

# LONDON BOROUGH OF ENFIELD

## PLANNING COMMITTEE

Date : 22<sup>nd</sup> April 2014

**Report of**  
Assistant Director, Planning &  
Environmental Protection

**Contact Officer:**  
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**Ward:** Town

**Application Number :** P14-00835PLA

**Category:** Other Development

**LOCATION:** 1, CHASE SIDE, ENFIELD, EN2 6NB

**PROPOSAL:** Change of use of dental surgery at part ground floor to residential in connection with existing single family dwelling involving a part single, part 2-storey side extension with pitched roof over, single storey rear / side extension, conversion of garage into a habitable room and removal of chimney

**Applicant Name & Address:**

Mr Ken Dufton  
1 Chase Side  
Enfield  
EN2 6NB

**Agent Name & Address:**

Mr Amir Faizollahi  
Enfield Plan Drawing Service  
Plan Drawing Service,  
Civic Centre,  
Silver Street,  
Enfield  
EN1 3XE

**RECOMMENDATION:**

That planning permission be deemed to be **GRANTED** subject to conditions.

**Note for Members**

Although an application for planning permission of this nature would normally be determined under delegated authority, the application is submitted by the Council's Plan Drawing Service and the application is reported in the interests of ensuring an open and transparent process.



### Development Control



Scale - 1:1250  
Time of plot: 12:13

Date of plot: 04/04/2014

## **1. Site and Surroundings**

- 1.1 The application site comprises a two storey detached mixed use property located to the east side of Chase Side directly abutting the Gentlemans Row open space. At present the property is in use as a dental surgery with residential accommodation. The immediate surrounding area is primarily composed of residential land uses and is characterised by a mix of property types.
- 1.2 The property has been extended at ground floor level previously and the site currently benefits from a single storey side and rear extension with integral garage.
- 1.2 There are minor changes to the levels on the site running from the west to east of the property.
- 1.3 The site is within the Enfield Town Conservation Area, but is not a Listed Building.

## **2. Proposal**

- 2.1 The application involves the change of use of dental surgery at part ground floor to residential use in connection with the existing single family dwelling, involving a part single, part 2-storey side extension with pitched roof over, single storey rear / side extension, conversion of garage into a habitable room and removal of chimney.
- 2.2 As described and at ground floor level, the proposed works involve the demolition and reinstatement of the garage structure to the same proportions as existing, with a modest infill extension to the space occupied by the existing bay window serving the dental surgery to the south flank elevation, effecting in an infill extension measuring 820mm wide and 6.26m in depth. The discernible height of the extension at single storey level would not exceed 3.282m to the eaves of the flat roof.
- 2.3 At first floor level, the proposed side extension would have an L-shaped configuration, infilling an area to the rear of the property and forming a regular flank wall out and over the converted garage. This effects in a variation in the perceived width of the extension from the front to the back of the site. To the front elevation, the proposed extension has an overall width of 2.275m, while at the rear this is increased to 4m. The extension would secure common alignment with the existing front and rear walls and thus would create a depth of extension not exceeding 8.289m. To integrate with the parent dwelling and to ensure a degree of subordination of the built form, the extension would feature a crown roof over the proposed extension measuring 8.34m to the ridge and falling to 5.87m at the eaves.

## **3. Relevant Planning Decisions**

- 3.1 *No.1 Chase Side:*
  - 3.1.1 TP/66/0339 – Extension – Approved (25/05/66)

3.1.2 TP/88/0565 – Extension of first floor at side and rear to provide an additional bedroom – Approved subject to conditions (28/03/88)

3.2 *No.3 Chase Side:*

3.2.1 TP/02/0410 – Single storey rear conservatory together with loft conversion incorporating hip to gable and rear dormer window – Refused (07/05/02) by reason of:

- The proposed conservatory, by reason of its excessive rear projection, would be prejudicial to the amenities of the occupiers of the adjoining property, No.5 Chase Side, by way of unwarranted intrusion into the rear aspect of that property, contrary to Policies (II)GD3 and (II)H12 of the Unitary Development Plan.
- The proposed hip to gable end roof extension would adversely affect the elevational appearance of this dwelling, causing an unbalanced roof line with the adjoining property, No.1 Chase Side, contrary to Policies (II)H15 and (II)C30 of the Unitary Development Plan.
- The proposed rear dormer, by reason of its size and design, would create an unduly prominent and visually intrusive feature within the Conservation Area, and would cause serious loss of amenity for the occupiers of neighbouring properties to the rear in River View, by way of loss of privacy and overlooking, contrary to Policies (II)GD3, (II)H8, (II)H15 and (II)C30 of the Unitary Development Plan.

The application was occasioned at Appeal and was dismissed (05/12/02).

3.2.2 TP/02/0980 – Rear conservatory – Approved subject to conditions (10/06/02)

3.3 Whilst the representations made by objectors (below) are noted, it is considered that none of the planning history relating to No.3 Chase Side is directly material in the consideration of the subject scheme, including the stated refusal under ref: TP/02/0410 which while determined within the Unitary Development Plan period related to a form of roof extension not present on the current scheme.

3.4 Further, during the Officer visit to the objectors properties, discussions eluded to a further application to No.3 Chase side that was refused for a first floor side extension. A full a thorough search of planning records find no evidence of any application ever being made.

#### **4. Consultations**

4.1 Statutory and non-statutory consultees

4.1.1 None.

4.2 Public

4.2.1 Consultation letters were sent to 4 neighbouring properties. In addition, a notice was displayed at the site and published in the local press. Two representations were received from the residents of the Hollies and Beauchamp Lodge to the rear of the site objecting to the proposal on the following grounds:

- Overbearing and overly dominant within a conservation area
- Similar applications to No.3 Chase Side have been refused
- Increased overlooking
- Loss of privacy
- Loss of light
- Reduce visible sky
- Disproportionate addition
- Detracts from the surround Conservation Area
- Increased parking demand
- Impact to trees
- The applicant is using the Plan Drawing Service creating a conflict of interest

4.2.2 In relation to the last point, although an application of this nature would normally be determined under delegated powers, the application has been submitted by the Council's Plan Drawing Service and in accordance with the schedule of delegation, all applications submitted by this service are referred to planning committee for consideration in the interests of transparency in the decision making process.

## **5. Relevant Policy**

5.1 The National Planning Policy Framework (NPPF) published in March 2012 allowed local planning authorities a 12 month transition period to prepare for the full implementation of the NPPF. Within this 12 month period local planning authorities could give full weight to the saved UDP policies and the Core Strategy, which was adopted prior to the NPPF. The 12 month period has now elapsed and as from 28th March 2013 the Council's saved UDP and Core Strategy policies will be given due weight in accordance to their degree of consistency with the NPPF.

5.2 The Development Management Document (DMD) policies have been prepared under the NPPF regime to be NPPF compliant. The Submission version DMD document was approved by Council on 27<sup>th</sup> March 2013 and is now under examination. An Inspector has been appointed on behalf of the Government to conduct the examination to determine whether the DMD is sound. The examination is a continuous process running from submission through to receiving the Inspector's Report. Part of this process will now involve oral hearing sessions and these will commence on Wednesday 23rd April 2014. The DMD provides detailed criteria and standard based policies by which planning applications will be determined, and is considered to carry greater weight now it is at examination stage.

5.3 The policies listed below are considered to be consistent with the NPPF and therefore it is considered that due weight should be given to them in assessing the development the subject of this application.

### 5.4 London Plan

- |            |  |
|------------|--|
| Policy 7.1 | Building London's neighbourhoods and communities |
| Policy 7.4 | Local character                                  |

## 5.5 Local Plan – Core Strategy

- CP30: Maintaining and improving the quality of the built and open environment
- CP31: Built and landscape heritage

## 5.6 Unitary Development Plan

- (II)GD3 Aesthetic and functional design
- (II)H8 Privacy
- (II)H12 Extensions
- (II)H13 Return frontages
- (II)H14 Side extensions
- (II)C30 Extensions in Conservation Areas

## 5.7 Submission Version DMD

- DMD2: Affordable housing for developments of less than 10 units
- DMD3: Providing a mix of difference sized homes
- DMD4: Loss of existing residential units
- DMD5: Residential conversions
- DMD6: Residential character
- DMD9: Amenity space
- DMD10: Distancing
- DMD11: Rear extensions
- DMD13: Roof extensions
- DMD14: Side extensions
- DMD17: Protection of community services
- DMD 37: Achieving high quality and design led development
- DMD44: Preserving and enhancing heritage assets

## 5.8 Other Material Considerations

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Enfield Town Conservation Area Character Appraisal

## **6. Analysis**

6.1 The principle issue for consideration is the principle for the change of use, securing good quality design commensurate with the sensitivities of the designated Conservation Areas and minimising the impact of the proposed extension upon the residential amenity and privacy enjoyed by neighbouring properties.

### 6.2 Principle for Change of Use

6.2.1 Policy DMD17 of the emerging Development Management Document seeks to protect the provision of community services within the Borough unless it can be demonstrated that a suitable replacement can be provided or indeed that evidence has been submitted to demonstrate that there is no demand for the existing use.

6.2.2 The subject scheme results in the loss of a small dentist surgery to the ground floor of the property. The nature of the use was such that while the

surgery would be construed as providing a community facility, its use was always notably subordinate to the retained residential use which occupied the vast majority of the floor area. Moreover, a number of dental practices operate within the immediate area and while no evidence for the loss of the surgery has been provided, it is clear that sufficient provision is retained to the surround and the benefits of bringing the site into full residential use to provide a large family sized detached dwelling would contribute to viable housing stock within the borough consistent with Policy DMD3 and DMD17 of the Development Management Document.

### 6.3 Impact on residential amenity

- 6.3.1 Policy (II)H12 of the Unitary Development Plan and DMD11 of the Development Management Document seeks to ensure that residential extensions do not negatively impact on the residential amenities of neighbouring properties. When read in conjunction with Policy CP30 of the Core Strategy, the Local Plan seeks to ensure that development actively enhances the quality of life experience by both existing and future residents.
- 6.3.2 Policy (II)H12 also stipulates that single storey rear extensions should generally not exceed 2.8m in depth from the rear main wall, and if site conditions allow for greater extensions they should not exceed a line taken at 45-degrees from the midpoint neighbours nearest original ground floor window. With the emergence of DMD11, this threshold has been increased to align with permitted development allowance and would permit a 4m extension to detached properties at ground floor level. At first floor level, extensions should not exceed a 30-degree line measure.
- 6.3.3 Moreover, Appendix A.1.8 of the Unitary Development Plan does state that where there are existing extensions on adjacent properties built either as permitted development or with planning permission that the criteria as set out above will apply as from the original dwelling regardless of the depth of the adjoining extensions, it does also stipulate that in exceptional circumstances a greater depth may be justified to secure the common alignment of rear extensions.
- 6.3.4 In relation to side extensions, Policy (II)H14 of the Unitary Development Plan seeks to ensure that extensions to the side of existing residential properties do not assist in creating a continuous façade of properties out of character with the street scene. For this reason the Council normally requires that, in the case of two storey side extensions or first floor side extensions over existing single storey side extensions, a distance of at least 1m is maintained between the flank wall and the site boundary of the property at first floor level.
- 6.3.5 At ground floor level, the application seeks to demolish the existing garage and erect a single storey element comprising a ground floor side extension reinstating the footprint of the garage to create a study and a modest infill extension to the space occupied by the existing bay window serving the dental surgery to the south flank elevation. The relationship of the subject site to the surrounding area is such that the property abuts public open space to the south negating any potential impact to residential amenity from this element of the scheme. Moreover, the extension at ground floor levels would wholly be contained within the envelope of the existing ground floor extensions to the property and thus its inclusion to rationalise the southern flank wall will have no discernible impact on surrounding properties. This is

complaint with Policy (II)H12 of the Unitary Development Plan and Policy DMD11 of the Development Management Document.

- 6.3.6 At first floor level, the proposal seeks to extend over the former garage structure and infill an area to the south east corner of the property. The relationship of the subject property to the surround and the nature of an extension that does not breach the existing rear building line is such that a 30-degree measure would not directly apply. In addition, the absence of any properties to the south render the inset required by Policy (II)H14 as an irrelevant measure. However, mindful of the concerns expressed by objectors to the scheme and the proximity of the development to properties that lay to the rear of the site, regard must be given to the impact of the development on these properties, specifically in terms of its impact on outlook, light and privacy.
- 6.3.7 A site visit has been undertaken and this included visiting the site to view the development site from the gardens of the Hollies and Beauchamp Lodge to the rear of the site. Photos were taken from each of the rear facing windows potentially affected by the subject proposal and are featured below:



**View from ground floor kitchen of Beauchamp Lodge**





**View from ground floor rear study / living area of Beauchamp Lodge**



**View from roof bedroom of Beauchamp Lodge**



**View from garden of the Hollies**



**View from Velux window to bedroom of the Hollies**

- 6.3.8 From observations made on site, it was clear that the development would be barely discernible when viewed from the Hollies to the north east of the site, with the extensively vegetated rear boundary obscuring all views a ground floor level and severely limiting views from the velux windows at first floor level, rendering the extending roof the only element visible from the property

from this elevated position. This coupled with the separation of the Hollies from No.1 Chase Side ensures that the objectors property would not be unduly impacted by the development either by a loss of outlook or indeed light.

6.3.9 In relation to Beauchamp Lodge, again vegetation to the north west corner of the site would obscure views of the proposed development to the kitchen area of the property and thus would not materially impact upon amenity. While it is acknowledged that the relationship between the two properties is different, in that the site boundary does not benefit from extensive vegetation to the south western corner to obscure any potential views to the proposed development, the scale and scope of the scheme is such that the extension, while discernible from the ground floor study and bedroom, the proportions of the side extension are relatively modest in scale and would not appear obtrusive or curtail outlook to an unreasonable extent in excess of the current situation. In relation to the claimed loss of light from the objector's representations, the orientation of the subject properties is such that light again would not be curtailed as a result of the development.

6.3.10 In this regard, the development is considered to be compliant with the provisions and principles adopted by Policies (II)H12 and (II)H14 of the Unitary Development Plan and Policies DMD11 and DMD14 of the Development Management Document.

#### 6.4 Impact on residential privacy

6.4.1 Policy (II)H8 of the Unitary Development Plan states that in order to maintain privacy and prevent overlooking flank windows should be avoided. Each of the objections has cited adverse impacts to privacy as a reason to resist the scheme. From observations made on site, it was clear that no views to the rear of the Hollies were possible due to the vegetated nature of the boundary treatment. However, for the reasons outlined in the previous section, to Beauchamp Lodge the proposed first floor rear extension would offer views out to the rear of this property. The nature of the relationship between the two properties is such that the modest garden areas reduce the proximity of the properties and hence a greater degree of sensitivity must be afforded to the inclusion of additional rear facing windows. In this regard, while it is acknowledged that the subject property benefits from existing first floor rear facing windows, the perception of overlooking in such close proximity is increased as a result of the proposed development and given that the rear facing window is not the sole source of light and outlook servicing the new bedroom area, it is considered reasonable to levy a condition to ensure that the rear window is obscured and non-openable upto 1.7m to comply with the provisions of Policy (II)H8 of the Unitary Development Plan and to safeguard privacy.

#### 6.5 Character and Appearance

6.5.1 The property is within the Enfield Town Conservation Area. Policies (II) GD3 and (II) C30 of the UDP aims to ensure that high standards of design are taken into consideration, in all developments providing particular emphasis on the impact of the development to designated heritage assets. Similarly, Policies CP30 and CP31 of the Core Strategy seeks to ensure that all developments and/or interventions in the public realm are of high quality having regard to their established special heritage context. In addition Policy

7.4 of the London Plan states that developments should have regard to the form, function and structure of an area and the scale, mass and orientation of surrounding buildings.

6.5.2 The property is a detached unit of inter-war architectural design that serves to characterise this section of Chase Side. The Enfield Town Conservation Area Character Appraisal identifies the property as making a neutral contribution to the surrounding area.

6.5.3 While it is acknowledged that the subject plot, being directly adjacent to public open space and a road junction with an open aspect, occupies a conspicuous location within the street scene, the design of the proposed extension serves to respect the architectural motif of the parent dwelling, with its modest proportions and roof treatment appearing subordinate to the property while successfully integrating into its general and replicated aesthetic to provide a unified whole. While the overall contribution of the property to the Conservation Area would largely remain unaltered, the removal of the garage and the creation of a unified flank elevation are welcomed. The loss of a chimney stack is also not considered to be significant or detrimental to the appearance of the property. Therefore, it is considered on balance that the established special character of the surrounding heritage asset would remain intact as a result of the development having regard to Policies (II)GD3 and (II)C30 of the Unitary Development Plan and Policies CP30 and CP31 of the Core Strategy.

## 6.6 Loss of Garage

6.6.1 Policy (II)H10 of the Unitary Development Plan highlights the need to ensure that the loss of an existing garage or car parking space does not give rise to conditions that would significantly increase the demands for car parking provision in the surrounding area in accordance with principles outlined by NPPF and parking standards referred to by Policy 6.13 of the London Plan.

6.6.2 The development will result in the loss of a garage parking space and parking has been cited as a reason for objection. Notwithstanding the fact that the development site falls within an area benefiting from a high PTAL rating of 5 and would, in accordance with Policy 6.13 of the London Plan not require off-street parking provision, the property benefits from a hardstanding area currently servicing the garage which is of a sufficient size to decant a single parking space. In this regard, the development would comply with the provisions of Policy 6.13 of the London Plan and would not result in additional parking pressures within a Controlled Parking Zone (CPZ)

## 6.7 CIL

6.7.1 As of the April 2010, legislation in the form of CIL Regulations 2010 (as amended) came into force which would allow 'charging authorities' in England and Wales to apportion a levy on net additional floorspace for certain types of qualifying development to enable the funding of a wide range of infrastructure that is needed as a result of development. Since April 2012 the Mayor of London has been charging CIL in Enfield at the rate of £20 per sqm. The Council is progressing its own CIL but this is not expected to be introduced until spring / summer 2015.

6.7.2 The development would not be liable for Mayoral CIL.

## 7. Conclusion

7.1 Overall, it is considered that the proposed development is acceptable and it is recommended that the application be approved for the following reason:

1. The proposed change of use of the dental surgery to residential accommodation despite resulting in the loss of a community facility, would contribute to increasing the overall provision of viable larger single family dwelling houses whilst preserving the established special character of the surrounding Conservation Area and would on balance be compliant with the principles of Policies CP4, CP5, CP30 and CP31 of the Core Strategy, Policies DMD17 & DMD44 of the Development Management Document, Policies (II)GD3, (II)C17 and (II)C30 of the Unitary Development Plan, the Enfield Town Conservation Area Character Appraisal, Policies 3.3, 3.4, 3.8 & 3.14 of the London Plan and the NPPF.
2. The proposed conversion of a garage into a habitable space does not give rise to conditions prejudicial to the free flow and safety of traffic on the adjoining highways where parking demand for a single vehicle can be decanted to an existing hardstanding to the front of the property having regard to Policies (II)GD6 and (II)GD8 of the Unitary Development Plan, 6.13 of the London Plan and the NPPF.
3. The proposed part single, part 2-storey side extension with pitched roof over, single storey rear / side extension and removal of chimney due to their siting, size and design would not result in a form of development which is detrimental to the character and appearance of the subject property, the established special character of the surrounding Conservation Area. In addition, the scale of the development would not unduly affect the amenity value or privacy of the surrounding properties having regard to Policies CP30 and CP31 of the Core Strategy and Policies (II)GD3, (II)C30 (II)H8, (II)H12 and (II)H14 of the Unitary Development Plan.

## Recommendation

8.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans, as set out in the attached schedule which forms part of this notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The external finishing materials shall match those used in the construction of the existing building and/or areas of hard surfacing.

Reason: To ensure a satisfactory appearance.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any amending Order, no

external windows or doors other than those indicated on the approved drawings shall be installed in the development hereby approved without the approval in writing of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any amending Order, no balustrades or other means of enclosure shall be erected on the roof of the extension(s). No roof of any part of the extension(s) shall be used for any recreational purpose and access shall only be for the purposes of the maintenance of the property or means of emergency escape.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

5. The rear glazing serving bedroom of the development indicated on drawing Nos. 003 and 004 shall be fixed shut upto 1.7m and in obscured glass with an equivalent obscuration as level 3 on the Pilkington Obscuration Range. The glazing shall not be altered without the approval in writing of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of adjoining and neighbouring properties.

6. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.

Reason: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.



This drawing and design is copyright and must not be reproduced in part or in whole without prior written consent. Contractors must verify all dimensions on site before commencing work or preparing shop drawings.

The proposed works may fall within the Party Wall Act 1996. The building owner must notify and obtain formal agreement from the adjoining owner. It is recommended that you obtain a copy of the Party Wall Act 1996 and the Party Wall etc. Act 1996. Please refer to the information booklet from [www.odpm.gov.uk/partywall-1996](http://www.odpm.gov.uk/partywall-1996) or Tel 0870 122 6236



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Client	Ken Dutton
Project	1 Chase Side EN2 6NB
Drawing Title	Proposed
Drawing No.	004
Scale	1:100
Revision	A3
Size	A3
Date	10/02/2014

