



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: 21st January 2026

Appeal Ref: APP/Q5300/W/25/3374441

62 Powys Lane, Southgate, Enfield N13 4HS

- 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 Singh Family Partnership against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 25/00532/FUL.
 - The development proposed is conversion of single family dwelling into 6 x self contained flats, involving 2-storey side extension, extension to existing basement, single storey rear infill extension, 2 x rear dormers, front rooflights, with privacy screens at rear with terrace/ balconies at rear ground and 1st floor together with, associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development as set out in the banner heading above is taken from the Council's decision notice, which was agreed with the appellants.
3. The appellants have submitted amended plans reference 62PL/09/2024 – PL20B Proposed Site Plan, 62PL/09/2024 – PL10B Proposed Basement Plan, 62PL/09/2024 – PL13C Proposed Loft Plan, 62PL/09/2024 - PL19C Proposed Side Elevation and 20211-DS-002-A3 Proposed Filter Drain as part of the appeal. These plans show proposals for step free access to the garden area, ceiling heights at roof level in relation to floorspace and the proposed filter drain to be installed as part of the Sustainable Drainage System. The appellants consider that this additional evidence comprises minor amendments to the scheme, whilst the Council considers them to be a fundamental change.
4. I have considered the submitted plans with regard to the judgement of *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin). In terms of the substantive test, I find that the proposed amendments comprise minor changes to the proposed development. The Council and interested parties have had the opportunity to comment on these amended drawings as part of the appeal. I have therefore considered the amended drawings (the revised drawings) and am satisfied that no party has been prejudiced by my approach.
5. There is an emerging Local Plan, which was submitted to the Secretary of State for examination in August 2024 and is currently at 'Stage 2' hearings. The plan is therefore at an advanced stage in its preparation, and I have thereby given the relevant emerging policies moderate weight. However, the Enfield Plan Core Strategy 2010-2025 (2010) (CS) and Enfield Development Management

Document (2014) (DMD) remain the statutory development plan until the replacement plan is adopted.

Main Issues

6. The main issues are:

- the effect of the proposed development on the residential amenity of future occupants with regards to internal layout, noise, disturbance, outside space, outlook and privacy;
- Whether the proposed development would meet local housing needs; and
- Flood risk.

Reasons

7. The appeal site is a large two storey semi-detached dwelling which lies to the south of Powys Lane opposite Broomfield Park. It has an attached single storey garage, driveway and front garden enclosed by a low wall with hedging above. It has been previously extended by part two, part single storey extensions to the rear. Due to the topography of the appeal site the dwelling has a basement level which opens onto the rear garden. The wider area comprises semi-detached and detached dwellings of similar style, many of which have been extended to the rear.
8. Permission has been granted under LPA Ref 22/00279/HOU for a two-storey side extension and basement extension, under LPA Ref 22/04213/CEA for a rear dormer and front rooflights and under 23/01426/HOU for a single storey rear (infill extension). Although these permissions have not been implemented, together they are similar in nature to the proposed development and therefore comprise a realistic fallback position, which is a material consideration in the determination of this appeal. The additional works would include the 2 front lightwells, rooflights, rear terraces, the cycle and refuse store to the front of the site and subdivision of the rear garden.

Residential amenity

Internal layout

9. Flats 2 and 3 would be at ground floor level. Flat 2 would have two south facing bedrooms and a kitchen/living/dining area with full height windows. The extent of glazing to these south facing rooms is likely to lead to overheating in summer and the internal layout offers limited opportunity for cross-ventilation. Although nearby houses also have large south-facing windows, they are single dwellings where it is easier to achieve cross ventilation across floor levels. I have not been provided with any substantive evidence of how the risk of overheating would be avoided so I cannot be satisfied that this flat would provide acceptable living conditions for future occupants with regards to overheating.
10. Although Flat 3 is shown on the plans with a double bed, it would not meet the minimum internal space standards for a 1 bedroom, two person dwelling and would only be suitable for use as a 1 bedroom 1 person dwelling. As Flat 3 would also be single aspect it would be contrary to appendix 3 of the London Housing Design Standards (2023), which requires all new homes to be dual aspect unless exceptional circumstances make this impractical or undesirable. While the

proposal is a conversion scheme no such circumstances have been put forward in this case.

11. Flat 6 would be in the loft space and have its own access. The revised drawings show that over 75% of the flat's internal area would have a ceiling height over 2.3m meeting the Nationally Designated Space Standards (NDSS). However, it would not meet the minimum 2.5m ceiling height requirements set out in Policy D6 of the London Plan. The revised drawing shows that much of the area above 2.3m comprises corridor space and a significant proportion of the main kitchen/living dining area would be below this height. Therefore, in my view, the main living areas within the flat would feel cramped. This together with the lack of private outside space would fail to provide a comfortable living space, contrary to policy D6 of the London Plan (2021).

Noise and disturbance

12. The kitchen/living/dining space of Flat 1 would sit below bedrooms 2 and 3 of Flat 2 whilst bedroom 3 of Flat 1 would be partially below the kitchen/living/dining area of Flat 2. This vertical stacking arrangement is likely to cause noise and disturbance to future occupants. Whilst the appellant has suggested that details of insulation between the units could be conditioned, no details have been provided, and I cannot be satisfied that adequate mitigation would be provided. Furthermore, the submitted plans show that bedroom 1 of Flat 1 would partially adjoin a plant room. Without knowing what equipment this plant room would contain I cannot confirm that the noise impacts would be acceptable. Therefore, the proposed development would result in unacceptable living conditions for future occupants with regards to noise and disturbance.

Outside space

13. Policy D6 of the London Plan requires a minimum of 5sqm of private outdoor space for 1-2 person dwellings. The supporting text goes on to state that all dwellings should have level access to one or more of the following forms of private outdoor spaces: a garden, terrace, roof garden, courtyard garden or balcony.
14. The revised drawings submitted as part of the appeal show that access to the communal garden area would be step free in line with the London Plan. Although Flats 3 and 6 would have access to this communal area, they would not have any private outside space, which provides a different type of space offered by the communal space. These flats therefore would not meet the requirements of Policy D6 of the London Plan.

Outlook

15. Flat 1 would be at the basement level, however because the land slopes, the rear of this flat would open out onto the garden. Two bedrooms would face directly onto new lightwells at the front of the property. The window to bedroom 1 would face directly onto the lightwell wall at a distance of approximately 1.5m. A glazed balustrade would be located to the front of the lightwell which would adjoin the car parking area.
16. An Internal Daylight and Sunlight Report¹ was submitted with the planning application, which concludes that these bedrooms would have adequate levels of

¹ Prepared by Tuffin Ferraby Taylor dated 22 November 2022

daylight. Despite the use of full height windows, the height of the lightwell and balustrade, with the parking area in front would create a sense of enclosure to bedroom 1, providing limited outlook. Although bedrooms may not be the primary living space they are often used for work, studying and play. Therefore, in my view bedroom 1 would not provide an acceptable outlook. However, as the flat would be dual aspect, the flat would provide acceptable outlook overall for future occupants.

Privacy

17. I observed that the height of the host property compared with neighbouring gardens already results in a high level of overlooking. The submitted plans show that privacy screens would be erected to the side of the proposed terraces to prevent additional overlooking of neighbouring gardens.
18. Flat 2 would have two outdoor terraces and a Juliet balcony to bedroom 3. There would be some overlooking, however this would be mitigated by the stepped back arrangement of the rear elevation of the property which would limit direct views into a large part of Flat 1's garden. Any overlooking would be similar to the existing situation due to the sloping land. Therefore, in my view the proposed development would result in adequate levels of privacy for future occupants.

Overall

19. Overall, the proposed development would fail to provide adequate living standards for future occupants with regards to internal layout, noise, disturbance and outside space and thereby conflicts with Policies DMD5 and DMD9 of the DMD and Policies D5 and D6 of the London Plan. These policies seek amongst other things to ensure that housing development is of high-quality design with comfortable and functional layouts and avoids overheating.

Housing Mix

20. Policy H10 of the London Plan requires that schemes should generally consist of a range of unit sizes and that this should have regard to local evidence. Enfield's Local Housing Needs Assessment (2020) (LHNA), prepared for the emerging Local Plan shows that the highest priority is for three and four bedroom dwellings, with two bedrooms being medium priority and one bedroom the lowest priority.
21. The proposed development would replace a three-bedroom dwelling with 2 three bedroom flats, 1 two bedroom and three one-bedroom flats. Although this mix does not fully match the LHNA priorities and those of the emerging Local Plan, it would still provide a range of homes, including two family-sized flats which is a Council priority. I therefore, consider that it provides an appropriate mix of housing as required by Policy C5 of the CS and Policy H3 of the London Plan,

Flood risk

22. The National Planning Policy Framework (the Framework) states that local planning authorities should ensure that new development does not increase flood risk elsewhere and that any residual risk can be safely managed. Policy DMD61 of the DMD states that a drainage strategy will be required to demonstrate how proposed measures manage surface water as close to its source as possible and follow the drainage hierarchy in the London Plan. All development must maximise the use of Sustainable Drainage Systems.

23. The appeal site is located in Flood Zone 1, with a low probability of flooding and at very low risk of surface water flooding. I note that according to third parties there have also been localised flooding issues. As the proposal includes an extension to the basement, a Flood Risk Assessment² (FRA) and Basement Impact Assessment³ were submitted with the application. These found that surface water depths could reach up to 0.15m, and in one area up to 0.6m. The FRA concluded that the site could potentially be impacted by overland surface water flows and provided a drainage strategy. The surface water drainage strategy which accounts for a controlled rate for the 1 in 100 year +40% climate change scenario and includes permeable pavement of Formpave/Aquaflow or similar and a rainwater harvesting system, with the front basement lightwells drained by gullies connecting to the rear permeable pavement, which includes permeable paving, rainwater harvesting and waterproofing of the open lightwells. The geological investigation which informed the FRA was undertaken in summer 2022 and therefore does not adequately address winter ground water levels.
24. The Council's Watercourses Team required the submission of further details in relation to the proposed drainage strategy including a cross section drawing to demonstrate that adequate mitigation measures would be provided should water levels rise. However, based on the email correspondence between the planning officer and Watercourses Team I am satisfied that appropriate mitigation measures could be agreed through a pre-commencement condition, if I were allowing the appeal, to ensure that the proposed development would be safe from flooding and would not increase the risk of flooding elsewhere throughout its lifetime.
25. On this basis, I therefore conclude that the proposed development would not cause unacceptable harm relating to flood risk. It would therefore not conflict with Policies 59, 60, 61 and 62 of the DMD, Policies C21 and 28 of the CS and Policies SI 12 and SI 13 of the London Plan, which seek to ensure that new development avoids and reduces the risks of flooding over its lifetime and does not increase the risks elsewhere.

Other Matters

26. Concerns have been raised by third parties in relation to on street car parking pressure along Powys Lane. The proposed development would be required to provide up to 5 car parking spaces. Although only 2 spaces would be provided on-site, a car parking survey was submitted as part of the application which showed that there was capacity for additional cars to be parked on the street. I note that on this basis the Council's transport team considered that the 2 spaces would be appropriate.
27. The appellant has raised concerns about the lack of engagement of planning officers in determination of the application, however this is not a matter for me in the consideration of this appeal.

Planning Balance and Conclusion

28. The proposed development would create significantly unacceptable living conditions for future occupants. These harms bring the scheme into conflict with the development plan.

² Prepared by The PES dated 11-12-2024

³ Prepared by GeoSmart Information dated 05/12/2024.

29. The Framework is an important material consideration. There is common ground between the main parties that the Council is unable to deliver a 5 year supply of housing land. In these circumstances footnote 8 and paragraph 11d)ii of the Framework explain that planning permission should be granted unless any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
30. The policies in the Framework seek to significantly boost the supply of homes to meet identified need. The proposal would provide five additional dwellings. Given the substantial shortfall of housing in the borough, five additional dwellings would make a minor but useful contribution to this supply and would re-use an existing dwelling. The Framework supports the re-use of previously developed land, which also weighs in favour of the proposal.
31. However, the creation of high-quality places is fundamental to what the planning and development process should achieve. Although there is support for new housing in this location, and other benefits to the proposal as set out above, the importance of providing appropriate living standards demonstrably outweighs the benefits of the proposal when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply.
32. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

C Skelly

INSPECTOR