

# **LONDON BOROUGH OF ENFIELD**

## **PLANNING COMMITTEE**

**Date: 2 February 2021**

**Report of  
Head Of Planning**

**Contact Officer:  
Andy Higham  
Sharon Davidson  
Joe Aggar  
Tel No: 0208 132 0878**

**Ward:  
Cockfosters**

**Application Number: 20/02461/CAAD**

**Category: Other**

**LOCATION: Oakwood Lodge, Avenue Road, London, N14 4DE (the "Site")**

**PROPOSAL: Conversion of existing roof space of each of the two residential blocks to provide a total of 4 x 1-bed self-contained flats and erection of dormer windows, skylights and alteration to external staircase (Application A) and;  
Conversion of existing roof space of each of the two residential blocks to provide a total of 2 x 2-bed self-contained flats and erection of dormer windows and skylights (Application B).**

**Applicant Name & Address:  
c/o Grandpex Company Ltd**

**Agent Name & Address:  
Keith Murray Consultants  
Magdalen House  
80 High Street  
Bushey  
Herts  
WD23 3HD**

**RECOMMENDATION: That a positive Certificate be issued under section 17(1)(a) of Part III of the Land Compensation Act 1961, as amended by Part 9 of the Localism Act 2011, indicating that in the Local Planning Authority's opinion there is development, for the purposes of section 14 of the Land Compensation Act 1961 that is appropriate in relation to the acquisition and that planning permission would have been granted, subject to the conditions detailed below in this report, for development comprising of:**

- **2x 1bed self-contained units (1 unit within each roof space) and erection of dormer windows and skylights.**



## **1. Note for Members and Background**

**1.1. The application is reported to planning committee as Officers do not have Delegated Authority to issue a decision.**

**1.2. Planning permission was granted for the redevelopment of the Site and adjoining land under application reference 16/01578/FUL in 2018. The construction of the development pursuant to reference 16/01578/FUL involved the demolition of the buildings on this Site which was acquired by the London Borough of Enfield pursuant to a compulsory purchase order in 2017. Works are underway in relation to Phase 1 of planning permission 16/01578/FUL although the redevelopment of the Site has now been completed (referred to as Block F1 in planning approval 16/01578/FUL).**



**Image 1 – Site Location Plan (20/02461/CAAD)**



**Image 2 – Site Location Plan (16/01578/FUL)**

These applications are made under Section 17 of the Land Compensation Act 1961 (amended by Section 63 of the Planning and Compensation Act 1991) and seek a Certificate of Appropriate Alternative Development (CAAD) to establish what planning permissions, if any, would have been granted had the Site not been acquired compulsorily.

A CAAD is in effect a hypothetical planning permission provided solely for valuation purposes when a public authority acquires land compulsorily. The purpose of a certificate is to assist in the assessment of the open market value of the Site. It is therefore necessary to consider whether, as at the relevant valuation date (RVD) planning permission could reasonably have been expected to be granted for the development proposed within these applications, or for any other form of development, in the circumstances known to the market at that time, on the assumption that the regeneration scheme underpinning the Compulsory Purchase Order (CPO) had been cancelled.

The relevant valuation date (RVD) is 23 November 2017, which is when the Council as landowner took possession of the Site.

Section 17(5) of the Land Compensation Act 1961 provides that where a certificate is issued under subsection (1) (a) it must:

(a) identify every description of development that in the local planning

authority's opinion would be appropriate alternative development; and

- (b) give a general indication –
  - (i) of conditions to which planning permission for the development could reasonably have been expected to be subject.
  - (ii) of when permission could reasonably have been expected to be granted only at a time after the relevant valuation date, and
  - (iii) of any pre-condition for granting the permission (for example, entry into an obligation) that could reasonably have been expected to have to be met.

Guidance suggests that an LPA should seek to come to a view, based on its assessment of the information contained within the application and of the policy context applicable at the relevant valuation date, the character of the Site and its surroundings, as to whether such a development would have been acceptable to the Authority. As the developments included in the certificate are not intended to be built the local planning authority does not need to concern itself with whether or not the granting of a certificate would create any precedent for the determination of future planning applications.

## **2. Proposal**

The application is seeking to establish if planning permission would have been granted for two proposals. The first application (referred to as Application A) is for the conversion of the roof space of each block to create 4 x 1-bedroom units (2x1 bedroom units in each roof space). To facilitate the conversion, associated works are proposed in the form of hip to gable roof extensions, the construction of front and rear dormers at roof level, plus the reconfiguration of the external staircase, to facilitate access to the upper floor flats.

A second submission (referred to as Application B) for an alternative proposal has also been submitted. This proposal seeks to establish if planning permission would have been granted for the alteration of the roof space of each block to create 2 x 2-bedroom units (1 unit in each roof space). To facilitate the conversion, the proposal includes the constructions of dormers, reconfiguration of the access stairs internally and inclusion of rooflights.

The LPA must be satisfied on the balance of probabilities that planning permission would have been granted for the description of development applied for and it does not have to assess more precisely the prospects of that development happening or of the permission being implemented

LPAs may issue a certificate for other uses or conclude that there is no development for which permission would have been given. Conditions that would have been applicable must be specified along with any other obligations that could reasonably have been expected to be imposed. The CAAD is intended to assist the compensation assessment by clarifying what the maximum development potential of the site was at the RVD.



**3. Site and Surroundings at the date of the RVD**

**For the purposes of this application, the Site previously comprised two detached buildings each occupied by 4 x 2 bed flats (8 x self-contained units in total on the Site).**

**Photos of Site/Street**



**Image 3 – Aerial of Oakwood Lodge**



**Image 4 – street overview to front elevation of Oakwood Lodge from Hood Avenue**

- 3.2. The buildings faced away from each other, separated by a shared parking court and garages. One flatted block was sited fronting Avenue Road, slightly set back, with a front garden area. The second flatted block was sited in parallel but set well into the Site with the main elevation facing the rear gardens. The parking court had a block of four garages. Pedestrian access to the rear block is assumed to have been shared with the vehicle access, but then extended past the building to wrap round to the main entrance on the rear facing elevation.

The buildings were two storeys in height, each with a hip end roof. The main access to the upper floor flats (as originally designed) would have been from an internal communal staircase, although an external staircase on the parking court facing elevation of each building existed. Communal grounds surrounded the two flatted blocks.

The Site faced on to Avenue Road which is a long and busy classified road which provides access to many residential streets within a relatively built-up area. Avenue Road drops in height from Chase Road and rises at the junction with Chase Side.

#### 4. Relevant Planning History

##### Oakwood Lodge

TP/05/1146 Demolition of existing garage block and erection of a 2-storey 2-bed detached house together with 5 car parking spaces. Application Refused and Appeal Dismissed.

Reasons for refusal:

1. *The proposed 2-storey dwelling by reason of its siting design and sub-division of the site, would lead to the infilling of a space, thereby resulting in the introduction of an overly dominant and visually incongruous form of development out of character and appearance, form and pattern of the surrounding area and the visual amenities enjoyed by neighbouring properties. This would be contrary to Policies (I)GD1, (I)GD2 and (II)GD3 of the Unitary Development Plan.*
2. *The proposed 2-storey dwelling by reason of its size and siting would give rise to conditions through a loss of light and outlook, which would adversely affect the residential amenities enjoyed by the occupiers of the ground floor flats. This would be contrary to Policies (I)GD1, (I)GD2 and (II)GD3 of the Unitary Development Plan.*
3. *The proposed dwelling, due to its size, siting and visual prominence, would detract from the outlook enjoyed by the occupiers of the neighbouring property, 73 Avenue Road, detrimental to their amenity and contrary to Policies (I)GD1, (I)GD2 and (II)GD3 of the Unitary Development Plan.*
4. *The proposed two-bed dwelling house due to the open nature of the plot would provide insufficient amenity space having regard to the adopted standards of the Council and would, as a result, lead to the*

*creation of an unacceptable form of residential accommodation contrary to Policy (II)H9 of the Unitary Development Plan.*

*5. The proximity of the proposed parking space to the proposed bedroom No. 2 would result in an unacceptable level of disturbance detrimental to the residential amenities of the proposed occupier of the new dwelling contrary to Policies (I)GD1, (I)GD2 and (II)GD3 of the Unitary Development Plan.*

**5. Relevant Policies at RVD**

**London Plan (2016)**

Policy 3.3 Increasing housing supply  
Policy 3.4 Optimising housing potential  
Policy 3.5 Quality and design of housing developments  
Policy 3.6 Children and young people's play and informal recreation facilities  
Policy 3.8 Housing choice  
Policy 3.9 Mixed and balanced communities  
Policy 3.13 Affordable housing thresholds  
Policy 3.14 Existing housing  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.5 Decentralised energy networks  
Policy 5.6 Decentralised energy in development proposals  
Policy 5.7 Renewable energy  
Policy 5.8 Innovative energy technologies  
Policy 5.9 Overheating and cooling  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs and development site environs  
Policy 5.13 Sustainable drainage  
Policy 5.14 Water quality and wastewater infrastructure  
Policy 5.15 Water use and supplies  
Policy 5.16 Waste net self-sufficiency  
Policy 5.18 Construction, excavation and demolition waste  
Policy 5.21 Contaminated land  
Policy 6.3 Assessing the effects of development on transport capacity  
Policy 6.5 Funding Crossrail and other strategically important infrastructure  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.11 Smoothing traffic flow and tackling congestion  
Policy 6.12 Road network capacity  
Policy 6.13 Parking  
Policy 7.1 Lifetime neighbourhoods  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.7 Location and design of tall and large buildings  
Policy 7.14 Improving air quality



**Policy 7.15 Reducing noise and enhancing soundscapes**  
**Policy 7.18 Protecting open space and addressing deficiency**  
**Policy 7.19 Biodiversity and access to nature**  
**Policy 8.2 Planning obligations**  
**Policy 8.3 Community infrastructure levy**

### **Core Strategy**

**CP2: Housing supply and locations for new homes**  
**CP4: Housing quality**  
**CP5: Housing types**  
**CP9: Supporting community cohesion**  
**CP13: Promoting economic prosperity**  
**CP16: Taking part in economic success and improving skills**  
**CP18: Delivering shopping provision across Enfield**  
**CP20: Sustainable energy use and energy infrastructure**  
**CP21: Delivering sustainable water supply, drainage and sewerage infrastructure**  
**CP22: Delivering sustainable waste management**  
**CP24: The road network**  
**CP25: Pedestrians and cyclists**  
**CP26: Public transport**  
**CP28: Managing flood risk through development**  
**CP30: Maintaining and improving the quality of the built and open environment**  
**CP31: Built and landscape heritage**  
**CP32: Pollution**  
**CP36: Biodiversity**  
**CP46: Infrastructure contributions**

### **Development Management Document**

**DMD3 Providing a Mix of Different Sized Homes**  
**DMD4 Loss of Existing Residential Units**  
**DMD6 Residential Character**  
**DMD8 General Standards for New Residential Development**  
**DMD9 Amenity Space**  
**DMD10 Distancing**  
**DMD37 Achieving High Quality Design-Led Development**  
**DMD38 Design Process**  
**DMD43 Tall Buildings**  
**DMD44 Preserving and Enhancing Heritage Assets**  
**DMD45 Parking Standards**  
**DMD47 New Roads, Access and Servicing**  
**DMD48 Transport Assessments**  
**DMD49 Sustainable Design and Construction Statements**  
**DMD50 Environmental Assessment Methods**  
**DMD51 Energy Efficiency Standards**  
**DMD53 Low and Zero Carbon Technology**  
**DMD54 Allowable Solutions**  
**DMD55 Use of Roof Space / Vertical Surfaces**  
**DMD56 Heating and Cooling**  
**DMD57 Responsible Sourcing of Materials**  
**DMD58 Water Efficiency**  
**DMD59 Avoiding and Reducing Flood Risk**  
**DMD60 Assessing Flood Risk**  
**DMD61 Managing Surface Water**

DMD65 Air Quality  
DMD68 Noise  
DMD69 Light Pollution  
DMD70 Water Quality  
DMD72 Open Space Provision  
DMD73 Children's Play Space  
DMD78 Nature Conservation  
DMD79 Ecological Enhancements  
DMD81 Landscaping  
DMD70 Water Quality  
DMD75 Waterways  
DMD77 Green Chains  
DMD78 Nature Conservation  
DMD79 Ecological Enhancements  
DMD80 Trees on Development Sites  
DMD81 Landscaping

**Other Material Considerations**

National Planning Policy Framework 2012 (NPPF)  
National Planning Practice Guidance 2016 (NPPG)  
A City for All Londoners (2016)

- (2017) GLA: Homes for Londoners: Affordable Housing and Viability SPG  
GLA: Housing SPG (2016)  
GLA: Social Infrastructure SPG (2015)  
GLA: The Control of Dust and Emissions during Construction and Demolition SPG (2014)  
GLA: London Sustainable Design and Construction SPG (2014)  
GLA: Accessible London: Achieving an Inclusive Environment SPG (2014)  
(2012) GLA: Shaping Neighbourhoods: Play and Informal Recreation SPG  
GLA: Shaping Neighbourhoods: Character and Context SPG (2014)

London Borough of Enfield S106 SPD (2016)  
Enfield Characterisation Study (2011)

**6. Assessment**

The main issues arising from this proposal relate to:

Land Use  
Design and Appearance  
Neighbouring Amenity  
Quality of the accommodation proposed  
Unit Mix  
Transport  
Other Matters

**Land Use**

This hypothetical assessment proceeds on the basis that the Site, is as it was on 23 November 2017, when it comprised two residential blocks,

containing 8 x 2 bed units. The proposals from the applicant, show alterations to the flatted blocks to allow for the conversion of the roof space to provide 4 x 1-bedroom units (referred to as Application A) and 2 x 2-bedroom units (referred to as Application B).

Both schemes would have led to additional residential unit numbers and considered in line with London Plan 3.4 and Policy CP5 of the Core Strategy, that seek to support increased housing delivery. The land use would remain conducive with the surroundings and in principle support the delivery of new housing. This is subject to other relevant policies within the Local Development Framework, having regard to the Site's characteristics in terms of urban design, quality of accommodation, transport, and neighbouring amenity.

### **Design and Appearance**

The two 'existing' blocks were located in a residential area and comprised two detached, two storey, flatted blocks. The roof was hipped (with no habitable accommodation in the roof space) and two chimneys rising from the flank elevations. The Site occupied a long rectangular plot which fronted onto Avenue Road with trees and vegetation to the rear.

The main facades of the blocks faced away from one another. Between the properties was a shared parking area and single storey garages. Notably the front block faced directly onto Avenue Road and therefore was highly visible in public views and in this respect occupied a prominent location.

The proposal for Application A would involve altering the roof form to create gable ends and adding dormers to the front and rear roof slopes – two sizeable dormers to the 'front' elevations and a single, joined dormer with staircase to the rear elevations to facilitate two new residential units within each block.

The proposal for Application B would involve more modest alterations to the roof, with the insertion of two dormer windows, one on each roof slope. The proposed dormers would be incorporated into the pitched roofs of the two blocks. The dormers would face into the internal courtyard and therefore views of these would be limited from the public domain.

DMD Policy 6 required development to be of a scale and form appropriate to the existing pattern of development or setting, having regard to the character typologies. Further, Policy DMD8 provided that all development must be of an appropriate scale, bulk and massing and be appropriately located having regard to the nature of the surrounding area.

DMD13 required that roof extensions be in keeping with the character of the property, not be dominant when viewed from the surrounding area, and where to the side of a property, must not disrupt the character or balance of the property. Roof dormers on front facing roofs would generally only be permitted if they did not materially affect the character of the area and would not be dominant or intrusive when viewed from the surrounding area.

Finally, consistent with Policy CP30 of the Core Strategy, DMD37 of the Development Management Document and the design-led approach advocated by the NPPF, the suitability of a development had to be measured in part on its overall quality and function to ensure development was appropriately located and had regard to both the subject dwelling and the surrounding area.

Given the changes in land levels to Avenue Road, the host properties were set slightly at a lower level than the adjoining terraced properties. Nevertheless, the flatted blocks on the Site were more substantial in bulk, mass and scale, with the built form projecting deeper than the adjoining terraced buildings. Of note, front dormers were not a feature within the streetscape.



Image 5 -Front elevation to Oakwood Lodge

The proposed alteration to the roof form in Application A would considerably modify and dominate the roof slope to both buildings. The proposed dormers would be a large and incongruous modification, not in keeping with, and harmful to the character and appearance of the host buildings and the surrounding area. Overall, the alterations would have resulted in a highly conspicuous roof form, given their scale and elevated position relative to the adjoining properties.

The combination of the gable extensions and the larger front dormer windows would have significantly increased the bulk and mass of the building directly adjacent to the modest terraced properties. This discordancy would have been exacerbated by the windows to the roof extension which neither match nor align with the fenestration pattern to the lower floors. Viewed in combination, the proposed alterations at roof level, by reason of their size and bulk would have appeared as disproportionate and discordant additions to the original character and appearance of the host property.

Whilst it is acknowledged the two dormers to the rear block and the rear dormer to the front block would have had less of an impact in the public domain. However, as matter of policy, reduction in visibility does not equate to a policy compliant scheme. For the reasons outlined above, the proposal would have resulted in an unacceptable impact to the roof form, host building and surrounding area.

Officers have therefore concluded that the proposed alterations within Application A would have had an unacceptably harmful effect on the character and appearance of the Site and the surrounding area. It would have conflicted with Policies 7.4 and 7.6 of the London Plan 2016, Core Policy 30 of The Enfield Plan Core Strategy 2010 and Policies DMD 8, DMD 13, and DMD 37 of the Enfield Development Management Document (DMD) 2014. Amongst other things, these policies sought to resist development that is inappropriate to its context or which fails to have appropriate regard to its surroundings. The proposal would have also conflicted with the NPPF which sets out that planning should always seek to secure high quality design.

The proposal within Application B involves the insertion of two dormer windows, one on each roof slope. The proposed dormers would be incorporated into the pitched roofs of the two blocks. The dormers would face into the internal courtyard and therefore views of these would be limited from the public domain.

The dormers would sit centrally within the roof slope, appropriately set down from the ridge and up from the parapet and set in from the side. The material of the dormers has not been specified. The dormers proposed would show a blank façade and do not account for the composition of the windows immediately below to the elevation. The blank face to the dormer represents an unsympathetic feature. It is considered, given these internal spaces are proposed to be occupied by bathrooms, windows could be added (albeit obscurely glazed). This could be suitably controlled via condition and result in an improved overall appearance and as such would not have represented a reason for refusal. New roof lights would be modest in size and fitted close to the plane of the roof slope. Their high-level position and location within the courtyard would again screen views provided from street level.

It is therefore concluded that the proposed alteration within Application B would not have had a harmful effect on the character and appearance of the Site or the surrounding area. It would have complied with the aims of Policies 7.4 and 7.6 of the London Plan 2016, Core Policy 30 of The Enfield Plan Core Strategy 2010, Policies DMD13 and DMD37 of the Development Management Document (2014) and Policy 7.4 of the London Plan (2016) and the NPPF.

#### **Neighbouring Amenity**

London Plan policy 7.6 stated that buildings should not cause unacceptable harm to residential amenity, including in terms of privacy and overshadowing. DMD 6 and 8 required that residential developments do not prejudice the amenities enjoyed by the occupiers of neighbouring residential properties in terms of privacy, overlooking and general sense of encroachment.

CP30 of the Local Plan sought to ensure that new developments have appropriate regard to their surroundings, and that they improve the environment in terms of visual and residential amenity.

*Living Conditions of Occupiers to No 73 Avenue Road*



No. 73 is a terraced house sited immediately adjacent to the Site with a contemporary two storey side/rear extension that is closest to the Site boundary.

The proposed additions at roof level under Applications A and B to the flatted blocks would have extended the mass and bulk at roof level. However, the proposed alterations would have sat within the footprint of the main building and would not have extended the ridge line up beyond the existing. Whilst there would be an appreciable change to the angle of the flank elevations at roof level (particularly as a result of Application A), overall the proposals would not have resulted in loss of light, outlook or sense of enclosure, given the additionality would have sat within the height and footprint of the main buildings.

In relation to overlooking, no windows were proposed to the dormers in Application B and therefore there would be no undue overlooking to No.73. Given the orientation of the proposed dormer windows in Application A, it is considered there would be no undue overlooking to habitable windows of the adjoining property at No. 73 either. There may be some additional overlooking to the garden area, however mutual overlooking to private amenity areas is common in the area and as such would not have warranted a reason for refusal.

#### *Living Conditions of Occupiers to Oakwood Lodge*

The existing flats at ground and first floor level had habitable rooms with windows on the front and rear elevations of the buildings. The kitchens were on the 'rear' (inward facing elevation facing to the parking court). An external staircase rose to first floor level and ran close to a habitable room of a ground floor unit. The extant situation, given the external staircase, landed close to an existing rear window (within each block) and created privacy issues for the ground floor occupiers.



Image 6 - Rear of Oakwood Lodge

In Application A, the external staircase would have been altered to a spiral external staircase and increased in height to roof level. This would be the point of entrance for the proposed top floor flats and a secondary point of access for the units at first floor level. The new external staircase would be located adjacent to the doors (obscurely glazed) and side window of the existing flats at ground and first floors, which were considered to serve the kitchens. The alteration of the staircase would result in additional movements of people; however, this

would not represent a significant material intensification. Given the kitchen doors are obscurely glazed, there would be no undue overlooking. In addition, the staircase would be for access only and therefore limiting the possibility for potential overlooking. As a result, the reconfiguration of the staircase is not considered to result in unacceptable harm to the amenities of the existing occupiers of the ground and first floor flats, notably in respect of overlooking, taking in account the comparison with the extant situation.

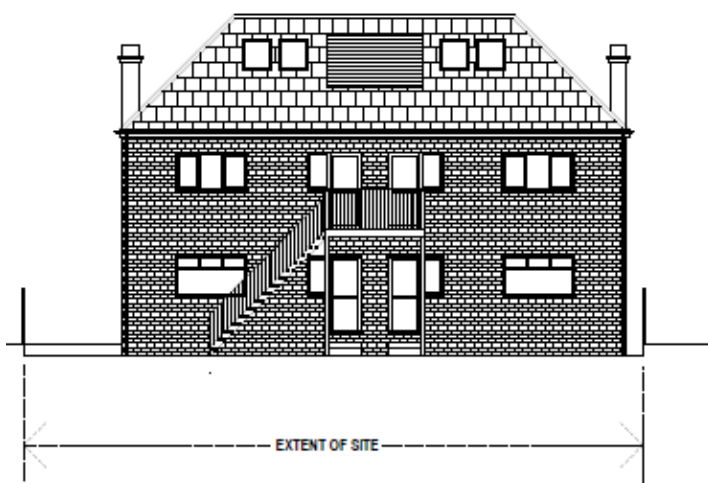
The proposed dormer windows in Application A are designed so the habitable rooms face towards the road or the rear garden and therefore would not lead to overlooking of the flats within Oakwood Lodge. The dormer to the inward facing elevation provides for the entrance to the proposed flats only, with no habitable room windows. Whilst anyone standing on the staircase or landing platforms, would be able to look into the existing habitable rooms to the rear elevations, given their separation distance of just over 17m, this could occur with the existing staircase arrangement. The increased use of the staircase with the additional units proposed, is not considered to be significant or materially harmful to the living conditions of the existing flats.



24. Proposed Rear Elevation

#### Image 7 - Application A: Rear Elevation

In Application, B access to the proposed units at roof level would be through reconfiguration of the internal access. The proposed dormers would be blank (with no windows) and therefore would not give rise to any overlooking between the Oakwood Lodge properties.



## **Image 8 – Application B: Rear Elevation**

The cycle storage for both proposals involves the provision of an enclosed cycle store adjacent to the existing garage block, in close proximity to the rear elevation and habitable window of Block 2. The cycle store would accommodate 8 bikes and would be positioned 2m away from the rear window of the ground floor flat and would present an elevation over 4m in length. Details of the structure have not been provided.

Provision of a cycle store in this location would lead to increased activity near the habitable room window which would introduce significant privacy concerns and would not be supported. Given the overall size of the Site, it is likely that alternative provision could have been made. As such this would not form a reason for refusal and could be appropriately controlled via condition.

Notwithstanding the assessment above on the character of the area, taking into account the detailed design, form and layout of both schemes, it is considered that both Application A and B would not have had an adverse impact on the living conditions of those adjoining occupiers in terms of sunlight, outlook, sense of enclosure and privacy.

### ***Material intensification***

Comings and goings to the building would have increased as a result of the proposed developments. However, given that only a maximum of four additional units were proposed, it is considered that this would not have been to a degree that would cause significant harm to the living conditions of adjacent occupiers through additional noise or disturbance. Thus, both Applications A and B would not have caused harm to the residential character of its surroundings.

### **Quality of Accommodation**

The schemes propose roof alterations to the two flatbed blocks to facilitate the use of the attic space as 4 x1 bed units (Application A) and 2x2 bed units (Application B).

In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2016) Policy 3.5 required that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribed the minimum space standards for new housing.

The National Described Space Standards (2015) stated the minimum floor to ceiling height was 2.3m, for at least 75% of the Gross Internal Area (GIA). National policy on housing standards were set out in detail in the Written Ministerial Statement of 25 March 2015 (“the March 2015 WMS”). This WMS introduced a set of national technical standards, including the *Technical housing standards-nationally described space standard* (“the National Space Standard”). The March 2015 WMS stated that, “from October 2015: existing Local Plan... policies relating to...

internal space should be interpreted by reference to the nearest equivalent new national technical standard.”

Subsequent to the NDSS, The London Housing SPG expressed the minimum internal height as 2.5m for 75% of the floor area. The London Plan also encouraged a minimum standard of 2.5m for internal head heights. As of 2017, the London Plan and London Housing SPG were the most up-to-date expression of planning policy on this matter. It is a consideration to which great weight is attached in the overall planning balance.

The annotation on the submitted plans for Application A suggests a GIA for each flat of 50.8 sqm. For one bed/two person dwellings the London Plan set a minimum of 50sqm.

The plans for Application B state the overall unit sizes are 62.5sqm. The bedroom sizes are 13sqm and 11 sqm in Application B and would indicate the units are for 2b3p. The floor space quantum would exceed the minimum floor area of 61sqm for a 2b3p flat. Thus, both proposals would comply with the minimum internal space standards as set out in the London Plan.

In both applications the quantum of internal floorspace is sufficient. The London Housing SPG (2016) prescribed the minimum floor to ceiling height be 2.5m for at least 75% of the GIA. In Application A, the proposed internal ceiling height is 2.3m for 82% of the overall floor space for each unit. Whilst the applicant refers to the NDSS in support of the proposal, the London Housing SPG would have been a more recent expression of policy and therefore would have been given weight in the assessment of the proposals. Taking the above into account, the proposed units in Application A would fail to meet the London Housing SPG standard, albeit to a marginal degree; but even so the standard is clearly expressed as a minimum. Furthermore, the London Housing SPG (2016) places importance on units being dual aspect. Dual aspect dwellings with opening windows on at least two sides have inherent benefits. It is noted that the kitchen/living room would have the benefit of the dormer windows. However, the bedrooms for all the units are reliant on a skylight in the sloping roof. Whilst this may assist with providing light and ventilation, the units would fail to be dual aspect and as such this situation would be unsatisfactory and would provide the future occupiers of the flats with an unduly constrained outlook.

The maximum internal heights proposed in Application B, are 2.6m (towards the centre of the floor plan), dropping to 0.9m (close to eaves). The en-suite has a proposed internal height of 2.1m. Approximately 33sqm exceed the minimum requirement of 2.5m internal floor height, equating to 53% of the total floor area. The proposal would therefore fall below the recommended policy standard, which as stated, is expressed as a minimum. Whilst the shortfall would be small, the inadequacy in internal heights would result in a sub-standard living environment for potential future occupiers.

In addition, both units in Application B would have no windows other than rooflights set within the roof slope. These would be set approximately 1.5m from floor level. Given their exposure, it is considered these would provide high levels of natural light into the interior. It is nonetheless likely, the outlook from the flat would be

angled towards the sky. The effect combined with the undersized useable floorspace would result in the flat being an unacceptably oppressive internal environment. As a result, the proposal would offer substandard internal living accommodation for potential future occupiers.

Taking all matters into account, both developments would not achieve a satisfactory standard of residential accommodation. Accordingly, there would be conflict with London Plan Policy 3.5, CS Policy CP4, DMD policies DMD8, DMD9 and DMD37 which seek, amongst other things, to ensure occupants have sufficient internal and external space and adequate levels of light and outlook. There would also be a conflict with the NPPF which expects development to achieve a good standard of amenity and the London Housing SPG.

#### **Private Amenity Space**

Both Application A and B are reliant on the use of the communal area to the rear (535sqm) for private amenity space the proposed self-contained units. This is considered sufficient in size to cater for additional units proposed in Applications A and B and therefore would not raise any concerns in this regard.

#### **Unit Mix**

Application A proposes 4x1 bed units. The proposed mix is therefore only smaller units which fails to adequately meet the appropriate mix of units within Core Strategy Policy 5. This seeks to ensure that 'new developments offer a range of housing sizes to meet housing needs' and that the Policy should support the Council's plan for a Borough-wide mix of housing that reflects the needs and level of supply identified in the Strategic Housing Market Assessment (SHMA 2010) and subsequent reviews (2015). It considered the application is skewed towards, specifically 1-beds and therefore these considerations weigh against the merits of the scheme in the overall assessment.

Application B provides for 2x2 bed units. Whilst not strictly compliant with the housing mix as stipulated by policy, 2 bed units allow for greater flexibility and adaptability in peoples change of circumstances, over one bed units, and given the constraints of the Site, the provision of two bed weighs neutrally in the assessment of the Application B.

#### **Transport Impact**

DMD 45 relates to car parking, cycle provision and parking design. DMD 47 states that new development proposals will need to demonstrate that enough space for servicing, circulation and access to, from and through the Site is provided. All developments must be fully accessible to pedestrians and cyclists and assist with general permeability within an area. The London Plan policy 6.13, DMD policy 45 (Parking Standards and Layout) and 47 (Access, New Roads and Servicing) states that operational parking for maintenance, servicing and deliveries is required to enable a development to function.

#### ***Car Parking provision***



The Site has the benefit of four garages with space in front for packed parking. The applicant has stated no additional parking is proposed to support the additional flats. The site is located within PTAL 1a/2 (low).

The maximum standards for residential parking are set out in Table 6.2 in the London Plan. For 1-2 bed properties, policy requires less than 1 parking space per unit. There were four garages on the Site with a shared, informal, courtyard space that may have accommodated further parking for the 8 existing residential units.

It is acknowledged the policy is expressed as a maximum. However, it has not been demonstrated that additional parking, in the absence of a mechanism to secure no parking, could be accommodated on Site for either proposal A or B, in conjunction with the existing car ownership and as such it is considered on street parking may occur. A Lambeth Style parking survey of the surrounding streets would have been required to demonstrate that there is room for additional parking to be accommodated on-street. The parking survey specification would therefore have needed to comply with the 'Lambeth Methodology'.

Both proposals, in this location, are not considered to demonstrate adequate information in relation to the proposed parking arrangements, nor that there would be no adverse impacts resulting from possible on-street parking. These considerations weigh negatively in the overall assessment of the applications.

#### *Cycle provision*

Table 6.3 of the London Plan sets out cycle parking provision. These comprised, 1xspace per 1xbed and 2xspaces per 2xbed+.

Both Applications result in a requirement of 8 cycle spaces. 8 spaces are indicated on both set of plans, within the courtyard area. The siting of the cycle parking, as shown would not have been appropriate due to concerns regarding overlooking, given the proximity to the ground floor unit . However, it is considered there is sufficient space on the Site for cycle parking to be relocated and this could be appropriately controlled via condition, taking into account the proposed placement of the bike storage relative to habitable windows.

#### Refuse

The proposed floor plans for both Applications show indicative waste and refuse storage and bins to the front of the Site adjacent to Avenue Road. Given the Site comprised flats, the proposed refuse would comprise communal waste although separated recycling and waste is not indicated on the plans.

Given the proximity to Avenue Road and the ability to store waste within the curtilage of both developments, it is considered on balance the proposed dwellings would have sufficient space and capacity for refuse and recycling.

However, given the lack of detail in these areas , in the event either proposal were considered acceptable, this would have needed to be controlled via condition and in accordance with the Local Authorities

**Refuse and recycle storage** in line with the Refuse and Recycle Storage Guide Enfield (ENV 08/162).

### **Accessible Homes**

Both Applications proposed access to the units, one via external staircase and one via alteration to the internal access. London Plan requires new housing to be M4(2) compliant with the remaining 10% M4(3) complaint. Given the reliance on stepped access the proposal would not comply with the relevant standard and as result only fulfil M4(1). It is acknowledged the proposals are alterations to an existing built form and that lift access may not be feasible or viable. Nonetheless, in the assessment of the overall application, this is considered to weigh negatively.

### **Planning Contributions**

The London Borough of Enfield no longer seeks contributions for education on schemes of 11 units and below. However, it does seek affordable housing contributions which are 10 units or less but have a combined gross floor space of more than 1000m<sup>2</sup>. This is in conjunction with the criteria stipulated within the Planning Practice Guidance (PPG). The proposal in question is below the stipulated 1000m<sup>2</sup> and as such, does not require a S106 contribution towards affordable housing.

### **Community Infrastructure Levy**

CIL would be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Enfield adopted Community Infrastructure Levy Charging Schedule 2016. The payments would be chargeable on implementation of the private housing.

### **Other Matters**

Application A has sought to demonstrate, that the additions to the roof proposed, would be acceptable having regard to the development that was consented through the permission for the wholesale redevelopment of the adjacent site, which incorporated 3 storey houses. It is considered these are materially different schemes, given the house is different in typology to the flatted blocks and the more recent development form part of a much larger estate regeneration scheme. As such recent redevelopment which sits on a larger plot and forms part of an estate regeneration are not comparable and is not of significant weight in the assessment of the Applications A or B.

The applicant has advised that the density of development proposed in terms of habitable rooms per hectare is within an acceptable limit for Application A. However, policy states it is not appropriate to apply this mechanistically and other relevant factors include local context, design and transport capacity. Therefore, density is not a primary consideration in the assessment of the application. Taking the scheme as a whole, for the reasons outlined above, the application is considered unacceptable.

## **7. Conclusion**

Having regard to all the above, it is considered that whilst policy seeks to increase housing units in the Borough, both developments as proposed would not have been supported.

Both Applications A and B would have resulted in poor quality accommodation for future occupiers. In addition, the alterations and extension to the roof of the blocks in Application A would have resulted in a dominant and incongruous form of development, detrimental to the character and appearance of the area.

Therefore, in overall terms, the proposals would not have met the social and environmental objectives of sustainable development, having regard to the NPPF. The proposals, would therefore, have been considered to be unacceptable on the basis below.

**8. Recommendation for Application A.**

Planning permission could not reasonably have been expected to be granted for the following reasons:

1. The proposed alterations to the roof form and addition of the proposed dormers, would by virtue of the design result in a dominant and discordant feature on the host buildings and in the street scene, detrimental to the character and appearance of the area. Accordingly, the development would be contrary to CP30 of the Core Strategy (2010), Policies DMD13 and DMD37 of the Development Management Document (2014) and Policy 7.4 of the London Plan (2016) and the NPPF.
2. The proposed residential units, by virtue of poor outlook and limited floor to ceiling heights would fail to meet the minimum floor space standards and result in poor-quality living accommodation. The proposal would therefore be contrary to Policy CP4 of the Core Strategy, DMD8, DMD 9 and DMD37 of the Development Management Document and Policy 3.5 including accompanying Table 3.3 of the London Plan as well as the objectives of the NPPF, the London Housing SPG.

**9. Recommendation for Application B.**

**8.1 Planning permission could not reasonably have been expected to be granted for the following reasons:**

1. The proposed residential units, by virtue of poor outlook and limited floor to ceiling heights would fail to meet the minimum floor space standards and result in poor-quality living accommodation. The proposal would therefore be contrary to Policy CP4 of the Core Strategy, DMD8, DMD 9 and DMD37 of the Development Management Document and Policy 3.5 including accompanying Table 3.3 of the London Plan as well as the objectives of the NPPF, and the London Housing SPG.

**10. Alternative Appropriate Development**

### **General Issues**

**10.1** Notwithstanding the above assessment, the LPA must identify any description of development which in the LPA's view would be appropriate alternative development. This could include something significantly different from what is applied for, but it is not for the LPA to carry out an exhaustive assessment of the development potential of the Site. The CAAD is intended to assist the compensation assessment by clarifying what the maximum development potential of the Site was at the RVD.

**10.2** As mentioned above Section 17(5) provides that where a certificate is issued under subsection (1)(a) it must:

- (a) identify every description of development that in the local planning authority's opinion would be appropriate alternative development; and
- (b) give a general indication –
  - (i) of conditions to which planning permission for the development could reasonably have been expected to be subject.
  - (ii) of when permission could reasonably have been expected to be granted only at a time after the relevant valuation date, and
  - (iii) of any pre-condition for granting the permission (for example, entry into an obligation) that could reasonably have been expected to have to be met.

### **Residential Alternative Appropriate Development**

**10.3** The 'existing' use of the Site was residential (C3 Use Class). Policy DMD4 of the Development Management Policies seeks to resist the loss of existing residential units. There are exemptions which may be permitted subject to fulfilling certain criteria. These are:

- no net loss of residential floorspace as a result of development; or
- to provide a community facility where there is a specific, identified need and; no alternative locations, or:
- the continuing residential use is not satisfactory, in light of adjoining land uses and the standard of accommodation.

**10.4** Based on the policy criteria above, the loss of residential floorspace is only considered in exceptional circumstances. The London Plan and Core Strategy make a commitment to deliver new housing and prevent the loss of existing units. Existing residential land and buildings play an important role in meeting the borough's housing needs, particularly the needs of families.

**10.5** Policy identifies community uses as a possible exceptional circumstance to the loss of residential, being noted as a possible alternative acceptable use, subject to certain criteria. In this instance the applicant would have had to demonstrate that a specific need had been identified and no alternative locations (in the borough) would be available for the loss of residential to be considered and permitted.

**10.6** It is considered highly unlikely the policy would been satisfied, to permit the loss residential units in this location. The loss of the residential units could have only been supported by a suitable community facility of specific need identified, which demonstrated, with supporting

evidence there were no alternative sites anywhere else in the borough. Furthermore, the surrounding area to the Site is largely residential and therefore the Site itself is conducive to continued residential use. There is no information to suggest the Site was not suitable for continued residential use, in light of adjoining land uses (such as industrial) or the units were of poor standard of accommodation. As such, it is considered the loss of suitable self-contained accommodation would have been strongly resisted given the weight of the policy for retention of existing residential units in Planning Policy and as such, there are no realistic appropriate alternative uses for the Site, other than residential (C3 Use Class).

- 10.7 In the Officers opinion, and on the basis of the information submitted within the application for the CAAD it is considered that the following Use Class C3 (Dwellinghouses) would have been appropriate alternative development for the Site:

(a) 2x1 bed units (C3 use class) and erection of dormer windows.

- 10.8 Article 3(3) of the Land Compensation Development (England) Order 2012 requires an LPA to give reasons for any decision to issue a CAAD for development otherwise than as described in the application or contrary to representations in writing.

- 10.9 It is therefore the Officer's view that based on the plans submitted with both applications; that the Site is of a sufficient size to accommodate a 1 bed flat in each block in connection with dormer windows (to increase usable floor area). The floors to Application B indicate a floor area of 33sqm. Relative to a 50sqm flat the proposal would equate to 66% of floor area above 2.5m. It is considered with the addition of dormers, these could be redesigned and reconfigured to be acceptable in design terms and allow for the units to be dual aspect. In relation to additional car parking requirements it is considered the likelihood of two cars may be accommodated on Site. Moreover, if there was overspill of parking the likely minor impacts could be accommodated via on street parking.

## 11. Indication of Conditions

- 11.1 Guidance suggests that if giving a positive certificate, the local planning authority must give a general indication of the conditions and obligations to which planning permission would have been subject. As such the general indication of conditions and obligations to which the planning permission could reasonably be expected to be granted should focus on those matters which affect the value of the Site. Conditions relating to detailed matters such approval of external materials or landscaping would not normally need to be indicated. However, clear indications should be given for matters which do affect the value of the land, wherever the authority is able to do so. The conditions attached below would not affect the value of the land.

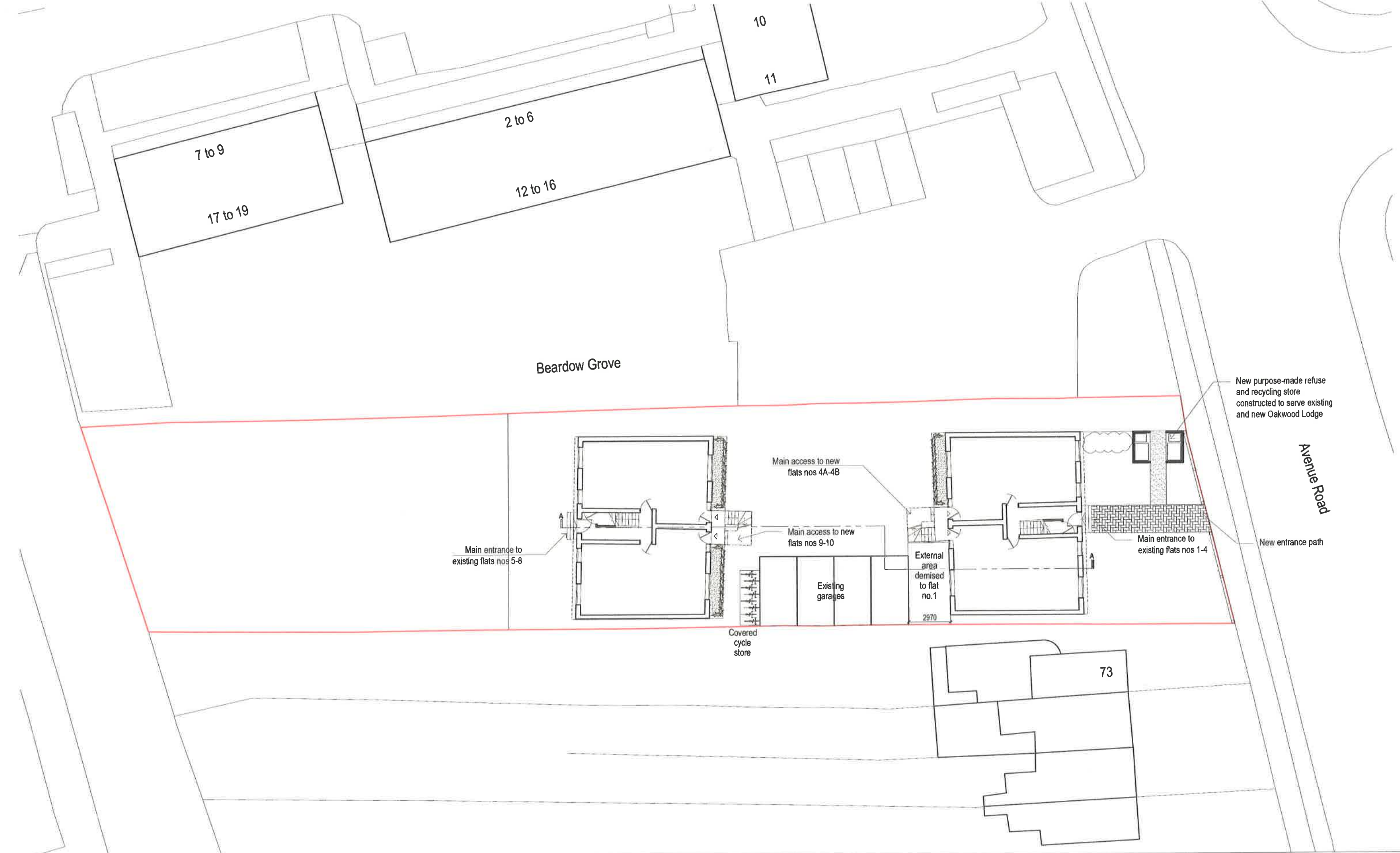
1. Time Limited Permission
2. Development to be carried out in accordance with approved plans
3. Materials and samples
4. Details of refuse
5. Details of cycle storage



## **12. Conclusion**

**12.1 That a positive Certificate be issued under section 17(1)(a) of Part III of the Land Compensation Act 1961, as amended by Part 9 of the Localism Act 2011, indicating that in the Local Planning Authority's opinion there is development, for the purposes of section 14 of the Land Compensation Act 1961 that is appropriate in relation to the acquisition and that planning permission would have been granted, subject to the conditions detailed below in this report, for development comprising of:**

- **2x 1bed self-contained units (1 unit within each roof space) and erection of dormer windows and skylights.**



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Project: OAKWOOD LODGE DEVELOPMENT, AVENUE ROAD, N14 4DE

Drawing Title: PROPOSED ROOF CONVERSION - SITE PLAN

Date: 18.07.18

Scale: 1:250@ A3

Drawing No: 517-100-P1



#### General Notes:

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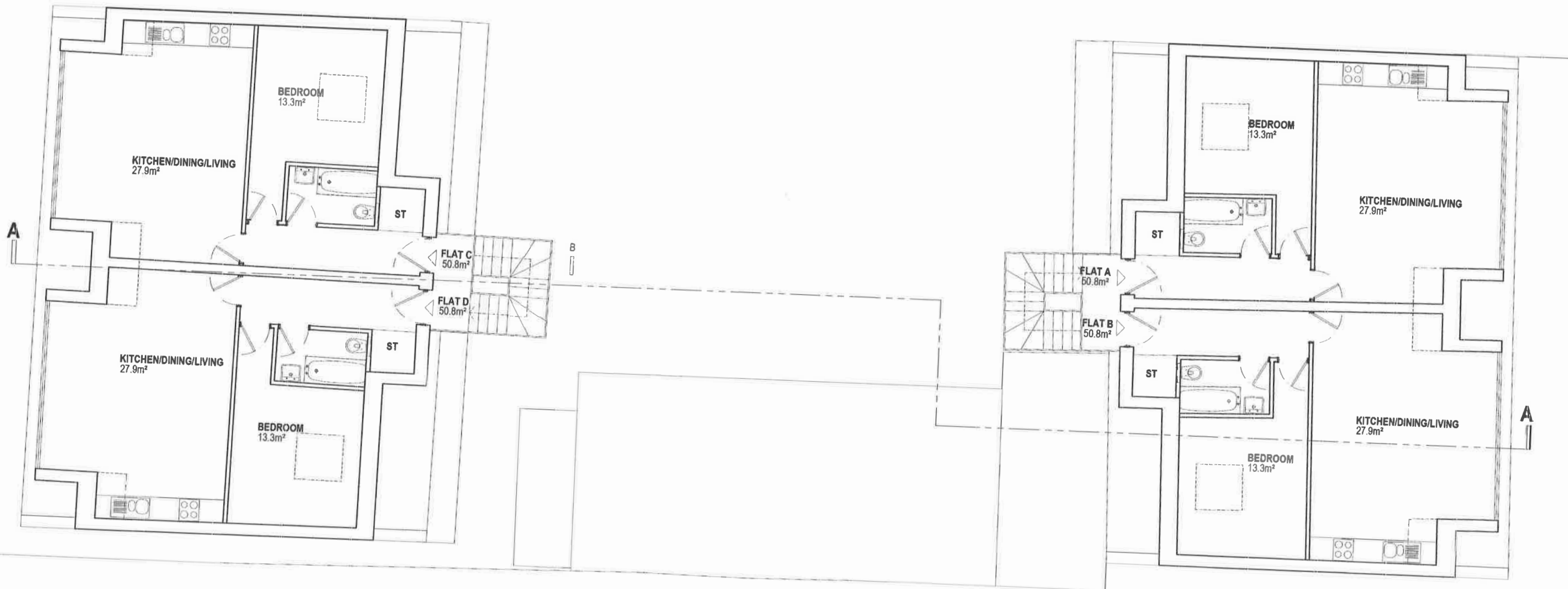
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Drawing Title:  
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Date:  
**18.07.18**

Scale:  
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Drawing No:  
**517-101-P1**



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Project:

**OAKWOOD LODGE DEVELOPMENT, AVENUE ROAD, N14 4DE**

Drawing Title:

**PROPOSED ROOF CONVERSION - SECOND FLOOR PLAN**

Date:

18.07.18

Scale:

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Drawing No:

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Project:  
**OAKWOOD LODGE DEVELOPMENT, AVENUE ROAD, N14 4DE**

Drawing Title:  
**PROPOSED ROOF CONVERSION: EXISTING FRONT ELEVATION**

Date:  
**18.07.18**

Scale:  
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Drawing No:  
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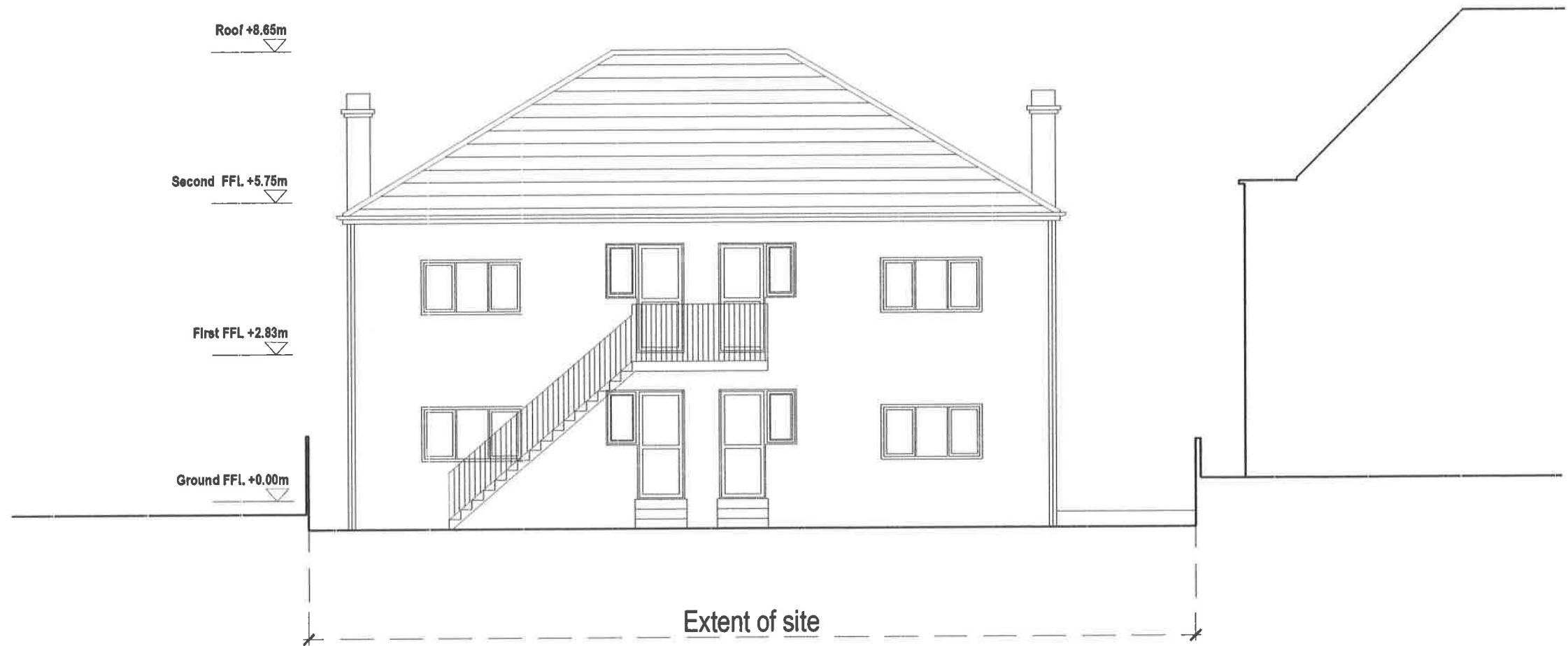
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Project:  
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Drawing Title:  
PROPOSED ROOF CONVERSION - PROPOSED FRONT ELEVATION  
Date:  
18.07.18  
Scale:  
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Drawing No:  
517-108-P1



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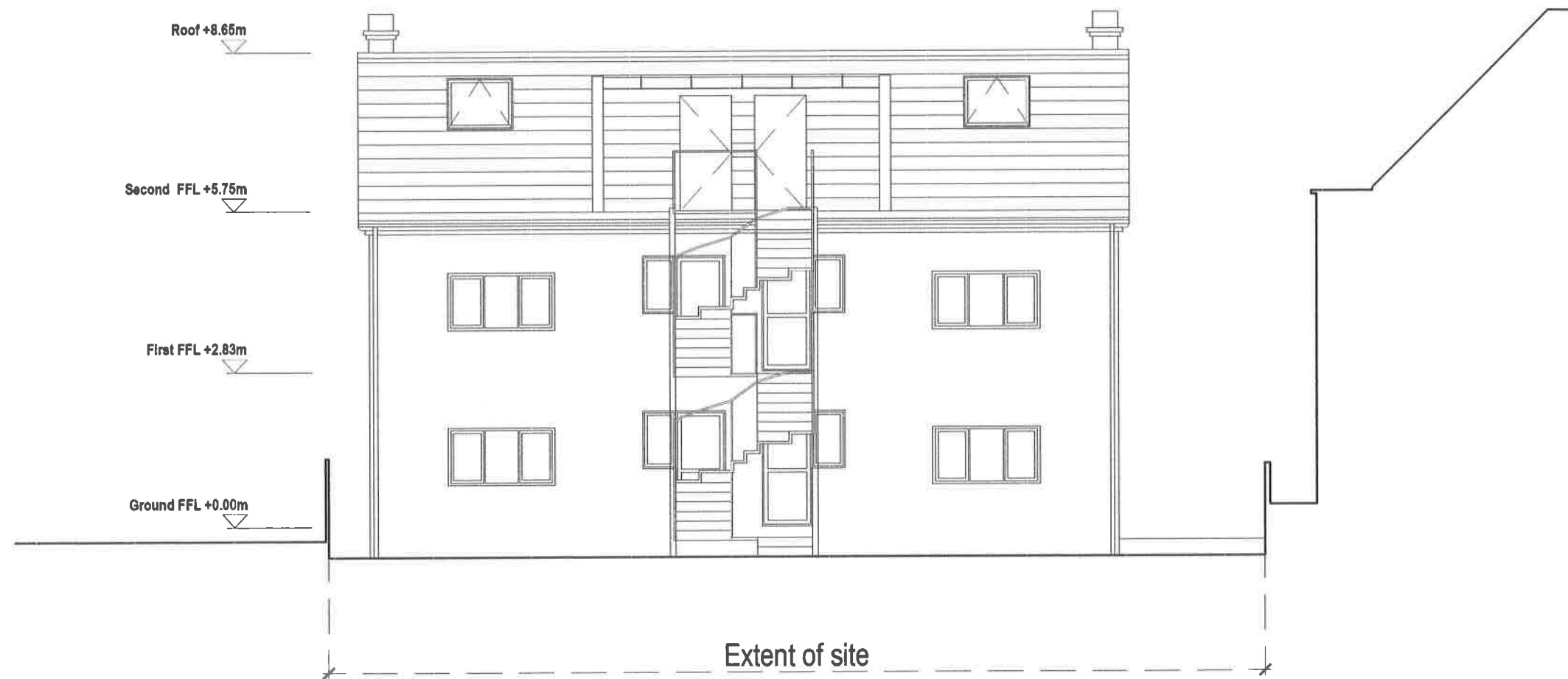
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OAKWOOD LODGE DEVELOPMENT, AVENUE ROAD, N14 4DE

Drawing Title:  
PROPOSED ROOF CONVERSION: EXISTING REAR ELEVATION

Date:  
18.07.18

Scale:  
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Drawing No:  
517-106-P1



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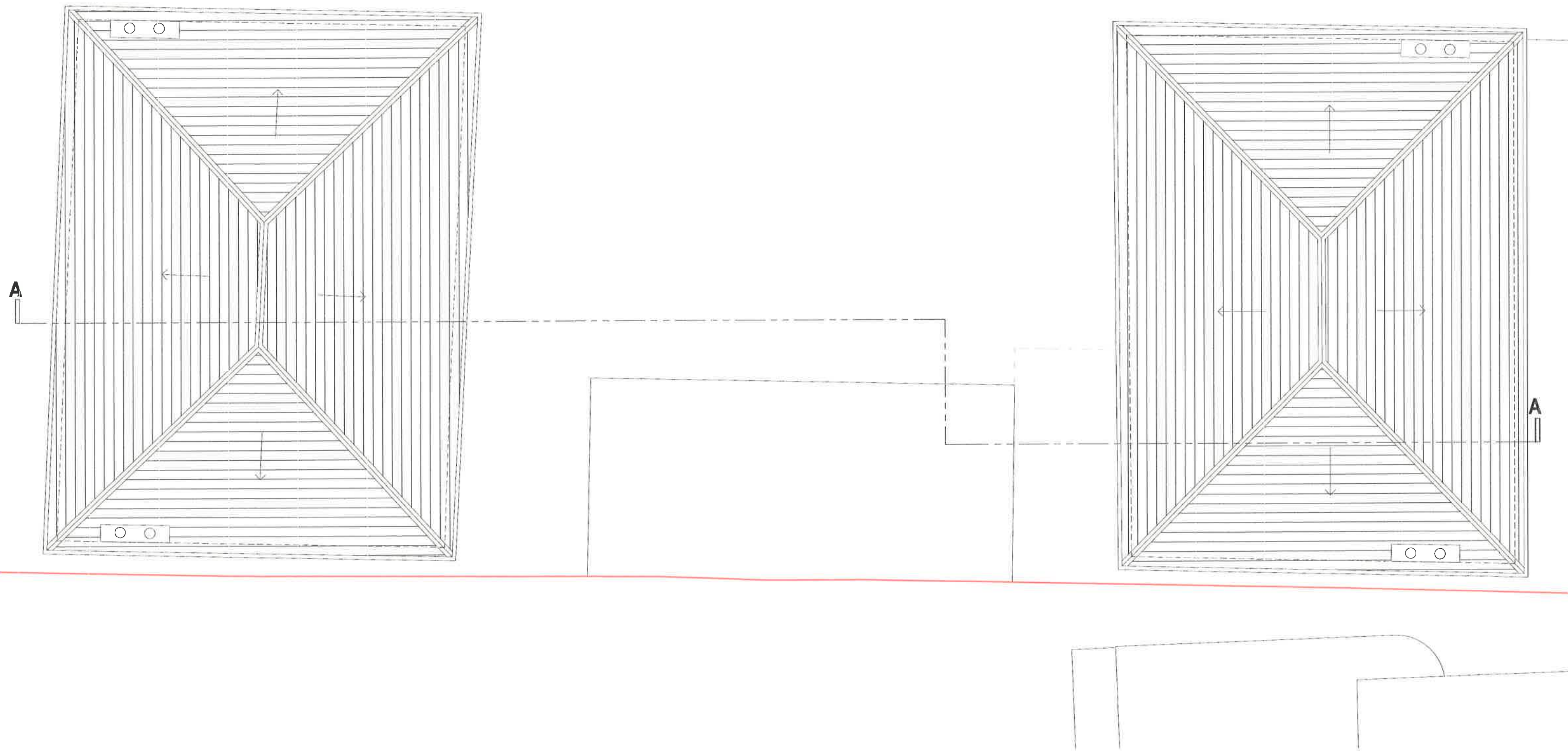
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Drawing Title:  
**PROPOSED ROOF CONVERSION - PROPOSED REAR ELEVATION**

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Drawing Title:  
**PROPOSED ROOF CONVERSION: EXISTING ROOF PLAN**

Date:  
10.07.18

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Drawing No:  
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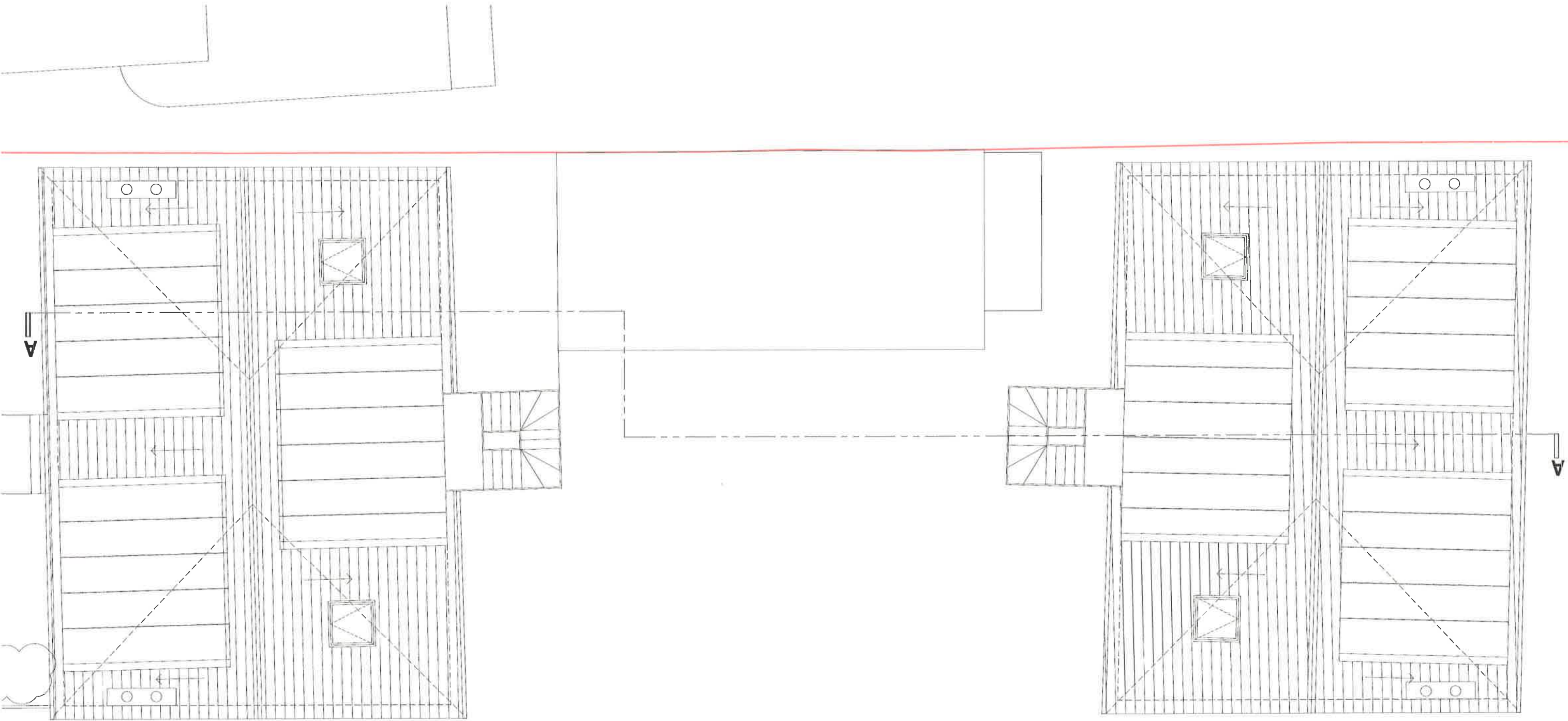
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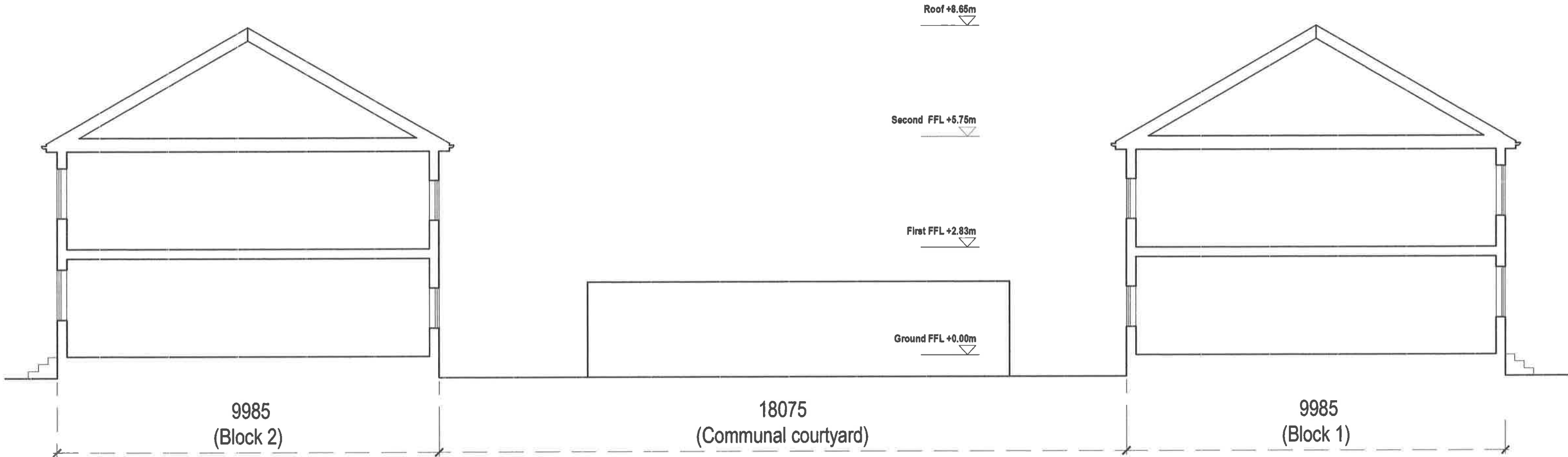


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Drawing Title:  
PROPOSED ROOF CONVERSION - PROPOSED ROOF PLAN  
Drawing No:  
517-104-P1

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10.07.18  
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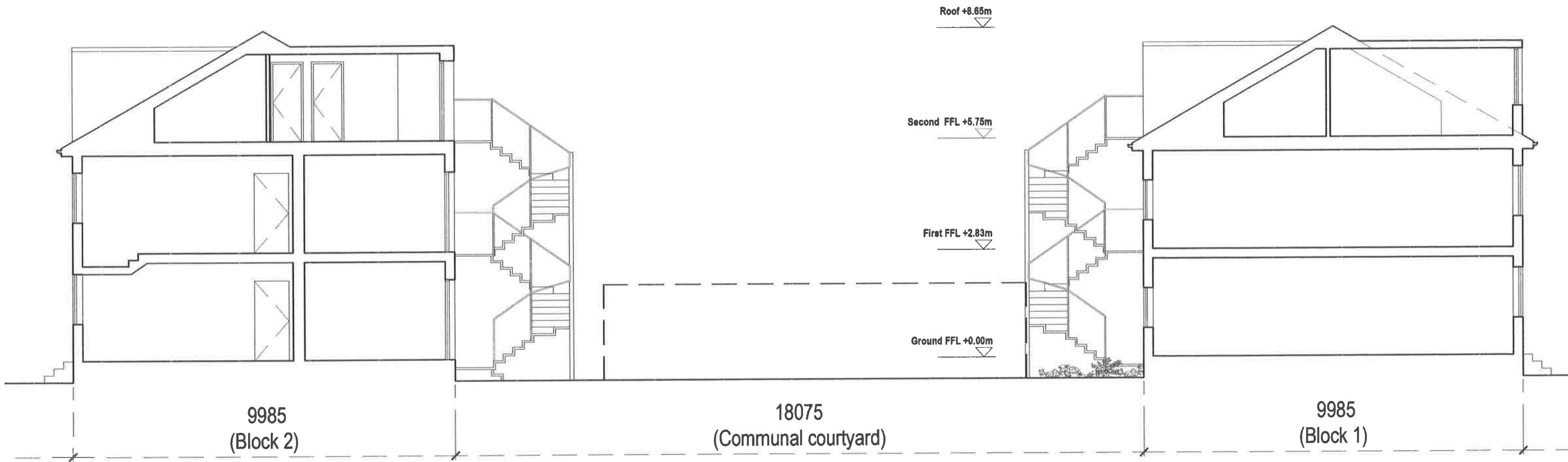
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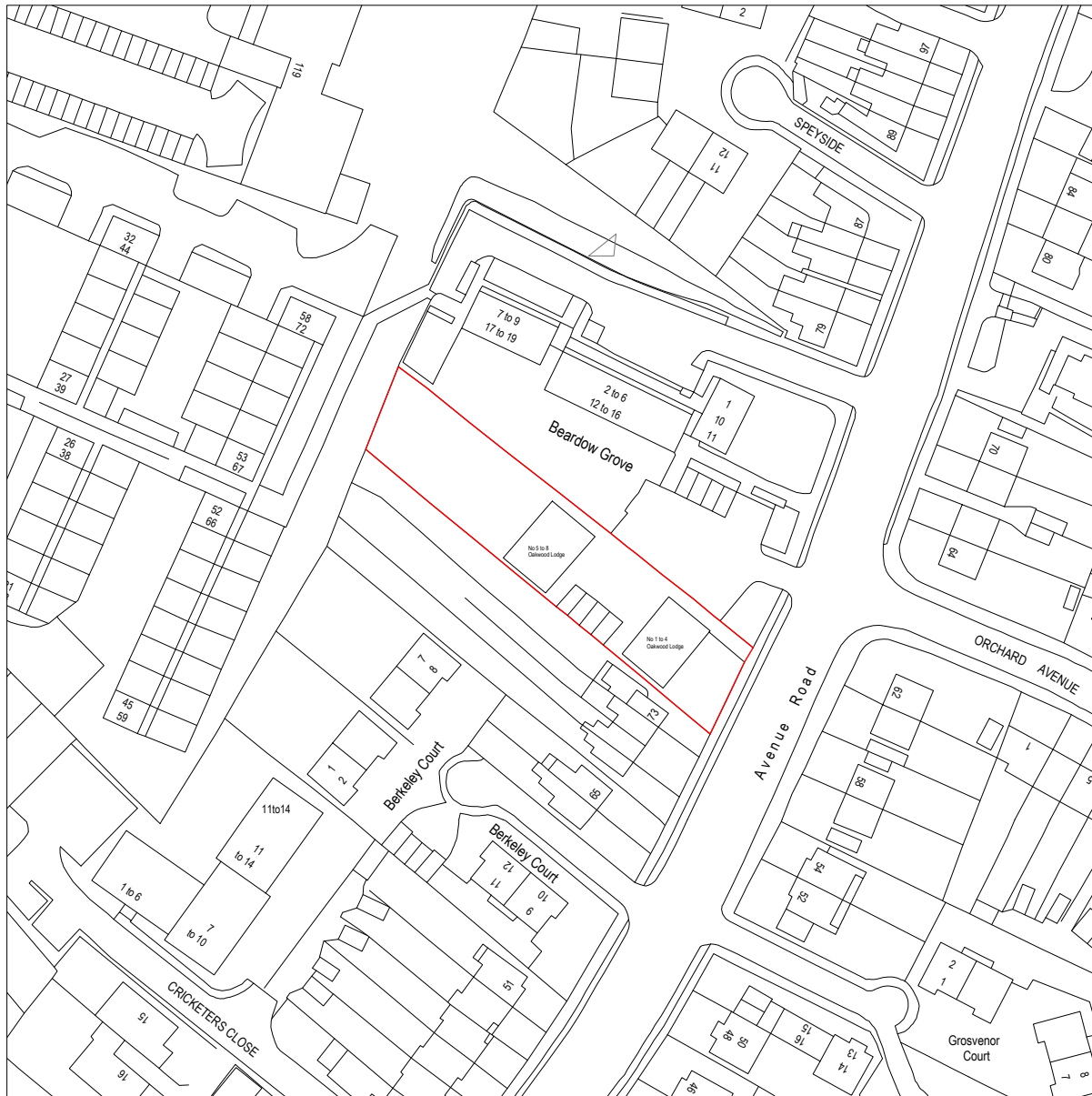
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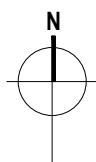


Key:



Application Site

0 12.5 25 50 75m



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Drawing Title:

PROPOSED ROOF CONVERSION - SITE PLAN

Date:

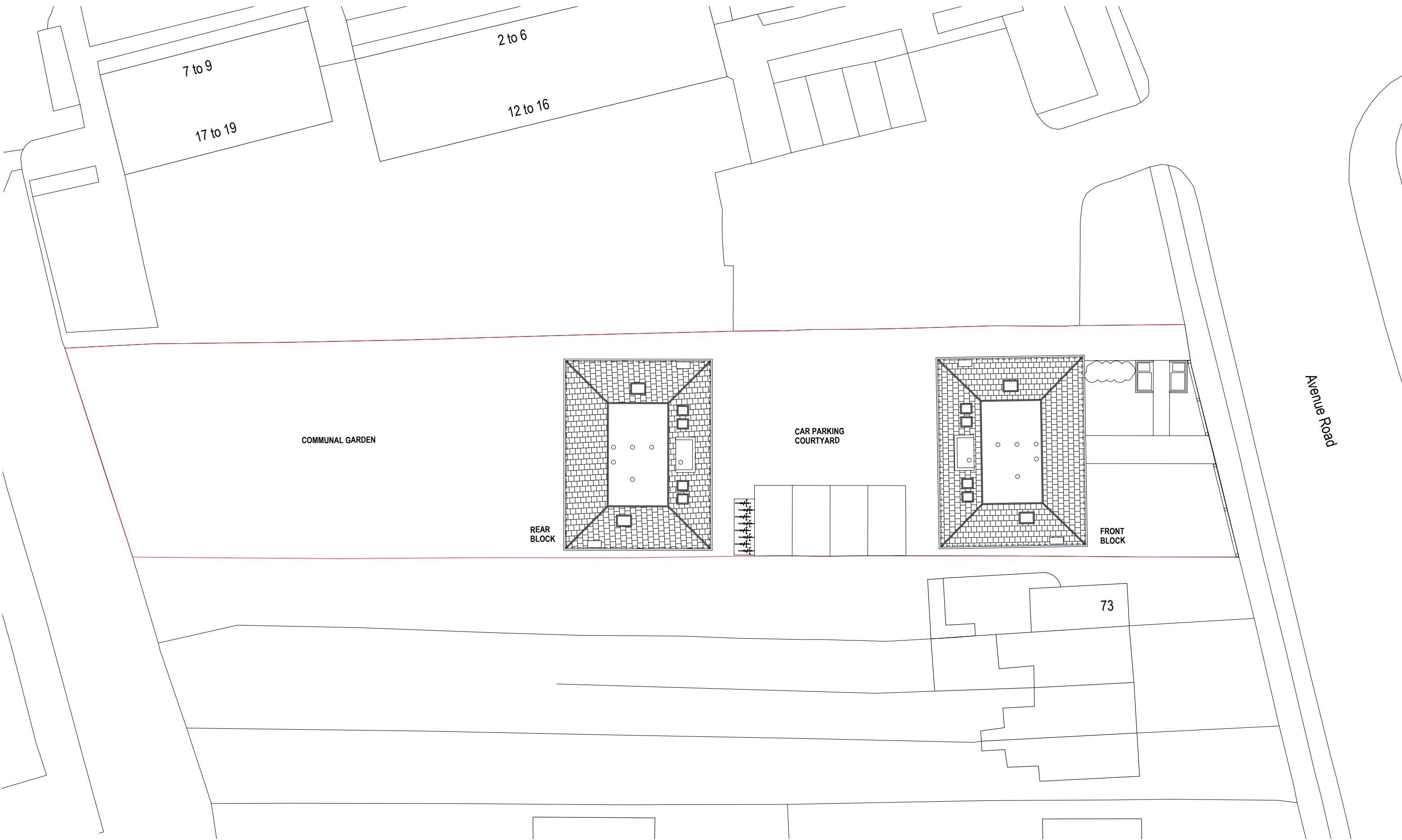
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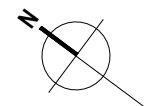
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- General Notes:
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PRELIMINARY



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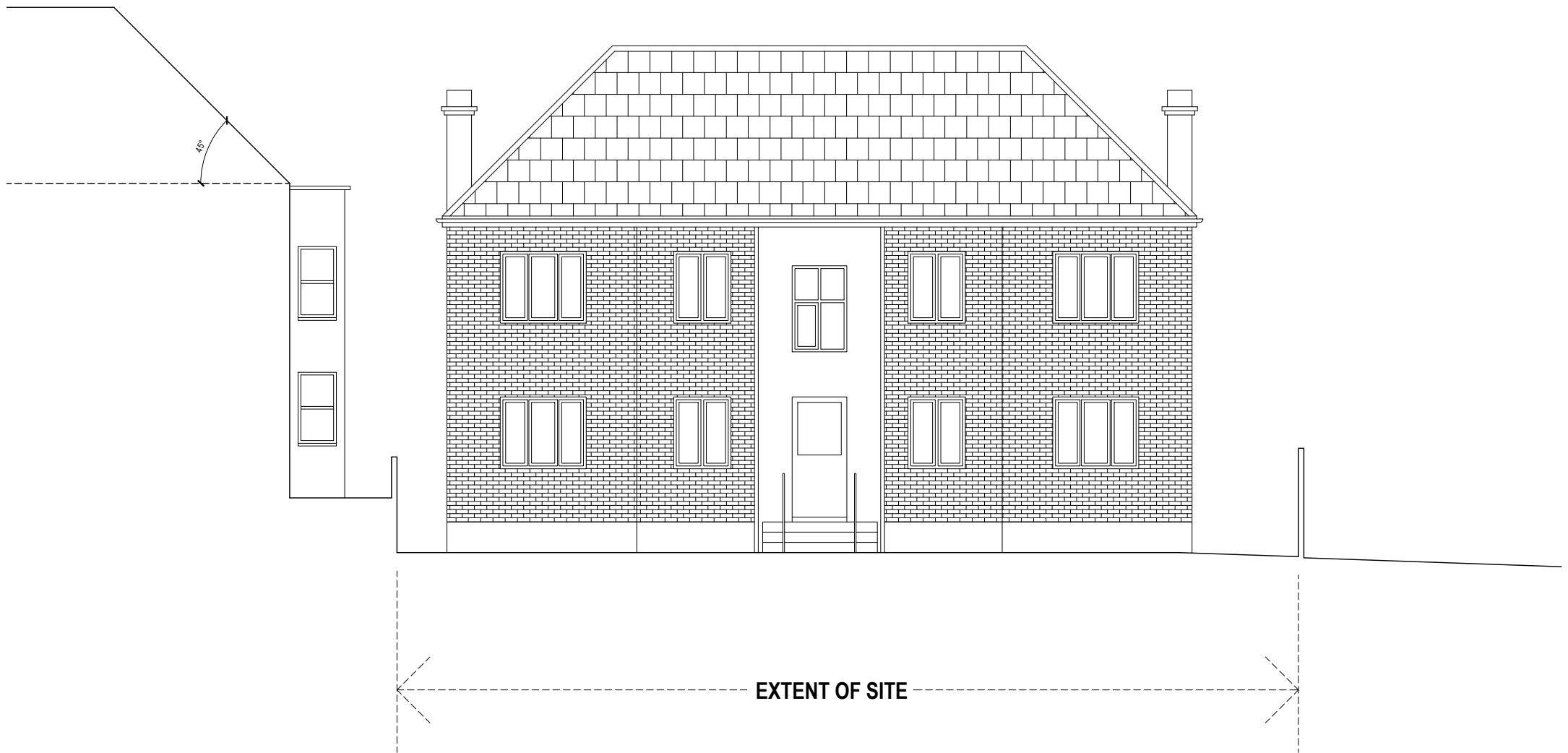
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Drawing Title:  
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Date:  
16.09.20

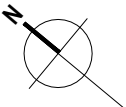
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- General Notes:
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PRELIMINARY



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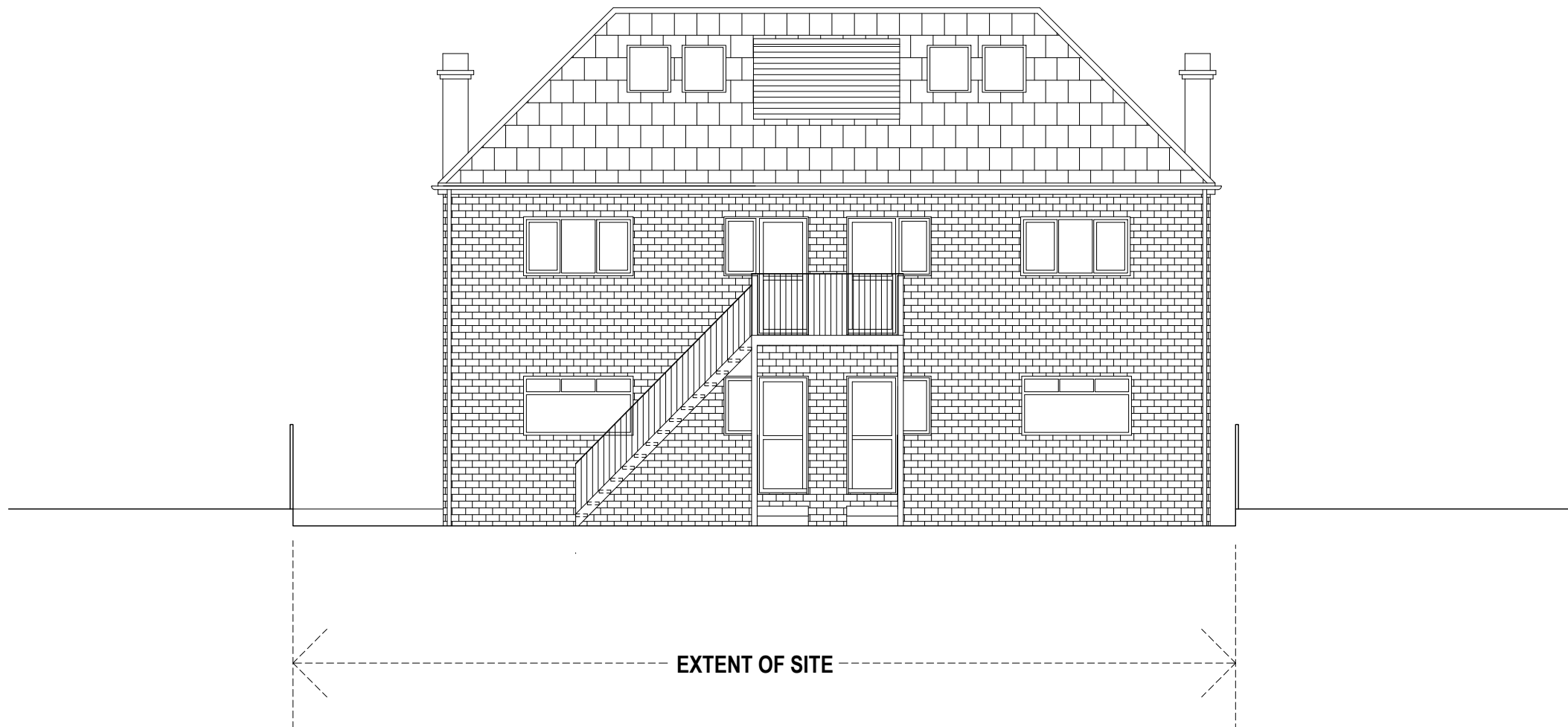
Project:  
OAKWOOD LODGE, AVENUE ROAD, LONDON N14 4DE

Drawing Title:  
PROPOSED ROOF CONVERSION - FRONT ELEVATION

Date:  
16.09.20

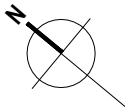
Scale:  
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Drawing No:  
568-102-P1



- General Notes:
1. Please do not scale from this drawing.
  2. All dimensions to be checked on site by the contractor.
  3. All references to drawings refer to current revision of that drawing.
  4. Structural services information shown is indicative only. Refer to consultants drawings for details and setting out.
  5. All work and materials to be in accordance with current applicable statutory legislation and to comply with all relevant codes of practice and British standards.
  6. Please report all drawing errors and omissions to the architect.

PRELIMINARY



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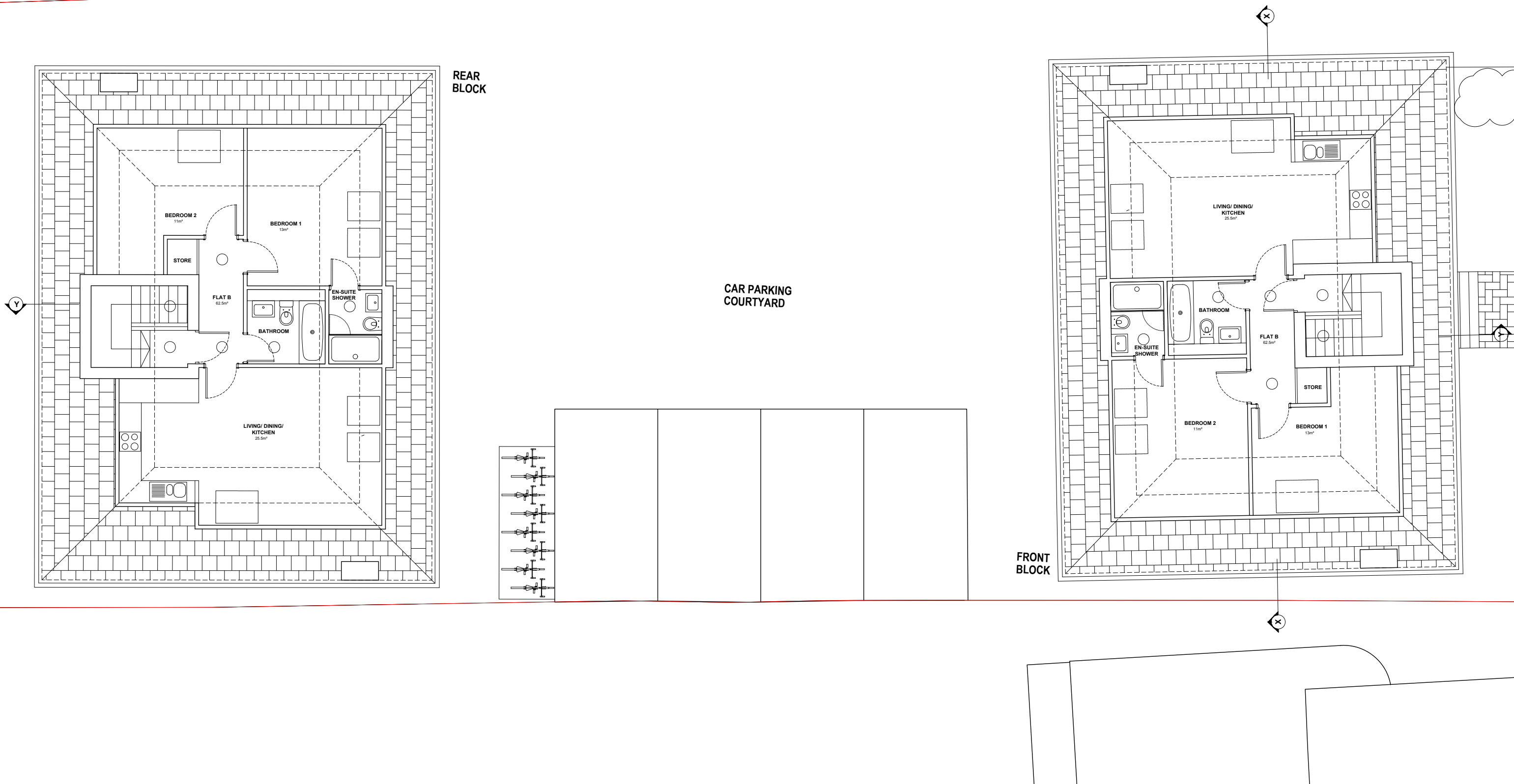
Project:  
OAKWOOD LODGE, AVENUE ROAD, LONDON N14 4DE

Drawing Title:  
PROPOSED ROOF CONVERSION - REAR ELEVATION

Date:  
16.09.20

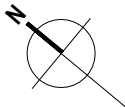
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Drawing No:  
568-104-P1



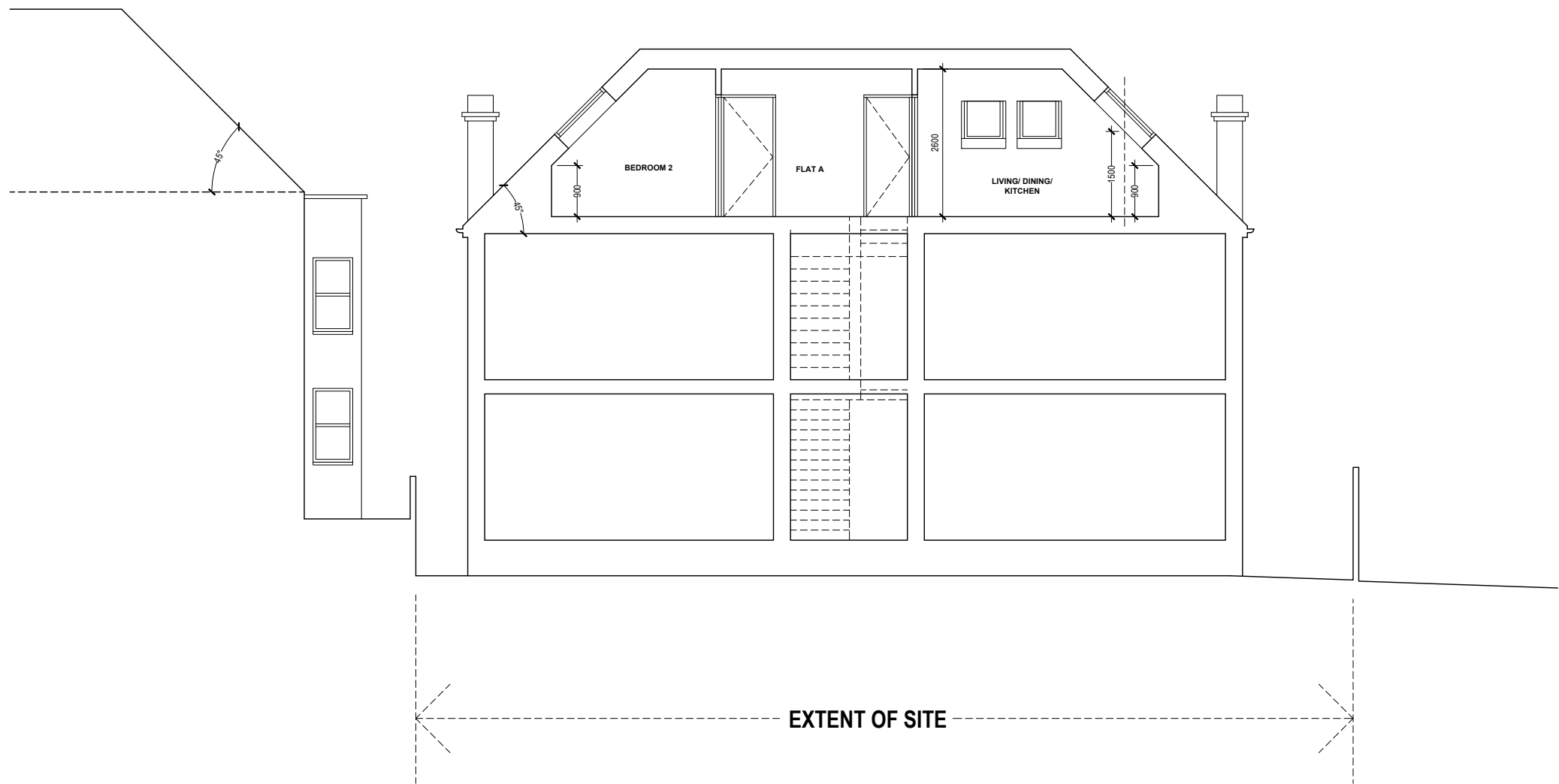
- General Notes:
1. Please do not scale from this drawing.
  2. All dimensions to be checked on site by the contractor.
  3. All references to drawings refer to current revision of that drawing.
  4. Structural services information shown is indicative only. Refer to consultants drawings for details and setting out.
  5. All work and materials to be in accordance with current applicable statutory legislation and to comply with all relevant codes of practice and British standards.
  6. Please report all drawing errors and omissions to the architect.

PRELIMINARY



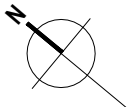
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Project:  
**OAKWOOD LODGE, AVENUE ROAD, LONDON N14 4DE**  
Drawing Title:  
**PROPOSED ROOF CONVERSION - SECOND FLOOR PLAN**  
Date: 16.09.20 Scale: 1:100 @ A3 Drawing No: **568-101-P1**



- General Notes:
1. Please do not scale from this drawing.
  2. All dimensions to be checked on site by the contractor.
  3. All references to drawings refer to current revision of that drawing.
  4. Structural services information shown is indicative only. Refer to consultants drawings for details and setting out.
  5. All work and materials to be in accordance with current applicable statutory legislation and to comply with all relevant codes of practice and British standards.
  6. Please report all drawing errors and omissions to the architect.

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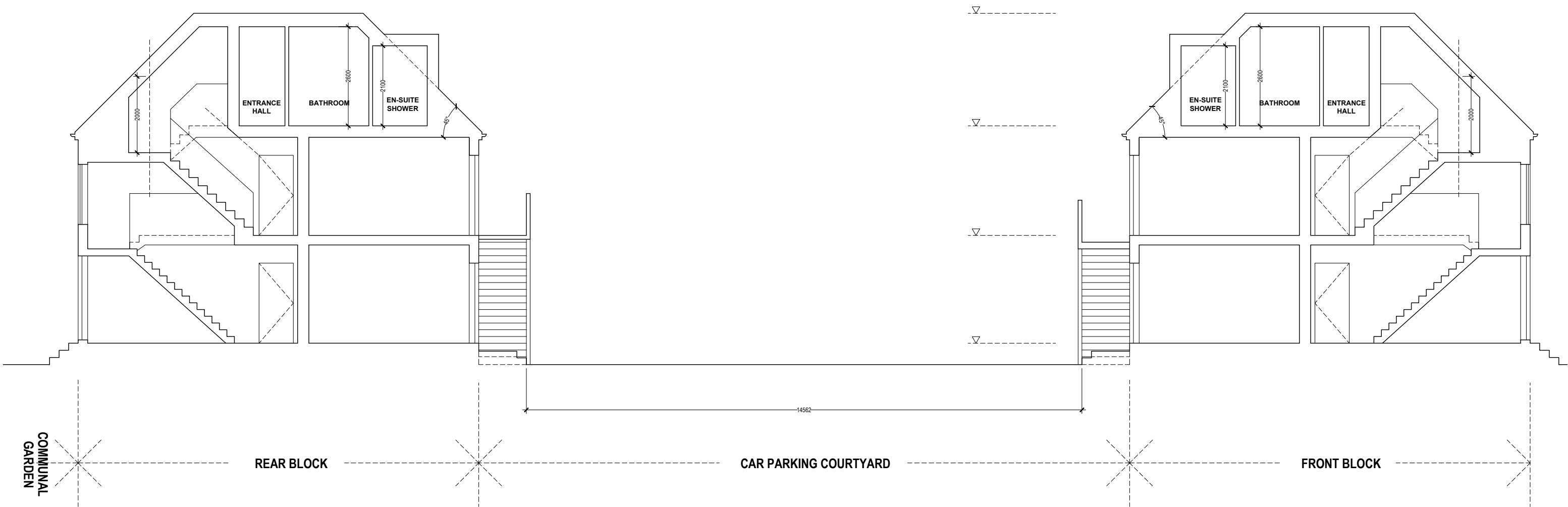
Project:  
OAKWOOD LODGE, AVENUE ROAD, LONDON N14 4DE

Drawing Title:  
PROPOSED ROOF CONVERSION - SECTION X-X

Date:  
16.09.20

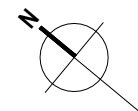
Scale:  
1:100 @ A3

Drawing No:  
568-103-P1



- General Notes:
1. Please do not scale from this drawing.
  2. All dimensions to be checked on site by the contractor.
  3. All references to drawings refer to current revision of that drawing.
  4. Structural services information shown is indicative only. Refer to consultants drawings for details and setting out.
  5. All work and materials to be in accordance with current applicable statutory legislation and to comply with all relevant codes of practice and British standards.
  6. Please report all drawing errors and omissions to the architect.

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Project:  
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Drawing Title:  
**PROPOSED ROOF CONVERSION - SECTION Y-Y**

Date: 16.09.20 | Scale: 1:100 @ A3 | Drawing No: **568-105-P1**



