



Appeal Decision

Site visit made on 5 December 2023

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/Y5420/W/23/3324100

Forest Gardens Mews, Forest Gardens, Tottenham, London N17 6XA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs S & N Ablett against the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/0208, is dated 21 December 2021.
 - The development proposed is conversion and change of use of 8 live/work units into 7 x 2 bedroom and 1 x 3 bedroom dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for conversion and change of use of 8 live/work units into 7 x 2 bedroom and 1 x 3 bedroom dwellings at Forest Gardens Mews, Forest Gardens, Tottenham, London N17 6XA in accordance with the terms of the application, Ref HGY/2022/0208, dated 21 December 2021, and subject to the conditions set out in the following schedule.

Applications for costs

2. The applicant has submitted a late application for costs against Haringey Council and this is the subject of a separate decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
4. A decision notice was issued after the lodging of the appeal. This has no legal standing, as jurisdiction on the planning application passed to the Secretary of State when the appeal was lodged. I have treated the notice as being indicative of the decision the Council would have made, had it been in a position to determine the application within the statutory timescales. It is a material consideration in my assessment of this appeal.
5. The Council have provided no written representation within the relevant time limits. Notwithstanding this, there is sufficient information before me to enable a decision to be made based on the merits of the case.

6. The questionnaire submitted by the Council states that the application site is within a conservation area. I have determined the appeal on this basis of the submitted map of Bruce Grove Conservation Area.

Main Issue

7. The main issue is whether the development provides suitable living conditions for its occupants with regard to internal floor area and external garden space.

Reasons

8. The application site is located in a predominantly residential area, comprising of mainly two storey terraces that front on to the road. The application relates to former mews buildings that were converted in to 8 live/work units in 2000. The buildings have been designed to have modest accommodation on the first floor with a commercial studio on the ground floor. The rear boundaries of neighbouring properties form an enclosed courtyard to the front of the mews buildings.
9. The proposal is for the conversion of the studio areas in to living accommodation. The proposal would therefore increase the internal floor area of habitable accommodation for each unit. The proposal also includes the subdivision of the courtyard to allow for the formation of small front garden areas and disabled parking spaces.
10. The submitted plans indicate that the internal floor areas of the habitable accommodation in some of the existing live/work units falls significantly short of the requirements of the minimum internal space standards set out in Policy D6 of the London Plan 2021 (LonP). The proposed conversion of the ground floor studios would allow for an increase in the floor area of habitable accommodation for each unit. It is acknowledged that some of the units would continue to fall short of the requirements of the Policy D6 of the LonP. However, with the additional internal floor area the shortfall would be relatively modest.
11. The units as existing do not have any dedicated external garden space. The proposal includes the subdivision of the external courtyard in order to allow a separate garden area for each property. The proposed garden areas would be in accordance with the requirements of criterion F9 in Policy D6 of the LonP.
12. For the reasons detailed above the proposal would provide suitable living conditions for future occupants with regard to internal floor space and external amenity area. It would therefore comply with the requirements of Policies DM1 and DM2 of Haringey's Development Management DPD 2017, which require that development proposals ensure a high standard of privacy and amenity for the development's users and that developments can be used safely, easily and with dignity by all.
13. It is acknowledged that some of the resultant units would technically conflict with Policy D6 of the LonP in terms of internal floorspace. As the conflict is very modest and taking in to account the fact that proposal would result in the improvement of the quality of accommodation of the existing units, I give this conflict little weight. Further to this, after the appeal was lodged the Council submitted a decision notice that indicated that they would have approved planning permission. Both the proposed improvement of existing

accommodation and the Council's indicative decision are material considerations of sufficient weight to justify allowing the appeal despite technically conflicting with elements of Policy D6 of the LonP.

Other Matters

14. A representation from the existing occupants of the 1-8 Forest Mews raised concerns that they would be made homeless as a result of the proposed development. There is limited evidence before me to indicate that any existing tenants would be made homeless if the appeal is allowed. Whilst tenants have a right to respect for their private and family life, the proposed development, if allowed, would be in accordance with the law and in pursuance of a legitimate aim, which is to ensure a reasonable standard of living for residents.

Conditions

15. I have considered the suggested conditions against the tests set out in the Planning Practice Guidance and paragraph 56 of the Framework. Where appropriate, I have adjusted the wording to ensure they are precise and enforceable.
16. I have attached conditions specifying the timescale for the initiation of the development and specifying the approved plans in the interests of certainty. Pre-occupancy conditions relating to the erection of the cycle and refuse storage provision and the submission and implementation of an external lighting scheme are also included in the interests of residential amenity.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

C Livingstone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14419-P002-J and 14419-P003-B.
- 3) Prior to the first occupation of the approved dwellings, the 10 cycle parking spaces shown on approved drawing numbers 14419-P002-J & 14419-P003-B shall be implemented in accordance with the approved details and permanently retained thereafter.
- 4) Prior to the first occupation of the approved dwellings, the refuse storage area shown on approved drawing numbers 14419-P002-J & 14419-P003-B shall be implemented in accordance with the approved details and permanently retained thereafter.
- 5) Prior to the first occupation of the approved development, details of external lighting along the access road shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be fully installed prior to the first occupation of the development and shall be permanently retained thereafter.

*** END OF CONDITIONS ***