



Appeal Decision

Site visit made on 25 March 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th May 2025

Appeal Ref: APP/Q5300/W/24/3355101

340 High Street, Enfield EN3 4DE

- 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 Mohammed Abedi against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/01144/FUL.
 - The development proposed is described as “Change of use from GP Surgery to C3 Residential Dwellinghouse”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the application form. The Council altered the description of the development during the consideration of the application to read “Change of use from doctors surgery (Class E) to single family dwelling house (Class C3), involving single storey rear extension”. This is a more precise description of the proposal noting the submitted plans and application details.

Main Issues

3. The main issues are:
 - whether the development would provide an adequate level of private amenity space for its occupants; and
 - the effect of the development on surface water management and flood risk.

Reasons

Provision of private amenity space

4. The appeal site is a vacant, two storey property located within a terrace of predominantly residential properties. The group lies close to the junction with High Street, Southbury Road and Nags Head Road where there are a mix of uses. The appeal property features two storey pitched and flat roof off-shoots to the rear, as well as a single storey flat roof addition and garage. These cover the majority of the area to the rear of the property, apart from a very small open area between the single storey addition and garage. A car park is located beyond the rear boundary of the site and the existing garage has openings directly onto this area. There are

variations in the extent of extensions, outbuildings and garden areas to the rear of residential properties in the immediate vicinity of the site.

5. The proposal includes alterations to the existing single storey flat roof and garage sections at the rear of the property. Parts of the existing buildings would be removed along the side, southern boundary of the site and the plans show the limited resultant space as rear garden with provision also shown for cycle storage. This space would have an approximate width of the pedestrian gate at the rear boundary that tapers slightly wider to the rear of the main two storey part of the property. The plans indicate there would be access to the space from the kitchen of the dwelling as well as the gate to the rear boundary.
6. The Council cites Policies D3 and D4 of The London Plan, The Spatial Development Strategy for Greater London (2021) (the LP), Policy CP30 of The Enfield Plan Core Strategy 2010-2025 (the CS) and Policies DMD6, DMD8, DMD9 and DMD37 of the Improving Enfield Development Management Document (2014) (the DMD) in its decision. Amongst other matters, these require new development to meet or exceed minimum space standards, provide high quality amenity space, and development that is suitable for its intended function. The development plan is clear on the standards to be met, which the proposal would not achieve, but also that private amenity space should be functional and capable of being used.
7. The officer report highlights the deficiencies of the proposal in this respect given its limited width that would function more as a pedestrian access than useable amenity space. Due to the layout and relationship with adjoining development there would be some overlooking of the space, although this is not significant and is similar to the layout and relationship for other properties in the area. As a result of its limited width, this would not provide sufficient functional and useable amenity space for occupiers of the new dwelling. Incorporating soft landscaping and seating would not be sufficient to make the scheme acceptable as the overall limited size and useability of the space would still be harmful for future occupants.
8. I have had regard to the appellant's statement and the location of public green space in the area, which refers to Albany Park. This is a much further distance from the appeal site than referred to in the statement, although I did note that Ponders End Park and Durants Park are closer to the site and within walking distance. Whilst I give the presence of these some weight in favour of the scheme, I do not consider this overcomes the harm that I have identified or provides an entirely reasonable alternative to meet the needs of future occupiers, alongside a proposal that would not provide good quality private amenity space in accordance with the development plan.
9. The appellant refers to other residential properties in the area that they suggest lack significant private gardens. From what I was able to observe, including from first floor level within the appeal property, there are variations in the extent of rear gardens and amenity space for properties in the immediate vicinity. Despite these variations, I have found that there would be specific harm to future occupiers of the property from the appeal proposal as set out above.

10. My attention has also been drawn to another planning application in Enfield¹ and reference to case law². I have no substantive details of these, and it has not been explained how these matters are relevant to the main issue in the appeal, and so I consider they weigh neither in favour of nor against the appeal development.
11. Accordingly, I conclude that the development would not provide an adequate level of private amenity space for its occupants. The development would therefore conflict with Policies D3 and D4 of the LP, Policy CP30 of the CS and Policies DMD6, DMD8, DMD9 and DMD37 of the DMD, the aims of which are set out above.

Surface water management and flood risk

12. I do not have clear evidence that a flood risk assessment would be required in this instance having regard to the nature of the development. I also have limited details of any drainage strategy to clearly demonstrate that the proposal would provide for the effective management of surface water and that this is appropriate for the proposed use or site context.
13. It has not been clearly shown that the proposal would meet the requirements for managing surface water as close to its source as possible, that the LP drainage hierarchy has been followed or that suitable Sustainable Drainage Systems (SuDS) would be used. Therefore, notwithstanding reference to other decisions³ in the appellant's evidence, full details of which I have not been provided with, the evidence before me fails to demonstrate that the proposal would achieve a suitable form of development to ensure compliance with the identified development plan policies, or that it would be appropriate to use a planning condition to secure such details as I have limited information to indicate that a suitable form of development could be achieved in this respect. Based on the evidence of the Council and the requirements of the relevant development plan policies I consider that such details should be provided prior to determination in this instance to enable a more informed assessment of this aspect.
14. Accordingly, I conclude that the proposal conflicts with Policy SI13 of the LP, Policies CP21 and CP28 of the CS and Policies DMD59, DMD60, DMD61 and DMD62 of the DMD insofar as they require new development to effectively manage surface water runoff and flood risk, aim to reduce risks from surface water, and maximise the use of SuDS.

Other Matters

15. Where the proposal has been found to be acceptable in other respects, for example in terms of the principle of development and the relocation of the community facility, these are neutral matters and do not weigh in favour of the development or justify the harm I have found.
16. I note the appellant's reference to other development that is an error in the decision notice. However, this is not determinative to the planning merits of the appeal before me.

¹ Planning Application Ref 19/03546/FUL, 52 Green Lanes

² Tower Hamlets v Secretary of State for Communities and Local Government [2013], London Borough of Tower Hamlets v Secretary of State for Housing, Communities and Local Government & Anor [2019] EWHC 808 (Admin) and Tower Hamlets v Secretary of State for Housing, Communities and Local Government & Anor

³ Planning Application Ref 22/04578/FUL and Planning Appeal Ref APP/R5510/W/21/3270545

Conclusion

17. The proposal conflicts with the development plan as a whole and material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal is dismissed.

N Armstrong

INSPECTOR