
Appeal Decision

Site visit made on 25 July 2017

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 06 September 2017

Appeal Ref: APP/Y5420/W/17/3172817

69 Alexandra Road, Wood Green, London, N8 0LG

- 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 Dr & Dr Amish and Sahil Patel against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/4011, dated 28 November 2016, was refused by notice dated 20 January 2017.
 - The development is for the conversion of an existing dwelling into 2 No. self-contained flats (1No. 3-bed & 1No. 2-bed) including associated extensions.
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Procedural Matters

1. The Council has used a more detailed description of the development in respect of the specific nature of the proposed extensions and alterations to the property. However, whilst I am satisfied that the Council's version of the description is an accurate reflection of the works as proposed, I see no reason to depart from the description of development proposed by the appellant on the original planning application forms.
2. During the course of the appeal, the *London Borough of Haringey Development Management Development Plan Document July 2017* (the DPD) has been adopted, and *Haringey's Local Plan Strategic Policies 2013-2026: Consolidated with alterations since 2017* (the Local Plan), has been updated. As a result Policy HSG11 of the *Haringey Unitary Development Plan 2006* has been superseded by Policy DM16 of the DPD, and Policy SP2 of the Local Plan has been updated. Both the appellant and Council have been given the opportunity to comment on the implications of this in relation to the appeal before me, and I have received comments from the appellant in this respect which will be addressed in the context of the main reasoning to this decision.

Decision

3. The appeal is allowed and planning permission is granted for the conversion of an existing dwelling into 2 No. self-contained flats (1No. 3-bed & 1No. 2-bed) including associated extensions at 69 Alexandra Road, Wood Green, London, N8 0LG in accordance with the terms of the application, Ref HGY/2016/4011, dated 28 November 2016, dated 15 March 2016, subject to the following conditions;
 - 1) The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission.
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- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. PD200, PD201, SD01, SD02, SD03, all dated November 2016.
- 3) The external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building.
- 4) No development shall take place until details of a scheme of sound insulation have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved details have been implemented in full.

Main Issue

4. The main issue is whether the proposed conversion of the dwelling to two self-contained flats would be contrary to local housing policies in respect of a loss of family housing and to the detriment of the housing mix within the area, and would fail to safeguard the living conditions of the future occupiers of the proposed development, having regard to noise and disturbance.

Reasons

5. The appeal site is occupied by a two-storey end of terrace property located on a predominantly residential street, albeit within close proximity to Wood Green commercial and retail centre. Whilst the majority of terraced dwellings on the street are set back from the road by a consistent distance behind a front garden, the appeal property is set comparatively further back from the road at the point where the street changes direction towards the south. The property has previously been extended by virtue of single storey side and rear extensions.
6. Policy DM16 of the DPD indicates that in order to maintain a supply of larger family homes to meet housing need, the Council will only permit the conversion of larger homes to small self-contained homes where certain criteria are met. As set out at Policy DM16(A), these include; a requirement for the dwelling to be located outside of the Family Housing Protection Zone (FHPZ) as defined in the DPD; the gross original internal floor space of the existing dwelling being greater than 120 m²; and that minimum internal space standards and satisfactory living conditions for future occupiers in respect of provision of amenity space, privacy, daylight, and minimisation of noise transfer through appropriate vertical and horizontal stacking, are achieved.
7. In this instance, the property is identified as lying within the FHPZ, where Policy DM16(B) requires compliance with the various criteria b) – g) already set out in Policy DM16(A), as well as there being no net loss of the number of family sized units. Whilst the evidence before me clearly indicates that the floorspace of the original dwelling, excluding the later side and rear projections would not meet the threshold of 120m², I am satisfied that the proposed resultant floorspace would provide a replacement family-sized dwelling of 93m², which as the appellant has indicated, is not significantly smaller than the internal floor space of the original dwelling without the subsequent extensions. I am therefore satisfied that there would not as a consequence be a resultant net loss of family-sized units.
8. The proposal would accord with minimum internal space standards. In respect of the internal configuration of the proposed accommodation, I disagree with

the Council's contention that the neither of the units would be ideal for family occupation. The ground floor unit is of an adequate size and does not present a contrived or awkward internal layout, with satisfactory access to daylight, privacy and direct access from the main living accommodation to a reasonable-sized private rear garden. I accept that the horizontal stacking arrangement between the two units does not represent an ideal configuration. However, I am not persuaded that this is a matter which could not be satisfactorily overcome by virtue of the agreement and implementation of an appropriate scheme of insulation to minimise the transmission of noise between units and properties (including through the structure of the building), as a technical solution to safeguard the living conditions of future, and neighbouring occupiers. Furthermore, I am mindful that no evidence has been adduced by the Council to suggest that such a solution would not be feasible. I am satisfied that this is a matter which can be adequately addressed by the imposition of a suitable planning condition, as has been suggested by the Council.

9. I note that whilst Policy SP2 of the Local Plan has been identified as of relevance in respect of ensuring that development meets Haringey's housing needs, I note that the Policy also sets out that the Council will seek 20% affordable housing on site or financial contributions towards affordable housing provision on schemes of 1-9 units.
10. Whilst the existing proposal would result in an uplift of a single unit and would therefore trigger the requirement, the council has indicated that it is not seeking small site contributions towards affordable housing. This is as a consequence of a Written Ministerial Statement (WMS) from 28 November 2014, which set out the specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and self-build development. The WMS was subsequently the subject of a successful Court of Appeal judgement of 11 May 2016 in respect of *Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441*, which confirmed the government was not acting unlawfully when it created the stipulation.
11. The proposed development would result in the conversion of an existing dwelling into two self-contained units within an area which has been subject to higher levels of historic conversions and a loss of family housing. However, whilst there would be some conflict with Policy DM16 of the DPD in respect of the shortfall in the original gross internal floor space of the existing dwelling, in this instance the proposed conversion of the dwelling to two self-contained flats would not result in a net loss of family housing, and subject to an appropriate scheme of insulation between the ground and first floor units, would safeguard the living conditions of the future and neighbouring occupiers of the proposed development. I am therefore also satisfied that the proposal would accord with Policy SP2 of the Local Plan in meeting Haringey's housing needs and maximising the supply of additional housing, and that there would not be conflict with Policy DM12 of the DPD or Policy 3.5 of The London Plan 2016 with regards to the design and quality of the accommodation for future occupiers.

Other Matters

12. I have had regard to concerns raised by an interested party in respect of a number of additional matters. However, whilst I have noted the concerns

regarding the recent maintenance and cleanliness of the appeal property, as well as its historic occupation along with the neighbouring properties, these are not matters which have been central to my decision-making for the reasons which have already been set out. Whilst the extent of the alterations and impact on the appearance of the property has been disputed, it is evident that the building has been altered from its original configuration, although I am satisfied that the further proposed alterations would not result in harm to the character and appearance of the area.

13. I have noted the concern over the drainage of the property, but no technical evidence has been submitted to support the contention that the proposed development would result in an adverse impact on existing drainage arrangements. I have not therefore attached any significant weight to these matters in my decision-making.

Conditions

14. In addition to conditions related to the commencement of development and identification of approved plans, a condition requiring the use of matching materials would be in the interest of the character and appearance of the area, whilst a condition securing a scheme of insulation would safeguard the living conditions of neighbouring and future occupiers, having regard to noise and disturbance.

Conclusion

15. For the reasons given above, and subject to the conditions listed, the appeal is allowed.

M Seaton

INSPECTOR