



Appeal Decision

Site visit made on 2 July 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2019

Appeal Ref: APP/Y5420/W/19/3227170
28-30 Willingdon Road, London N22 6SB

- 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 Ms Dolores Altaras (Altaras Architecture Ltd) against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/0169, dated 6 January 2019, was refused by notice dated 4 March 2019.
 - The development proposed is the conversion of two dwellings, 28 and 30 Willingdon Road, into 4 flats.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. It is clear from the plans and accompanying details that the proposal relates to Nos 28 and 30 Willingdon Road. As such, I have amended the address from that on the application form to reflect this.

Main Issues

3. The main issues are:
 - whether the proposal would adhere to the Council's strategy for residential conversions;
 - whether satisfactory living conditions would be provided for future occupiers of the proposed development, with particular reference to outdoor amenity space and the internal configuration of the scheme;
 - the effect of the development upon the living conditions of the occupiers of Nos 26 and 32 Willingdon Road, with particular reference to outlook; and
 - the effect of the development upon the character and appearance of the area.

Reasons

4. Nos 28 and 30 are two storey mid-terraced Victorian dwellings. Both properties have been heavily extended at the rear with a large single storey extension and rear dormer extension to the main roof and onto the rear outrigger projections. The surrounding area has a residential character and the site is within close proximity to Russell Park and Belmont Recreation Ground.

5. It is proposed to convert the properties into four three-bedroom flats. To provide additional floorspace, the existing single storey rear extensions to the respective properties would be extended to the full width of the plot. The extensions would be constructed from matching materials.

Strategy for residential conversions

6. Policy DM16 of the Development Management DPD (Adopted July 2017) (the DPD) seeks to maintain a supply of larger family homes within the Borough's Family Housing Protection Zone. Paragraph 3.37 of the DPD defines a family home as a dwelling with three plus bedrooms.
7. The supporting text to Policy DM16 of the DPD explains that the incremental cumulative impact of conversions over the past 20 years has resulted in some parts of the Borough experiencing unsatisfactory levels of on-street parking and congestion, increased pressure on local services, adverse changes to residential character and amenity, as well as a significant loss in the availability of family housing for which there is a strong identified need. The latter is of particular concern to the Council and its aspirations to retain economically active families in the Borough and to address the issue of overcrowding and its associated health and wellbeing impacts.
8. The parts of the Borough which have been identified as already having a high concentration of converted properties are included within the Family Housing Protection Zone. Within this zone, the Council aim to avoid any further cumulative impacts caused by conversions, by protecting the existing stock of family homes and restricting residential conversions.
9. Part B of the policy applies a two-part test for assessing proposed conversions within the Family Housing Protection Zone. Part B states that proposals will only be considered acceptable where they comply with Part A, Criteria B-G of the policy and result in no net loss in the number of family sized units. Criteria B of Part A states that the original gross internal floor area of the existing dwelling must be greater than 120 square metres; Criteria C-F relate to character and appearance and living conditions of future and neighbouring occupiers; and Criteria G seeks to deliver a mix of unit sizes.
10. Whilst the policy does not define the term 'original gross internal floor area', both parties agree that it means as the building existed on 1 July 1948. I have no reason to disagree with this interpretation and I have dealt with the appeal on this basis.
11. Neither floor plans nor supporting evidence has been provided by the appellant to substantiate their view that the original loft space of the respective properties had been used to provide habitable accommodation before 1 July 1948. As such, it is not been demonstrated that the original gross internal floor area of the existing dwellings is greater than 120 square metres. Based on the drawings, the size is likely to be closer to the 112 square metres as suggested by the Council.
12. Whilst I accept that the proposed development would deliver four three-bedroom flats in a sustainable location close to public transport links and local services, which meet the housing standards in the London Plan (March 2016), and that there would be a net gain of two family homes; Part B of Policy DM16 of the DPD clearly applies a two-part test for assessing proposed conversions

within the Borough's Family Housing Protection Zone. In this instance, as the original gross internal floor area of the existing dwellings falls below 120 square metres the proposal does not accord with Part A, Criteria B and thus Part B of Policy DM16 of the DPD. The proposal would therefore be at odds with the Council's strategy for residential conversions in the Family Housing Protection Zone, which aims to avoid further cumulative impacts caused by such schemes by protecting the existing stock of family homes.

Living conditions of future occupiers

13. Part A, Criteria C and D of Policy DM16 of the DPD requires conversions to provide satisfactory levels of outdoor amenity space and achieve suitable internal configurations, which are practical and fit for purpose, including vertical and horizontal stacking arrangements that minimise noise transfer between homes. In addition, Part B of Policy DM12 states that "*family housing on upper floors should have access to a balcony and/or terrace, or to shared amenity space and children's play space*". These objectives are echoed within Policy 3.5 of the London Plan (March 2016).
14. On the ground floor, the bedrooms to Flats 1 and 2 have been placed directly below the bedrooms to Flats 3 and 4, which would minimise noise transfer between the respective units. In terms of Flats 3 and 4, which are duplex units with bedrooms on the first floor and living areas above; as the flats are self-contained, the bedrooms and living areas would be occupied by members of the same family unit and the level of noise disturbance would be limited. Indeed, the proposed internal layout of Flats 3 and 4 is similar to the configuration of a typical dwellinghouse whereby bedrooms are above kitchen and living areas. Consequently, I consider that the internal configuration of the proposed development would provide satisfactory living conditions for future occupiers.
15. In terms of the provision of amenity space, Flats 1 and 2 have private rear gardens which are of a sufficient size to meet the needs of future occupiers. However, I note that Flats 3 and 4, do not have access to any form of private or shared amenity space. Given the size of the flats, it is reasonable to conclude that they could be occupied by families with children. Whilst the development is located near to Russell Park and Belmont Recreation Ground, which would provide occupiers with access to public amenity space and play equipment, the absence of any private or shared amenity space weighs heavily against the scheme. The future occupiers of Flats 3 and 4 would have no dedicated areas to dry washing, to sit outside, store items or allow young children to play unsupervised.
16. For the collective reasons outlined above, I conclude that the proposal would fail to provide satisfactory living standards for future occupiers. As such, and notwithstanding my conclusions in respect of the internal configuration of the scheme, when considered as a whole, the proposal does not accord with Policy DM12 (Part B) and Policy DM16 (Part A, Criteria C) of the Development Management DPD (Adopted July 2017) and Policy 3.5 of the London Plan (March 2016), which amongst other things requires new development to provide appropriate living conditions for future occupiers.

Living conditions of neighbouring occupiers

17. The proposed infill extensions would introduce additional built form immediately adjacent to the side boundaries of Nos 26 and 32 Willingdon Road. Both of the neighbouring properties have ground floor side facing windows, which face the appeal site. On my site visit, I observed that the windows had clear glazing and served habitable rooms.
18. Given the location of the extensions hard up with the side boundaries, the extensions would dominate the main field of view for neighbouring occupiers from the ground floor side windows. Consequently, the development would have an oppressive and overbearing impact upon the living conditions of the occupiers of the neighbouring properties, significantly harming the living conditions of the occupants
19. The appellant has provided a plan with '45-degree lines' shown from the rear of the outriggers of Nos 26 and 32 Willingdon Road. The plan demonstrates that the outlook from the rear facing windows would not be compromised by the development. However, this plan fails to show the relationship with the ground floor side windows and therefore does not demonstrate that the outlook from these properties would be acceptable.
20. In conclusion, the proposed development would cause significant and demonstrable harm to the living conditions of the occupiers of Nos 26 and 32 Willingdon Road. As such, the proposal does not accord with Policy 7.6 (Part B, Criteria D) of the London Plan (March 2016), Policy DM1 (Part A) and Policy DM12 (Part A) of the Development Management DPD (Adopted July 2017), which collectively requires development to safeguard the amenity of neighbouring occupiers through a high standard of design.

Character and appearance of the area

21. The proposed extensions would be modest in scale and would infill two small areas of garden to the side of the existing ground floor extensions to the respective properties. The extensions would be constructed from matching materials and would not increase the depth of the existing extensions. Therefore, the works would retain a subservient relationship with the original dwellings.
22. In terms of the wider impact, given the single storey scale of the proposed extensions and their rearward 'infill' location behind a continuous terrace of two storey properties, the additional built form would not be visible from the street and therefore the proposed development would respect the character and appearance of the area.
23. In conclusion, the proposed development would accord with Policies 7.4 and 7.6 (Part A and Part B, Criteria A-C) of the London Plan (March 2016), Policy DM1 (Part B) and Policy DM12 (Part E) of the Development Management DPD (Adopted July 2017) and Policy SP11 of the Haringey Local Plan Strategic Policies 2013-2026 (Consolidated with alterations since 2017), which collectively require new development to contribute positively to the locality through high quality design that is complementary to the local character.

Other Matters

24. Planning permission¹ was granted by the Council to convert 17 Lascotts Road into two flats. The appellant highlights that the property is within the Family Housing Protection Zone and has an original gross internal floor area just below 120 square metres. Consequently, the appellant argues that the assessment criteria of Policy DM16 of the DPD can be applied flexibly and such an approach should be taken in respect of the determination of the appeal. However, Policy DM16 makes no reference to a flexible interpretation. The floor area of the existing properties in the appeal before me are clearly below the threshold of 120 square metres and I find this to be a determinative matter in this instance.

Conclusion

25. The proposed development would preserve the character and appearance of the area, but this would be outweighed by the scheme's failure to provide satisfactory living standards for future occupiers; the significant harm that would occur to the living conditions of neighbours; and the conflict with the Council's strategy for residential conversions. Consequently, the proposal would not accord with the development plan taken as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Christopher Miell

Inspector

¹ Local Planning Authority Ref: HGY/2018/2094