



Appeal Decision

Site visit made on 4 October 2022

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/Y5420/W/22/3297771

99B Turnpike Lane, London N8 0DY

- 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 Sorted of Dinky Dom Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/0174, dated 31 December 2021, was refused by notice dated 25 February 2022.
 - The development proposed is extension to the rear of flat 99b and loft conversion with rear dormer and front rooflights to form a studio apartment 99c. Lowering the ceiling in the lower flat to accommodate a higher ceiling in the studio flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether acceptable living conditions for future occupiers of the proposed new flat would be provided; and
 - the effect of the proposed development on the living conditions of the existing occupiers of the first floor flats at Nos 99 and 101 Turnpike Lane, with regard to outlook and daylight.

Reasons

Future Occupiers

3. The Council has concerns regarding the layout of the proposed new flat at No 99. Policy D6 of the London Plan (2021) requires development to be of high quality design and provide adequately-sized rooms in line with the standards set out at Table 3.1, with comfortable and functional layouts which are fit for purpose. Irrespective of the precise amount of floorspace shown on the plans for the proposed new flat, overall, I find the proposed accommodation, set as it would be over two floors, would be generally limited in size leading to a cramped and claustrophobic environment.
4. It may well be that shower rooms are always separate from the living space in studio accommodation, however the location of this basic facility, on the second-floor landing, down the stairs from the main living area, is disjointed, and would not provide for a comfortable and functional layout. The internal layout and configuration would therefore be poor and not fit for purpose,

contrary to Policy D6, resulting in inadequate living conditions for the future occupiers of the proposed new flat.

5. While the appellant seeks to demonstrate compliance with the national space standards, these are not part of the development plan, and I have before me, within Policy D6 of the London Plan, an adopted set of standards to assess the appropriateness of the internal space. With regard to minimum floor to ceiling height, this policy requires a minimum ceiling height of 2.5 metres for at least 75 per cent of the gross internal area. This is to ensure new housing is of adequate quality, especially in terms of daylight penetration, ventilation and cooling, and sense of space. The plans before me show that this cannot be achieved even if the new flat was regarded as a one storey dwelling. This is indicative of the confined nature of the accommodation which would be to the detriment of the living conditions for its future occupiers.
6. As such, acceptable living conditions for future occupiers of the new flat would not be provided. This is in conflict with policies D6 of the London Plan and DM1 of the Haringey Development Management DPD (2017). These policies, amongst other things, require housing to be of high quality design with layouts and rooms of an adequate size which are fit for purpose.

Existing Occupiers

7. The appeal site is a three-storey mid terrace property with commercial space on the ground floor and residential above. To the rear there are varying heights and massing to the existing outriggers and extensions. The proposal includes a second floor rear extension to the existing outrigger. There are similar style rear projections at neighbouring properties.
8. The existing three storey outrigger at No 101 Turnpike Lane and two storey outrigger at the appeal site result in a relatively narrow gap between the properties' rear projections. However, given the position and orientation of the main rear elevation windows and owing to the relatively limited height and depth of the proposed second floor extension, the proposal would not create an enclosing effect on the windows in question. As such, it would not be detrimental to the outlook from the rear facing first-floor rooms at No 99 and 101.
9. The windows in question are south facing and relatively large. Combined with their position in relation to the proposed second floor extension, I am satisfied that adequate levels of daylight would therefore reach the rear facing first-floor rooms, despite the proposed second floor extension. Moreover, the appellant has confirmed that the first floor window of No 99, which would be closest to the proposed second floor extension, serves a kitchen and not a habitable room.
10. For the reasons above, the proposed development would not harm the living conditions of the existing occupiers of the first floor flats at Nos 99 and 101 Turnpike Lane, with regard to outlook and daylight. It would therefore accord with policies D4 of the London Plan and DM1 of the Haringey Development Management DPD. These policies, amongst other things, require development to have a high standard of amenity for its users and neighbouring occupants, providing appropriate daylight and open aspects to all parts of the development.

11. The appellant has also drawn my attention to Policy DM12 from the Development Management DPD. This policy largely reflects the provisions of Policy DM1. As such, I find that the proposal accords with Policy DM12, with regard to this main issue.

Other Matters

12. I acknowledge that the proposal would be sympathetic to the character of the existing terraces at the front, that the extension would be finished in matching brick work, would have a side and rear window to align with the existing fenestration and that a Juliet balcony is said to be an attractive feature at the rear of the property. However, these are neutral factors and have limited weight, as does the proposal's alleged compliance with various development plan policies in relation to these aspects.
13. I note there were no objections to the proposal, and that inclusive access is not appropriate given it is an existing building and because of the layout of the residential and commercial uses. Appropriate transport considerations can also be secured at the site. However, the lack of harm on these matters would only be a neutral factor.
14. The principle of the development is not in dispute and the proposal is in an accessible location. It would increase the size of the existing second floor flat, bringing it into line with the minimum space standards for a two-bedroom dwelling. It would also, as supported by various local and national policies, contribute to the supply and mix of housing through the creation of an additional 1 bedroom dwelling, which the submitted evidence indicates are in greatest demand in the Borough, and offer an alternative to accommodation in a House in Multiple Occupation. These are clear benefits of the proposal.
15. However, given the scale and nature of the development proposed, its contribution to the supply and mix of housing would be relatively limited. Although my attention has been drawn to the need for affordable housing in the Borough, it is also not proposed that the new flat would be secured and provided as affordable housing. Accordingly, the benefits neither outweigh the harm I have identified nor the conflict with the development plan.

Conclusion

16. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

F Harrison

INSPECTOR