



Appeal Decision

Site visit made on 28 March 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4 April 2023

Appeal Ref: APP/Y5420/W/22/3303255

647 High Road, Tottenham, London N17 8AA

- 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 Ms A Tonari against the decision of the London Borough of Haringey
 - The application Ref HGY/2022/1230, dated 14 April 2022, was refused by notice dated 9 June 2022.
 - The development proposed is the erection of rear outbuilding for residential use in conjunction with HMO (increase to 10 occupiers).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposed development on: the character and appearance of the appeal site and surrounding area, including the conservation area and locally listed building; and the living conditions of future occupiers with regard to provision of internal floorspace.

Reasons

Character and appearance

3. The site is a three-storey building comprising a restaurant and 8 person house in multiple occupation (HMO) in a locally listed terrace of properties on High Road. It sits in the North Tottenham Conservation Area (the CA), the immediate section of which is defined by a linear street pattern and examples of traditional development. Properties on High Road back onto Pembury Road to the west, with the long rear gardens in the immediate part of the terrace at Nos. 641- 651 largely providing a break in built form between the streets.
4. The proposal would erect an outbuilding to the rear of the site, forming part of the HMO and increasing occupancy levels. The outbuilding would be single storey in nature and constructed from materials to match the main property. It has been reduced in scale from a previous scheme that was the subject of a former appeal decision¹, a copy of which has been provided. The main parties agree that it would not result in an excessive level of HMO units at the site.
5. The proposal would introduce an element of built form to a part of the site that is currently free from development and would span the entire width of the rear garden. However, while it would have a sizeable footprint, its location towards

¹ APP/Y5420/W/21/3281439

the rear of the garden and the dimensions of the site would ensure that much of the garden space would remain. As a result, the site itself would not appear overdeveloped because of the proposal.

6. Nevertheless, the outbuilding would fail to respect the immediate pattern of development. In this precise location it would reduce the openness between development on High Road and Pembury Road, causing visual harm and eroding the spaciousness provided by the rear gardens of this section of the terrace. While it would not be visible from the street, clear views would be possible from immediately surrounding properties, where its effect would be evident and it would read as an intrusive addition to the site.
7. The appellant has highlighted other rear additions in the area, some of which I noted to be visible from the site, particularly that at No. 651 High Road. However, I agree that these do not make a positive contribution to the area, such that their presence alone would not justify the identified harm of the proposal. In any event, it remains that sizeable outbuildings such as the proposal are not a common feature, particularly in the immediate terraced group of properties with rear gardens backing onto Pembury Road.
8. In this context, the proposal would appear as an out of place and visually imposing addition, causing visual harm to the site itself and to the contribution it makes to the surrounding character and appearance. As such, it would neither preserve nor enhance the character or appearance of the CA. Its effect would be localised among other additions. It would therefore equate to 'less than substantial' harm. Nevertheless, the Framework makes it clear that great weight should be given to the conservation of heritage assets.
9. Paragraph 202 of the National Planning Policy Framework (the Framework) specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against public benefits of the proposal. Public benefits of the scheme have not expressly been put forward by the appellant, but I note that it would add to the housing mix of the area and have a level of economic benefit. Nevertheless, I do not consider that these benefits would outweigh the harm identified to the heritage asset.
10. For the reasons given the proposal would cause harm to the character and appearance of the area, fail to preserve or enhance the character or appearance of the CA and cause harm to the locally listed building. It would fail to comply with Policies SP11 and SP12 of the Haringey's Local Plan: Strategic Policies 2013-2026, Policies DM1 and DM9 of the Haringey's Development Management DPD and Policies D3 and HC1 of the London Plan 2021 insofar as they seek to ensure development is of a design that respects, responds to, and relates to local context and character, avoiding harm to, and ensuring the conservation of, heritage assets.

Living conditions

11. Policy D6 of the London Plan 2021 provides minimum standards of gross internal floor area, which supporting text to the policy makes clear all new self-contained dwellings of any tenure must meet. In the case of a two person, one bedroom, single storey dwelling this is 50sqm. The proposal would provide 40.7sqm of internal floorspace.

12. However, although the proposal would not adjoin the current HMO at the site, it would be used in conjunction with it. As such, occupiers of the proposal would have access to the communal areas of the main HMO building. Indeed, in accordance with the submitted plans, no kitchen would be provided at the outbuilding, requiring future occupiers to use the communal kitchen in the main building. On this basis, the proposed outbuilding could not be described as a new self-contained dwelling and I am satisfied that a suitably worded condition could prevent the building being used as such.
13. Considering the shared facilities within the main house, the level of shortfall in floorspace provided compared to the required standard of Policy D6 for a two person, one bedroom, single storey dwelling would not significantly compromise the living conditions of any future occupiers of the proposal. The plans show a sizeable communal kitchen that could comfortably support the needs of the increased level of occupancy and that, when taken together with the floorspace of the proposal, would provide a satisfactory level of amenity for future occupiers of the outbuilding.
14. For the reasons given I find that the development would not have an adverse effect on the living conditions of future occupiers with regard to the provision of internal floorspace. There would be no conflict with Policy D6 of the London Plan 2021 or Policy DM12 of the Haringey's Development Management DPD insofar as they seek to ensure development provides adequate levels of internal floorspace.

Planning Balance and Conclusion

15. I have found that the proposal would be acceptable in terms of its effect on the living conditions of future occupiers with regards floorspace. This represents a lack of harm, which is neutral in the overall planning balance. However, I have found that the proposal would cause harm to the character and appearance of the area, fail to preserve or enhance the character or appearance of the CA and cause harm to the locally listed building.
16. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR