



Appeal Decision

Site visit made on 22 July 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2019

Appeal Ref: APP/Y5420/W/19/3228296

77 The Avenue, Tottenham, London, N17 6TB

- 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 Peter Hagan of PRH Portfolios against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/0200, dated 7 December 2018, was refused by notice dated 1 March 2019.
 - The development proposed is described on the application form as follows: "conversion of one unit house to two units (flats)".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The development for which planning permission is sought has been carried out. Retrospective planning permission is sought for the conversion of a house into two flats, which are currently occupied.
4. The main issue in the appeal is whether the development results in the unacceptable loss of a family sized dwelling.

Reasons for the Recommendation

5. The appeal site comprises a two storey end of terrace single dwelling on the northern side of The Avenue, situated within the Family Housing Protection Zone (FHPZ).
6. Policy DM16 of the Council of the London Borough of Haringey Development Management DPD, adopted in July 2017 seeks to maintain a supply of larger family homes within the Borough. It states that the Council will only permit the conversion of larger homes to small self-contained units within the FHPZ where certain criteria are met and the conversion will result in no net loss of family sized units.
7. With regards to the net loss of family sized units, the appellant states that the proposal provides an alternative to small family housing in providing

appropriately sized units to offer a choice of housing for people in socially-balanced and inclusive communities in the area. The argument is that the flats would provide good quality family accommodation supporting living tenants with disabilities, single tenants and couples.

8. The Council has stated that a family sized unit is a three bedroom unit with space standards in accordance with the London Plan (2016). The latter is supported by the Mayor's Housing Supplementary Planning Guidance 2016 (SPG), which defines family housing as generally having three or more bedrooms, with two bedroomed dwellings with nominal space for four persons not normally being considered appropriate for families. Nonetheless, the supporting text to DPD Policy DM16 refers to family houses as those having three or more bedrooms.
9. Prior to conversion, the appeal dwelling was a three bedroom property which, based on the plans submitted, was clearly capable of being a family sized dwelling with adequate living space. Following conversion, the flats are not of an appropriate scale or layout to be considered as appropriate units for families and as such, the proposal results in the loss of the existing family sized unit.
10. As outlined above, Policy DM16 states that the Council will only permit the conversion of larger homes to small self-contained units within the FHPZ if, in addition to no net loss of family sized units, certain criteria are met. It is recognised that the exterior of the property has not been altered, such that the design and balance of hard and soft landscaping does not detract from the appearance of the property or the street scene. A single door to the front elevation has also been retained. However, for conversions to be acceptable the gross original internal floor space of the existing dwelling must be greater than 120 square metres. There is broad agreement that the gross internal floor area is below the conversion standard threshold for houses within the FHPZ. The submitted plans show a gross internal area of 90.48 square metres prior to conversion of the dwelling.
11. Policy DM16 also contains a requirement that the proposal satisfies all other relevant policies, including minimum internal space standards. The overall gross internal floor areas of both units meet the London Plan space standards for a one bedroom flat in compliance with Policy SP2 of Haringey's Local Plan Strategic Policies 2013 – 2016. An extract from the London Plan shows that the minimum space standard for a one bedroom dwelling with bed spaces for one person is 39 square metres. The submitted plans show that the flats at the dwelling have a gross internal floor area of 40.13 square metres and 44.78 square metres. Nevertheless, as evidenced during the site visit the rooms allocated on the submitted plans as studies are currently in use as bedrooms, and the flats are therefore being used as two bedroom dwellings. There is nothing before me to show that the layout of the flats meets minimum internal space requirements.
12. In any event, even if the layout of the flats meet the internal space requirements as set by the London Plan, the conversion remains in conflict with DPD Policy DM16 by virtue of the fact that the original dwelling is not of a sufficient size to be considered suitable for conversion. The Policy is clear in that all conditions set down must be met in order for the conversion of larger homes to small self-contained units to be permitted within the FHPZ.

13. For the reasons given the proposal does not meet DPD Policy DM16 and would result in the unacceptable loss of a family sized unit within the FHPZ, which could reasonably be occupied by a family or people forming a single household. While theoretically a family could occupy each unit of the converted building, the size of the flats is too small and inadequate. Practically, they cannot provide the same level of accommodation for family housing that would be available should the dwelling revert to its lawful use. The proposal is therefore conflicts with Policy DM16 and Policy SP2 of Haringey's Local Plan, which seek to ensure that the Council provides homes with meet its housing needs.

Other considerations

14. The appellant states that the proposal, in converting a one unit house into two separate units, helps to meet the housing needs targets. The supporting text to Policy DM16 states that the Council's Local Plan is not reliant on conversions to meet its strategic housing needs target. Furthermore, due to the scale of the proposal it is not considered that the contribution it would make to the housing needs targets is great enough to outweigh the harm identified above and permit the conversion contrary to the policies of the DPD.
15. The appellant further highlights the quality of the design as a positive element and benefit of the proposal. However, due to the scale and nature of the proposal it is considered that this internal design is also not great enough to outweigh the harm identified above.

Conclusion and recommendation

16. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR