



Appeal Decision

Site visit made on 23 May 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2022

Appeal Ref: APP/Y5420/W/21/3288506

45 Suffolk Road, Tottenham, London N15 5RN

- 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 E Duman against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/2945, dated 14 September 2021, was refused by notice dated 10 November 2021.
 - The development proposed is described as the “retention of use of two residential flats”.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the planning application form, which indicated that the development has been completed. I saw on my site visit that the sub-division of the property into two separate flats had already taken place. Although the submitted drawings also showed internal alterations which had not yet been carried out at the time of my site visit, I have determined the appeal on the basis that the change of use for which planning permission is applied for has already taken place.

Main Issues

3. The main issues are:
 - The effect of the development on the supply of family housing;
 - Whether or not the size of the appeal property makes it suitable for sub-division into smaller residential units; and
 - Whether or not the proposed accommodation would provide acceptable living conditions for occupiers, with particular regard to the amount of living space.

Reasons

Supply of family housing

4. The appeal property is a two-storey building, modestly-sized and originally built as a single three-bedroom house. It is within an estate of similar properties

between Seven Sisters and Harringay. The house has been divided internally to provide separate ground floor and first floor accommodation.

5. Policy SP2 of the 2013 (updated 2017) Haringey Local Plan ("the HLP") seeks to provide housing to meet the identified need within the borough. In order to maintain the supply of family housing to meet the identified need, Policy DM16 of the 2016 Haringey Development Management DPD ("the DPD") identifies parts of the borough as a Family Housing Protection Zone ("FHPZ"), within which the conversion of properties suitable for family occupation will only be allowed where it complies with a list of six criteria AND it does not result in a net loss in the number of family-sized units.
6. The appeal property falls within the FHPZ, and because of the small size and limited bedroom accommodation within the two self-contained flats neither is, or would be capable of being, suitable for family occupation.
7. The use of the property as two separate flats has resulted in a net loss of family housing. The development therefore conflicts with Policy SP2 of the HLP and Policy DM16 of the DPD, the aims of which I have set out above.

Sub-division

8. The list of six criteria set out in Policy DM16 of the DPD which must be complied with in order for the conversion of a family home to smaller self-contained dwellings includes (as criterion "b") that the gross internal floorspace of the original dwelling is greater than 120m². This is to ensure that smaller dwellings, which because of their size are not suitable for conversion, are not sub-divided.
9. By the Council's calculation the gross internal floorspace of the original dwelling is around 88m². The planning application form indicated that the property has an original gross internal floor area of 94m². Either figure is well below the threshold set out in the policy.
10. The modest original size of the appeal property means that it is not suitable for sub-division into smaller residential units. I therefore conclude that the development conflicts with Policy DM16 of the DPD which seeks to maintain a supply of family housing and to prevent inappropriate conversions.

Living conditions

11. The submitted drawings show the ground floor flat to have a floor area of 44.87m², and the upper flat to have an area of 48.33m². The Council considers that these figures have overstated the actual areas – for example, it measured the upper flat to have a floor area of around 43m².
12. The space standards for residential development which are applied by Policy D6 of the 2021 London Plan reflect the Nationally Described Space Standard¹. This requires a one-bedroom dwelling to provide a minimum of 50m² of living space. Even the larger figures put forward fail to meet this standard, and as such I do not agree with the appellant's assertion that the flats provide "generous living space for residents".

¹ *Technical housing standards – nationally described space standard*, Department for Communities and Local Government 2015

13. The appellant suggests that the development addresses the need for affordable housing within Haringey. It may do so, although no substantive evidence in respect of securing affordability was put before me. However, the development plan requires all housing, "affordable" or otherwise, to be of a high standard, including in respect of living space. This scheme fails to meet that requirement.
14. Because of the inadequate amount of living space, I conclude that the development does not, and would not, provide acceptable living conditions for occupiers. It therefore conflicts with Policies SP2 and SP11 of the HLP, and Policy DM12 of the DPD. Together, and among other things, these policies seek to ensure that development is of a high quality, and that housing provides a high standard of amenity for occupiers, including acceptable amounts of living space.

Other Matters

15. The appellant suggests that the development would provide better insulation and more efficient heating, and so would help to reduce carbon emissions and make the housing more sustainable than at present. No evidence was put forward to demonstrate how this would be achieved. However, even if I accept that to be the case, it would not outweigh or mitigate the other harm I have found.

Conclusion

16. The development results in the loss of a family housing unit, and because of the constrained living space in the sub-divided units provides unacceptable living standards for occupiers. The scheme conflicts with the development plan taken as a whole.
17. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector