



Appeal Decision

Site visit made on 29 April 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08/06/2022

Appeal Ref: APP/Y5420/W/21/3283227

101 and 103 Perth Road, Wood Green, London N22 5QG

- 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 M Gharleghi and E Ismiguzel and Z Gilgil-Ismiguzel against the decision of London Borough of Haringey.
 - The application Ref HGY/2021/1260, dated 21 April 2021, was refused by notice dated 18 June 2021.
 - The development proposed is described as 'erection of part single, part two-storey side and rear extensions to accommodate the change of use of the buildings to four flats'.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The Council's decision notice cites conflict with amongst other things Policy DM16 (Residential Conversions) of the Haringey Development Management DPD (2017) (the DPD). While the reasons for refusal specify conflict with the elements of this policy relating to gross original internal floor space and character and appearance, the policy sets out several criteria which must be addressed for residential conversions including in relation to the assessment of car parking. In respect of car parking, the Council's delegated report also suggests that this element of the policy has not been addressed. In the circumstances, it is incumbent on me to assess the proposal against the policy as a whole. Therefore, the main issues are:
 - (i) whether the host dwellings are suitable for conversion to flats having regard to the requirements of Policy DM16 of the DPD; and
 - (ii) the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings.

Reasons

Whether compliant with Policy DM16 of the DPD

3. Policy DM16 (Residential Conversions) of the DPD states that in order to maintain a supply of larger homes, the Council will only permit the conversion of larger homes to small self-contained units where several criteria are met. As set out in Policy DM16 (A), these include amongst other things; (a) that it is located outside of the Family Housing Protection Zone (FHPZ), (b) that the gross original internal floor space of the existing dwelling is greater than 120m²; and that (e) the design of any external alterations does not detract from the appearance of the property or the street scene.

4. The appellant does not dispute that the site is located within the FHPZ and that the gross original internal floor space of each of the dwellings falls below the 120m² threshold stipulated in Policy DM16. In that regard there is clear conflict with this policy.
5. The appeal site includes the two-storey semi-detached dwellings at Nos 101 and 103. These properties share a boundary but the dwellings are not attached to each other. The section of Perth Road where the appeal dwellings are situated is predominantly characterised by a mix of two-storey terraced and semi-detached dwellings. There are a mix of styles on the road. However, dwellings generally incorporate traditional architecture with pitched roof forms. The gaps between end terraces and pairs of semi-detached dwellings also gives order and consistency to the road.
6. The two-storey link extension would remove the gap between the neighbouring pairs of semi-detached dwellings. In combination with its flat roofed profile this element of the proposal would appear discordant with the predominant spacing and prevailing building forms on Perth Road. During my site visit, I noted a similar flat roofed link between the dwellings at Nos 81 and 83 Perth Road. I am not aware of the planning history for these dwellings, but it did not appear to be a recent development. In any case, that particular development does not persuade me that the appeal proposal would complement the defining characteristics of the host dwellings or the street scene.
7. Rear extensions and box dormers to rear roof slopes are a common feature of the area. However, the rear elevations of neighbouring dwellings are generally of a cohesive design. Cumulatively, the proposed rear extensions would be more intensive than neighbouring additions and would subsume the separate distinct forms of the host dwellings. In views from ground level, the windows on the first floor rear extensions would be partially obscured by the ground floor extension roof. The pitched roofs of the first floor extensions would also interject across the rear elevation of the box dormers. As a result, the rear extensions would combine to have a cluttered appearance and would detract from the appearance of the host buildings and their immediate surroundings.
8. I acknowledge that the rear elevation would not be visible from public vantage points although it would be noticeable from a number of neighbouring gardens. In any event, I do not consider that the lack of public visibility obviates the needs to achieve good design. Indeed, paragraph 126 of the National Planning Policy Framework 2021 (the Framework) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Overall, the proposals would detract from the appearance of the properties and the street scene and so would conflict with Policy DM16 (A) part (e).
9. Policy DM16 (B) allows for conversions within the FHPZ where they result in no net loss in the number of family sized units. Two of the units would be three-bedroomed units with internal floor areas below 120m² and of a similar size to the gross original internal floor space of the existing dwellings. In that regard, I accept that there would be no net loss of family units of this size. However, this does not mean that other harm associated with the proposed residential conversion should be disregarded. Policy DM16 (B) is specific that in such instances, proposals must also comply with the other criteria under DM16 (A). For the reasons already set out, this would not be the case.

10. In addition, Policy DM16 (D) is specific that all residential conversions should be supported by a car parking survey which demonstrates that there is a residual car parking supply to meet the need created by the proposal. No such survey is before me. The sub-text to Policy DM16 confirms amongst other things that the incremental cumulative impact of conversions has resulted in areas experiencing unsatisfactory levels of on-street parking and congestion.
11. A Controlled Parking Zone is in operation in the area which only permits parking for residential permit holders Monday – Saturday between the hours of 08:00am – 06:30pm. While only a snapshot of the parking situation in the area, the availability of parking spaces in the vicinity of the appeal site was very limited at the time of my site visit. The evidence before me also indicates that the site is located in an area with a Public Transport Accessibility Level (PTAL) rating of 2. In the context of the low PTAL rating, car ownership seems like a distinct possibility for future occupiers of the development. The absence of a parking survey and consequential conflict with Policy DM16 (D) is set out within the Council's delegated report but has not been addressed by the appellant. Therefore, I cannot be certain that the proposal would not have an adverse impact on the area in terms of intensifying the demand for on-street parking.
12. I conclude that the dwellings are not suitable for conversion to flats having regard to the gross original internal floor space of the appeal dwellings, the proposed appearance of the development and the absence of a parking survey having regard to the requirements of Policy DM16 of the DPD. The proposal would also conflict with the character, context and high standard of design requirements of Policies 6 (Housing quality and standards) of the London Plan 2021 (LP 2021), SP11 (Design) of the Haringey Local Plan Strategic Policies (2013, with alterations 2017) (LPSP), DM1 (Delivering High Quality Design), and DM12 (Housing Design and Quality) of the DPD, and chapter 12 of the Framework.

Living conditions of neighbouring occupiers

13. The neighbouring dwelling at No 99 Perth Road forms a semi-detached pair with the host dwelling at No 101. It has a clear glazed ground floor window close to the boundary with the appeal site. This window sits between a single storey rear projection on No 99 and the shared boundary fence. However, due to the top of the boundary fencing sitting lower than the height of the window and the modest depth of the rear projection, a suitably open aspect is provided from this window for occupiers of this neighbouring dwelling.
14. The evidence before me indicates that the height of the eaves and hipped roof design of the single storey rear extensions would provide about a 45-degree angle between the eaves of the single storey rear extension and a mid-point on the nearest rear ground floor window at No 99. Even so, the height and considerable depth of the side wall would form a substantial feature along the shared boundary with No 99. In combination with the existing rear projection at No 99, this would have a significant enclosing impact when experienced from this neighbouring window to the detriment of the quality of outlook for occupiers of No 99.
15. The appellant's light study indicates that there would be no material effect on the levels of light experienced by occupiers of No 99. I find this persuasive and the Council has not provided any objective evidence to dispute these findings.

No harm to levels of outlook or light for occupiers of No 105 have been identified by the Council and from what I saw on site, I find no reason to disagree.

16. Views of neighbouring gardens from the proposed windows and terrace area would be similar to those which could already be obtained from existing upper floor windows. Even accounting for the depth of the proposed terrace areas, due to their position set away from the boundaries with Nos 99 and 105 and their floor level relative to the height of the surrounding ground floor roof, the line of sight back towards windows on neighbouring dwellings would be oblique and not materially harmful to levels of privacy. The acceptability of these matters does not, however, justify the identified harm that would be caused to outlook for the occupiers of No 99.
17. I conclude, the development would have a harmful effect on the living conditions of the occupiers of No 99 Perth Road with particular regard to outlook. In that regard it would conflict with the amenity requirements of Policies D6 (Housing quality and standards) of the LP 2021 and DM1 (Delivering High Quality Design) and DM12 (Housing Design and Quality) of the DPD and paragraph 130 (f) of the Framework.

Other Considerations

18. My attention has been drawn to extant planning permissions, prior approvals and lawful development certificates for the appeal dwellings which would allow for them to be extended in a similar way to the proposals before me. Even if the extensions were carried out, planning permission would be required for conversion of the dwellings to flats. In that scenario, the gross original internal floor space of the dwellings would still fall below the threshold in Policy DM16. Parking survey information would also still be required for assessment and the acceptability or not of the internal layouts and space standards provided by those extensions for individual flats would also need to be considered.
19. Under the fallback, the extensions would have a similar relationship with the appearance of the street scene to the proposals before me. However, the respective rear elevations would be different with the combination of extensions under the fallback appearing less cluttered. I accept that extensions under the fallback position would have a similar relationship with neighbouring living conditions.
20. Taking all the above factors into account, there are material differences between the proposal and the fallback position. Furthermore, even if the extant permissions for extensions were to be carried out, planning permission for the conversion of the extended dwellings to flats would not be a formality. An assessment would be required against Policy DM16 including whether there were material considerations sufficient to justify any remaining conflict with the policy. This could only be done on the basis of the totality of the information presented in that particular case. For these reasons, any positive weight that I am able to afford to the fallback position is significantly diminished.
21. The proposal would make a modest but valuable contribution towards the Council's housing requirements with a net increase of two residential units. The four flats would also add to the housing mix in the area. There is the potential for some limited social and economic benefits associated with the extension works and the increased use of local services and facilities in the area by future

occupiers of the development. These are positive benefits to weigh in the balance.

Planning Balance and Conclusion

22. The Council's delegated report confirms that the delivery of housing over the last three years is significantly below its housing target. No information has been provided to indicate that the situation has changed since the Council issued its decision. In the circumstances, I have engaged Paragraph 11d of the Framework. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
23. I have found that the proposal would result in harm to the character and appearance of the area and would also be harmful to the quality of outlook for occupiers of No 99. The development could also have an adverse impact on the area in terms of intensifying the demand for on-street parking. These are adverse impacts which significantly and demonstrably outweigh the identified benefits above when assessed against the policies of the Framework. In addition, there would be specific conflict with the criteria under Policy DM16 of the DPD which seek to retain family sized housing and prevent any adverse changes to an area that might be associated with residential conversions, a matter to which I afford negative weight.
24. Therefore, I conclude that this appeal should be dismissed.

M Russell

INSPECTOR