



Appeal Decision

Site Visit made on 8 June 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/Y5420/W/21/3267505

15 Tenterden Road, Tottenham, London N17 8BE

- 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 Margulies against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2020/2820, dated 27 October 2020, was refused by notice dated 16 December 2020.
 - The development proposed is subdivision into two flats at lower ground, ground and first floor level.
-

Decision

1. The appeal is allowed and planning permission is granted for subdivision into two flats at lower ground, ground and first floor level at 15 Tenterden Road, Tottenham, London N17 8BE in accordance with the terms of the application Ref HGY/2020/2820 , dated 27 October 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PR-L001; PR-E001; PR-E002; PR-E003; PR-P001; PR-P002; PR-P003; PR-P004, PR-S001.
 - 3) A minimum of three cycle parking spaces shall be provided within the site in accordance with details which have first been submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall be available for use prior to occupation of the 3 bedroom flat and retained thereafter.

Procedural Matters

2. At the time of my site visit, the property appeared to be in use as flats and the rear lightwell serving the ground floor flat had been constructed. However, for the avoidance of any doubt I have determined the appeal on the basis of the proposed development as it is shown on the plans.
3. The new London Plan 2021 (LP2021) was published on 2 March 2021. As such, the Policies of the previous version of the London Plan cited on the Council's decision notice have been replaced and have no weight. I have therefore determined the appeal against the relevant equivalent LP2021 policies now in force, and I do not consider that any party has been prejudiced as a result of this change in policy context.

Main Issue

4. The main issue is whether the development would provide an acceptable standard of living for the occupiers.

Reasons

5. The appeal site is a mid-terrace property with split level accommodation, which presents itself as three storey to the front and two storey at the rear. I am informed that the area is designated as a Family Housing Protection Zone.
6. As the proposal includes a 3-bed flat with access to the garden it would not result in the loss of family accommodation. In addition, there is no dispute that the 3-bed flat would comply with the minimum space standards set out under the Technical Housing Standards – Nationally Described Space Standard, and incorporated into the LP2021 under Policy D6.
7. The focus of the dispute between the main parties is in respect of the proposed 1-bed studio flat, which would comprise an open plan living room and bedroom with a separate shower room. The LP2021 and nationally described space standards state that where a shower room is provided, a gross internal floor area (GIA) of 37m² is required as a minimum. The Council considers that the accommodation would be substandard due to a 0.5m² shortfall in GIA against the minimum space standard.
8. The appellant has highlighted that there is an additional 1m² floor space under the stairs available for storage. At my site visit I was able to observe that the area under the stairs is unenclosed and offers a good-sized, and easily accessible area for storage. It also contributes to the sense of space in the room generally. It is therefore reasonable for this area to be taken into account, which would result in compliance with the minimum space standard. However, even if this was not the case, the proposal would provide accommodation of an acceptable shape and layout, resulting in useable and comfortable living space for its occupiers, notwithstanding the small shortfall in GIA.
9. The Council has also raised concerns over the outlook, light, and privacy for the studio flat. I accept that the outlook from the bedroom window would be poor due to the lightwell. Nevertheless, the accommodation would have an open layout and reasonable outlook to the front. In addition, the appellant's Daylight Assessment demonstrates that the accommodation would have an adequate level of natural light. Furthermore, at my site visit I was able to confirm that views into the bedroom window from above the lightwell are not easily attainable. As such, the Council's concerns in these regards are not well founded.
10. These factors lead me to conclude that the development would provide an acceptable standard of living for its occupiers. As such, the proposal complies with Policies D3 and D6 of the LP2021, Policies SP2 and SP11 of the Haringey Local Plan Strategic Policies Consolidated with Alterations 2017 (SP), and Policy DM12 of the Haringey Development Management Development Plan Document 2017 (DPD), which among other things, require that housing developments should be of high quality and provide adequately-sized rooms with comfortable and functional layouts, meeting minimum space standards, and have adequate daylight and privacy.

Other Matters

11. I have also had regard to the variety of other issues raised by interested parties that have not already been encapsulated above. These matters were before the Council when it determined the appeal planning application and did not feature in the reasons for refusal. Based on the evidence before me, and my own observations, I have no reason to disagree with the Council in this regard. I have also taken into account concerns that a grant of planning permission may set a precedent, but given that I have concluded that the proposal would be acceptable, I can see no reason why it would lead to harmful developments in the area. In any case, each application and appeal must be determined on its individual merits.

Conditions

12. The Council did not put forward a list of suggested conditions, but I have noted the Highway Authority request for a condition relating to cycle parking, which I have imposed in a slightly amended form in the interests of promoting sustainable travel choices. However, a condition relating to a delivery and service strategy would not be reasonable or necessary in this case so is not imposed. A standard condition defining the approved plans is necessary to provide certainty.

Conclusion

13. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

A Caines

INSPECTOR