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## Appeal Decision

Site visit made on 4 March 2026

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 May 2026

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### Appeal Ref: APP/Q5300/W/23/3336102

#### 70 Sketty Road, Enfield EN1 3SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr Pinchas Schwimmer of MPS INVEST LIMITED against the decision of the Council of the London Borough of Enfield.
  - The application Ref 23/03357/CND sought approval of details pursuant to condition Nos 3, 4, 5, 6, 7, 8, 9 and 10 of planning permission Ref 23/01367/FUL, granted on 29 June 2023.
  - The development proposed is conversion of single family dwelling house into 2 self-contained flats, involving single storey side extension and part single, part 2-storey rear extension with private amenity space at rear.
  - The details for which approval is sought are:
    - Condition No 3 – External finishing materials;
    - Condition No 4 – Soft landscaping;
    - Condition Nos 5 and 6 – Refuse storage facilities;
    - Condition No 7 – Cycle parking;
    - Condition No 8 – Water efficiency;
    - Condition No 9 – Low and zero carbon energy; and
    - Condition No 10 – Sustainable drainage strategy.
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### Decision

1. The appeal is allowed, and the details submitted pursuant to condition Nos 3, 4, 5, 6, 7, 8, 9 and 10 attached to planning permission Ref 23/01367/FUL granted on 29 June 2023, in accordance with the application Ref 23/03357/CND dated 12 October 2023 and the details submitted with it are approved.

### Applications for Costs

2. An application for costs has been made by Mr Pinchas Schwimmer of MPS INVEST LIMITED against the Council of the London Borough of Enfield, and is the subject of a separate decision.

### Preliminary Matters

3. The application subject to this appeal sought approval of details pursuant to 8 conditions imposed on the original planning permission.
4. Although the Council refused the application as a whole, it does not dispute that the details submitted in relation to condition Nos 3, 4, 5, 6, 7 and 9 would be acceptable. I have had regard to the full details submitted to address those conditions, and there is no substantive evidence before me to suggest that they fail to meet the requirements of the respective conditions. In the absence of any dispute or technical evidence to the contrary, I am satisfied that the details submitted in relation to condition Nos 3, 4, 5, 6, 7 and 9 are acceptable.

5. Accordingly, the sole matters in dispute in this appeal relate to condition Nos 8 and 10. My assessment therefore focuses exclusively on whether the submitted details adequately address the specific requirements of those conditions, which are worded as follows:

Condition No 8

*Prior to first occupation, details of the internal consumption of potable water shall be submitted to and approved in writing by the Local Planning Authority. Submitted details will demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption equal to or less than 105 litres per person per day. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.*

6. The reason given for this condition was:

*To promote water conservation and efficiency measures in all new developments and where possible in the retrofitting of existing stock in accordance with Policy SI 5 of the London Plan (2021) and Policy CP21 of the Core Strategy (2010).*

Condition No 10

*The development shall not commence until a Sustainable Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The details shall be based on the disposal of surface water by means of a sustainable drainage system in accordance with the principles as set out in the Technical Guidance to the National Planning Policy Framework and should be in line with our DMD Policy SuDS Requirements:*

- a) Shall be designed to a 1 in 1 and 1 in 100 year storm event with the allowance for climate change*
- b) Follow the SuDS management train and London Plan Drainage Hierarchy by providing a number of treatment phases corresponding to their pollution potential*
- c) Should maximise opportunities for sustainable development, improve water quality, biodiversity, local amenity and recreation value*
- d) The system must be designed to allow for flows that exceed the design capacity to be stored on site or conveyed off-site with minimum impact*
- e) Clear ownership, management and maintenance arrangements must be established*
- f) The details submitted shall include levels, sizing, cross sections and specifications for all drainage features*
- g) Cross sections, sizes and specifications of the proposed SuDS features must be provided*
- h) Overland flow routes for exceedance events including spot levels must be submitted*

*i) The Management Plan for future maintenance must be submitted*

7. The reason given for this condition was:

*To ensure the sustainable management of water, minimise flood risk, minimise discharge of surface water outside of the curtilage of the property and ensure that the drainage system will remain functional throughout the lifetime of the development in accordance with Policy CP28 of the Core Strategy, DMD Policy 61, and Policies SI 13 of the London Plan (2021) and the NPPF and to maximise opportunities for sustainable development, improve water quality, biodiversity, local amenity and recreation value.*

**Main Issue**

8. The main issue is whether the submitted details address the requirements of condition Nos 8 and 10.

**Reasons**

*Condition No 8*

9. Condition No 8 requires details to be submitted demonstrating reduced potable water consumption through water-efficient fittings and appliances, such that internal water consumption would be equal to or less than 105 litres per person per day.
10. The submitted Water Efficiency Calculator (WEC) identifies an internal potable water consumption figure of 104.53 litres per person per day. The Council relied on higher figures of 109.53 litres in refusing the application, and 114.87 litres in its appeal submissions. However, the WEC expressly labels the 114.87 litres per person per day figure as “total calculated water use”. The WEC applies a normalisation factor, expressed in this case as a 91% occupancy adjustment, to convert total calculated water use into an average internal potable water consumption figure. It is that final consumption output against which compliance with condition No 8 must be assessed.
11. Both the wording of condition No 8 and Policy SI 5 of the London Plan March 2021 (the LP) make clear that the 105 litres per person per day benchmark applies specifically to internal water consumption, not total or theoretical water use. The submitted evidence clearly distinguishes between total water use, and internal and external consumption, concluding that the internal consumption figure does not exceed the threshold set by the condition.
12. On this basis, I am satisfied that the submitted details adequately address the specific requirements of condition No 8. I therefore conclude that the details can be approved.

*Condition No 10*

13. Condition No 10 requires the submission of a Sustainable Drainage Strategy demonstrating that surface water would be managed by means of a sustainable drainage system, addressing the specific criteria set out in the condition (a to i).
14. The submitted strategy includes calculations for the critical 1 in 100 year storm event with an allowance for climate change, incorporates source control and

attenuation measures consistent with the SuDS management train and LP drainage hierarchy, and addresses exceedance requirements in accordance with recognised guidance, including CIRIA standards. The submission also includes drawings and technical information showing levels, sizing, cross-sections and specifications for the proposed drainage features, together with arrangements for future management and maintenance.

15. The Council's refusal relies on a drainage consultation response, which refers to the need for additional source control SuDS measures such as a rain planter or permeable paving. However, that response does not identify any specific respect in which the submitted strategy fails to comply with the requirements of condition No 10 as imposed, nor does it point to a specific shortfall against any of the individual criteria set out within the condition.
16. Although the Council provided further comments in response to the application for costs, these submissions do not materially clarify its position at the decision-making stage. They do not explain, by reference to the specific criteria of condition No 10, why the submitted Sustainable Drainage Strategy was considered unacceptable, nor do they identify any clearly defined shortfall against the condition's requirements. As such, they do not substantiate the reason for refusing to approve the submitted details.
17. Having considered the submitted details as a whole, I am satisfied that the submitted strategy adequately addresses each of the requirements set out in condition No 10. The Council's submissions neither identify nor substantiate, with evidence, any clearly defined deficiency against the condition that would necessitate the provision of additional measures.
18. For the reasons given, I therefore conclude that the details pursuant to condition No 10 are acceptable and can be approved.

## **Conclusion**

19. The submitted details address the requirements of all conditions. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

*P Storey*

INSPECTOR