



Appeal Decision

Site visit made on 10 December 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th January 20126

Appeal Ref: APP/Q5300/W/25/3374168

20 Cavendish Road, London N18 2LS

- 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 D Munir against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 25/01865/FUL.
 - The development proposed is retrospective planning for establishment of the existing HMOs.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The scheme is described as “retrospective planning for establishment of the existing HMOs”. The above description is taken from the application form. However, the scheme is more accurately described as “the change of use from Use Class C3 (dwelling house) to Use Class C4 (house in multiple occupation-HMO)”. The Council used this wording on its decision notice, however I have removed reference to “retrospective” as this is not a form of development. The application form confirms that the change of use has taken place, nevertheless I have dealt with the appeal on the basis of the submitted plans.

Main Issue

3. The main issue is the effect of the scheme on flood risk.

Reasons

4. The appeal site is an end of terrace property located on Cavendish Road. It has a small enclosed front amenity space and rear garden. The scheme is for the use of the property as a four-bedroom HMO, which includes a bedroom on the ground floor. The appeal site is located in Flood Zone 3 and is at risk of both surface water and fluvial flooding in a 1 in 100-year event, with an additional allowance for climate change.
5. The National Planning Policy Framework states that local planning authorities ensure that new development does not increase flood risk elsewhere and that any residual risk can be safely managed. The Planning Practice Guidance sets out the level of detail needed in a site-specific flood risk assessment and a guidance note also accompanies the Council's Sustainable Drainage Proforma for Minor Developments (the drainage proforma) on the content of such assessments.
6. The New Enfield Local Plan 2041: Level 1 Strategic Flood Risk Assessment (2021) (SFRA) states that in order to ensure that development is safe from fluvial

flooding, finished floor levels should be raised 300mm above the 1 in 100 year plus climate change flood level. It notes that if this level of safety cannot be achieved, habitable rooms used for sleeping (such as bedrooms) should not be located at ground floor level as the onset of flooding can pose a risk to life. It also requires that the development has safe access routes that are either dry or within the very low hazard area¹.

7. A Flood Risk Assessment² (FRA) was submitted as part of the planning application. However, this refers to the proposal for a rear extension to the property which comprises 5 flats with no change to the level of sleeping accommodation, rather than the change of use from a single dwellinghouse to a HMO with no external alterations, which is subject to this appeal. The appellant's statement confirms that no extension is being carried out and that the new bedroom is the habitable room space originally used as a lounge at the same floor level.
8. The FRA concludes that with the allowance for climate change the site is at risk of fluvial flooding with depths of up to 0.77m and therefore is at a high risk of flooding from fluvial sources. Furthermore, the depth of surface water flooding would be a maximum of 0.6m so the site is also at moderate risk of surface water flooding. The scheme includes the provision of a ground floor bedroom, which increases the risk of occupiers during incidents of flooding, given the site's risk of fluvial and surface water flooding. Whilst the FRA recommends that finished floor levels are set no lower than the existing, the submitted plans do not include the 1 in 100 year plus climate change event flood depths and proposed finished floor levels in mAOD. Moreover, no details have been submitted to demonstrate that the evacuation route in the event of flooding would be in the very low hazard level. Therefore, in the absence of appropriate mitigation measures, I cannot be satisfied that the scheme would provide sleeping arrangements safe from flooding over its lifetime.
9. I conclude that it has not been demonstrated that the scheme would be safe from flooding over its lifetime. It thereby conflicts with Policies SI 12 and SI 13 of the London Plan (2021), Policy CP28 of the Enfield Core Strategy 2010-2024 (2010) and to Policies DMD59, DMD60 and DMD61 of the Enfield Development Management Document (2014). Together, these policies seek to ensure that new development will be safe without increasing flood risk elsewhere.

Other Matters

10. The appellant has referred to a concurrent appeal which has been submitted at 89 Aldridge Avenue, which was also refused on the grounds of flood risk. However, that case differs from this appeal in that it is for a two-storey side extension. Whilst I am the same Inspector for both appeals I have considered each scheme independently.

Conclusion

11. The proposal conflicts with the development plan when taken as a whole and the material considerations, including the Framework do not indicate that the appeal should be decided other than in accordance with it.

¹ As defined by the Hazard table from the Research and Development Technical Report FD2320 included as Appendix I of the SFRA

² Prepared by aegaea water, civils and environment dated 08/03/2024

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

C Skelly

INSPECTOR