
Appeal Decision

Site visit made on 25 July 2017

by R A Exton Dip URP MRTPI

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

Decision date: 22nd August 2017

Appeal Ref: APP/Y5420/W/17/3174545

First Floor Flat B, 97 Crowland Road, Tottenham, London N15 6UR

- 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 Y Khubani against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/4190, dated 10 December 2016, was refused by notice dated 6 February 2017.
 - The development proposed is described as erection of additional storey 'Type 3'.
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Decision

1. The appeal is allowed. Planning permission is granted for erection of additional storey 'Type 3', at First Floor Flat B, 97 Crowland Road, London N15 6UR, in accordance with the terms of the application Ref HGY/2016/4190, dated 10 December 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 CR.97B.PR.01, 2 and 3, all dated December 2016.
 - 3) The external materials to be used for the proposed development shall match precisely in colour, size, shape and texture those of the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no changes to the front or side elevations of the development hereby permitted, including the render colour, texture and appearance, and window detailing shall be carried out.

Main Issue

2. The main issue is the effect of the proposal on the composition of the borough's housing stock.

Reasons

3. Policy SP2 of Haringey's adopted Local Plan 2013 (the Local Plan) sets out an aim to provide homes to meet the borough's housing needs and to make full

use of its capacity by maximising the supply of additional housing to meet and exceed the target of 8,200 homes from 2011-2021.

4. The House Extensions in South Tottenham Supplementary Planning Document 2013 (the SPD) recognises there is a need to tackle overcrowding, and provide for additional habitable accommodation for large families in parts of South Tottenham. Roof extensions appear to be the most common form of achieving this and the SPD sets out three approved ways in which homes may be extended at roof level.
5. The proposal conforms to the 'Type 3' extension as defined in the SPD. The design of the proposal complies with SPD and the Council do not object to this. The Council's main concern relates to the proposals compliance with paragraph 3.51 of the SPD which states that planning permission will not be granted to extend houses that have been converted to flats or homes in multiple occupation. The reason for this restriction is not explained however the following paragraphs offer some guidance. Paragraph 3.52 states that it is not the SPD's intention to permit the conversion of single family houses to several flats or bedsits. Paragraph 3.53 states that applications for conversion of properties previously extended will not be approved for a period of 20 years after the completion of the last extension. This suggests that the overall aim of the restrictions is to retain larger family homes.
6. 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 requirements of the SPD are much more prescriptive than the requirements of Policy SP2 of the Local Plan. Whilst I appreciate that the intent of the SPD reflects the aim of Policy SP2 by providing for the housing needs of a specific area of the borough, conflict with the SPD does not automatically constitute conflict with the development plan. SPD's can be a useful tool in interpreting policy but they can rarely apply directly to each given situation. They must be applied to individual cases with the overall aim of the policy on which they are based in mind.
7. In this case the host dwelling comprises a one bedroom first floor flat. The proposal seeks to add another storey which would provide a further two bedrooms. This would create a much larger dwelling potentially suitable for family occupation. This would be in accordance with Policy SP2 of the Local Plan and the stated aim of the SPD in providing additional habitable accommodation for large families.
8. Consequently, the proposal would not conflict with Policy SP2 of the Local Plan or the SPD which seek to provide homes to meet the housing needs of the Borough. The design of the proposal is acceptable and so does not conflict with Policy SP11 of the Local Plan. I also find no conflict with the general principles set out in saved Policy UD3 of the adopted Haringey Unitary Development Plan 2006.

Other Matters

9. I note interested parties' concerns over the proposal causing loss of light to gardens, kitchen, bathroom and bedroom windows and potential disturbance through the construction process. Given the vertical nature of the proposal I consider that it would have a very limited effect on the amount of light entering

the gardens or rooms of nearby dwellings. Noise and disturbance generated through the construction process can be controlled through other local authority controls.

Conclusion

10. For the reasons set out above and taking all other matters raised into account I conclude that the appeal should be allowed. I have considered the Council's suggested conditions. The condition relating to materials is necessary to ensure a satisfactory appearance. I have amended the condition restricting future changes to relate to only the development approved through this appeal. The condition requiring structural integrity can be dealt with through other regulatory controls and consequently I have not imposed this. I have also added a condition specifying approved plans in the interests of certainty.

Richard Exton

INSPECTOR