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## Appeal Decision

Site visit made on 9 October 2019

**by A M Nilsson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 October 2019**

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**Appeal Ref: APP/Y5420/W/19/3233843**

**24 Ferndale Road, Tottenham, London N15 6UE**

- 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 Damen against the decision of the Council of the London Borough of Haringey.
  - The application Ref HGY/2019/1140, dated 10 April 2019, was refused by notice dated 7 June 2019.
  - The development proposed is conversion from 2 flats to a single dwelling (no external works proposed).
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether, having regard to development plan policy, the development would have a harmful effect on the supply and choice of housing available within the Borough.

### Reasons

3. The appeal site comprises two residential units, a ground floor flat and the first floor flat above. It is situated on a residential street where the north side appears to be predominantly made up of dwelling houses, and the south side to be predominantly made up of flats. Both sides of the street are terraces and of a similar scale at two storeys.
4. The appeal proposal to convert the two flats to one single dwelling would not involve any external work to the properties.
5. Policy SP2 of the Local Plan seeks to ensure, amongst other things, an appropriate mix of housing that meets Borough-wide needs but is also tailored to local circumstance. Policy DM10 of the Councils Development Management Plan document and Policy 3.14 of the London Plan outline, amongst other things, that the loss of housing should be resisted unless the housing is replaced with at least equivalent new residential floorspace. In relation to the appeal proposal, no new residential floorspace, that does not already exist, is proposed.
6. The appellant considers that the proposal does not reduce the amount of residential floorspace, it would simply reconfigure it. Whilst the floorspace

would remain in residential use, such an argument does not address the loss of a residential unit. The appeal proposal goes beyond mere reconfiguration as it would replace two residential units with one. It would not provide any replacement with new residential floorspace as required by the policy.

7. The proposal would result in the loss of one residential unit which the Council consider would be of a benefit to smaller families in the area and contribute to providing an adequate housing mix in an area dominated by large family houses. Although only a small loss in the number of residential units would occur it would nevertheless remove one unit from the housing stock. The overall impact of such may not be significant on its own, however although each application and appeal must be treated on its individual merits, were the appeal to succeed it could set a precedent for similar proposals which would cause significant harm to the ability of the Council to meet its housing need and to provide an appropriate mix of housing types.
8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the proposal is found to be contrary to the development plan and the other material considerations of the case do not indicate that the appeal should be allowed.
9. Therefore, the proposal would have a harmful effect on the supply and choice of housing in the Borough. It would be contrary to Policy SP2 of the Haringey Local Plan (2017) in terms of securing an appropriate housing mix, Policy DM10 of the Council's Development Management Plan document (2017) and Policy 3.14 of the London Plan (2016) which outline, amongst other things, that the loss of housing should be resisted unless the housing is replaced with at least equivalent new residential floorspace.

### **Other Matters**

10. The appellant contends that it is questionable whether the proposal to form one dwelling from two flats constitutes development. As the appeal relates to the refusal of planning permission under S78, whether it constitutes development or otherwise is not a matter for me to consider in this instance.
11. The appellant has commented that the creation of a family house would, in effect, comply with policies that seek to resist the loss of family housing in the area. I do not find that these policies are pertinent to the main issue. The creation of a family dwelling does not override the harm I have identified with the proposal and its conflict with the development plan as a whole.
12. I have had due regard to the applicant's religious beliefs. These have been considered in accordance with the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act. However, it does not follow from the PSED that the appeal should succeed and whilst I have given weight to the applicant's religious beliefs, they do not outweigh the harm that would be created were the appeal to be allowed.

## **Conclusion**

13. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

*A M Nilsson*

INSPECTOR