The Planning Inspectorate

Appeal Decision

Site visit made on 11 May 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2021

Appeal Ref: APP/Y5420/W/20/3259939
3 Hampden Lane, Tottenham, London N17 0AS

- 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 M Ajaz against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2020/0323, dated 25 January 2020, was refused by notice dated 13 August 2020.
- The development proposed is described as Two storey side addition with internal alteration to create additional 3 flats.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. The appeal form and decision notice describe it as 'First floor storey side extension, including single storey rear extensions with internal alteration to create 3 additional flats.' This more accurately reflects the development proposed and I have considered the appeal on this basis.

3. On 19 January 2021, the Government published the 2020 Housing Delivery Test (HDT) results, showing the Council has delivered 60% of its housing requirement over the latest 3-year period. On 2 March 2021 the London Plan (2021) was published, replacing the London Plan (2016). The Council and appellant have been given an opportunity to comment on the implications of these matters.

4. The Council's reason for refusal refers to conflict with Policies of the London Plan (2016). It has been replaced by the London Plan (2021) and I have not been provided with any equivalent replacement policies by the Council, which is reflected in my findings in relation to each main issue below.

Main Issues

5. Having regard to the evidence before me, the main issues are the effect of the proposed development upon:

    - the supply of family housing and whether the development would provide a suitable mix of dwellings;

- the living conditions of future occupiers of flat no. 3 with particular reference to internal space provision;
- the living conditions of future occupiers of flat nos. 4 – 6 with particular reference to external space provision;
- the living conditions of future occupiers of flat nos. 1 – 3 and the occupiers of Nos 1 and 9 Hampden Lane with particular reference to outlook;
- the living conditions of future occupiers of the development with particular reference to internal space configuration and noise and disturbance; and,
- the character and appearance of the host building and the area.

Reasons

Family housing and dwelling mix

6. Policy SP2 of the Haringey Local Plan Strategic Policies (2017) (the LPSP) expects new housing to accommodate a variety of needs including growing families. The text to the housing chapter and to Policy DM16 of the Haringey Development Management DPD (2017) (the DMDPD) explains the policies seek to protect and maintain its existing stock of family housing given the incremental cumulative loss to conversions over the last 20 years, to ensure Haringey's housing needs are met. The appeal site lies within the designated Family Housing Protection Zone under Policy DM16. Although it is not referred to in the first reason for refusal, both parties have referred to it.

7. The appeal site building currently comprises 1no. 2 bedroom flat and 2no. 3 bedroom flats. The 3 bedroom units provide a good level of accommodation suitable for family occupation. As this development includes converting existing family units DM16 is relevant. DM16 only permits the conversion of a family size dwelling where there is no net loss of family sized units, the dwelling is above 120 square metres (sqm) and an appropriate mix of dwellings is provided in accordance with Policy DM11 of the DMDPD.

8. The existing 3 bedroom units are less than 120 sqm and the development would result in the net loss of one 3 bedroom flat, with the addition of 4no. 1 bedroom flats and a replacement 2 bedroom flat. Therefore, the development conflicts with these requirements of DM16. Policy DM11 does not support an overconcentration of 1 and 2 bedroom units, unless part of larger developments, or they are located within neighbourhoods where such provision would deliver a better mix of unit sizes which includes larger and family sized units.

9. I do not consider this to be a larger development. While the mix of or overconcentration of housing is not defined in DM11, I am of the view that providing 5 out of 6 units as 1 and 2 bedroom units, would represent an overconcentration. Therefore, the development conflicts with Policy DM11 and DM16 of the DMDPD. Although in close proximity to a centre with services and facilities, the appeal site is within a primarily residential street and I see reason why the site is not well suited to providing family accommodation as is currently the case. The substantive evidence before me does not demonstrate the provision of family units would result in harmful effects in respect of parking, or that single units are less likely to have a car. Therefore, these matters do not outweigh the policy conflicts identified.

10. For the reasons set out above the development would result the net loss of a family dwelling in an area where such dwellings are protected and it would not provide an appropriate mix of dwellings, in conflict with Policy DM16 of the DMDPD. While Policy SP2 of the LPSP recognises the needs of growing families there is no expressed priority for family sized housing or specified dwelling mix, so I do not find conflict with it. Policy DM10 makes a requirement for equivalent floorspace but not for equivalent unit sizes, therefore as this development results in an overall increase in internal floorspace, I do not find a conflict with Policy DM10 of the DMDPD. However, these matters do not mitigate or overcome the conflict with DM16.

Internal space provision

11. Policy SP2 of the LPSP and DM12 of the DMDPD requires new homes are of a high quality, in compliance with the Mayor of London Housing Supplementary Planning Guidance (the SPG). Standard 24 of the SPG expects new dwellings must meet the Nationally Described Space Standard (2015) (the NDSS). Five of the six new flats meet the respective requirements or exceed the minimum internal standards. Having regard to their size and layout, they provide an adequate quality of development in accordance with the policies and standards before me.

12. Flat 3 would provide 3sqm below the NDSS standard for a 2 bedroom 3 person dwelling. However, it would provide an adequate internal layout with adequately sized single and double bedrooms, a bathroom and storage. All the spaces and rooms are of a good useable shape and height, with good levels of light. While it would be less than the NDSS standard, I am of the view it would provide an adequate standard and satisfactory living conditions for future occupiers.

13. The development would conflict with Policy SP2 of the LPSP and Policies DM12 and DM16 of the DMDPD in respect of flat 3 meeting the floorspace standards in the NDSS. However, for the reasons set out above it would not result in harmful living conditions to the future occupiers with reference to internal floorspace. Therefore, I do not find harm as a consequence of this conflict.

External space provision

14. Standard 26 of the SPG requires a minimum of 5sqm of private outdoor space is provided for 1 – 2 person dwellings. Flat nos. 4 – 6 would not benefit from any private external amenity space and the only communal external space is for refuse and cycle storage. While it may not be uncommon for some upper floor flats to benefit from no garden space, it would not necessarily be expected that they would have no access to either an element of useable communal leisure space or some form of balcony space. This type of space can offer a greater degree of benefits with respect to exclusivity of use, convenient access and utility, compared to a public park, for example with respect to gardening opportunities, laundry drying and sitting outside. Therefore, having regard to the availability of public transport and the proximity of two parks, this and the internal space in the three dwellings does not make up for the absence of outdoor space.

15. The Council permitted a scheme with no outdoor space provision on a site nearby in 2014. Based upon the plans before me they were significantly above the current internal space standards for such dwellings. While those parks are

in walking distance of the appeal site, the 2014 decision pre-dates the DMDPD the updated LPSP, and only one of the currently proposed dwellings is in excess of the NDSS internal space standards. The provision of communal space and balconies might lead to concerns for privacy. However, this does not mitigate or outweigh the harm.

16. For the reasons set out above, the development would result in harmful living conditions for the occupiers of flats 4 - 6 with reference to the absence of private external space or communal garden provision. This would conflict with Policies SP2 and SP11 of the LPSP and Policies DM1, DM12 and DM16 of the DMDPD which require that development provides a high quality design of new homes with high standards of amenity and adequate amenity space for occupiers, that meets the minimum external space standards in the SPG.

Outlook

17. The ground floor extension would result in private amenity space of approximately 5.1m in depth for flats 1 and 3 and approximately 3.5m in depth for flat 2. The existing rear boundary treatment is approximately 1.8m and any new treatments could be controlled to be of a similar height. Behind the site are a row of trees and open car park providing a good level of outlook for some distance. There is no evidence before me this is to change. Subject to a suitably worded condition to secure boundary treatments, the dual aspect flat Nos 1 – 3 would have an acceptable level of outlook.

18. The rear ground floor walls of Nos 1 and 9 Hampden Lane project beyond the proposed ground floor extension, so there would not be harm from the outlook from the rear garden spaces. The first floor side windows on Nos 1 and 9 are obscure glazed, so they do not have an outlook. Furthermore, the window at No 1 is above the proposed extension, and the side extension would be 8m from the window at No 9. The other window on No 1 could only look down onto the ground floor extension at a highly oblique angle. Consequently, there would be no harm to the living conditions of occupiers of Nos 1 and 9 in respect of outlook.

19. For the reasons set out above the development would not result in harmful living conditions to the future occupiers of flat Nos 1 – 3 or neighbouring occupiers at Nos 1 and 9 with particular reference to outlook. Therefore, it would not conflict with Policy DM1 of the DMDPD or Policy SP11 of the LPSP, which require development creates places of high quality that provide a high standard of amenity for future and neighbouring occupiers.

Noise and disturbance

20. The development would result in an arrangement whereby rooms such as lounges and kitchens are directly above or below bedroom space. The amount of overall space at which this occurs is significant for flats 2, 3, 5 and 6. Bedroom space is generally a space of rest and sleep and there is likely to be a much greater level of activity in kitchen and living spaces which could generate some audible noise to floors above or below. Different households may well have different lifestyles and routines at different times of the day which could result in harmful effects through noise disturbance. I have not been offered any substantive evidence to demonstrate this matter could be mitigated, or could be addressed by a suitably worded planning condition.

21. Based upon the evidence before me, the development would result in harmful living conditions for the future occupiers of flats 2, 3, 5 and 6. Therefore, it would conflict with Policies SP2 and SP11 of the LPSP and Policies DM1, DM12 and DM16 of the DMDPD. In combination and amongst other things these policies require development provides a high quality design of new homes with high standards of amenity for occupiers, including addressing issues of satisfactory internal configuration and noise.

Character and appearance

22. The mono-pitched single storey rear extension would be along the length of the building of a depth of approximately 1.8m in the central section and 3m along the width of flat Nos 1 and 3. The angle of the mono-pitch would be similar to the existing pitched roof and dwellings to the north and east of the site, with a uniform height well below the first floor windows where it adjoins the existing building. The depth of the rear extension would be less than half that of the existing building, in excess of 5m from the rear boundary. Therefore, it would be of a subservient and acceptable scale and massing and would not be bulky or incongruent in relation to the host building or the area. There is no expressed objection to the side extension, and I see no reason to disagree.

23. The development would be in keeping with and not be harmful to the character and appearance of the host building and the area. Therefore, it would not conflict with Policy DM1 of the DMDPD or Policy SP11 of the LPSP, which require new development must a achieve a high standard of design relating well to the character and appearance of the host building and the area.

Planning Balance

24. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (2019) (the Framework) is a material consideration. The 2020 HDT results indicate the Council has only been able to deliver 60% of its required housing over the last 3 years, below the threshold of 75% in footnote 7 of the Framework. Paragraph 11d) states that in such circumstances, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

25. The development would provide a small temporary economic benefit during construction and some small on-going spend in the local economy once occupied. It would result in a more efficient use of previously developed land, increased internal floorspace and three additional dwellings. As a small site it may be built out relatively quickly. I am informed the draft London Plan increased the Borough's housing requirements and the Tottenham Area Action Plan seeks the provision of 10,000 homes. I have no evidence before me that demonstrates the Council cannot demonstrate a 5 year deliverable supply of housing land. However, even if it could not and need was acute, the social benefit of the three additional dwellings to significantly boosting the supply of homes, would be a modest benefit. Overall, the benefits associated with the development are modest, attracting limited weight.

26. The compliance with and absence of harm identified with policies in respect of matters such as internal space provision, the living conditions of future and

neighbouring occupiers in respect of outlook, and character and appearance are neutral matters attracting neutral weight.

27. However, the development would conflict with the Council's strategy for the retention of family dwellings, the mix of dwellings to be provided, the living conditions of the future occupiers of three dwellings in respect of external space provision and in respect of noise and disturbance due to the internal layouts. These are matters that attract significant weight against the scheme. Overall, the adverse impacts significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework taken as a whole. Therefore, the appeal should not succeed.

Conclusion

28. The proposed development conflicts with the development plan taken as a whole. There are no material considerations, including the policies of the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR