
Appeal Decision

Site visit made on 20 December 2016

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 January 2017

Appeal Ref: APP/Y5420/W/16/3159424
435 Archway Road, London, N6 4HT.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Doukaki against the decision of the Council of the London Borough of Haringey.
 - The application Ref. HGY/2016/0644, dated 1 March 2016, was refused by notice dated 15 August 2016.
 - The development proposed is the erection of a single storey side extension, single storey rear extension (as approved) and conversion into two self-contained flats.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey side extension, single storey rear extension (as approved) and conversion into two self-contained flats at 435 Archway Road, London, N6 4HT. in accordance with the terms of the application, Ref. HGY/2016/0644, dated 1 March 2016, as modified by the amended plan dated 2 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A/R/C/001B; A/R/C/002; A/R/C/003.
 - 3) Prior to the first occupation of the development hereby permitted the appellant shall provide secure and covered storage for two bicycles and such storage shall be retained thereafter for the duration of the permitted use.

Procedural matters

2. The appeal was initially logged as being within the jurisdiction of the Council of the London Borough of Barnet as opposed to the London Borough of Haringey. That error has now been corrected and in any event the correct parties made representations on the appeal and submitted the appropriate extracts from the development plan. I am therefore satisfied no party has been prejudiced by the initial mistake.
 3. In addition to the plans originally submitted to the Council, I note that a revised plan A/R/C/001B was submitted during the consideration of the application. The plan shows mainly internal modifications to the scheme and I will have regard to this plan in the appeal.
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Main Issue

4. The main issue is whether the proposed conversion would result in flats providing reasonable living conditions for the occupiers.

Reasons

Background

5. The appeal site contains a two storey terraced property which lies in a mainly residential area and which forms part of the Highgate Conservation Area. There is a two storey outrigger at the rear of the property which adjoins No.437 and there is a passageway to the side of the property which leads to the rear garden. This arrangement is mirrored at the neighbouring property No.433. The overall property is converted into flats with two on the upper floor and a single flat on the ground floor at the moment.
6. It is proposed to extend the property and fill-in the passageway at ground level and extend the property to the rear with a ground floor extension, and convert the ground floor accommodation into two flats. It is apparent that similar ground floor extensions were approved by the Council in 2015 under HGY/2015/3527.

Policy context

7. The development plan includes the London Plan as modified; the Haringey Local Plan 2013; and saved policies in the Councils Unitary Development Plan (2013). The Council are also preparing a Development Management Development Plan Document (DPD) but as this appears to be only at the Pre-Submission stage, its provisions do not carry much weight at the moment.

Effect on living conditions

8. Dealing first with the principle of the development the Council refers to the housing strategy set out in Local Plan policy SP2 which seeks to meet housing needs by maximising the supply of additional housing provided various standards are met to ensure the delivery of quality homes. This in part requires a mix of unit sizes. I am satisfied that the proposal generally accords with this strategy. The Council refers to the conversion resulting in the loss of a family house but I am not able to place much weight on this emerging policy DM16 at this stage and in any event it appears to me that the overall property has already been converted to smaller flat units which would be generally unsuited to family occupation.
9. The Council refers to Policy 3.5 of the London Plan (and related SPG guidance in 2016) which indicates that new flats should be a minimum gross internal area of 37sqm for a one person flat or 50sqm for a 1 bedroom-2 person flat. In this case, with the extensions proposed the area of the flats would be 37.01sqm and 42.1sqm respectively. The Council refers to the plans originally submitted which show a double bed in both bedrooms as an indication that the units would be occupied by two people and that the appropriate higher standard of 50sqm should apply. However, the amended plans show single beds per room and the appellant submits that the lower standard of 37sqm is appropriate.

10. Although the internal space for each flat would be tight the layout indicated shows that each unit would have all the facilities necessary for independent day to day living. Flat A would be more of a studio flat with a single space but I noted at the site visit that the bay window at the front of the property is extensive and provides a good level of daylight and aspect from the window. Even though a future occupier is likely to install some form of screening between the kitchen/living area and the 'bedroom', the bedroom space would still have natural day light from the roof-lights and the high level window in the existing opening above the new side extension. I am therefore satisfied that it is not unreasonable to consider the two flats as single person units and that each would be provided with adequate space and daylight to ensure that there are reasonable living conditions.
11. Although the physical extensions were previously approved they are an integral part of the conversion scheme. I consider that the work will not detract from the architectural appearance of the existing property and will have a neutral effect on the character and appearance of the Highgate Conservation Area. It will therefore maintain these qualities of this heritage asset.
12. Overall on this issue I am satisfied that the proposed conversion into two residential units would provide reasonable living conditions for the occupier of each flat and would generally accord with the local policy in the development plan for such subdivision, and the physical extensions to the property would preserve its character and appearance and its setting in the Conservation Area. This broad accord with the development plan is not outweighed by any other consideration. I will therefore allow the appeal.
13. In terms of conditions, in addition to the statutory condition on the timing of the start of the development, the Council recommends a condition specifying the plans that are approved and the development shall be completed in accordance with these plans. Such a condition is reasonable and necessary in the interests of clarity and the appearance of the property and I will impose it but modify it to refer to the amended plan. I also agree that a condition requiring the provision of secure cycle storage for the development is needed in the interests of facilitating sustainable transport but given the modest nature of the accommodation the storage should be limited to two bicycles and the condition should also refer to the storage being retained.

Conclusions

14. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR