



Appeal Decision

Site visit made on 16 August 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2022

Appeal Ref: APP/Y5420/W/22/3295283

352-354 High Road, Tottenham, London N17 9HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Haringey Holdings Limited against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/2444, dated 29 July 2021, was refused by notice dated 23 September 2021.
 - The development proposed is described as 'Change of use of No. 352 (ground floor only) and No. 354 High Road from B1a offices to 4no flats (4 x 1 person)'.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the change of use of No. 352 (ground floor only) and No. 354 High Road from B1a offices to 4no flats (4 x 1 person) at 352-354 High Road, Tottenham, London N17 9HT in accordance with the application HGY/2021/2444, dated 29 July 2021, and the details submitted with it, pursuant to Schedule 2, Part 3, Class O of the GPDO.

Preliminary Matters

2. On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force and amended various use classes as set out in the schedules to the Use Classes Order¹ (UCO). This included use Class B1, which has been subsumed into the new Use Class E. However, the amendment included transitional arrangements for the period between 1 September 2020 and 31 July 2021. These specified that any references to uses or use classes specified in the UCO should be read as meaning the uses or use classes that applied on 31 August 2020 for the purposes of making a prior approval application. As such, given that the application was submitted prior to 31st July 2021, the previous use classes apply.

Background and Main Issues

3. Class O of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) states that development consisting of a change of use of a building and any

¹ The Town and Country Planning (Use Classes) Order 1987, as amended.

land within its curtilage from a use falling within Class B1(a) (office) of the UCO to a use falling within Class C3 (dwellinghouses) of that Schedule is permitted development. This is principally subject to the criteria set out within Paragraph O.1 and Conditions stated in Paragraphs O.2(1) and O.2.(2).

4. Article 3(9A)(b) of the GPDO also confirms that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse that does not comply with the 'Technical Housing Standards – Nationally Described Space Standard' (Department for Communities and Local Government, March 2015) (NDSS). There is no dispute between the main parties that the proposal would be consistent with the requirements of Paragraph O.1 of the GPDO. Therefore, the main issue is whether the proposal meets the NDSS.

Reasons

5. The appeal site comprises No's 352 and 354 High Road, the former of which is the end building of the host two-storey terrace. The ground floors of both buildings and the first floor of 354 comprise office space, while the first floor of 352 includes an existing residential flat.
6. The proposed flats would all have one bedroom. The crux of the disagreement between the parties is whether the units would be occupied one or two people. The proposed floor plans indicate that the floor areas for all units would meet the minimum required in the NDSS for single occupancy flats. However, there would be a shortfall in the amount of available space for two people.
7. The planning application form, proposed floor plans and other planning submissions indicate the intention for the flats to single occupancy. Although the flats may be large enough to accommodate two people, there is no requirement for a one-person unit to be of a 'studio' type layout. Internal divisions do not dictate that the units would be occupied by two people. Moreover, the NDSS stipulates in paragraph 6 that relating internal space to the number of bedspaces is a means of classification for assessment purposes only when designing new homes and seeking planning approval. It does not imply actual occupancy.
8. Therefore, I am satisfied that the units would meet the required minimum gross internal floor areas and storage in the NDSS and accordingly, the proposed development would be permitted development under Schedule 2, Part 3, Class O of the GPDO.

Conditions

9. Paragraph O.2(2)(a) requires the proposed development to be completed within three years of the date of the decision. Furthermore, standard conditions are set out in paragraph W.(12). These require the development to be undertaken in accordance with the approved plans.

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

C McDonagh

INSPECTOR