



Appeal Decision

Site Visit made on 19 May 2021

by S J Lee BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th June 2021

Appeal Ref: APP/Y5420/W/20/3264512

36 Rowland Hill Avenue, London N17 7LU

- 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 Kamil Dursun against the decision of London Borough of Haringey.
 - The application Ref HGY/2020/2766, dated 25 October 2020, was refused by notice dated 1 December 2020.
 - The development proposed is change of use of existing side extension from C3 use to E (shop).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The new London Plan (LP) (2021) has been adopted since the original decision was made. This replaces all the London Plan (2016) policies referred to in the Council's decision notice. The Council has drawn my attention to some policies of the new LP it considers are relevant to the appeal. The appellant had the opportunity to address these matters in their final comments but did not make further submissions. I must consider the appeal based on the most up-to-date policies and I am satisfied that no interests would be prejudiced by this.

Main Issues

3. The main issues in this appeal are:
 - Whether a sequential approach to site selection has been demonstrated;
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the living conditions of nearby residents, with particular regard to noise and disturbance;
 - The effect of the development on the safe and efficient operation of the transport network, and;
 - The effect of the development on housing supply.

Reasons

Sequential Approach

4. Haringey Development Management Development Plan Document (DMDPD) (2017) Policy DM41 states that proposals for new town centre uses will only be permitted where a sequential approach to site selection has been undertaken.

This requires evidence that there are no appropriate town centre or edge-of-centre sites available. This is consistent with the approach advocated for main town centre uses in the National Planning Policy Framework (the Framework).

5. No evidence has been submitted which demonstrates there are no sequentially preferable available, suitable or viable sites or units that could accommodate the retail use. The appellant has argued that there are many examples of 'corner shops' across the city. While this may be the case, there is nothing to suggest these were all approved in the current policy context or, if they were, that they had not met the relevant policy requirements. I therefore cannot conclude that the circumstances of their approval are comparable to the proposal.
6. This argument does not therefore justify setting aside the policy requirement to demonstrate a sequential approach. Accordingly, the development is not acceptable in principle and conflicts with DMDPD Policy DM41 which seeks to direct town centre uses into defined centres.

Character and appearance

7. The appeal relates to an existing extension to a dwelling in a predominantly residential area. The extension is a single storey building with a mono-pitched roof. The physical alterations to the building would be minimal, with a new shop door being installed in place of an existing window. However, there are no other commercial uses on the street. The change of use, and its associated activity, would therefore introduce a wholly discordant feature that would disrupt and erode the existing residential character of the area.
8. The building is also small in scale and clearly forms part of an extension to a dwelling. In this context, the conversion and use of this space as a shop would appear contrived, incongruous and harmful to the character and appearance of the host dwelling.
9. I have noted the appellant's broad argument that there are examples of other small shops located in residential areas across London. However, no specific examples have been identified which are directly comparable to this development. Having considered the proposal on its own merits, I am satisfied that the change of use would be out-of-keeping with, and harmful to, the character of the area.
10. The plans do not indicate any security measures or signage. If such features were deemed necessary at some point, these would only serve to exacerbate the harm and emphasise the unsympathetic nature of the use.
11. The development would therefore have an unacceptable impact on the character and appearance of the area. Accordingly, there would be conflict with Policy SP11 of the Haringey Local Plan (HLP) (2017) and Policy DM1 of the DMDPD. Amongst other things, these seek to ensure development respects local context and character and makes a positive contribution to place. No alternative LP policies have been drawn to my attention in this regard, but this does not alter my conclusions.

Living conditions

12. The change of use would generate additional comings and goings throughout the day and possibly into the evening. This would bring with it noise from customers, their vehicles and from such activities as deliveries. The noise associated with the operation of the shop would also be out of character with what would normally be expected in a predominantly residential area. The development would therefore be likely to have a harmful impact on neighbours in this regard.
13. The appellant argues that any commercial refuse would be taken away once per week by specialist companies. However, there is no indication where any additional refuse storage containers would be located. Without clear evidence to the contrary, this is an additional factor which could result in unacceptable noise and disturbance to nearby residents. Given the nature of the site, I am not persuaded that this issue could be addressed by a planning condition.
14. The Council's decision notice refers to the harm that might be caused to living conditions by a lack of cycle parking. This concern is not explained in any detail in either the officer report or appeal statement. As such, I am not persuaded that this omission would lead to any impact on the living conditions of neighbours. Nevertheless, this does not alter my view that there would be unacceptable harm from other sources.
15. Overall, the change of use would result in unacceptable impacts on the living conditions of nearby residents. Accordingly, there would be conflict with DMDPD policies DM1 and DM4 which seek to ensure development addresses issues of noise and makes adequate provision for waste management.
16. There would be no conflict with DMDPD Policy DM32 in this regard, as this relates to cycle parking standards.

Highways

17. It would be reasonable to assume that most customers to this small shop would walk. However, this might not universally be the case. This might give rise to situations where passers-by wish to stop outside the store to make quick visits. The area is subject to parking controls, with parking permits being needed between 0800 and 1830 from Monday to Sunday and additional controls when the nearby football stadium is holding an event. I saw that there are marked out parking bays on the pavement and that several dwellings utilised front forecourts for parking. There are also marked out parking spaces on Devonshire Hill Lane, although similar restrictions apply.
18. Although there were vacant spaces at the time of my visit, this can only represent a snapshot of normal conditions and there may be times when there is little or no on-street parking available for customers. Notwithstanding the permit requirements, any cars or delivery vans parking even for a short period outside the store in the highway would be likely to cause obstructions near to a junction. This could have safety implications for both drivers and pedestrians.
19. The appellant suggests that there are many examples of small shops without dedicated on or off-street parking. However, no details of any of these have been submitted. Again, I cannot conclude with any certainty that the circumstances of these alternatives are directly comparable to the situation

- before me. Moreover, there is no evidence that they all operate without causing transport issues.
20. It is not clear that the development would be of a scale sufficient to warrant the submission of a formal Transport Statement as required by Transport for London (TfL). Their comments on the application indicate this is only required for schemes of over 250 sqm. There is a degree of inconsistency and lack of clarity in the details provided by the appellant. However, it seems unlikely that the floorspace of the shop would exceed TfL's threshold.
21. Irrespective of this, having considered the context of the development, I find there would still be some scope for localised transport problems and risks. There is insufficient evidence to conclude that the development would not result in an increase in inconsiderate parking and obstructions. This would have associated harmful impacts on the operation of the highway network and safety.
22. The Council's decision notice refers to DMDPD Policy DM31. However, as there is doubt as to whether a Transport Statement would be required in this case, I am unconvinced of this policy's relevance. Nevertheless, paragraphs 108 and 109 of the National Planning Policy Framework (the Framework) state that development should provide safe and suitable access for all and should be refused if there would be an unacceptable impact on safety. The development would conflict with national policy in this regard.

Housing Supply

23. The plans suggest the development would result in the loss of two bedrooms. However, the host dwelling would remain in residential use. As such, the development would not result in the loss of a home.
24. I have noted the Council's concerns regarding housing delivery and their comments in relation to the need for larger family dwellings in the area. However, no specific evidence of the need for dwellings of this size has been provided. Furthermore, no policies have been identified which prohibit the reduction in size of an existing dwelling. As the change of use would relate only to a relatively recently built extension, the overall impact on the mix of housing is unlikely to be significant.
25. In conclusion on this matter, I find that the development would not have an unacceptable impact on the housing supply. Accordingly, there would be no conflict with LP Policy H10, HLP Policy SP2 or DMDPD Policy DM10 which seek, amongst other things, to ensure an adequate supply and mix of housing.

Other Matters

26. The appellant argues that the shop would provide a welcome facility for residents. However, I saw that the site is within a reasonable walking distance of a parade of shops on Great Cambridge Road and a small convenience store attached to a petrol filling station on White Hart Lane. There is therefore nothing to suggest residents do not have access to nearby facilities.
27. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding my conclusions on housing supply, the development would conflict with the

development plan when considered as a whole. There are no material considerations in this case that would lead me to a decision other than in accordance with the development plan.

Conclusion

28. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR