



Appeal Decision

Site visit made on 20 April 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2021

Appeal Ref: APP/Y5420/W/20/3263034

848 High Road, Tottenham, London N17 0EY

- 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 Gulfraz Taj against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2020/2104, dated 31 July 2020, was refused by notice dated 28 September 2020.
 - The development proposed is described as 'first floor rear extension, with internal and external demolitions and alterations to facilitate the proposal of a new 1 x 1 bed dwelling with ground floor commercial space'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The new London Plan 2021 (LP2021) was published on 2 March 2021. It replaces previous versions of the London Plan and can be given full weight. In terms of policies relevant to this appeal, there have been no material changes in LP2021 from those contained in the Intend to Publish (December 2019) and Publication (December 2020) versions of the plan. Furthermore, on 19 January 2021, the Government published the latest Housing Delivery Test (HDT). I have had regard to the comments made by both main parties in respect of these matters.

Main Issue

3. The main issue is whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to layout, outlook and amenity space.

Reasons

4. The appeal property is a mid-terrace building located in a shopping frontage in Tottenham High Road. The ground floor consists of a shop unit and there is a flat that occupies the first and second floors. At the time of my site visit, there was a bedroom at second floor, and another bedroom at the rear of the first floor within the 2 storey gabled outrigger. An outdoor space enclosed by railings is provided for the flat on top of the ground floor rear extension of the shop unit. I saw that the space was being used for clothes drying.

5. The internal layout would be reconfigured to provide a 1-bedroom (1-person) flat that would occupy the front of the first floor and the second floor (Flat 1). Another 1-bedroom (1-person) flat would be provided at the rear of the ground and first floors (Flat 2). The proposal would retain a shop unit towards the front of the ground floor. As the flats would each occupy 2 floors, they would be 2-storey dwellings.
6. Whilst I note the presence of the existing upper floor flat, the proposal would be housing development comprising re-configuration of the layout of the building, including the existing flat, to provide an additional residential unit. Therefore, the respective internal and external space standards are applicable to both dwellings.
7. The information before me indicates that Flat 1 and Flat 2 would have gross internal areas (GIA) of 46 square metres (sqm) and 54 sqm respectively. Table 3.1 of the LP2021 does not prescribe minimum internal floorspace standards for a 1-bedroom (1-person) 2-storey dwelling, although it does not explicitly preclude such accommodation. The standards refer to the extra circulation space needed for stairs between floors. The additional space required in the housing standards for a 1-bedroom (2-person) 2-storey dwelling compared to a single storey dwelling is 8 sqm and I consider that this would be a reasonable figure to take account of the required circulation space.
8. The minimum space standard for a 1-bedroom (1-person) single storey dwelling with a shower room is 37 sqm. The proposed flats would exceed this by at least 9 sqm, which would make an appropriate allowance for the space required for circulation. Therefore, I find that the amount of internal floor space for the proposed flats would be adequate to accommodate day-to-day living activities for a single occupant.
9. Regarding the quality of the layout, the ground floor of Flat 2 would be served by patio doors in the rear elevation, which would face a small courtyard measuring around 4.9 sqm. The height and position of the surrounding boundary walls would result in a very enclosed outdoor space that would not provide a pleasant amenity area. Furthermore, due to the proximity of the rear patio doors close to the boundary walls, there would not be adequate outlook from the main living area. I note that a roof light would also be provided, however this would not overcome my concerns. I therefore find that the poor quality of the layout would result in oppressive living conditions for the future occupier of Flat 2.
10. The front bay window and rear dormer window would provide sufficient outlook to the main living area and bedroom of Flat 1 and so the internal layout of Flat 1 would be acceptable. Nevertheless, Policy D6 of the LP2021 states that a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings. Flat 1 would have no access to a private outdoor space. The future occupier would therefore have nowhere suitable to sit outside or hang out washing. Whilst I have found that the amount of internal floor space for Flat 1 is adequate, due to the space required for circulation it would not be of a size that would mitigate the lack of private outdoor space. The proposal would not therefore provide acceptable living conditions for the future occupier of Flat 1.
11. I have had regard to the standard of accommodation provided by the existing upper floor flat. The existing floor plan indicates that this has a comfortable internal floor area of around 71sqm and a sufficient level of outlook is provided

by the front and rear upper floor windows. In these respects, the proposal would not provide an improvement to the existing situation that would support the proposal.

12. For the above reasons, I conclude that the proposed development would not provide acceptable living conditions for future occupiers. The proposal would therefore be contrary to Policy D6 of the LP2021, Policies SP2 and SP11 of the Haringey Local Plan Strategic Policies 2013-2026 Consolidated with Alterations 2017, Policies DM1 and DM12 of the Haringey Development Management Development Plan Document 2017 (the DPD) and guidance contained in the London Housing Supplementary Planning Guidance 2016. These policies state, amongst other things, that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts; and provide useable private outdoor space. The Council has also referred to Policy DM11 of the DPD, however I do not consider that this is directly relevant to the main issue. Nevertheless, this would not alter my findings.

Other Matters

13. I have had regard to the examples referred to by the appellant of other developments approved by the Council. Those developments are not directly comparable to the proposal before me and I have nevertheless determined the appeal scheme on its own individual merits. Furthermore, I am not bound by previous decisions made by the Council.
14. The HDT results published 19 January 2021 show that the Council has a measurement of just 60% of homes delivered against its requirement over the previous 3 years. Therefore, the most important policies for determining the application are out-of-date in accordance with footnote 7 of the National Planning Policy Framework (the Framework). In these circumstances, paragraph 11(d) ii of the Framework is engaged.
15. Paragraph 59 of the Framework sets out an objective to significantly boost the supply of homes. The proposal would make a contribution towards addressing the substantial shortfall in the supply of new housing. However, this benefit would be limited because there would only be a net increase of one dwelling. In addition, the reduction in floor area of the ground floor commercial unit could be more attractive to potential commercial occupiers, which I attach limited weight in the proposal's favour.
16. The proposed external alterations would be modest and would preserve the character and appearance of the North Tottenham Conservation Area. There would be no harmful effects in relation to matters including neighbouring living conditions or highway safety. However, given that these matters are policy requirements this weighs neutrally.
17. I have found that the proposed development would not provide acceptable living conditions for future occupiers. This conflicts with paragraph 127 of the Framework, which seeks to ensure that developments create places with a high standard of amenity for existing and future users. I attach significant weight to this harm.
18. I find that the identified adverse effects of the proposal would significantly and demonstrably outweigh the benefits outlined above, when assessed against the

policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

19. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Osgathorp

INSPECTOR