

**LONDON BOROUGH OF ENFIELD****PLANNING COMMITTEE****Date:** 22 November 2022**Report of**

Head of Planning

**Contact Officers:**Andy Higham  
Gideon Whittingham  
David Maguire**Category**

Minor Application

**Ward**

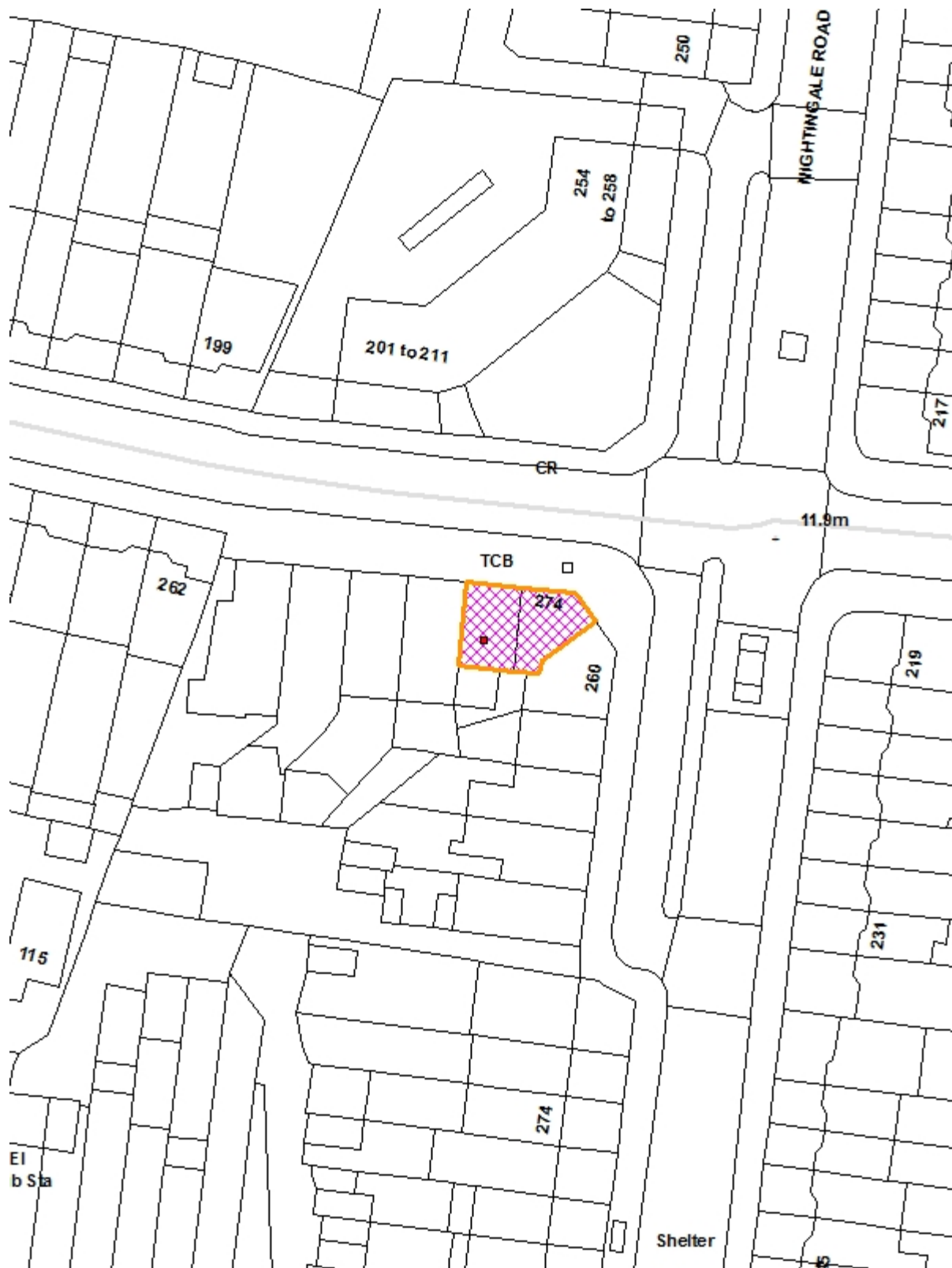
Lower Edmonton

**Councillor Request**

Councillor Guney Dogan

**LOCATION:** 272 St Marys Road, London, N9 8NP**APPLICATION NUMBER:** 22/01739/FUL**PROPOSAL:** Conversion of roof space to create self-contained unit involving 1 rear dormer.**Applicant Name & Address:**Dr Mittal  
Mittal Properties Limited  
45 Boundaries Road  
London  
SW12 8EU**Agent Name & Address:**Mrs Nicola Wallace  
C/O Peter Pendleton & Associates Ltd  
10 Consort House  
Queensway  
London  
W2 3RX**RECOMMENDATION:**

1. That the Head of Development Management be authorised to GRANT planning permission subject to conditions.
2. That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the Recommendation section of this report.



## **1.0 Note for Members:**

- 1.1 Although an application of this scale and nature would normally be determined under delegated authority, the application has been reported to committee for determination at the request of Councillor Guney Dogan due to the level of local interest.

## **2.0 Recommendation**

- 2.1 That the Head of Development Management be authorised to GRANT planning permission subject to the following conditions:

1. Time limit
2. Approved plans
3. Finishing materials
4. No additional fenestration
5. Refuse
6. Water consumption
7. Energy statement
8. Energy Performance Certificate (EPC)
9. Cycle parking
10. Flood management and evacuation plan

- 2.2 That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the 'Recommendation' section of this report.

## **3.0 Executive Summary**

- 3.1 The applicant seeks permission for the conversion of roof space to create a self-contained unit involving 1 rear dormer.

- 3.2 The scheme is considered acceptable for the following reasons:

- 1) The proposal would add a new unit of accommodation to the Borough's housing stock.
- 2) The quality of accommodation that would be provided is of an acceptable standard.
- 3) There is no identified adverse impact on neighbouring residential amenity.
- 4) There are no identified adverse effects on highway safety or traffic generation.
- 5) The reasons for the refusal of the previous application (see relevant history) on this site have been acceptably overcome in this revised submission.

#### 4.0 Site and Surroundings

- 4.1 The application site comprises a mid-terrace property with a newsagent / grocery shop on the ground floor and a residential unit above. The ground floor shop is part of an established parade of local shops. This application is for the conversion of the roof space above the existing first-floor residential unit, to form an additional residential unit.

*Image 1: Front elevation of 272 St Marys Road, as outlined in red*



- 4.2 The access to the existing first floor flat is off Nightingale Road, via an alleyway beside the Nightingale Café at 268 Nightingale Road. This alleyway leads to an external metal staircase which leads up to the entrances to flats including numbers 262A Nightingale Road and 272 St Marys Road.

*Image 2: Pedestrian access route to existing flats and proposed new flat illustrated by green arrow and dotted markers.*



4.3 The site is situated in Flood Zone 2.

4.4 It is not a listed building and it does not lie within a Conservation Area.

4.5 The applicant has signed ownership 'Certificate A' asserting that they are the sole owner of all of the land to which this application relates.

## 5.0 Proposal

5.1 The applicant seeks permission for the conversion of the roof space to create a self-contained residential unit involving 1 rear dormer.

5.2 The applicant has stated that the roof space subject to this proposal has an existing floorspace of 52 square metres and that it would provide a 1-bedroom unit as a result.

## 6.0 Relevant Planning History

6.1 21/03769/FUL - Roof conversion together with the erection of 2 dormers to create an additional dwelling – Refused, 03/03/22.

Reasons for refusal:

- 1) *The proposed loft unit by virtue of its inadequate floorspace, limited outlook and lack of private amenity space would represent a substandard and inappropriate form of accommodation which would not be capable of meeting the reasonable needs of occupiers and would be detrimental to the residential amenities of future occupants. The proposal is thereby contrary to Policy D6 of the London Plan, Policy CP4 of the Enfield Plan Core Strategy, Policies DMD5, DMD8 and DMD9 of the Development Management Document, the Mayor of London Housing Supplementary Planning Guidance and the guidance contained within the National Planning Policy Framework (2021).*
- 2) *Insufficient information has been submitted to fully demonstrate the provision of cycle parking to serve both flats, including adequate access. The proposal is therefore contrary to policies T5 of the London Plan (2021) and DMD45 of the Development Management Document (2014).*

3) *The rear dormers to serve the proposed residential unit would give rise to an unacceptable loss of privacy and overlooking to habitable windows serving no. 262a Nightingale Road, contrary to policies DMD8 and DMD10 of the DMD and CP30 of the Core Strategy.*

6.2 There is also an enforcement history on this site. There are two historic enforcement cases which were closed in 2016, and one open enforcement enquiry which alleges that a conversion has been undertaken, for which this application seeks to regularise and thereby potentially close the enforcement investigation. It should be noted that enforcement action is intended to be remedial rather than punitive and should always be commensurate with the breach of planning control to which it relates. Therefore, an open investigation or enforcement history on a site would not form a material planning consideration.

## 7.0 Consultation

### 7.1 Public

Number notified	27
Consultation start date	16.06.22
Consultation end date	10.07.22
Representations made	1
Objections	1
Other / support comments	0

In summary, the objection raises concerns that the conversion of the roof space has already been completed and occupied and that a large number of people have been entering and exiting the property and using the shared walkways and access routes. Concern is raised by the objector in relation to poor quality accommodation at the property and to the approach taken to letting the property by the landlord.

### 7.2 Internal and third-party consultees

<u>Consultee</u>	<u>Objection</u>	<u>Comment</u>
Environmental Health	No	There is unlikely to be a negative environmental impact. There are no concerns regarding air quality, noise or contaminated land.
SuDS	No	The developers must submit a site-specific FRA to ensure that development is safe from flooding and will not increase flood risk elsewhere.  A Flood Management / Evacuation Plan must be provided.
Traffic and Transportation	No	The proposed development is unlikely to have a significant impact on street parking provision and makes appropriate provision for access and servicing having regard to policies DMD 8 and 45 and London Plan policy T6
Thames Water	No	No comments
Cadent Gas	No	No comments
Housing Enforcement	No	Officers have confirmed that there is not a licence for an HMO at this address.

## 8.0 Relevant Policies

- 8.1 Section 70(2) of the Town and Country Planning Act 1990 requires the Committee have regard to the provisions of the development plan so far as material to the application: and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the Enfield Core Strategy (2010); the Enfield Development Management Document (2014); and The London Plan (2021).

### National Planning Policy Framework (2021)

- 8.3 The National Planning Policy Framework sets out at Para 11 a presumption in favour of sustainable development. For decision taking this means:
- “(c) approving development proposals that accord with an up-to date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.4 Footnote (8) referenced here advises “This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years.”
- 8.5 In the three years to 2021 Enfield only met 67% of its housing requirement and this means we now fall into the “presumption in favour of sustainable development” category.
- 8.6 This is referred to as the “tilted balance” and the National Planning Policy Framework (NPPF) states that for decision-taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole – which also includes the Development Plan. Under the NPPF paragraph 11(d) the most important development plan policies for the application are deemed to be ‘out of date’. However, the fact that a policy is considered out of date does not mean it can be disregarded, but it means that less weight can be applied to it, and applications for new homes should be considered with more weight (tilted) by a planning committee. The level of weight given is a matter of planning judgement and the statutory test continues to apply, that the decision should be, as section 38(6) of the Planning and



Compulsory Purchase Act 2004 requires, in accordance with the development plan unless material considerations indicate otherwise.

#### The London Plan (2021)

- 8.7 The London Plan is the overall strategic plan for London setting out an integrated economic, environmental, transport and social framework for the development of London for the next 20-25 years. The following policies of the London Plan are considered particularly relevant:

GG1 Building strong and inclusive communities  
GG2 Making the best use of land  
GG3 Creating a healthy city  
GG5 Growing a good economy  
GG6 Increasing efficiency and resilience  
D1 London's form, character and capacity for growth  
D3 Optimising site capacity through the design-led approach  
D4 Delivering good design  
D6 Housing quality and standards  
D11 Safety, security and resilience to emergency  
D12 Fire safety  
D14 Noise  
H1 Increasing housing supply  
SI12 Flood risk management  
T5 Cycling  
T6.1 Residential parking

#### Core Strategy (2010)

- 8.8 The Core Strategy was adopted in November 2010 and sets out a spatial planning framework for the development of the Borough through to 2025. The document provides the broad strategy for the scale and distribution of development and supporting infrastructure, with the intention of guiding patterns of development and ensuring development within the Borough is sustainable. The following is considered particularly relevant:

CP2 Housing supply and locations for new homes  
CP4 Housing quality  
CP5 Housing types  
CP25 Pedestrians and cyclists  
CP28 Managing flood risk through development  
CP30 Maintaining and improving the quality of the built and open environment  
CP32 Pollution  
CP46 Infrastructure contributions

#### Development Management Document (2014)

- 8.9 The Council's Development Management Document (DMD) provides further detail and standard based policies by which planning applications should be determined. Policies in the DMD support the delivery of the Core Strategy.

The following local plan Development Management Document policies are considered particularly relevant:

DMD3 Providing a mix of different sized homes  
DMD5 Residential conversions  
DMD6 Residential character  
DMD8 General standards for new residential development  
DMD9 Amenity space  
DMD13 Roof extensions  
DMD37 Achieving high quality and design-led development  
DMD38 Design process  
DMD45 Parking standards and layout  
DMD47 Access, new roads and servicing  
DMD51 Energy efficiency standards  
DMD56 Heating and cooling  
DMD58 Water efficiency  
DMD59 Avoiding and reducing flood risk  
DMD60 Assessing flood risk  
DMD 61 Managing surface water  
DMD 68 Noise  
DMD Appendix 7 London Plan parking and cycle standards

#### 8.10 Other Material Considerations

National Planning Practice Guidance (NPPG, 2018)  
Nationally Described Space Standard (NDSS, 2015)  
London Plan Housing, Supplementary Planning Guidance (2016)  
Enfield 'Waste and Recycling Storage' Planning Guidance (2019)

### 9.0 **Assessment**

The main issues arising from this proposal to consider are:

1. Principle of development
2. Quality of accommodation
3. Character and appearance
4. Impact upon the amenity of neighbours
5. Transportation and Parking
6. Flood risk

#### Principle of development

- 9.1 The NPPF and London Plan advise that local authorities should seek to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy CP 5 of the Core Strategy seeks to ensure that new developments offer a range of housing sizes to meet housing needs whilst ensuring that the quality and character of existing neighbourhoods is also respected. There is greatest need in the Borough for family sized housing with 3+ bedrooms, however the Borough requires housing of all sizes and an additional dwellinghouse would add to the Borough's housing stock and would contribute to the strategic objectives of the Borough. The addition of a further residential unit to the Borough's housing stock is deemed acceptable in principle, subject to further planning considerations as outlined below.

#### Quality of accommodation

- 9.2 The gross internal area of the proposed flat is stated to be 52 square metres. This exceeds the minimum London Plan floorspace standard of 37 square metres for a

studio / one single person one bedroom flat with a shower room. It should also be noted that any area with a headroom of less than 1.5 metres is not counted within the Gross Internal Area unless used solely for storage. A section drawing has been provided on the submitted plans which shows the internal height of the loft. The submission shows that there would be reasonable space to stand in the central areas of the flat. (1.8 metres, or 5' 11", at the point shown with the figure looking out of the Velux Cabrio rooflight). At its highest point, internally, the floor-to-ceiling height would reach circa 3 metres. The proposal contains a single bedroom with a floor area of 8 square metres, providing one bedspace. According to the housing quality standards outlined in London Plan policy D6, a single bedroom must have a floor area of at least 7.5 square metres and be at least 2.15 metres wide. The single bedroom proposed here meets this requirement. The proposed flat and bedroom therefore meet the required space standards.

- 9.3 The proposed single bedroom flat would also receive sufficient daylight / sunlight to the bedroom and have outlook via the boxed dormer window. The living / kitchen / dining space would receive sufficient daylight / sunlight due to the installation of the proposed Velux Cabrio rooflight. This would also provide outlook, albeit at an oblique angle.
- 9.4 Due to the site's constraints, there would be a lack of private amenity space for this flat. This occurrence is however the case for all flats on this parade at upper floor level. It is also not apparent how private amenity space could practically be delivered on this site. Officers take the view that given that the flat is of a suitable gross internal area and affords a good quality of accommodation, that, on its own, the failure to provide sufficient private amenity space as a result of the site's constraints should not be used as a reason to refuse the application. The proposed Velux Cabrio balcony is considered to provide increased outlook, however officers are of the view that it would not constitute nor substitute the provision of private amenity space. Officers also consider that the provision of another form of balcony on this roof would likely be inappropriate in terms of its impact upon the character and appearance of the existing building and in terms of the impact upon the amenity of neighbours. Where appropriate and suitable, officers would expect to see residential units delivered with sufficient private amenity space, however, in this case it is not clear how this could be secured reasonably and there is also a balance to be struck in that the conversion would provide an additional residential unit for the borough's housing stock, which would be welcomed.
- 9.5 It is worth noting that the existing flat at upper floor level that would see its loft space turned into a self-contained flat would retain a good quality of accommodation. The proposed plans demonstrate that this existing first floor flat would retain two appropriately wide double bedrooms. The gross internal area of this flat would slightly exceed the minimum London Plan standard of 70 square metres for a property of this nature. The flat would benefit from adequate daylight/sunlight, outlook and natural ventilation for which there would be no external changes to the appearance of this flat.

#### Character and appearance

- 9.6 The number of proposed dormer windows has been reduced from two to one following officer advice and the scale of the dormer window that has now been proposed is also reduced. The insets achieved acceptably comply with policy DMD 13. There are dormer windows on the nearby property at 262A Nightingale Road. These are larger than the dormer window that is proposed with this application and these were consented in 2008, prior to the adoption of the current development plan,

however this is not considered to harm the character of the property. The proposed dormer window would be situated on the back of the building and overall, no objection is raised to the character and appearance of this aspect of the proposal. It is not overly dominant and is acceptably in keeping with the character and appearance of the building.

- 9.7 Velux Cabrio rooflights are a hybrid product somewhere between rooflight and a small balcony and are somewhat greater in size than a typical rooflight. The Velux Cabrio would not, however, have a fixed external platform but it would provide much needed ventilation, daylight and outlook to the kitchen / living / dining space in the flat. It is considered that the impact on the street scene would be limited, especially when it is in the closed position. Officers consider that in this location the Velux Cabrio would provide a useful practical function and that it would not be harmful to the character and appearance of the street scene in this location. As a result, no objection is raised to this aspect of the proposal.

#### Impact upon the amenity of neighbours

- 9.8 The proposed dormer window would have a 'boxed window' that would restrict lateral views. This window is relatively small, yet it would provide a degree of outlook from the bedroom. The boxed nature of the proposed dormer window means that the occupant would not be able to stand right up against the external facing pane of glass. The submitted plans are illustrated to show the restrict angle of outlook that the proposed dormer window would provide. Therefore, officers are satisfied that this window would not result in the direct overlooking of the windows of neighbouring property at 262A Nightingale Road to any extent that would result in a harmful loss of privacy for these or any other neighbours. The Velux Cabrio window would look out towards St Marys Road and would not harmfully impact upon the amenity of neighbours. Environmental Health officers were consulted on this proposal and they have raised no objection.
- 9.9 It is noted that one neighbour objection has been received which raises concerns in relation to previous overcrowding at this address and to the past approach of the landlord. The applicant is applying for planning permission to convert the loft space at 272 St Marys Road into a single bedroom flat. This application must therefore be assessed on its merits presented before officers, as opposed to a punitive system based on the perceived past approach of any one particular landlord. Such a matter would also not form a material planning consideration.

#### Transportation and parking

- 9.10 Traffic and Transportation officers have stated that given the scale of the proposed development it is unlikely to have a significant impact on street parking provision. They also state that it makes appropriate provision for access and servicing having regard to policies DMD 8 and 45 and London Plan policy T6. Policy compliant cycle storage provision will be required by condition.

#### Flood Risk

- 9.11 The site lies within Flood Zone 2. As the proposal relates to works at first and second floor level, the development is less susceptible to flooding and a Flood Risk Assessment has not been required of the applicants in this instance.

#### Previous Planning Decisions

9.12 This application (ref:22/01739/FUL) for the 'Conversion of roof space to create self-contained unit involving 1 rear dormer' has been designed to address the reasons of the previously refused application (21/03769/FUL) for the 'Roof conversion together with the erection of 2 dormers to create an additional dwelling', as cited in the 'Relevant Planning History' section above.

9.13 This proposal provides an appropriate form of accommodation in compliance with the required space standards, secures adequate cycle parking provision and would retain existing levels of neighbouring amenity, contrary to the previous application, and it is considered for the reasons outlined above that this proposal has overcome the previous reasons for refusal.

## **10.0 Community Infrastructure Levy (CIL)**

10.1 The proposed development would create a new residential unit and would therefore be liable to pay CIL at borough and mayoral levels, the applicable borough CIL Zone is the Lower Rate Eastern Zone (£40 per sqm) and Zone 2 for Mayoral (MCIL2, £60 per sqm).

## **11.0 Public Sector Equalities Duty**

11.1 In line with the Public Sector Equality Duty the council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. Section 149 of the Act requires public authorities to have due regard to several equality considerations when exercising their functions including decision making on planning applications. These considerations include: Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; Advance equality of opportunity between persons who share a relevant protected characteristic (explained in detail below) and persons who do not share it; Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.2 The main objective of the duty has been to ensure public policies and programmes are implemented fairly, in particular with regard to their impact on the protected characteristics identified above. In making this recommendation, due regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, marriage / civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

11.3 When determining the planning application (and thereby accounting for the representations resulting from public consultation), the Council has considered the potential effects of the proposed development on those with protected characteristics as defined under the Equality Act 2010. In doing this, the Council has had due regard to equality considerations and attribute appropriate weight to such considerations. In providing the recommendation to Members that planning consent should be granted, officers have considered equalities impacts in the balance, alongside the benefits arising from the proposed development. The Council has also considered appropriate mitigation to minimise the potential effects of the proposed development on those with protected characteristics.

11.4 There are no statutory or regulatory requirements for the form or content of an equalities assessment. The scale and significance of such impacts cannot always be quantified, and it is common to address this through descriptive analysis of impacts and identifying whether such impacts are adverse or beneficial. The key elements of

the Proposed Development which have an impact that could result in an equalities effect include the design and physical characteristics of the proposals subject to the planning application. Officers do not consider there would be a disproportionate equalities effect.

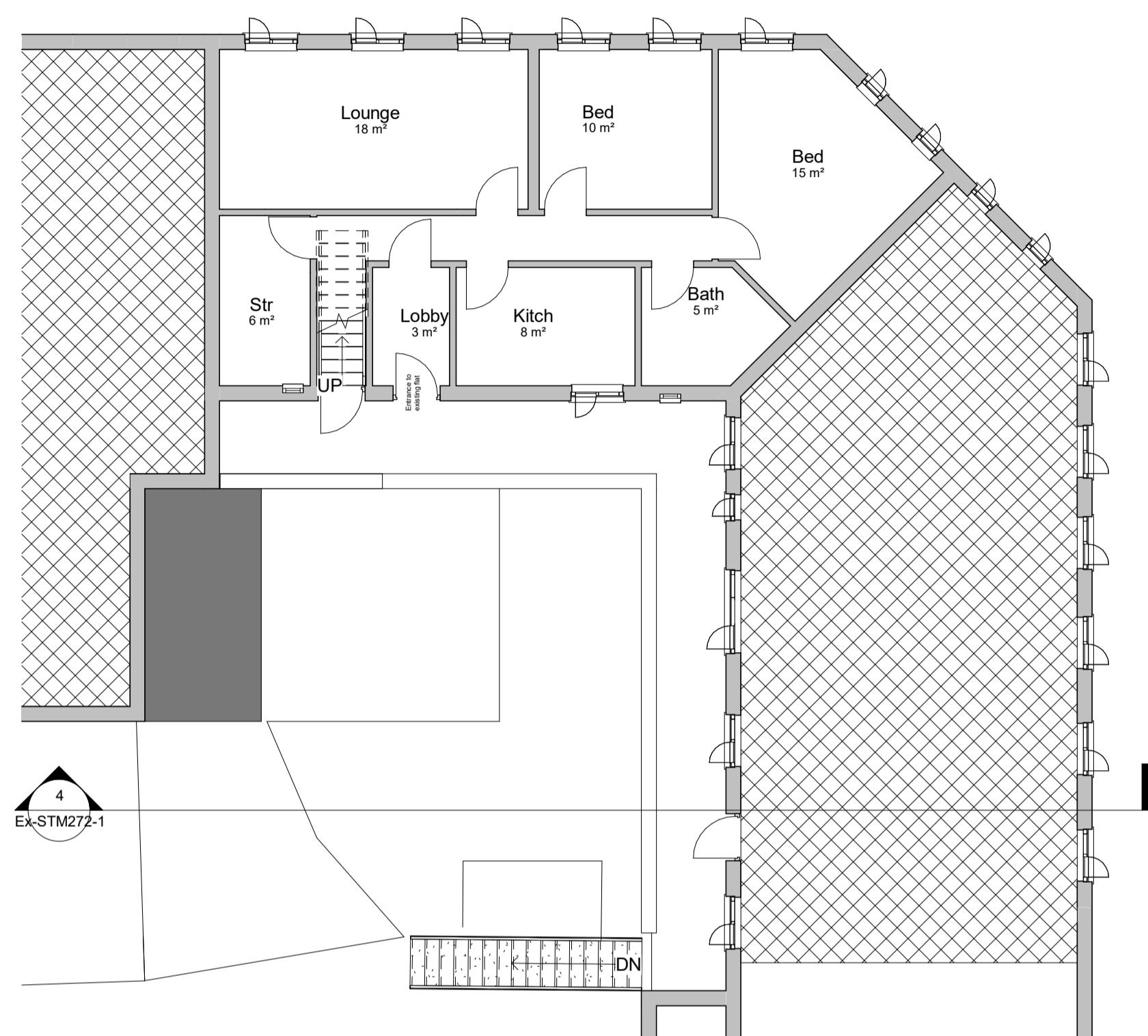
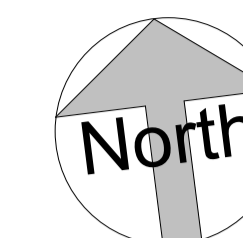
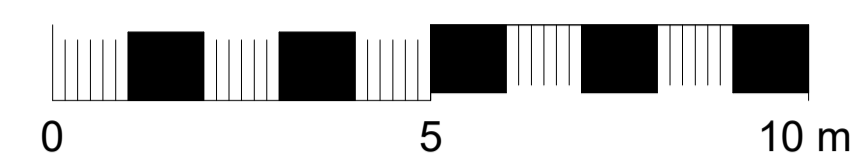
## **12.0 Conclusion and Recommendation**

- 12.1 The starting point for the determination of any planning application is the development plan. Paragraph 11(d) of the NPPF, and the application of the tilted balance means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, which also includes the Development Plan. Moreover, planning permission should be approved unless “the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”.
- 12.2 Having regard to the assessment in this report, the development would provide an additional unit of accommodation. This would contribute towards the Borough’s strategic objectives in terms of delivering new homes. The quality of accommodation that this single bedroom flat would provide is acceptable, based on the up-to-date housing quality standards outlined in The London Plan (2021). The development would not result in the harmful overlooking of neighbours nor would it result in harm to the amenity and living conditions of neighbours.
- 12.3 It is acknowledged that the consideration of this report has involved some balanced judgements, for example in relation to amenity space provision and the use of a Velux Cabrio window. Yet, it is considered that the form, design and appearance of development would not be significantly dissimilar to development nearby, for example at 262A Nightingale Road, and thus it would acceptably relate with the character of the surrounding area.
- 12.4 The above assessment against the development plan policies has produced the following conclusion:
- The proposal would provide one new dwelling with an acceptable standard of accommodation that would contribute to the housing stock in the borough.
  - The proposed development is considered appropriate in form and design and would not result in detrimental harm to the character and appearance of the locality.
  - The proposal, by virtue of its form and small scale, would not harm the amenity of occupying and neighbouring residents.
  - There are no identified adverse effects on highway safety or traffic generation.
  - The reasons for the refusal of a previous planning application on this site have been acceptably overcome by this current application.
- 12.5 Having regard also to the mitigation secured by the recommended conditions and the presumption in favour of sustainable development it is considered that the benefits of the development would outweigh any identified impacts. When assessed against the

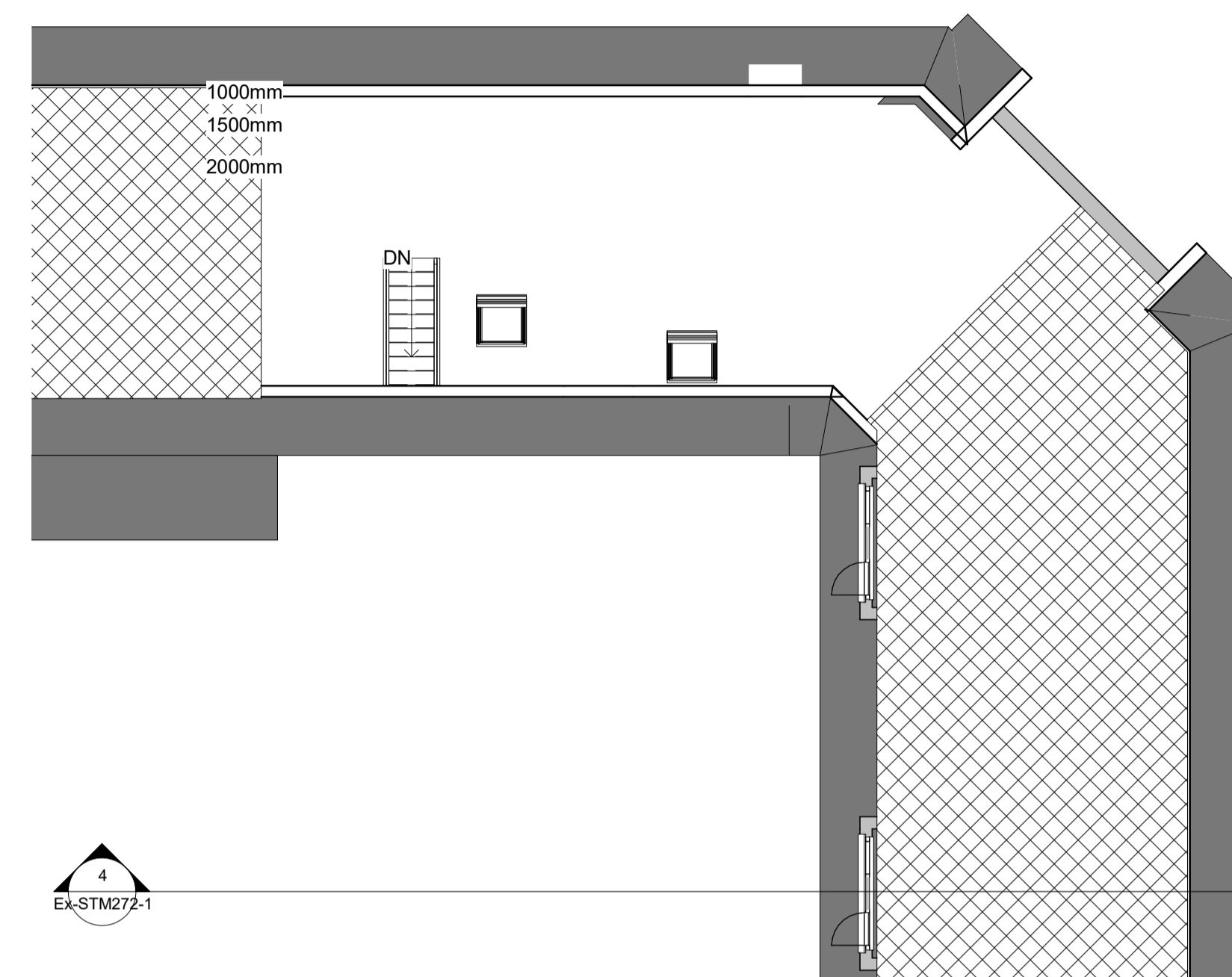
suite of relevant planning policies it is considered that planning permission should be granted subject to conditions.



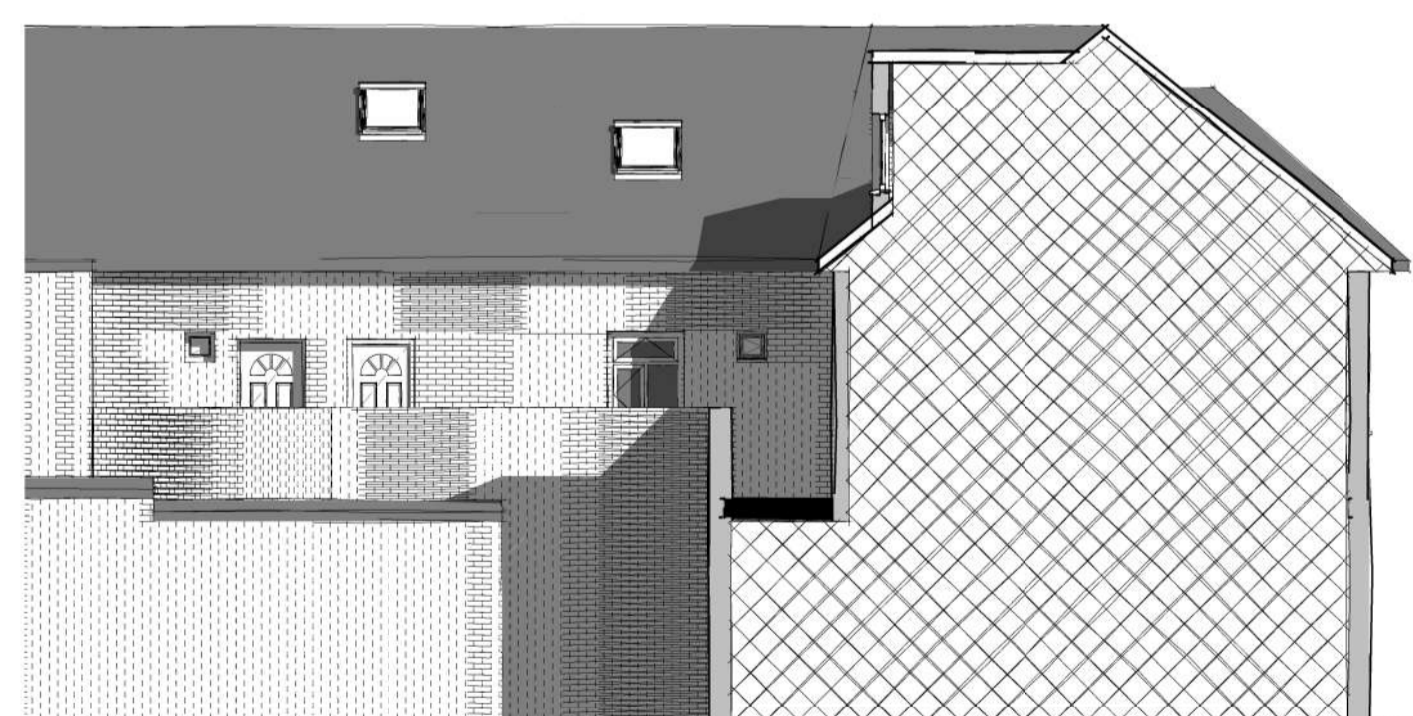
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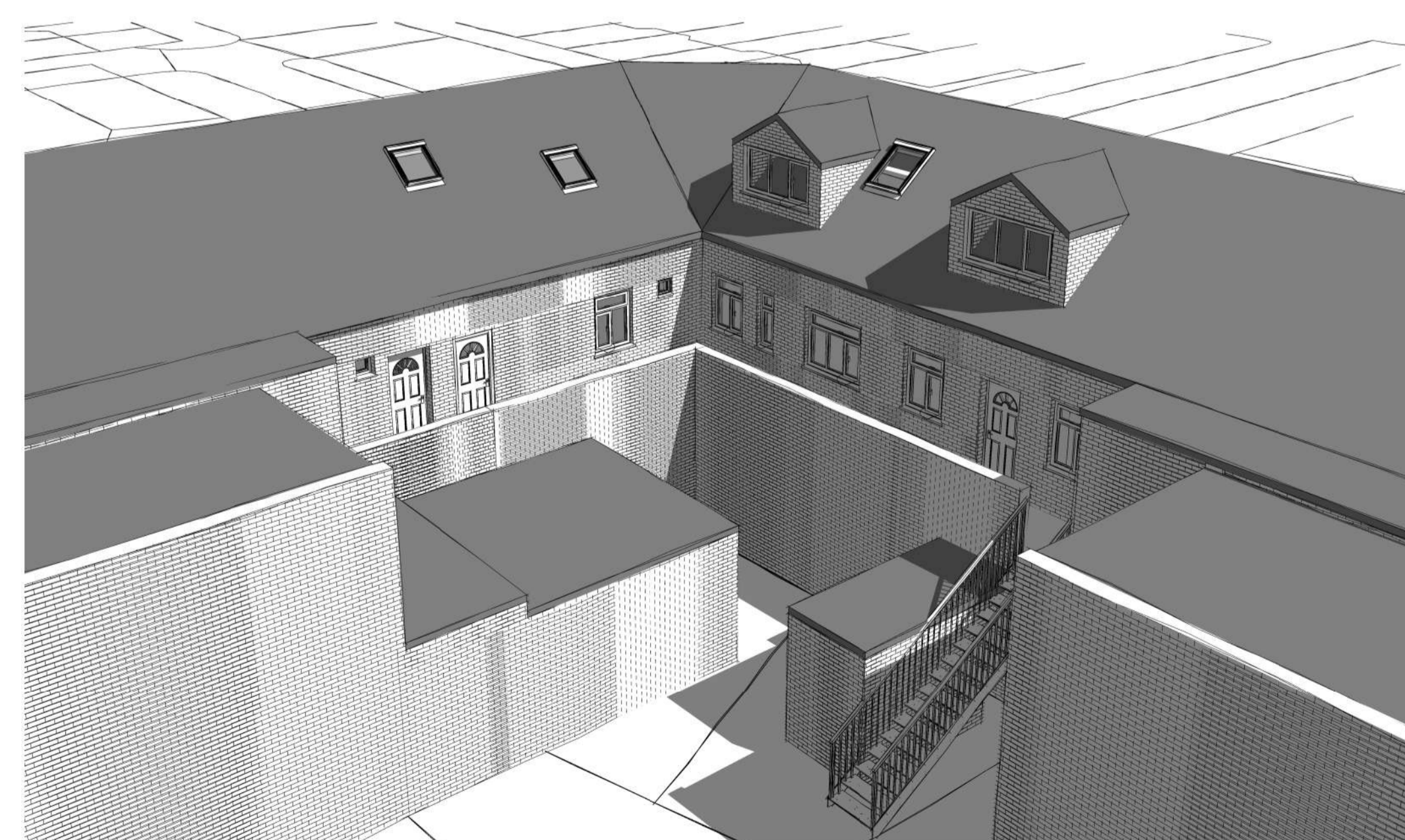
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**1 E-02 Eaves**  
1 : 100



**4 E-Section 2**  
1 : 100



**3 E-3D View**

272 St Mary's Rd, London  
N9 8NP

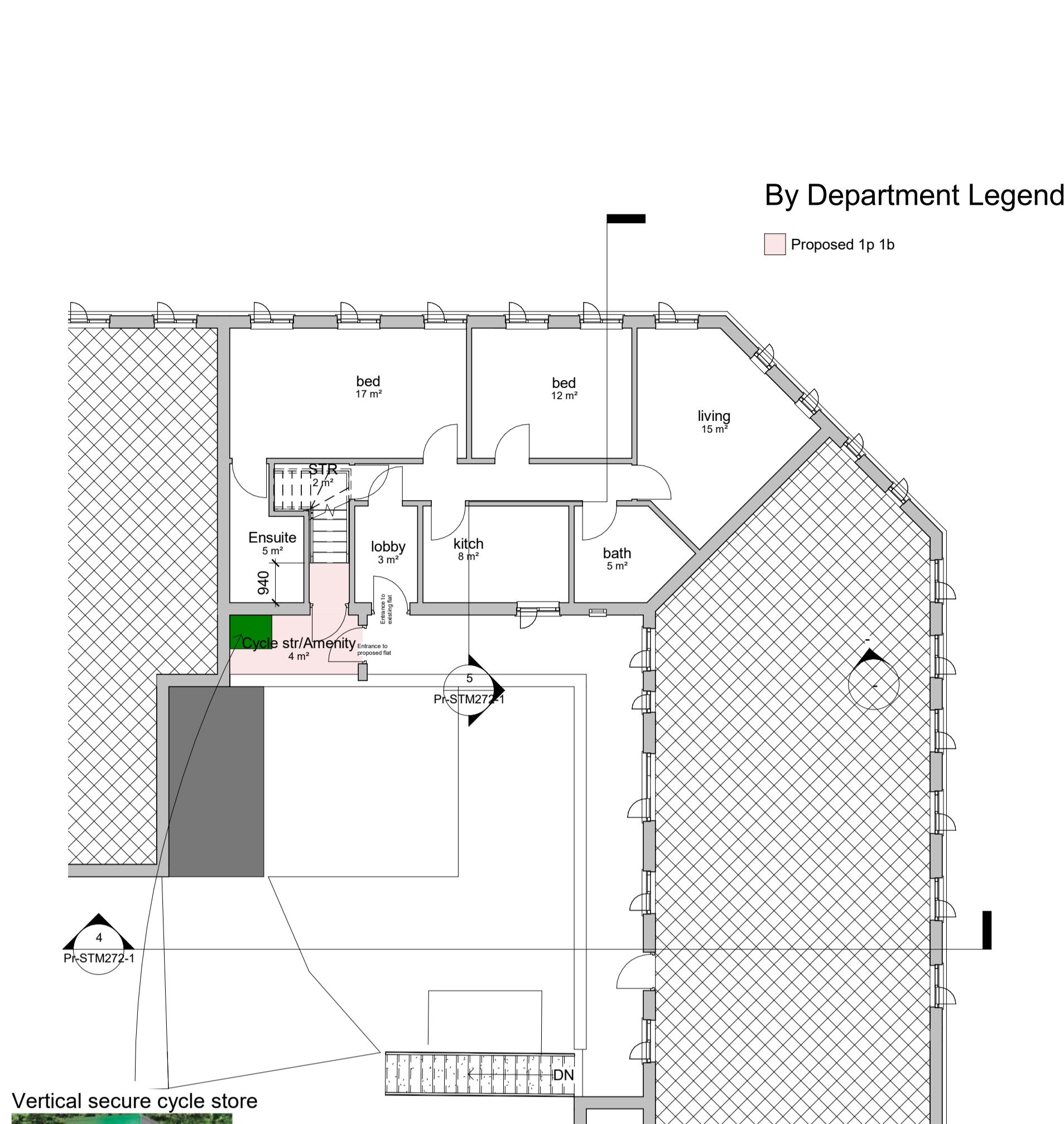
Existing plans

Project number	STM272
Date	17/05/2022
Drawn by	JH
Checked by	NKW

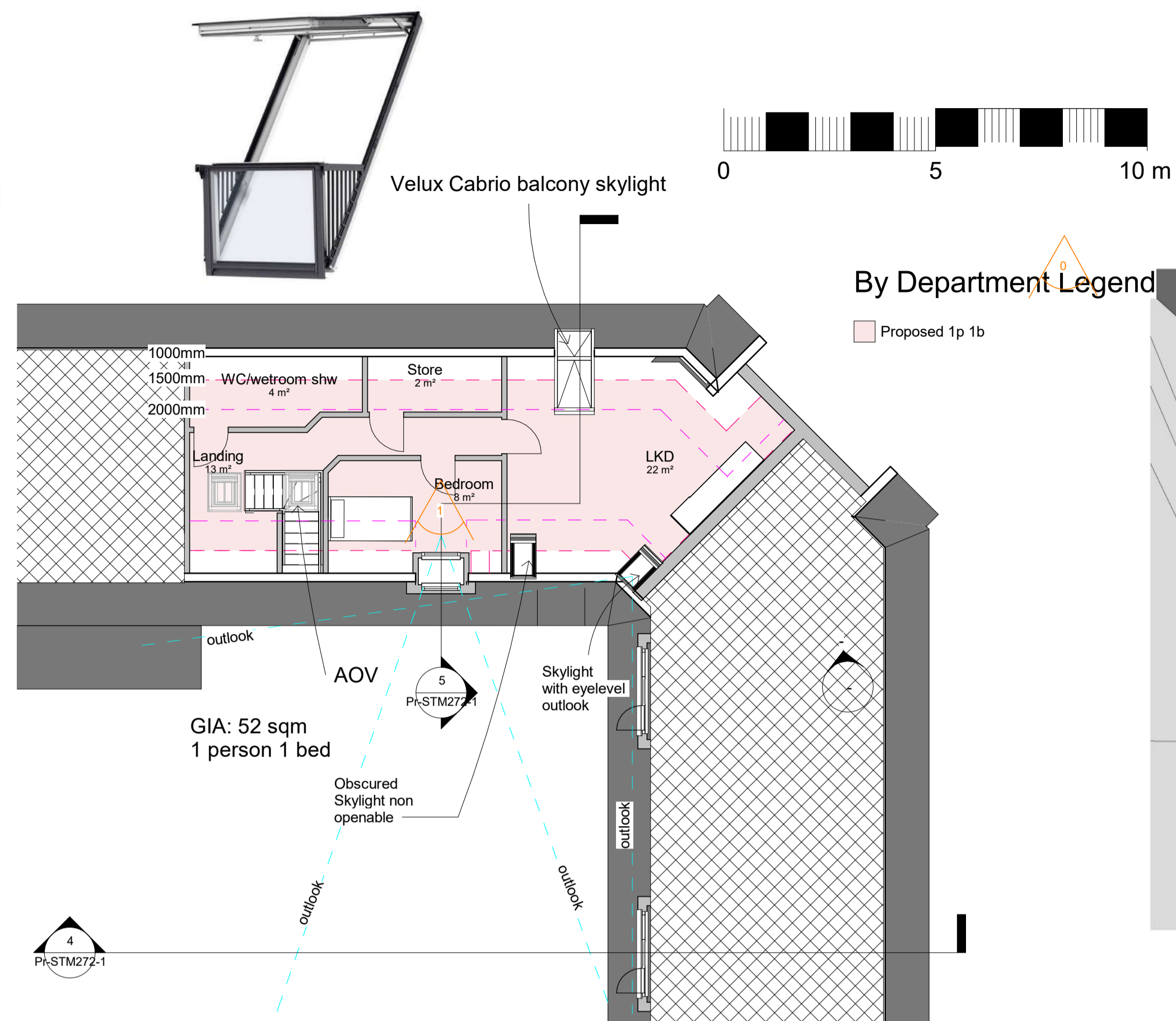
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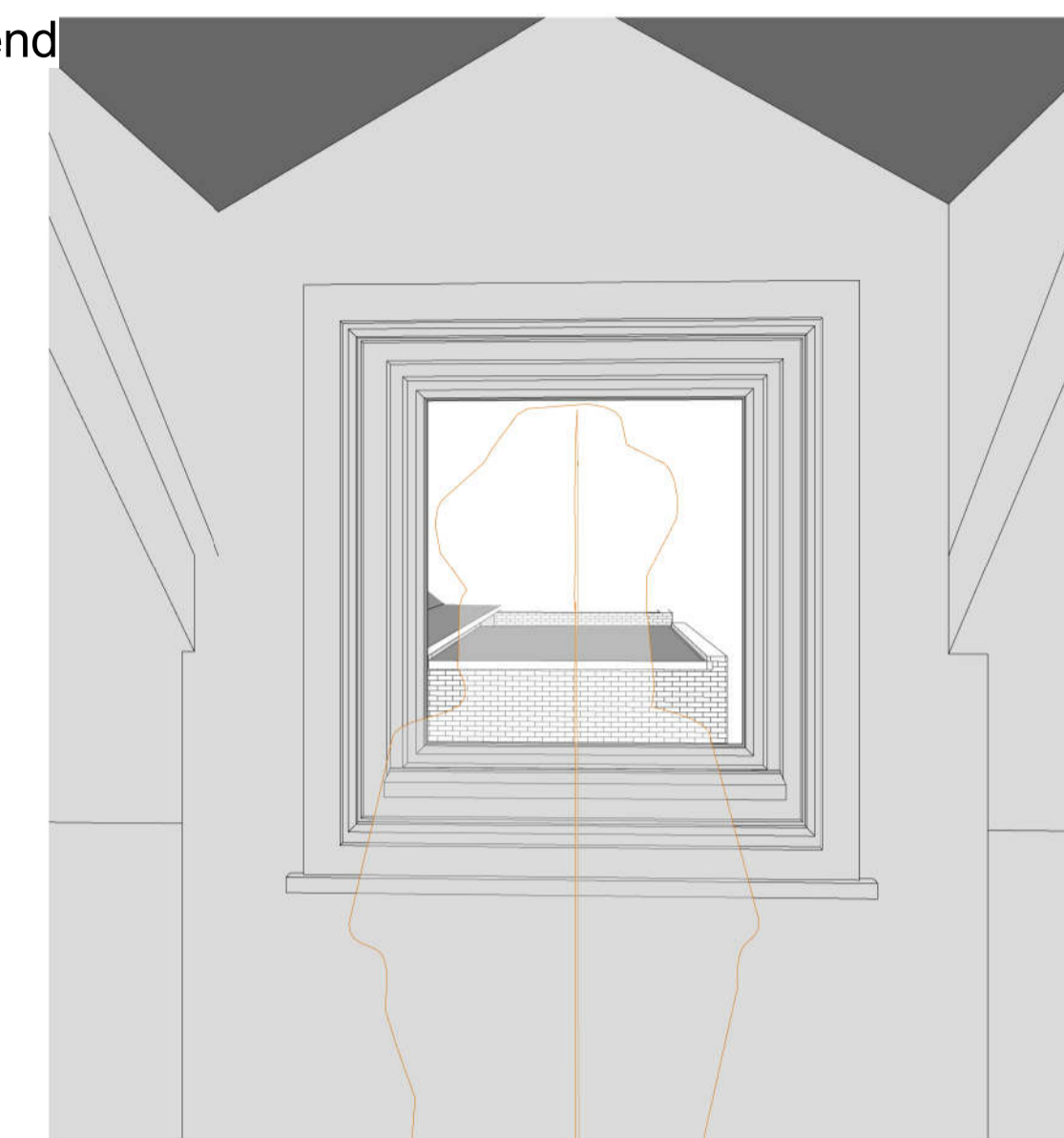




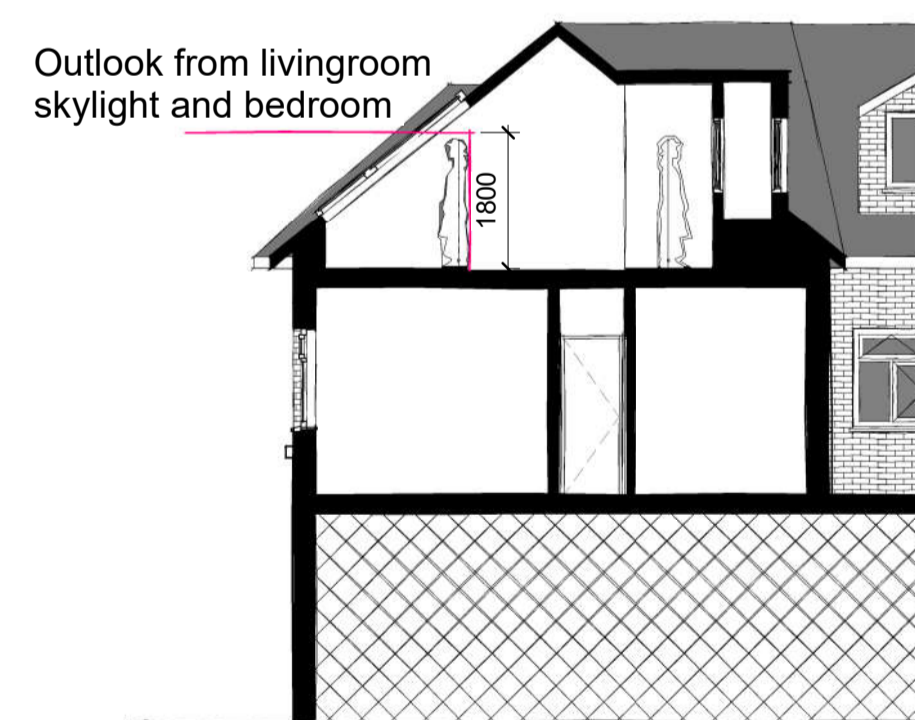
**2 P-01 1st floor**  
1 : 100



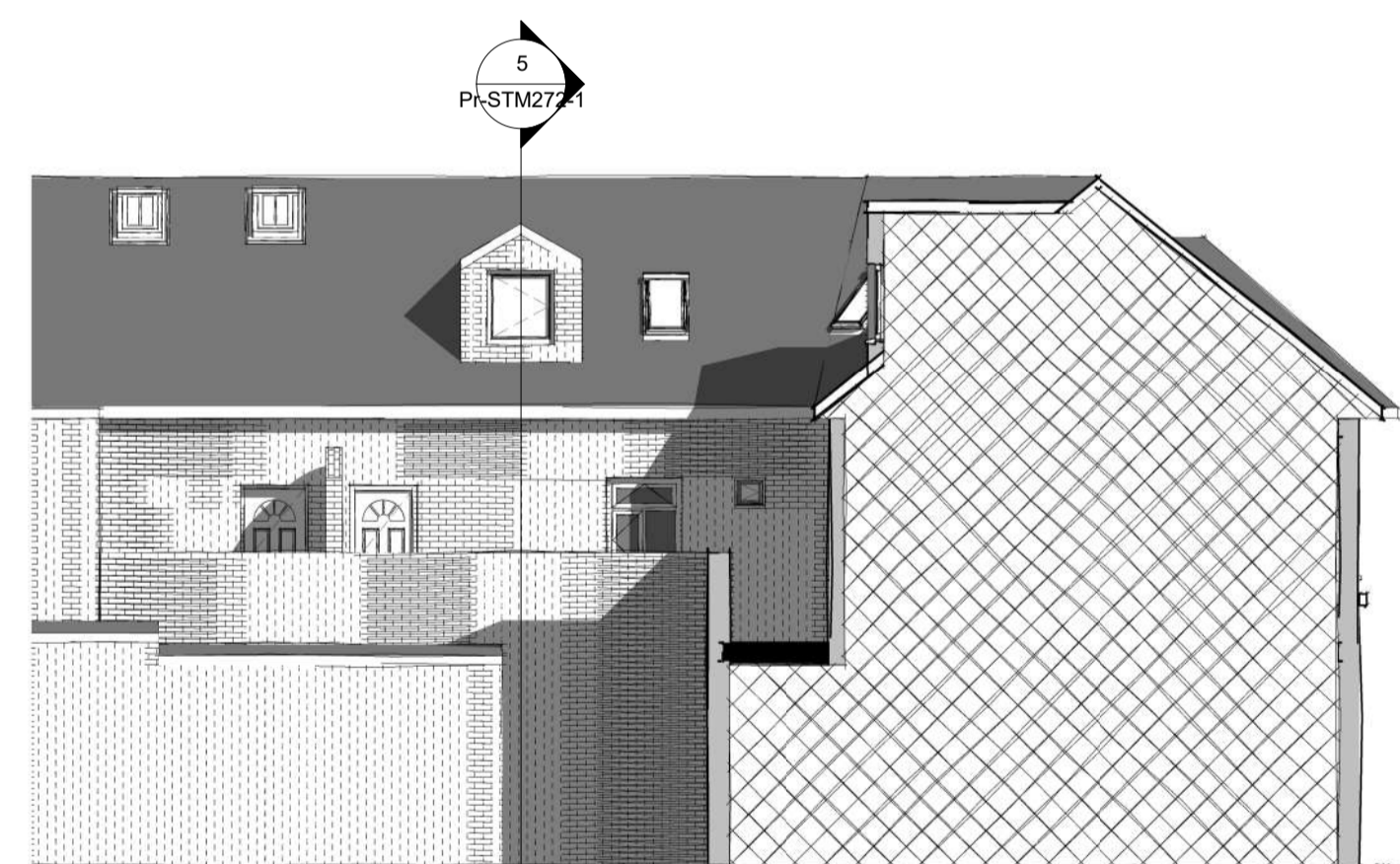
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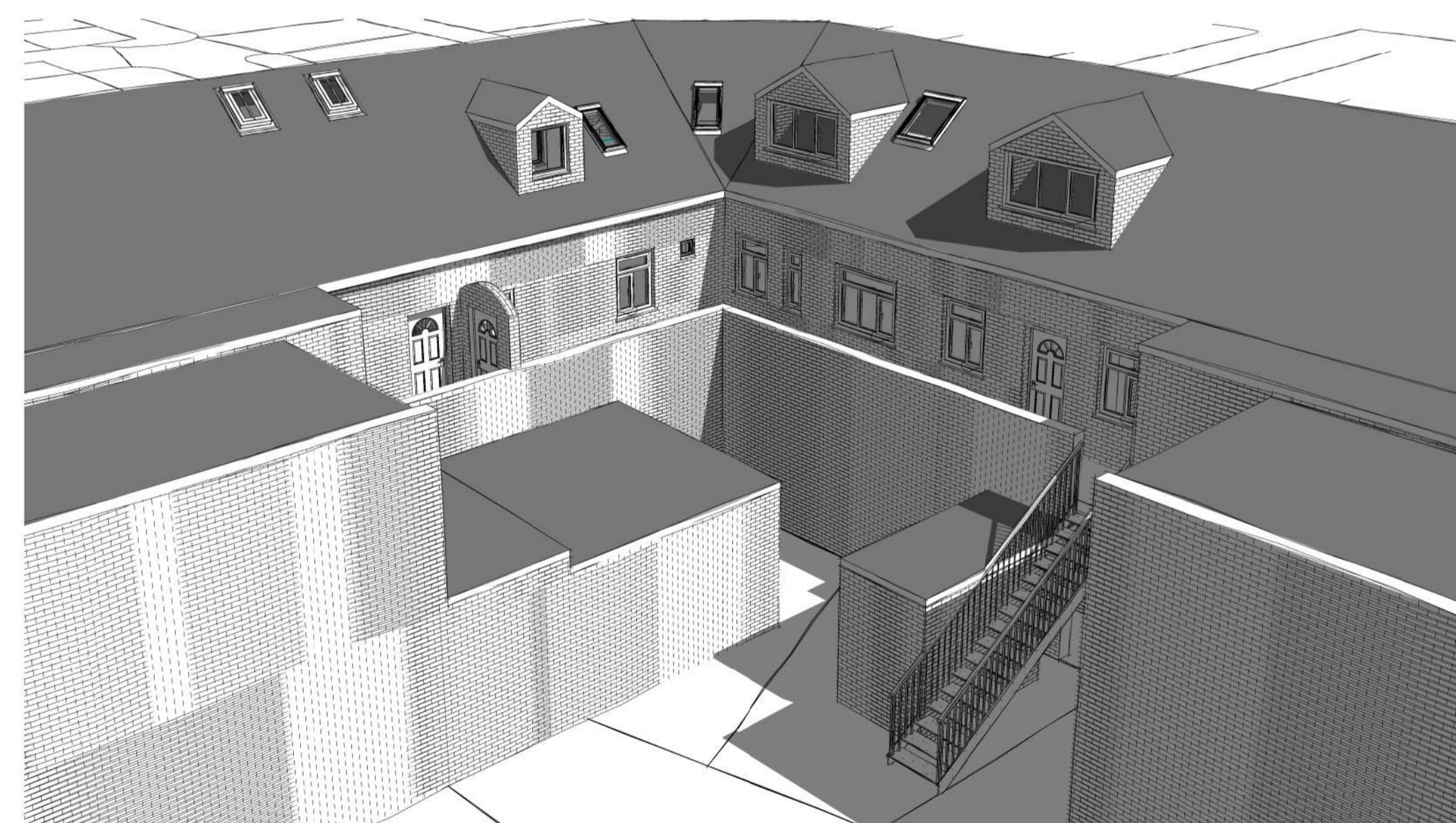
**6 3D View 1**



**5 Section 3**  
1 : 100



**4 P-Section 2**  
1 : 100



**3 P-3D View 1**

272 St Mary's Rd, London  
N9 8NP

Proposed plans draft

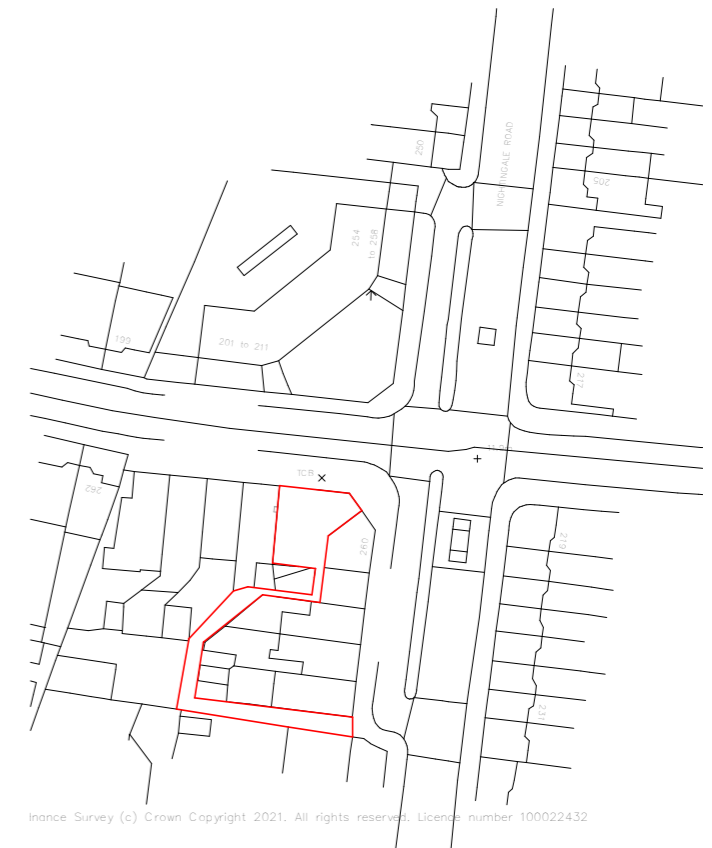
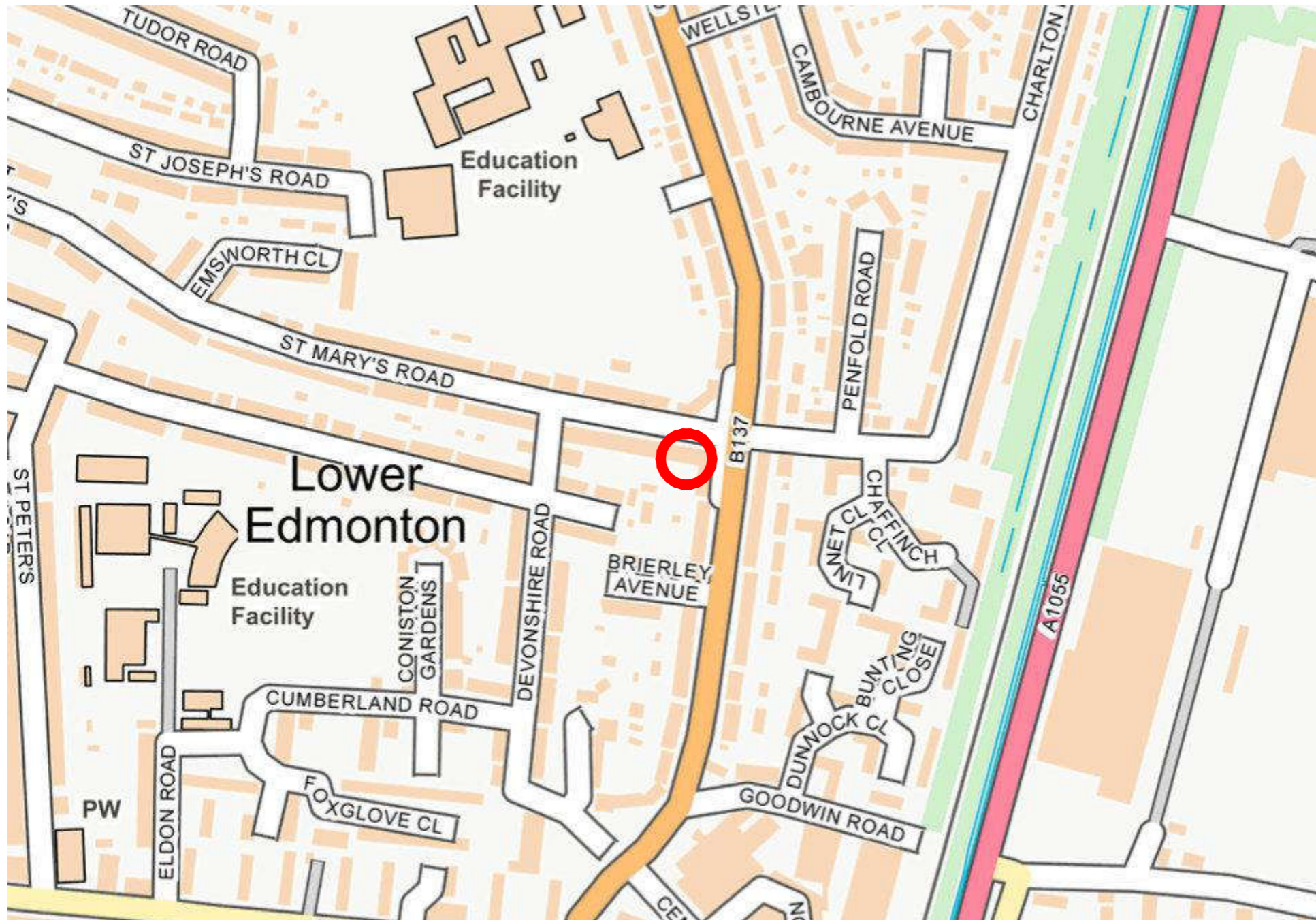
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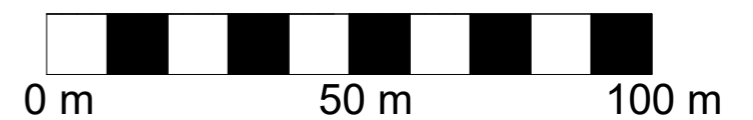


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293sqm  
**1** Site  
 1 : 1250



Peter Pendleton & Associates  
 97 Lower Marsh  
 London SE1 7AB

www.pendleton-assoc.com

REVISION:

272 St Mary's Rd, London N9 8NP

Site location plan

Project number	STM272
Date	17/05/2022
Drawn by	JH
Checked by	JP Scale@A3

EX-STM272-2

1 : 1250