
Appeal Decision

Site visit made on 24 October 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2022

Appeal Ref: APP/Y5420/W/22/3294200

7 Tenterden Road, Tottenham, London N17 8BE

- 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 Cesur Firat against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/3343, dated 26 October 2021, was refused by notice dated 1 February 2022.
 - The development proposed is subdivision of dwelling to create two flats at lower ground level, ground and first floor level and external alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide suitable living conditions for future occupiers with regards to daylight, sunlight, outlook and provision of outdoor amenity space.

Reasons

3. The appeal site comprises the end property of a long terrace which is of three-storey appearance when viewed from Tenterden Road and two-storey to the other side. The proposal seeks to sub-divide the property into two flats, with a one-bed one-person unit at ground floor level and a three-bed, four-person unit at first and second floor levels. The stairs to the side alley of the property, which provide access to the rear amenity space from the front, would be removed, and this area would then be enclosed and used as amenity space for the ground floor flat.
4. The submitted 'Internal Daylight Assessment' concludes that the habitable rooms within the proposed ground floor dwelling would receive satisfactory levels of daylight. From my observations on the site visit, the rooms were somewhat dim, however they did benefit from some natural light. As such, I see no reason to conclude against the assessment and in that regard the proposal would be acceptable.
5. The outlook from the front room of the ground floor, proposed as a living room with kitchen, would remain unaltered by the proposal. However, the outlook of the bedroom to the rear would be to the retaining wall along the boundary with

the neighbouring property at a short distance away and would have offer an overbearing and somewhat oppressive outlook.

6. The proposed amenity space would be created by the removal of the existing external stairs to the rear garden area at first floor level. This would be enclosed by a wall along with the existing boundary wall and that of the host building. The plans indicate this space would be 13.5m² in area.
7. Policy D6 of the London Plan (LP) (March 2021) advises that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 square metres (sq. m) of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq. m should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. From the policies provided there does not appear to be any more onerous standards of the development plan documents.
8. While the size would meet the requirements of Policy D6, the supporting text states private outside space should be practical in terms of its shape and utility, and care should be taken to ensure the space offers good amenity. The long and narrow profile of the proposed external area would be impractical and provide little circulation space to carry out activities such as storing bikes, drying clothes and sitting outside. Moreover, due to the presence of three high walls and a gate, the space would dark and oppressive with sunlight only likely to shine during a limited time period due to the orientation.
9. I have had regard to an appeal decision¹ which allowed an ostensibly similar proposal at No. 15 Tenterden Road. I have not been provided with plans for that development. However, the appeal decision makes clear that the main issues in that case concerned internal space standards, outlook, daylight and privacy. Internal space standards were not disputed in this appeal while I have concluded, based on the evidence provided in the daylight assessment, that provision of daylight to the ground floor would be acceptable. However, No. 15 is a mid-terrace property and would not have the same outlook considerations as an end terrace dwelling, while external amenity space was evidently not given as a reason for refusal for No. 15 as it was in this case. As such, this does not lead me to conclude otherwise on the proposal before me, which I have determined on its own merits based on the site-specific circumstances.
10. To conclude, the proposal would not offer suitable living conditions to prospective future occupiers of the property with regards to the external amenity space, although I have found that there would be adequate daylight and outlook in the rooms of the ground floor flat. Overall, the proposal would be contrary to Policies SP2 and SP11 of the Haringey's Local Plan Strategic Policies 2013 – 2026 (HLP) (adopted March 2013), Policy DM12 of the Haringey Development Management DPD (DPD) (adopted July 2017) and Policy D6 of the LP as explained in the foregoing chapters.

Other Matters

11. I acknowledge the appellants' concerns over the Council's handling of the application. However, these are not relevant matters for the appeal process and in determining the appeal I have only had regard to the planning merits of the proposals.

¹ APP/Y5420/W/21/3267505

Conclusion

12. For the reasons outlined above, the development would not accord with the development plan taken as a whole and there are no material considerations that indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

C McDonagh

INSPECTOR