



Appeal Decision

Site visit made on 6 August 2019

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/T5150/C/18/3210517

Flats at 134 Villiers Road, London NW2 5PU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr M Tarik against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice was issued on 24 July 2018.
 - The breach of planning control as alleged in the notice is the material change of use of the premises to 5 flats.
 - The requirements of the notice are 1) cease the use of the premises as 5 flats; 2) remove all kitchens and cooking facilities and remove all other fixtures, fittings and other paraphernalia associated with the unauthorised use from the premises or 3) carry out works as per approved plans (134VR(04) Rev 02) and comply with all conditions as approved under planning permission reference 14/2472 dated 26 September 2014.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) & (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed on ground (g), and it is directed that the enforcement notice be varied by the deletion of 6 months and the substitution of 9 months as the period for compliance. Subject to this variation the enforcement notice is upheld.

Reasons

Ground (a)

2. The development plan includes the Council's Development Management Policies [DMP] and the London Plan [LP]. DMP Policy DMP1 notes that subject to other policies within the development plan, development will be acceptable provided it is of detailing and design that provides high levels of internal amenity.
3. LP Policy 3.5 relates to quality and design of housing developments which should be of the highest quality internally, externally and in relation to their context and to the wider environment, to protect and enhance London's residential environment and attractiveness as a place to live. For a 1 bed unit the floor area to be aimed for is identified as being 37 sqm, but accompanying text also notes that single person dwellings of less than 37 square metres may be permitted if the development proposal is demonstrated to be of exemplary design and contributes to achievement of other objectives and policies of this Plan.

4. Planning permission has been granted for conversion of the property to flats. While the general form of the building in terms of footprint is similar, there are significant differences. The front elevation of the premises is different, with access doors as proposed not provided, but a roller shutter door left in place. The rear extension has been provided with a flat roof and not pitched roof as proposed and the conversion has been to five flats and not four. Overall, taking account of the similarities and differences I conclude that what has been built is not that with planning permission.
5. Effectively, internally the appellant has changed what was designed to be a 3 bedroom flat into two units. The conversions of all the flats has been done to a reasonable quality and the floor area of four of them complies with the appropriate standard and they are reasonable. However, the fifth flat is only about 30sqm whereas the standard aimed for is about 37sqm, which is nearly a 20% shortfall. While there is a degree of tolerance in relation to the floor area against the standard aimed for, in this case there are significant parts of the flat with fairly low sloping ceilings, making use of the space beneath difficult. Overall, I do not consider that the fifth flat provides satisfactory accommodation. The fact that if you add up the overall floor area of the 5 flats it is enough to comply with the standard is not helpful as it does not make the fifth flat of an acceptable size.
6. I note the appellant's argument that the development provides an additional unit of affordable accommodation as promoted by the National Planning Policy Framework and local policies. However, the Council also notes that there is a severe need for three bedroom family accommodation. I also consider that the need is for acceptable accommodation not for accommodation of poor quality with low head room as has been constructed for flat 5. Overall, I do not consider that flat 5 is of exemplary design and it does little to help to contribute to the achievement of other objectives and policies of the development plan.
7. I have taken into account bin storage and cycle parking which are necessary, but I consider with the space available, this can be achieved, and this could be the subject of a condition.
8. I conclude that the layout constructed is unacceptable and conflicts with DMP Policy DMP1 and LP Policy 3.5 and the appeal on ground (a) fails and the deemed planning application will be refused.

Ground (g)

9. I consider that 6 months is not a reasonable period for compliance with the notice. The appellant will firstly have to obtain possession of the various flats and then whichever alternative is adopted will necessitate fairly considerable building works. Overall, I consider that while 12 months is excessive, 9 months is a reasonable period for compliance. The appeal succeeds in relation to ground (g).

Graham Dudley

Planning Inspector