The Planning Inspectorate

Appeal Decision

Site visit made on 15 September 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/Y5420/W/20/3251462
Old Dairy, Daleview Road, Tottenham, London N15 6PL

- 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 McGowan against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2019/2810, dated 15 October 2019, was refused by notice dated 11 December 2019.
- The development is change of use of existing maisonette to 2no. studio flats.

Decision

1. The appeal is allowed, and planning permission is granted for conversion of existing maisonette into 2no. studio flats, including a two storey bay window extension to the rear elevation at Old Dairy, Daleview Road, Tottenham, London N15 6PL, in accordance with the application, Ref HGY/2019/2810, dated 15 October 2019, and the plans 22193/TP/01, 22193/TP/02, 22193/TP/SITE and 22193/TP/LOC, subject to the following condition:

    1. The bay window extension hereby permitted shall be constructed with obscured glazing in the north and south-facing windows at first floor level and no part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be permanently retained thereafter.

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.

Procedural Matters

3. The description of the development relates to the conversion of an existing maisonette into two dwellings. However, during my site visit I discovered that the appeal property was already in use as two separate units, with one on the ground floor and one on the first floor. However, the two-story bay window as shown on the proposed plans has not been implemented. While there is therefore some difference between the actual use and layout of the appeal property and how it is shown in the existing drawings, I consider that this appeal can still be determined insofar as it relates to the proposed drawings.

4. The description of the proposed development included in the banner heading above is taken from the application form. However, as the description of the proposed development included in the decision notice makes reference to the

two-storey bay window extension too, it is therefore more comprehensive and so I have used this description within the decision above.

Main Issues

5. The main issues are:

   i) whether the proposed conversion of the appeal property to form two studio flats would result in the loss of a family house, and

   ii) the effect of the proposed development on the living conditions of neighbouring occupants, with particular regard to privacy.

Reasons for the Recommendation

Conversion to studio flats

6. The Council assert that the proposed development would result in the loss of a family-sized unit within the Family Housing Protection Zone. The supporting text to Policy DM16 of the Development Management DPD 2017 (the DMDPD) defines family houses as having three or more bedrooms. However, from the delegated report, I note that the Council gave permission on 25 March 2019 for the erection of a two storey, four-person dwelling comprising just two bedrooms under application Ref: HGY/2019/0069. It is this property which is subject of this appeal. As the approved scheme did not constitute family housing, as per the Council's own definitions, its conversion to two studio flats does not result in the loss of a family-sized unit.

7. However, I note from the design and access statement that the appeal property has an internal floorspace of 92sqm, whereas Policy DM16(A)(b) states that conversions within the Family Housing Protection Zone which do not result in the loss of a family-sized unit are only acceptable when the gross original internal floorspace of the existing dwelling is greater than 120sqm. Therefore, while the development has not resulted in the loss of a family-sized dwelling, it does conflict with Policy DM16(A)(b) on the basis of its original internal floorspace.

8. Nonetheless, the Council state, in their officer report, that the development provides acceptable internal living space for occupants of both flats. While the development therefore fails to accord with Policy DM16(A)(b), there appears to be no adverse effect of doing so. As such, while there is some conflict with part of the policy, the development does not conflict with the aims and objectives of Policy DM16, in protecting the Council's stock of family housing.

9. For the above reasons, I conclude that the conversion of the appeal property to form two studio flats has not resulted in the loss of a family house. The development therefore broadly accords with Policy DM16 of the DMDPD, as set out above. It also accords with Policy SP2 of Haringey's Local Plan Strategic Policies 2013 (the Local Plan) which seeks to ensure the delivery of quality homes, and Policy 3.14 of the London Plan 2016 (the London Plan) which seeks to resist the loss of housing.

Effect on living conditions of neighbouring occupants

10. The proposed two-storey bay would introduce additional glazing that would face onto the rear gardens of properties which front Daleview Road to the north and Vartry Road to the south. However, the submitted drawings indicate that

the sides of the two-storey bay would be fitted with obscured glass. This could be secured by condition, and would prevent future occupants of the proposed first-floor flat from looking directly into adjacent rear gardens. As the west elevation of the proposed two-storey bay would not feature obscured glass, lateral views from first-floor level into neighbouring rear gardens would be possible. However, there is already a large, west-facing window at first-floor level and so any overlooking from the proposed bay window would be comparable to the existing arrangement. I therefore consider that the proposal would have an acceptable effect on the living conditions of neighbouring occupants with particular regard to privacy.

11. The proposed development would therefore comply with Policy 7.6 of the London Plan and Policies DM1 and DM12 of the DMDPD, which state, amongst other things, that buildings should not cause unacceptable harm to the amenity of surrounding residential buildings in relation to privacy.

12. However, Policy 7.4 of the London Plan and Policy SP11 of the Local Plan are not relevant to this particular main issue, as these policies relate to matters of design rather than the effect of development on neighbouring living conditions.

Other Matters

13. In their consultation, the Council's principal transport planner recommended that a legal agreement ensuring car-free development would be required. However, the officer commented that the development would not have any adverse impact on the highway network or car parking demand. Based on my site visit and the lack of any evidence before me to support the transport planner's position, I do not consider that such an agreement is necessary.

14. I note the objection from a neighbour in relation to increased noise and disturbance resulting from the development. However, an increase of one small unit is not likely, in my view, to materially increase noise at the site such that it would be disturbing to neighbours.

Conditions

15. The Council have suggested some conditions. As the development has already commenced, there is no need to impose their suggested condition relating to the time period for the commencement of development. Also, I have included the approved plans within the terms of the decision.

16. I have imposed a condition requiring that the bay window is constructed with the first-floor side facing windows being fixed and obscurely glazed, as indicated on the submitted drawings, in order to ensure the privacy of the occupants of neighbouring properties.

17. The Council's principal transport planner suggested conditions be attached relating to waste, recycling and cycle storage. However, I see no reason why the existing waste and recycling arrangements for the previous dwelling could not simply be adapted for the development without necessarily being controlled by condition. Also cycle parking provision is already shown on the submitted plans.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR