
Appeal Decision

Site visit made on 15 March 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2022

Appeal Ref: APP/Y5420/W/21/3281935

Shop, 321 West Green Road, Tottenham, London N15 3PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Efraim Alter against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/1740, dated 7 June 2021, was refused by notice dated 2 August 2021.
 - The development proposed is described on the application form as 'Conversion of rear of shop to a separate flat, addition of 2 windows to the side elevation'.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the 'Conversion of rear of shop to a separate flat, addition of 2 windows to the side elevation' at Shop, 321 West Green Road, Tottenham, London N15 3PA in accordance with the terms of the application HGY/2021/1740, including the plans referenced WGR.321.LP, WGR.321.EX&PR.20, WGR.321.EX.03 and WGR.321.PR.03.

Main Issues

2. The main issues are:
 - Whether the development would be permitted development (PD) under Schedule 2 Part 3 Class M of the GPDO, with regard to the size of the accommodation unit.
 - Whether prior approval should be given as to the provision of adequate natural light in all habitable rooms of the dwellinghouse.

Reasons

Permitted development

3. From 6 April 2021, the GPDO does not permit any new dwellinghouse where the gross internal floorspace is less than 37 sqm or there is not compliance with the nationally described space standard.
4. I note that part of the reason for refusal refers to the proposed change of use being unacceptable 'in relation to the size of the unit'. The Council's officer

report refers to an internal floor area of 'just 36.3 sqm'. The appellant's dispute this figure and refer to the floor plan which specifies a floor area of 37.5 sqm.

5. The appellant confirms that his figure comes from using computer aided design (CAD) to calculate the floor area. The source of the Council's measurement is unclear and not substantiated by evidence. On this basis I have no reason to believe that the floorspace requirement has not been met.
6. The Council has confirmed that all other requirements of the GPDO have been met and accordingly I find that the proposed development is PD.

Natural light

7. Prior approval is required as to various matters, including the provision of adequate natural light in all habitable rooms. The term 'habitable rooms' means any rooms used for or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.
8. The appeal site is a mid-terrace property with a retail use on the ground floor and flatted accommodation above. The proposed development would involve the conversion of an existing ground floor storage area into a self-contained flat. Pedestrian access to the proposed development, and the existing first and second floor flats, would be from a small courtyard that lies to the rear of the host property.
9. The proposed scheme shows one existing window and a further 'proposed' window which would provide natural light to the main living area, which includes kitchen facilities, and an additional window to serve the proposed bedroom.
10. I recognise that natural light entering the main living area would also be impeded to a degree by the external staircase serving the first and second floor flats, and the wall opposite. However, given the design of the staircase, which has open balustrades, and the position of the wall, I find that any adverse impact would be limited.
11. Furthermore, the appellant has produced an uncontested Sunlight and Daylight report, prepared in accordance with BRE guidance, which indicates that all habitable rooms would satisfy the criteria relating to average daylight factor, room depth and sunlight. On that basis adequate natural light would be available.
12. Taking the above matters into consideration I find that the proposed development would provide adequate natural light for all of the proposed habitable rooms.

Other Matters

13. I note the Council's concern about privacy and outlook for future occupiers of the proposed flat, and the concerns of interested parties regarding the loss of work/office/ storeroom areas and leaseholder restrictions. However, they are not prior approval matters. Moreover, they were not stated as a reason for refusal.

Conclusion

14. The proposal satisfies the conditions of prior approval and provides adequate natural light for all of the proposed habitable rooms, and for this reason the appeal is allowed.

John Gunn

INSPECTOR