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# Appeal Decision

Site visit made on 25 July 2017

**by Helen Cassini BSc(Hons) DipTP MRTPI**

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

**Decision date: 08 August 2017**

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**Appeal Ref: APP/Y5420/W/17/3175531**

**45 Meads Road, Wood Green, London N22 6RN**

- 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 Milan Beader against the decision of the Council of the London Borough of Haringey.
  - The application Ref: HGY/2017/0697 dated 8 February 2017, was refused by notice dated 28 March 2017.
  - The development proposed is a change of use from C3 to C4 Use Class HMO (House in Multiple Occupation).
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. At the time of the site visit the change of use was complete. On this basis the appeal has been dealt with as a retrospective application.
3. Planning appeals must be determined on the basis of the development plan as it exists at the time of the Inspector's (or the Secretary of State's) decision. During the course of the appeal, the London Borough of Haringey Development Management Development Plan Document July 2017 (the DPD) was adopted. As a result Policies UD3 and HSG6 of the Haringey Unitary Development Plan 2006 and Policies SP2 and SP11 of the Haringey's Local Plan 2013 have been superseded by Policies DM12 and DM17 of the DPD. Both the appellant and Council have been given the opportunity to comment on the implications of this in relation to the appeal before me. Although no comments were received, I am satisfied that no party has been prejudiced.

## Main Issues

4. The main issues of the appeal are the effect of the proposal on:
  - (i) the loss of a single family dwelling house;
  - (ii) the living conditions of the occupants of the property, with particular regard to unit size; and
  - (iii) the living conditions of the occupants of the property, with particular regard to ventilation and natural lighting.

## Reasons

### *Loss of a single family dwelling house*

5. The appeal property is a 2-storey, mid-terrace dwelling which originally consisted of 3 bedrooms. As with the majority of dwellings on Meads Road, the front of the dwelling has a low boundary wall and a paved area which is mainly used for the storage of refuse bins. The appeal property has been extended at the rear of the ground floor<sup>1</sup> and a dormer has also been installed to provide additional living space. Evidence from the Council confirms that the conversion rate to flats and Houses in Multiple Occupation (HMO's) on Means Road is less than 20%.
6. At the time of the site visit the conversion was complete and consists of four units with a small kitchen area and ensuite and one further single occupancy room on the ground floor with no internal facilities. The ground floor also consists of a shared bathroom, kitchen and dining area. The rear outdoor amenity space is accessed via double doors from the dining area.
7. Policy DM17 of DPD, amongst other things, aims to ensure that conversions to HMO's result in a high standard of design. In addition, such conversions should not give rise to any significant adverse impact of the living conditions of neighbouring occupiers and future occupiers.
8. The dispute between parties relating to the gross internal floor space is noted. Nevertheless, the original size of the property, prior to the addition of the dormer and ground floor extension, fell below the 120 m<sup>2</sup> threshold as identified within Policy DM17 of DPD. It is acknowledged that no significant harm in relation to neighbouring occupiers has been identified; the property is located within an accessible location with regard to day to day living needs; a shared kitchen space is provided; occupiers have access to an outdoor amenity space and refuse storage at the front of the dwelling is satisfactory.
9. However, despite finding no harm in relation to the above matters and although the site is not located within a restricted conversion area, it is located within a Family Housing Protection Zone. The purpose of the zone is to maintain a sufficient supply of small family homes in order to offer a broad housing choice and to retain economically active families within the Borough.
10. It is recognised that the development boosts the supply of housing within the Borough, where there is a demand for both social housing and private rented accommodation. However, the need to provide a sufficient supply of small family homes is a priority for the Council. As such, the modest benefit of the additional housing provided by the conversion is outweighed by the unacceptable loss of a single family dwelling house. Furthermore, the original size of the property fails to comply with the requirements as identified in Policy DM17 of DPD.

### *Living conditions – unit size*

11. Dispute exists between the parties with regard to whether the units should be classified as bedsits or studio self-contained units. It is acknowledged that the Haringey Council Standards for Houses in Multiple Occupation 2016 confirms

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<sup>1</sup> Council reference HGY/2015/1813

that bedsits may have kitchen facilities. Accordingly, whether the units represent self-contained units becomes a matter of fact and degree.

12. With the exception of the single occupancy unit on the ground floor, alongside sleeping and living space, each unit has a separate ensuite and kitchen facilities. The kitchen facilities include an adequate work surface area, sink and draining area, fridge, washing machine, microwave and hob. Although the main oven is located within the shared kitchen on the ground floor, the level of facilities provided enables occupiers to adequately carry out the functions associated with day to day living. On balance, with the exception of the single occupancy ground floor unit, it is considered that the units are self-contained.
13. Policy DM12 of the DPD requires new development to comply with the minimum internal and external space standards as detailed within The London Plan 2016 (TLP) and the Mayor of London Housing Supplementary Planning Guidance 2016 (the SPG). Policy 3.5 of TLP states that the minimum internal floor space for one bed, 1 person should be 37 m<sup>2</sup> and is in accordance with the standards set out in the Nationally Described Space Standards<sup>2</sup>.
14. The appellant has confirmed that the single occupancy room complies with minimum requirements in relation to single rooms as it exceeds 10 m<sup>2</sup> and therefore there is no evidence before me which leads me to doubt this. However, the remaining units range in size of between 16m<sup>2</sup> and 28m<sup>2</sup>, which fall considerably short of the required 37 m<sup>2</sup>. Accordingly, the units fail to provide satisfactory living conditions, with regard to unit size.
15. Consequently the development is in conflict with policies DM12 and DM17 of the DPD, Policies 3.5, 7.4 and 7.6 of TLP and the SPG, which amongst other matters require well designed high quality homes.

#### *Living conditions – ventilation and natural lighting*

16. In relation to the provision of ventilation and light in the main habitable rooms, units 3 and 4 both have two windows, with unit 5 on the top floor benefiting from a window and patio-style doors. Unit 2 on the ground floor has a window and access to a modest courtyard, which although not clearly depicted on the plans, is not enclosed and allows natural light to enter the unit. The only unit to have one window is the single occupancy room at the rear of the ground floor. Despite this, the window is of an adequate size and provides an acceptable level of daylight and sunlight.
17. The shared dining area is served by two patio doors which allow for access into the rear outdoor amenity space. Adequate daylight and sunlight is therefore provided. Furthermore, all of the windows and patio doors can be opened and therefore the living environment is well ventilated. Mechanical ventilation is provided in all bathrooms and the shared kitchen area. There is no substantive evidence before me which leads me to doubt that the ventilation is not fit for purpose.
18. The design of the conversion demonstrates a good level of light and both natural and mechanical ventilation for the main habitable rooms. An acceptable level of living conditions is therefore provided. On this basis, I find that the conversion complies with the provisions of Policies DM12 and DM17 of

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<sup>2</sup> Department for Communities and Local Government Technical housing standards – nationally described space standards 2015

DPD Policies 7.4 and 7.6 of TLP and guidance contained within the SPG. When taken together these policies and guidance, amongst other things, require well designed high quality homes both internally and externally.

### **Other Matters**

19. The appellant has drawn my attention to examples of other HMO's within the Borough. However, I have limited information relating to the particular circumstances of these schemes and as such, a comparison is of limited relevance in this instance. As such, I have considered the appeal before me on its individual merits.
20. It is noted that following consultation undertaken by the Council, no objections to the conversion were received. However, the absence of an objection does not indicate an absence of harm; merely that it has not been identified. Consequently, a lack of objection cannot be relied upon to imply that the development is acceptable.
21. The concern raised by the appellant in relation to the handling of the application by the Council in terms of the delay in determination and change in staffing is noted. However, these are procedural issues which do not concern the planning merits of the case. Accordingly, I have not attached any weight to this matter.

### **Conclusion**

22. I have found that the conversion does not have an unacceptably harmful effect on the living conditions of the occupants of the property, with particular regard to ventilation and natural lighting. However, the harm identified in relation to the loss of a single family dwelling and inadequate unit sizes is decisive.
23. Accordingly, for the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

*Helen Cassini*

INSPECTOR