



Appeal Decision

Site visit made on 19 August 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2025

Appeal Ref: APP/Q5300/W/25/3366272

57 Swan Way, Enfield EN3 7HZ

- 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 Daniel Cheifetz (Axis Property Holdings Limited) against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 25/00902/FUL.
 - The development proposed is a part single-storey, part two-storey side extension and part single-storey, part two-storey rear extension with changes to rear fenestration, together with the change of use from Class C3 (dwelling house) to use Class C4 (house in multiple occupation) for the use of up to six individual tenants.
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Decision

1. The appeal is allowed and planning permission is granted for a part single-storey, part two-storey side extension and part single-storey, part two-storey rear extension with changes to rear fenestration, together with the change of use from Class C3 (dwelling house) to use Class C4 (house in multiple occupation) for the use of up to six individual tenants at 57 Swan Way, Enfield, EN3 7HZ in accordance with the terms of the application, Ref 25/00902/FUL subject to the conditions in the attached schedule.

Preliminary Matters

2. Construction works were ongoing at the time of my site visit, although it is not clear whether these works related to the appeal scheme given the planning history of the site. For clarity, I have dealt with the appeal based on the submitted plans.
3. An amended plan was provided with the appeal submission, which showed a sub-division of the communal garden area to provide private garden areas for two of the ground floor bedrooms. This represents a minor change that would not fundamentally alter the proposed development. As such, it would not prejudice anyone's case for me to consider these and having regard to the Wheatcroft Principles, I will proceed to determine the appeal based on the amended plan.

Main Issue

4. The main issue is whether the proposed development would provide satisfactory accommodation for its future occupants, with regard to communal living space, amenity space provision, outlook and privacy.

Reasons

5. The appeal property comprises of a two-storey end terrace property which would provide six bedrooms, each with their own kitchen area. Future occupants would

share bathroom, shower and toilet facilities and have access to a shared washer/dryer facility. The proposal would not provide any further shared internal communal space beyond these facilities. However, each bedroom would be generously sized, ranging from around 16.9 sqm to 18.2 sqm in size, with the layout details showing that as well as individual kitchen facilities, there would be sufficient space for small groups of people to sit and dine in. Although private, these areas would provide a space to meet and socialise for the respective occupier.

6. The proposal also includes a large communal garden area to the rear. This would be accessed using the side passage and side gate. Whilst this would be a less direct external route than accessing the amenity space directly from the building, I do not consider the route to be unduly arduous and would provide a communal space for socialising.
7. The amended plan includes for the creation of private garden areas to the rear ground floor rooms that would be separate from the communal garden area. This arrangement would ensure an adequate outlook for future occupants of these rooms, and suitable fencing or other boundary treatment between the private and communal garden areas would prevent harmful overlooking.
8. The bedroom to the front would face directly on to the parking forecourt, but the appeal building is set back from the highway and the forecourt area would be utilised by a small number of residents and visitors. I do not therefore consider this arrangement would be unduly harmful to the outlook or privacy of future occupants.
9. I therefore conclude that the proposed development would provide satisfactory accommodation for its future occupiers with regards to communal living space, amenity space provision, outlook and privacy. As such, it would comply with Core Policy 30 of The Enfield Plan Core Strategy 2010-2025, Policy DMD 5 of the Enfield Development Management Document, Policies D4 and D6 of the London Plan and Paragraph 135 of the National Planning Policy Framework (Framework), which seek, amongst other matters, a high standard of amenity for existing and future users.

Other Matters

10. The provision of ventilation in bedroom 2 would entail the opening of a door but this door would open on to a private garden area, and there is nothing before me on why this would be unacceptable, particularly as this opening can be supplemented by other forms of ventilation such as trickle vents within the doors.
11. I have considered the representations made, including those relating to the loss of light and noise. Given the neighbouring properties to either side have rear extensions and the position of the proposed first floor elements, I do not consider there would be any harmful effects arising on neighbouring occupiers. There is also no substantive evidence that the proposal would give rise to any harmful effects from noise or on flood risk. The Council's decision does not raise any adverse impacts arising from parking provision or on the principle of a change of use to a HMO which would involve the loss of a dwellinghouse, and I have no reason to disagree. Although the proposal would introduce a second HMO in the area, as the majority of properties are dwellinghouses, there would be no unacceptable impact on the character of the area, with the side extension maintaining a 1 metre distance

to the boundary. The appeal site has sufficient space to make adequate provision for the storage of waste.

12. Reference has also been made to the planning history of the site and the potential for other works to be undertaken that are not included on the application subject of this appeal. I am however required to consider the proposed development before me on its own merits.
13. Concerns have been raised on the reduction of the width of an alley way as a right of way and compliance with other legislation. These are not land use planning considerations and are therefore not matters that I can take into account in the determination of this appeal.

Conditions

14. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended those suggested as appropriate.
15. I have attached a materials condition in the interests of ensuring the development's acceptable appearance in order to safeguard the area's character and appearance. To ensure an acceptable standard of accommodation for future occupiers and in the interests of the living conditions of neighbouring occupiers, a condition has been included which limits the number of occupants of the HMO.
16. Conditions are required for the provision of refuse storage facilities, and to secure cycle parking facilities in the interests of visual amenity and promoting a sustainable means of transport. In relation to the former, it is necessary for the details to be submitted and agreed with the LPA, as is a condition in relation to boundary treatment including around and between the outdoor amenity areas in the interests of living conditions.
17. The appellant submitted a Drainage Strategy (Urban Water, March 2025) and a completed Sustainable Drainage Proforma for Minor Developments; there is nothing substantive before me why the submitted drainage details are unacceptable. A condition is necessary in the interests of flood prevention, but one which requires the development to be undertaken in accordance with the submitted report and not a pre-commencement condition as suggested by the LPA.
18. A condition has been suggested which includes reference to not having any independent cooking facilities, and the need to retain the communal kitchen, living room and dining room. As the proposal does not have the latter communal facilities, and the proposal incorporates independent cooking within each of the rooms, I do not consider this condition to be necessary.

Conclusion

19. The proposal would accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing no's: 57SW/PA5/P1/B Rev B (Floor Plans 1 – Proposed), 57SW/PA5/P2 (Floor Plans 2 – Proposed), 57SW/PA5/P3 (Roof Plan 1 – Proposed), 57SW/PA5/P4 (Front Elevation - Proposed), 57SW/PA5/P5 (Rear Elevation - Proposed), 57SW/PA5/P6 (Side Elevation - Proposed) and 57SW/PA5/P7 (Side Section AA - Proposed).
- 3) The external materials of the development hereby permitted shall match those used in the existing building.
- 4) The use of the property as a House in Multiple Occupation hereby permitted shall be occupied by a maximum of 6 people at any one time and shall not be subdivided or occupied as self-contained units.
- 5) The development hereby permitted shall not be occupied until details of the siting and design of the refuse storage facilities have been submitted to and approved in writing by the Local Planning Authority. The refuse storage facilities shall be provided in accordance with the approved details and thereafter maintained at all times.
- 6) The cycle parking indicated on the approved plans shall be made available for use prior to the first occupation of the development hereby approved and thereafter maintained at all times.
- 7) The development hereby permitted shall not be occupied until the measures for the site set out in the Drainage Strategy (Urban Water, March 2025) and Sustainable Drainage Proforma for Minor Developments have been completed. The sustainable drainage system shall be managed and maintained thereafter in accordance with the maintenance and management plan within the Drainage Strategy.
- 8) Prior to the occupation of the development hereby permitted, details of the height, design, materials and type of boundary treatment to be erected, including between the two private garden areas and then between these private areas and the communal garden area, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the building is occupied.

End of conditions