
Appeal Decision

Site Visit made on 11 January 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2022

Appeal Ref: APP/Y5420/W/21/3271972

28 Eastern Road, Wood Green, N22 7DD

- 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 D Smith against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2020/2589, dated 24 January 2020, was refused by notice dated 15 December 2020.
 - The development proposed is described as 'amendment to condition 2 to original approval HGY/2015/2073 – to retain 2 X 1 bedroom flats and 2 x 2 bedroom flats'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site was subject to a previous planning permission for conversion and extension of a single family dwelling to provide 4 self-contained flats, under Council reference number HGY/2015/2073 (The Previous Permission). A copy of the decision notice has not been provided. However, there is no evidence before me to indicate that this permission, granted in 2015, remains extant.
3. Since the Previous Permission was granted, the building has been extended and converted into four self-contained flats. However, the development has not been carried out in accordance with the previously approved plans. The appellant, through submission of the subsequent planning application, now subject of this appeal, appears to accept this. Indeed, the Council's position is that, for this reason, the development approved under the Previous Permission has not been implemented.
4. In the absence of any substantive evidence to confirm that the Previous Permission has been implemented (for example a certificate of lawful development) or when the change of use of the property to 4 flats took place, I am unable to conclude whether or not the Previous Permission is extant. Therefore, I am not satisfied that the Previous Permission constitutes a fallback position with a realistic prospect of being implemented. As such, for the purposes of this appeal, I am considering the main issues on the basis of the original dwelling that existed prior to the development being undertaken. The plans submitted by the appellant indicate that the original dwelling comprised a four-bedroom dwelling over two floors.

5. The description of development provided on the application form refers to amendment to condition 2 of the Previous Permission. However, for the avoidance of doubt, the planning application was a full application as opposed to an application under s.73 of the Town and Country Planning Act 1990 (as amended).
6. On the basis of the plans and the evidence before me, the proposed development is for conversion of a single dwelling to four self-contained flats, including various extensions to facilitate this conversion. The Council has indicated that the development is retrospective. However, during my site visit I noted numerous discrepancies between the plans and the development carried out, including differences in the use of the rooms. As such, for the avoidance of doubt, I am considering this appeal on the basis of the plans before me.
7. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Accordingly, both main parties were invited to provide representations in relation to the revised Framework. I have therefore had regard to it in considering this appeal.
8. Reference is made in the Council's reasons for refusal to the policies in the London Plan (March 2016). Since the appeal application was decided, the latest version of the London Plan (2021) has been published and is now part of the development plan for London. The previous policies have therefore been replaced. Both main parties have been given the opportunity to make representations in this regard. The appellant has not provided any further representations. The Council has indicated that the proposed development would conflict with London Plan (2021) Policy D6, in relation to the standard of accommodation proposed. I have had regard to the new London Plan (2021) in considering this appeal.

Main Issues

9. The main issues are as follow:
 - The effect of the proposed development upon the Borough's family housing stock.
 - Whether the proposed development would provide a satisfactory standard of accommodation for the future occupiers, with particular regard to the amount of internal floorspace proposed.
 - Whether the proposed development would provide an adequate level of parking provision for future occupiers.

Reasons

Family Housing Stock

10. The appeal site is located within the Borough's Family Housing Protection Zone (FHPZ), as shown at Development Management DPD¹ figure 3.1. Development Management DPD Policy DM16 seeks to maintain the supply of larger family homes in order to meet housing needs within the Borough. Policy DM16 does not provide a clear definition of a 'larger family home'. However, the subtext at 3.37 outlines that they comprise dwellings with 3 or more bedrooms. Furthermore, criterion (b) of Policy DM16 requires that, in order to qualify for

¹ Haringey Development Management DPD (Adopted July 2017)

conversion under this policy, the original floorspace should exceed 120sqm. Based on the plans submitted by the appellant the original dwelling met both of these criteria and was therefore a larger family dwelling for the purposes of Policy DM16.

11. Policy DM16 outlines that within the FHPZ the conversion of larger family homes can be considered acceptable, subject to certain criteria and provided that there would be no net loss in the number of 'family sized units'. This means that the conversion of a larger family home to flats is capable of according with Policy DM16, providing that a 3+ bedroom unit with a floorspace of at least 120sqm is provided as part of the development.
12. The development does not include any flats with a floorspace in excess of 120sqm, neither does it include any 3+ bedroom units. Therefore, the proposed development would not provide a family sized unit and it would result in the loss of a larger family dwelling, contrary to Policy DM16.
13. Local Plan² Policy SP2 refers generally to housing needs and does not specifically relate to larger family dwellings. As the proposed development would contribute towards meeting housing needs, with a net increase of 3 dwellings, it would not conflict with this policy.
14. The appellant has suggested that, in considering the Previous Permission, the Council concluded that the loss of a family dwelling was acceptable. However, this appeal is being considered within a different development plan policy context (the Development Management DPD was subsequently adopted in 2017). Furthermore, the precise circumstances and policy context within which the Previous Permission was granted are not before me.
15. In any event, for the reasons set out above, it is clear that the proposed development would be in conflict with Policy DM16. As discussed under 'preliminary matters', the previous permission does not represent a fallback position with a realistic prospect of being implemented. Therefore, this matter does not outweigh the conflict with Policy DM16, nor the harm that the development would cause as a result of the loss of a larger family dwelling.

Standard of Accommodation

16. The Council's reasons for refusal refer to the Technical Housing Standards – nationally described space standard document (Technical Standards), published in March 2015. These standards are reflected in Table 3.1 of London Plan Policy D6.
17. The proposed development comprises one ground floor flat, a maisonette flat over the ground and first floor, a flat at first floor level and a flat within the former roof space at second floor. The plans show that each flat would comprise one bedroom. However, the Council assert that rooms which are shown as serving a function other than bedrooms, for example dining rooms and studies, would likely be used as bedrooms. The basis for this conclusion is that the rooms in question do not include 'facilities such as cooking facilities' and that during a Council enforcement visit the existing use of the rooms was observed to be different to that shown on the approved plans.

² Haringey's Local Plan – Strategic Policies 2013-2026, March 2013 (Consolidated with alterations since 2017)

18. The absence of facilities (such as cooking facilities) is not an indication that a room will likely be utilised as a bedroom. Whilst I noted, during my site visit, that two of the rooms annotated as dining rooms were in use as bedrooms, others were not. In any case, I am considering this appeal on the basis of the submitted plans, which I have already established include differences to the development in situ. As such, I have considered this appeal on the basis that four one-bedroom two-person flats are proposed.
19. London Plan Table 3.1 sets out that the minimum Gross Internal Area (GIA), for a two-person one-bedroom flat is 50sqm for a single storey dwelling (a flat for example) or 58sqm for a two-storey dwelling (such as a maisonette). The Council has questioned the accuracy of the floorspace figures provided by the appellant. Notwithstanding this, even if I were to accept the higher figures provided by the appellant, both Flat 1 (46.5sqm) and Flat 4 (48.75sqm) would fall short of the minimum internal space standards set out under Table 3.1.
20. The Council also contends that the floor to ceiling heights of Flat 4 would be inadequate, reducing the floorspace further still. However, given that I have found Flat 4 to fall short of the minimum standards, even if assuming an adequate floor-ceiling height, there is no need for me to consider this matter further. Flat 2 (61.5sqm) and Flat 3 (55.2sqm) would meet the minimum standards but this would not outweigh the harm caused by the inadequate standard of accommodation proposed for the other two flats.
21. As such, the proposed development would result in substandard accommodation which would be harmful to the living conditions of future occupiers of these flats. The proposed development would therefore conflict with Development Management DPD Policy DM16, London plan (2021) Policy D6, Local Plan Policy SP2 and the Technical Housing Standards - Nationally Described Space Standards (2015). Together, these policies require that new residential development provides an adequate amount of internal floorspace.
22. The proposed development would also conflict with Framework Paragraph 130, which requires in part that new development provides a 'high standard of amenity' for future occupiers.

Parking provision

23. The appeal site is located within a Controlled Parking Zone (CPZ). As such, the availability of on-street parking is limited. No parking spaces are proposed as part of the development. Development Management DPD Policy DM16 requires that proposals for conversion of residential dwellings are accompanied by a parking survey. No such survey is before me. As such, the proposed development would conflict with Policy DM16. Notwithstanding this conflict, there is no substantive evidence before me to indicate what harm would result from the lack of parking provision in this instance. The CPZ provides a mechanism to ensure that future occupiers do not park their vehicles on-street without a permit. There is no indication that the lack of parking provision would adversely affect highway safety or the living conditions of neighbouring residents.
24. Indeed, Development Management DPD Policy DM32 does allow for car-free development, subject to certain criteria, including a requirement that the site is located within a CPZ (or will be in the future). The subtext to this policy, at

paragraph 5.8, advises that the Council will use legal agreements to require landowners to advise occupiers that the development is car-free.

25. The appellant has indicated that they would be willing to enter into such an obligation but there is no signed obligation before me for the purposes of considering this appeal. However, this is not a requirement which is expressed in Policy DM32 itself. Notwithstanding this, one of the requirements of Policy DM32 is that the development provides parking for disabled people. The proposed development includes no such provision on-site and there is no evidence of any suitable provision off-site. As such, the proposed development would not provide an adequate level of parking provision for disabled occupants.
26. A cycle store is proposed to the rear of the development. The Council has suggested that the access to this cycle store would be inadequate, as it would require access through a private outside area. However, a suitably worded planning condition requiring details of the proposed cycle parking would be sufficient to overcome these concerns. Despite this, the provision of cycle-parking is not sufficient to overcome the harm that the development would cause in the absence of disabled parking provision.
27. In summary, the proposed development would conflict with Development Management DPD Policy DM16, given that no parking survey has been provided. In addition, the proposed development would not provide any disabled parking. As such, it would not provide an adequate level of parking provision for future occupiers, in conflict with Development Management DPD Policy DM32.
28. The Council also refer to Local Plan Policy SP7, which is a strategic policy. The proposed development would not conflict with any of the general criteria contained within this policy. Furthermore, subject to a condition on cycle parking provision, the proposed development would not conflict with Development Management DPD Policy DM31, which sets out the Council's approach to sustainable transport, including encouraging cycling as a means of transport.

Other Matters

29. The Council's Officer Report indicates that Framework Paragraph 11d(ii) is engaged, whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
30. However, it is not clear why the Council considers paragraph 11d(ii) to be engaged, for example as a result of the Housing Delivery Test (HDT) or a Housing Land Supply Shortfall. The appellant has not provided any evidence in this regard. Notwithstanding this, even if I were to conclude that Paragraph 11d(ii) applied as a result of a Housing Land Supply shortfall or the HDT, I attribute substantial weight to the harm the development would cause through the loss of a family dwelling, inadequate standard of accommodation for future occupiers and inadequate parking provision.
31. These harms would significantly and demonstrably outweigh the modest economic and social benefits of the development, with regard to a net increase

of three dwellings to the housing stock. Indeed, this small-scale development would have a very limited impact on the supply of housing, regardless of the extent of any shortfall or shortcomings in housing delivery within the Borough.

Conclusion

32. The proposed development would conflict with the development plan taken as a whole. I have also taken into account Framework paragraph 11d(ii), which in this case weighs further against granting planning permission. I therefore conclude that the appeal should be dismissed.

Luke Simpson

INSPECTOR