

Appeal Decision

Site visit made on 6 June 2017

by R A Exton Dip URP MRTPI

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

Decision date: 29th June 2017

Appeal Ref: APP/Y5420/W/17/3170556

5 Hawke Park Road, London N22 6RE

- 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 Demetri Chrysostomou against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/4037, dated 26 October 2016, was refused by notice dated 30 December 2016.
 - The development proposed is described as change of use from a house in multiple occupation into 2 x 2 bedroom (3 persons) self contained flats including the erection of a single storey side/rear extension.
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Decision

1. The appeal is allowed. Planning permission is granted for change of use from a house in multiple occupation into 2 x 2 bedroom (3 persons) self-contained flats including the erection of a single storey side extension, in accordance with the terms of the application, Ref HGY/2016/4037 dated 26 October 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: Drawing Nos HPR5/16/FP/01, 02, 03 and 04, all Revision A dated October 2016.
 - 3) The external materials to be used on the development hereby permitted shall match in colour, size, shape and texture those of the existing dwelling.
 - 4) No development shall take place until details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 4 cycle parking spaces for users of the development, have been installed in accordance with the approved details. Such spaces shall be retained thereafter for this use only.
 - 5) No development shall take place until a detailed scheme for the provision of refuse and waste storage and recycling facilities has been submitted to and approved in writing by the Local Planning Authority. Such a scheme as approved shall be implemented, prior to occupation, and retained for the life of the development.

Procedural Matters

2. I have changed the description of development to that set out in the decision section to make it clear that the proposal does not include a rear extension.
3. A request to view the appeal site from the rear of a neighbouring dwelling on Sidar Road was made as part of the appeal process. I was unable to gain access to this property at the time of my site visit and the reasons for this have subsequently been established by the occupier. In viewing the appeal site from its rear garden I was able to clearly establish the relationship between the extension forming part of the proposal and properties on Sidar Road. Consequently I am satisfied that it was not necessary for me to view the appeal site from the rear of properties on Sidar Road in order to assess any effect on their occupants.

Main Issues

4. The main issues are the effect of the proposal on i) the availability of low cost residential accommodation in the borough and ii) the living conditions of neighbouring residents.

Reasons

Low cost accommodation

5. Section 38(6) of the Planning and Compulsory Purchase Act requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the relevant development plan policies are Policy 3.9 of the London Plan 2016 (the London Plan), Policy SP2 of Haringey's Local Plan March 2013 (the Local Plan) and saved Policy HSG6 of the Haringey Unitary Development Plan 2006 (the UDP). The Pre-Submission Version of the Development Management DPD (DMDPD) has not been adopted and consequently its Policy DM17 carries less weight than the current development plan policies
6. Policy 3.9 of the London Plan and Policy SP2 of the Local Plan are strategic in nature and seek to meet the housing needs of the borough through mixed and balanced communities. In doing so they are consistent with the aims of the National Planning Policy Framework. The Council consider the proposal would be contrary to these policies by resulting in the loss of a House in Multiple Occupation (HMO) contrary to an identified need and as a source of low cost accommodation. I have little evidence of the identified need that the Council refer to and therefore can only give limited consideration and weight to the effect the proposal would have on it.
7. Given the small scale nature of the proposal within the context of the overall housing stock of the borough I do not consider that it would detrimentally alter the mix or balance of the community. For the same reason I do not consider that the proposal would have a significant adverse impact on the amount or standard of homes that Policy SP2 of the Local Plan is seeking to deliver. Consequently, the proposal does not conflict with Policy 3.9 of the London Plan or Policy SP2 of the Local Plan in their aims of providing an appropriate amount and type of housing to meet the needs of the borough.
8. Saved Policy HSG6 of the UDP is very specific in its requirement to resist the change of use from a HMO to a single dwelling house other than in specified

circumstances. As the proposal does not seek change of use to a single dwelling house it is not contrary to this policy. I understand the aim of the policy is to resist the loss of HMO's as a source of lower cost accommodation. The proposal would not result in a single dwelling house, but 2 units of relatively low cost accommodation compared to a single dwelling and therefore even if Policy HSG6 were applicable I do not consider that the proposal would be contrary to its overall aims.

9. I note that emerging Policy DM17 of the DMDPD is more specific in its requirement to control changes of use from HMO's to self- contained accommodation. Given that the DMDPD has not been adopted I attach limited weight to it and rely more heavily on the current development plan policies.
10. I conclude that the proposal would not have an unacceptable impact on the mix or balance of the community or supply of low cost housing and would accord with Policy 3.9 of the London Plan, Policy SP2 of the Local Plan and Saved Policy HSG6 of the UDP.

Living conditions

11. The appeal site comprises a two storey building and its associated garden sited at right angles to two terraces of dwellings. The single storey extension forming part of the proposal would be sited along the north-western elevation, closest to dwellings on Sidar Road. The plans show that this would not project beyond the rear elevation of the existing dwelling and I have amended the description of development to reflect this. Although the Council do not consider that there would be any adverse effect on the living conditions of neighbouring residents, a number have objected on grounds of loss of privacy, light and outlook and potential noise.
12. When viewed from the rear of properties on Sidar Road the proposed extension would be seen in front of an existing two storey extension to the rear of the appeal property. It would replace an existing shed occupying approximately the same position. The proposed extension would occupy the same width to the boundary of the site, have a flat roof slightly higher than the existing shed and be slightly longer. It would present a blank elevation to the boundary with dwellings on Sidar Road. A small space between the extension and existing building is shown as a patio.
13. Taking into account the marginal increase in size over the existing shed and the lack of any windows in the elevation facing Sidar Road I do not consider there would be any adverse effect on neighbouring residents by virtue of loss of outlook and/or loss of privacy. I do not consider that the level of activity associated with the use of the patio area or the existing rear garden as a result of the proposal would be significant and likely to have a detrimental effect on neighbouring residents. Given that these areas would be used by the occupants of the proposed ground floor flat compared with potentially all the occupants of the HMO at present, there may be a reduction in the level of activity.
14. I conclude that overall, the proposed extension would not have an unacceptable effect on the living conditions of neighbouring residents.

Other Matters

15. I note interested parties comments on potential disturbance and issues of access during the construction process and the effect on trees in neighbouring gardens. Disturbance of a significant nature is a matter for environmental health controls and access arrangements are private matters. Consequently, these issues carry very limited weight and do not alter my conclusion. No trees within or adjacent to the site are protected by Tree Preservation Orders and so the need to lop or fell to facilitate the development is a private rather than a planning matter.

Conclusion

16. For the reasons set out above and having regard to all other matters raised the appeal is allowed and planning permission is granted. I have considered the conditions suggested by the council. It is necessary that materials match the existing dwelling in order to provide a satisfactory appearance. The development plan seeks to ensure that new developments have access to sustainable modes of transport and adequate waste disposal and recycling facilities and conditions to this effect are required. In their suggested conditions the Council have requested the provision of 6 cycle parking spaces but Policy 6.9 of the London Plan requires 4 and so I have amended this accordingly. I have imposed a condition specifying the relevant drawings as this provides certainty.

Richard Exton

INSPECTOR