

Appeal Decision

Site visit made on 13 October 2020

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2020

Appeal Ref: APP/Y5420/W/20/3250620
7 Rowley Road, Tottenham, London N15 3AX

- 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 Joshi against the decision of the London Borough of Haringey Council.
 - The application Ref HGY/2019/2852, dated 14 October 2019, was refused by notice dated 10 December 2019.
 - The development proposed is for the conversion of dwellinghouse to 1 x 2 bedroom flat and 1 x 3 bedroom flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the availability of larger family housing in the locality; and whether adequate accommodation would be provided for future occupiers, with specific reference to internal floor standards, private amenity space and parking provision.

Preliminary Matter

3. 7 Rowley Road has been subjected to various alterations and extensions pursuant to planning references HGY/2019/0142 and HGY/2019/0170; these comprise lawful development certificates for rear roof extensions and a single storey rear extension respectively, and were substantially complete at the time of my site visit.

Reasons

Larger Family Housing

4. The application site comprises of a mid-terraced house with accommodation on three levels, including the conversion and extension of the loft space as referred to above. The dwelling as it stands has been renovated to a high standard and the majority of alterations to facilitate the proposed conversion to 2no flats would be internal.
5. Policy DM16 of Haringey's Development Management DPD adopted 2017 (DMDPD) stipulates that to retain a supply of larger family homes to meet Haringey's housing need, the Council will only permit the conversion of larger homes to self-contained homes subject to a number of criteria.

6. In this particular case the site falls within a 'Family Housing Protection Zone' (FHPZ) with the supporting text within the DMDPD stating that the incremental cumulative impact of conversions over the past 20 years has resulted in these areas 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 of which there is a strong need. The latter is a particular concern to the Council and its aspirations to retain economically active families in the Borough, to encourage households to put down roots, and to address overcrowding and associated health and wellbeing impacts.
7. For these reasons the Council seeks to restrict further residential conversions in the areas already identified as already having a high concentration of converted properties, to ensure that the remaining stock of family houses of 3+ bedrooms can be protected; and to ensure that the range of Haringey's housing needs can be met.
8. Paragraph B of DMDPD policy DM16 states that conversions within the FHPZ will only be considered acceptable where they comply with criteria b-g of its paragraph A and would result in no net loss in the number of family sized units. With regards to criteria A (b), the conversion of a larger home to a small self-contained home is only permitted where the gross original internal floor space of the existing dwelling is greater than 120 square metres (sqm). The floor area of approximately 150 sqm cited by the appellant is the existing floor area as extended, not as originally constructed. Extending a dwelling prior to seeking conversion into two or more flats would undermine the principle of having a threshold in the first place.
9. The Council estimate that the original dwelling would have had a floor space of approximately 100 sqm and the appellant does not dispute this; and therefore whether or not a small rear outrigger were removed and the resultant existing building fell below the 120 sqm threshold is not relevant. Therefore on this first main issue I conclude that due to the fact that the original gross internal floor space of the existing dwelling was less than 120 sqm that the scheme before me would fail to maintain a supply of larger family homes to meet Haringey's housing need and would therefore be contrary to DMDPD policy DM16.

Whether adequate accommodation would be provided

10. The proposed ground floor two bedroom flat would be capable of accommodating a small family of three persons and although this would be limited, it would comply with the minimum gross internal floor area set out within Table 1 of the Government's Technical Housing Standards – Nationally Described Space Standard March 2015 (NDSS). However as highlighted above, in order to protect the remaining existing stock of family houses of 3+ bedrooms within the FHPZ, the ground floor flat cannot be considered to be a like for like replacement.
11. With regard to the proposed upper floor flat, with accommodation to be provided over the first and second floors, there is disagreement between the parties over the area of usable floor space, particularly because of the sloping ceiling over the double bedroom at the front on the proposed second floor plan.

12. NDSS technical requirement 10.d. states that in order to provide two bed spaces, a double (or twin bedroom) should have a floor area of at least 11.5 sqm. However criterion 10.f. highlights that any area with head room of less than 1.5 metres is not counted within the gross internal area, unless used solely for storage. I note the appellant's claim that the majority of floor to ceiling height within the converted loft space is 2.5 metres and therefore taking into account the slope in the roof, the flat would have a minimum ceiling height of 2.5 metres for in excess of 75% of the dwelling. However with regard to the double bedroom in question, whilst I note the figures given within paragraph 5.27 of the appellant's statement, without diagrammatical evidence I remain to be satisfied on this point.
13. However, notwithstanding the above, I note that the sole access into the upper floor flat would be via a lobby adjacent to the ground floor flat's entrance, and there would be no access whatsoever to an area of private amenity space for the future occupants of what could amount to a 'family sized' unit. Whilst it may be that the total gross internal floor area is approximately in line with that for a 3no bedroom 4no person two storey dwelling, the quality of accommodation provided would be a retrograde step in comparison to the existing situation. For example, and as highlighted in at least one of the cited appeal decisions by one of my colleagues, there would be no space to sit out in privacy, hang out washing or for young children to play unaccompanied. I acknowledge that there is an area of public open space in quite close proximity to the appeal site, but nonetheless I consider that the accommodation would be substandard and would go against the general spirit of the Council's policy in maintaining accommodation which is appropriately sized for, and useable by families.
14. Furthermore, I note that there would be no parking provided for either of the flats, and although no parking is currently provided for the existing dwelling the scheme would give rise to the creation of 2no households in lieu of 1no. In addition, I note reference to the Council's levels of housing delivery, although I have not been provided with their 5 year housing land supply figures, and in any case there is no objection to the principle of residential development on the site other than through the loss of larger family homes in this location. Nonetheless a net increase of 1no housing unit would make a small positive contribution to housing supply within the area, although I give this limited weight particularly bearing in mind that DMDPD policy DM11 states that the council will not support proposals which result in an over concentration of 1no or 2no bedroom units, unless they are part of larger developments or located within neighbourhoods where such provision would deliver a better mix of unit sizes which include larger and family sized units.
15. With regard to the appeal decision for 69 Alexandra Road, Wood Green (reference APP/Y5420/W/17/3172817) in that case, the ground floor flat was a family sized unit and consequently had direct access to private amenity space. I therefore consider that the two cases are not directly comparable, but in any event each case must be assessed on its own merits.
16. In summary, I consider that it has not been adequately demonstrated that the proposal would satisfy the NDSS' minimum internal space standards or that it would provide satisfactory levels of private amenity space. Therefore in addition to being contrary to DMDPD policy DM16, I also find the scheme in

direct conflict with policy SP2 of the Haringey Local Plan 2017 and policy 3.5 of the London Plan 2016, which together are concerned with the quality and design of housing developments and require minimum space standards to be incorporated.

Conclusion

17. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR