



Appeal Decision

Site Visit made on 30 July 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th August 2021

Appeal Ref: APP/Y5420/W/20/3265099

318B Mount Pleasant Road, Tottenham, London N17 6HA

- 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 Yakov Levy against the decision of London Borough of Haringey.
 - The application Ref 2020/2764, dated 15 October 2020, was refused by notice dated 11 December 2020.
 - The development proposed is described as conversion of the existing first floor flat into two separate units consisting of a one-bedroom self-contained flat, and a three-room HMO, including the conversion of the loft; - Dormer extension to the rear; and - Insertion of three roof lights to the front (revision to the existing planning permission HGY/2018/0466).
-

Decision

1. The appeal is allowed and planning permission is granted for Conversion of the existing first floor flat into two separate units consisting of a one-bedroom self-contained flat, and a three room HMO, including the conversion of the loft; - Dormer extension to the rear; and - Insertion of three roof lights to the front (revision to the existing planning permission HGY/2018/0466) at 318B Mount Pleasant Road, Tottenham, London N17 6HA in accordance with the terms of the application, Ref 2020/2764, dated 15 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: Proposed Floor Plans – Drawing Number MP.318b.PR.222; Existing and Proposed Front Elevation Plans – Drawing Number MP.318b.PR.101; Proposed Elevation Plans – Drawing Number MP.318b.PR.03.
 - 3) Notwithstanding the details already provided, before the development is first occupied details of cycle parking and refuse storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved cycle parking and refuse storage facilities have been provided. The facilities shall thereafter be retained for the lifetime of the development.

Application for costs

2. An application for costs was made by Mr Yakov Levy against the London Borough of Haringey. This application is the subject of a separate Decision.

Preliminary Matters

3. On 20 July 2021, the Government published its revised Framework. It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied. Neither party has commented on the relevance of the revised Framework to the appeal.

Main Issue

4. The main issue is whether the proposed development would provide acceptable living conditions for future occupants with specific regard to outlook and amenity space.

Background

5. The evidence outlines that there is an extant planning consent to convert the appeal property to two self-contained flats.

Reasons

6. The appeal site is a first floor flat that forms part of a two-storey terraced property. It is located in a predominantly residential area of similar properties. In light of the extant planning consent, the Council do not consider that the principle of conversion of the appeal site is in dispute. Furthermore, the Council have outlined that the proposed studio would meet the relevant minimum standards and has permission via the extant consent.
7. Although the whole of the development is before me, I have no reason to disagree with the Councils view on the proposed studio. I have therefore confined my consideration of the appeal as it relates to the proposed HMO (House in Multiple Occupation).
8. The HMO comprises three bedrooms and a shared kitchen/living space. The size of the bedrooms is not in dispute. Each bedroom would have an en-suite shower room, which the Council consider is not of a sufficient size or quality. Whilst I agree that the shower rooms are small, they are not intended to be main bathrooms or communal facilities. They appear to be capable of accommodating a shower, toilet and basin to serve the bedroom and for these reasons I do not consider that they are unreasonable to the extent that they constitute the provision of unacceptable living conditions for future occupants.
9. The Council also consider that unacceptable living conditions would result from the provision of only rooflights to the shared kitchen that would fail to provide an acceptable outlook. Although the outlook from a roof with rooflights is seldom as encompassing as a room with vertical glazing, it would be inappropriate to rule that a room with rooflights provides unacceptable living conditions, particularly in the context of the whole planning unit being created. In this instance, each other room would have a vertical window that would have reasonable outlook, which for proposed rooms 1 and 2 I was able to experience on my site visit. When taken as a whole I do not consider that the unit would provide unacceptable living conditions for future occupants in relation to outlook.
10. Reference is made in the reason for refusal to a lack of external amenity space, although this is not explored in any further detail in the Officer Report or the

Council's Statement. As the appellant highlights, room 2 would have access to a small balcony, and the property is a five-minute walk from the Bruce Castle Park. Taking these factors into account and having regard to the extant planning consent that makes the same provision, I do not consider that the lack of external amenity space in this instance amounts to the creation of unacceptable living conditions.

11. I therefore conclude that the proposed development would not provide unacceptable living conditions for future occupants with specific regard to outlook and amenity space. It would comply with Policies SP2 and SP11 of Haringey's Local Plan – Strategic Policies (2013) and Policies DM1, DM11 and DM12 of Haringey's Local Plan – Development Management DPD (2017). Collectively, these policies require, amongst other things, that residential developments are of high quality with a high standard of amenity.
12. There would be a minor conflict with the requirement for the provision of private open space, as outlined in the Mayor of London's Housing SPG (2016). However, for the reasons given, I have found that the minor conflict in this case does not give rise to unacceptable living conditions overall.
13. Since the original decision The London Plan 2021 has been published by the Mayor of London. The policies contained in The London Plan 2021 replace those of The London Plan 2016 referred to in the Council's original decision and as such those policies are no longer relevant.

Other Matters

14. Although not included in the Council's reason for refusal or list of suggested planning conditions, the consultation response from the Transportation Team considered that as the site is within a Controlled Parking Zone (CPZ) there is a requirement for a S106 agreement to restrict the eligibility of occupiers of all units from obtaining parking permits.
15. There is no substantive evidence put forward that the area currently suffers from a high level of parking pressure that would justify the requirement. On my site visit I observed there was capacity on street for parking, although I accept that this could be different at other times of day. I am also mindful that the current unit does not appear to be subject to any such restriction and it does not appear that the extant planning consent imposes a similar restriction. Therefore, given the above, including taking into account that the development would result in one additional unit, I am not convinced that the need to restrict the eligibility of occupiers of all units from obtaining parking permits is justified in this case.
16. I note representations that have been received in relation to the proposed development. For the reasons I have given above, I do not consider that the development would provide unacceptable living conditions for future occupants. Comment is made that the proposal would create 3 bed-sits with 3 different households. This is not however the development before me, which is for two units, namely a one-bedroom flat and a three-bedroom HMO.
17. I am not presented with any substantive evidence of the make-up of surrounding housing, a suggested over-provision of HMO's in the area or the impact of the proposed development on the provision of family housing in the

area. Furthermore, these matters are not pertinent to the main issue and was not the reason for refusal.

18. Although also not forming part of the Council's reason for refusal, objection was received in relation to the effect of the proposed development on; the living conditions of existing occupiers of neighbouring properties, parking and refuse storage. There is no substantive evidence before me that the proposed development would have an unacceptable impact on the living conditions of surrounding residents in relation to noise or nuisance or that it would cause an unacceptable impact on highway safety in relation to parking, particularly in light of the extant planning consent. Furthermore, these matters are not pertinent to the main issue.
19. Objection was also received in relation to the impact of the proposed development on drainage and water pressure. Similarly, I am not presented with substantive evidence that this would occur or result in unacceptable harm.

Conditions

20. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, this is in the interest of certainty.
21. Although the means of cycle storage has been put forward, it has not been shown on the submitted plans. Therefore, a condition that, notwithstanding the submitted plans, details of cycle storage should be submitted for approval is necessary in the interest of promoting sustainable travel.
22. In the interests of highway safety, the living conditions of residents and the character and appearance of the area, it is also necessary that details of refuse storage are submitted for approval.

Conclusion

23. For the reasons outlined above, and having had regard to all other matters raised, the appeal is allowed.

A M Nilsson

INSPECTOR