dwelling would break the 30-degree line taken from the midpoint of the rear French doors serving the first floor bedroom of No 67, as set out in Policy DMD 11 of the Council's Development Management Document (November 2014) (DMD) in relation to rear extensions. While, I have not been provided with any substantive evidence to show how the 30-degree line from the French doors would be breached, from my observations, it would not appear to be by a significant amount.

5. The standard breached relates to an opening that comprises full length French doors and the proposed dwelling would be situated to the north side of No 67, which means that direct sunlight would not be unduly affected by the proposal. In view of these matters, combined with the fact that the bedroom of No 67 is served by a further large window at the front of the dwelling, the asserted breach of the relevant standard would not harmfully affect the amount of light to, nor outlook experienced from the existing bedroom.
6. Additionally, Policy DMD 11 of the DMD relates to residential rear extensions and requires that the 30-degree line be taken from the nearest 'original' first floor window in an adjacent property. In this instance, the evidence provided shows that No 67 has had a large two-storey side extension, which was granted planning permission in November 2008, application ref TP/08/1805. Based on this and the current proposed plans, the original nearest first floor window in the rear elevation of No 67, which now serves a study, would not be breached by the 30 degree line in respect of the proposed dwelling.
7. In view of the above, the proposed dwelling would not harmfully affect the living conditions of the occupants of No 67, with particular reference to loss of light and outlook from the first floor bedroom opening. Therefore, the proposal would not conflict with Policies DMD 8 and DMD 11 of the DMD in this regard, which require the protection of amenity.
8. The Council has also referred to Policy CP30 of the Enfield Core Strategy (2010) (ECS) and Policy DMD 6 of the DMD in its reason for refusal. These policies rather relate to the promotion of high quality design, with DMD 6 relating in particular to density in terms of residential character. Therefore, I find these policies are not directly of relevance to this main issue.

Living conditions of future occupants

9. The Department for Communities and Local Government, Technical Housing Standards- Nationally Described Space Standard (March 2015) (NDSS) deals with internal space in new dwellings. It sets out a required minimum floor to ceiling height of 2.3m for at least 75% of the Gross Internal Floor Area (GIA) and that, in terms of internal built-in storage for a 2 bedroom, 4 person dwelling, a minimum of 2 square metres should be provided.
10. The proposed dwelling would have internal floor to ceiling heights of 2.4m for both the ground and first floor accommodation. Also, the appellant's evidence demonstrates that the proposed dwelling will have several built-in storage cupboards, which would amount to a total floor area in excess of the required 2 square metres of the NDSS. Therefore, the minimum NDSS requirements for internal ceiling heights and built-in storage would be met.
11. However, Policy DMD 8 of the DMD requires new dwellings to meet or exceed the minimum space standards set out in the London Plan. Policy D6 of the London Plan (March 2021) (LP) requires a minimum floor to ceiling height of 2.5m for at least 75% of the GIA for new dwellings and, for a 2 bedroom 4 person dwelling, a minimum of 2 square metres (sqm) of built-in internal storage. While the proposed built-in storage areas would exceed the Policy D6 requirement, the proposed internal floor to ceiling heights of 2.4m, would fail to meet the Policy D6 requirement.

12. The supporting text of the Policy D6 sets out that, 'to address the impacts of the urban heat island effect and the fact that the majority of housing developments in London are made up of flats, a minimum ceiling height of 2.5m for at least 75 per cent of the gross internal area is required so that new housing is of adequate quality, especially in terms of daylight penetration, ventilation and cooling, and sense of space'. Having regard to the specific reasons given for the higher minimum ceiling heights for housing developments in London, when compared with the national standard, I attach greater weight to the conflict with this more recently adopted development plan policy compared to the NDSS.
13. The appellant has referred to decisions made by the Council since the LP was adopted in March 2021, where despite the floor to ceiling heights falling below the 2.5m Policy D6 standard, the Council considered the heights to be acceptable and granted planning permission for new residential development.
14. This includes examples at a nearby site at 89 Redlands Road, application ref 20/0343/FUL, and at Trevera Court 135 Alma Road, application ref 22/02629/FUL. At 89 Redlands Road the internal floor to ceiling heights were stated to be 2.4m at ground floor and 2.2m at first floor. At Trevera Court, the internal floor to ceiling heights on the plans were shown to be 2.67m at ground floor and 2.35m on the upper floors. In the Trevera Court example, the Council's planning officer's report noted the minimum floor to ceiling height of 2.3m for at least 75% of the GIA was acceptable. Although, it only referred to the internal space standards in Policy DMD 8 of the DMD and the NDSS, and not the Policy D6 standard.
15. While I appreciate the case examples provided show inconsistency applied by the Council in respect of internal ceiling heights, I do not have substantive evidence to allow full comparison between the merits of these cases and the appeal proposal. Therefore, I have considered the proposal on its individual merits.
16. The appellant asserts that the internal ceiling heights of the proposed dwelling could be increased and that this could be suitably controlled via condition. However, this may require the redesign of the proposed dwelling and consequently affect the position of windows and other external alterations to the dwelling. Therefore, it would not be reasonable nor appropriate to condition such without all relevant interested parties being given the opportunity to consider these matters.
17. In view of the above, the proposed dwelling would not provide acceptable living conditions for future occupants, with regard to internal space standards, in conflict with Policy D6 of the LP. For the same reasons, the proposal would conflict with Policy DMD 8 of the DMD, which requires amongst other matters, that new residential development meet or exceed minimum space standards in the London Plan. Also, there would be conflict with Policies D3 and D4 of the LP which require, amongst other things, that development delivers appropriate amenity and meets the design requirements of the LP, respectively.
18. Although referred to in the Council's reason for refusal, I do not find conflict with Policy DMD 5, as the proposal is not for the conversion of an existing unit into flats. Also, I do not find conflict with Policy CP30 of the ECS or Policies DMD 6 and DMD37 of the DMD, as such refer to external design matters,

including character and appearance and density, rather than the living conditions and the amenity of future occupants of developments.

Other Matters

19. It is undisputed by the main parties, that the proposed dwelling would be of appropriate design, support an appropriate housing mix, be acceptable in principle and that, no objections have been raised by consultees, including, subject to conditions, about transport and parking matters. However, these are neutral matters in relation to the harm I have identified and therefore do not outweigh such.
20. While I acknowledge from the evidence provided, the Council did not give advice about the required internal space standards, when recommending that a previous planning application for a dwelling at the appeal site be withdrawn, ref. 23/01115/FUL. This does not justify that the appeal proposal fails to meet the relevant space standard for internal floor to ceiling heights, as set out within the adopted development plan.

Conclusion

21. For the reasons set out above, the proposal would be contrary to the development plan and there are no other material considerations to indicate a decision otherwise than in accordance with it.
22. Accordingly, I conclude the appeal should be dismissed.

C Billings

INSPECTOR