



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: 19th February 2024

Appeal Ref: APP/Y5420/W/23/3320686

105 Whittington Road, Wood Green, Haringey, London N22 8YR

- 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 & Mrs Brakiovski against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/1808, dated 21 June 2022, was refused by notice dated 28 October 2022.
 - The development proposed is the conversion of dwelling house to three self-contained flats.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of dwelling house to three self-contained flats at 105 Whittington Road, Wood Green, Haringey, London N22 8YR in accordance with the terms of the application, Ref HGY/2022/1808, dated 21 June 2022, subject to the following 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: SLP-100, PL-100 Rev E, PL-101 Rev F.
 - 3) No development shall take place until a detailed scheme for the provision of refuse and waste storage and recycling facilities has been submitted to and approved in writing by the Local Planning Authority. Such a scheme as approved shall be implemented and permanently retained thereafter.
 - 4) Prior to the commencement of development above ground, full details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 6 cycle parking spaces for users of the development, in accordance with the London Cycling Design Standards. Once agreed, the details shall be implemented as approved and retained/maintained as such thereafter.
 - 5) The studio flat (Flat 3) hereby approved shall not be occupied until the floor level has been lowered by 198mm in accordance with plan PL-101 Rev F. The floor level shall be retained as such thereafter.

Preliminary matters

2. 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.

3. The Council accepted an amended plan, PL-101 Rev F, showing that the ceiling on the first floor would be lowered, prior to the determination of the application. Therefore, I have determined the appeal on that basis.

Main Issues

4. The main issues are:

- Whether future occupiers of the studio flat on the loft floor and part of the first floor would experience acceptable living conditions in terms of internal living space and ceiling height;
- whether future occupiers would experience acceptable living conditions in terms of external amenity space; and
- the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular reference to noise and disturbance.

Reasons

Living conditions of future occupants

5. The application site is located in a predominantly residential area, comprised of terraces of two and two and a half storey properties with long narrow rear gardens. The application relates to a mid-row end of terrace property that has two and a half storeys, the front elevation having a front facing gable window serving accommodation in the attic. The property appears to have been extended with a large flat roofed outbuilding within the rear garden.
6. The proposal is for the subdivision of the property into three separate flats, a three bedroom flat on the ground floor, a one bedroom flat on most of the first floor and a one bedroom flat on the loft floor with the bathroom facilities on the first floor. The Council's concerns regarding living conditions are centred on the studio flat on the third floor. I saw that, in the loft area, the ceiling is sloped to varying degrees, reflecting the pitch of the roof.
7. The provision of an adequate ceiling height is a particularly important factor in ensuring that the proposed accommodation would provide adequate living conditions. The initial proposal failed to provide a minimum ceiling height of 2.5m for at least 75 percent of the gross internal floor area, as required by Policy D6 of the London Plan 2021. In light of the Council's concerns regarding the ceiling height an amended drawing was submitted which included a line indicating that the floor area of the third floor of the building would be lowered in order to create the required ceiling height. It is acknowledged that there is no information detailing how this alteration would be carried out. However, this matter would be considered under the relevant Building Regulations as part of building control approval.
8. The studio flat would include an open plan sleeping and living area on the loft floor and a shower and toilet are provided in a separate room on the first floor, reached via a staircase. There is some debate between the Council and the appellant parties as to whether the 'studio flat' should be defined as such as

the accommodation would not be provided over one floor. However, as the main sleeping and living area would be a single open plan space, to my mind the proposed unit can be treated as a studio flat. A toilet and shower are ordinarily in a separate room, the fact that they would be provided on the second floor is immaterial in this instance. As such, based on the requirements of Policy D6 of the London Plan 2021, a minimum gross internal floor area of 37 square metres would be required in this instance.

9. The proposed plans are not clearly annotated with the internal floor area of the studio flat. Within their Statement of Case the appellant notes that the floor area of the living accommodation on the loft floor would be 36.9m and this does not include the area of the shower room on the first floor. Based on the submitted plans I am satisfied that the gross internal floor area is over 37 square metres. As such, the studio flat would be in accordance with the requirements of Policy D6 of the London in terms of gross internal floor area and would provide suitable living conditions in this respect.
10. Having regard to the above, the occupiers of the studio flat on the loft floor and part of the first floor would experience acceptable living conditions in terms of internal living space and ceiling height. Therefore the proposal is in accordance with Policy D6 of the London Plan 2021, Policy SP2 of Haringey's Local Plan Strategic Policies 2017 (SP) and Policies DM12 and DM16 Development Management DPD 2017 (DM DPD) which require that the minimum floor to ceiling height must be at least 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling; housing developments should be of high quality design; and provide comfortable and functional layouts.

External amenity space

11. As described above, the established pattern of development in the area is such that most properties have long narrow rear gardens. This ensures these properties have a suitable area of private outdoor amenity space, which has a positive impact on the living conditions of occupants. The existing garden would be subdivided to provide a 125 square meter garden area for the ground floor flat and a shared 115 square meter garden area for the two remaining flats, with the existing outbuilding being used as a shared storage space.
12. The Council states that the subdivision of the garden would result in an impractical, contrived layout. Whilst I accept that the proposed layout would be more elaborate than the layout required for a single family. I nevertheless consider that each of the proposed flats would have access to a suitable area of external amenity space.
13. I conclude that future occupiers would experience acceptable living conditions in terms of external amenity space. I therefore do not find conflict with Policies DM1 and DM16 of the DM DPD which seek to ensure that adequate external amenity space is provided.

Living conditions of the occupants neighbouring properties

14. The property is a four bedroom house that would be subdivided in to three separate flats. While three separate flats accommodating adults living independently is not directly comparable to a single family household, the level of activity is unlikely to be significantly greater, this includes the use of the external garden area. The existing outbuilding would continue to be used as an

ancillary storage area as existing, as such this would not result in increased disturbance to neighbouring properties.

15. The terraced form of development on Whittington Road results in properties that are close to one another. This proximity, together with the higher housing density means that increased levels of noise and disturbance would be expected.
16. For the reasons detailed above, the proposed development would not have a harmful effect on the living conditions of neighbouring properties, with particular reference to noise and disturbance. I do not find conflict with the objectives of Policies DM1 and DM16 of the DM DPD where these policies seek to protect living conditions of residents of neighbouring properties.

Other Matters

17. Concerns have been raised regarding the impact of the proposal on parking provision in the area. A parking stress survey was submitted in support of the proposal and the Council raised no material concerns regarding the impact of the proposed development on parking. Based on the evidence before me I agree with the Council's assessment of this matter.
18. Concerns have also been raised regarding the potential future use of the existing outbuilding as a separate dwellinghouse. My assessment of the appeal is based on the plans as submitted, which show that the building would be used as storage.

Conditions

19. I have considered the conditions put forward by the Council and the appellant's comments on them. I have included those conditions that meet the tests set out at paragraph 56 of the Framework, with some minor editing of the suggested wording for precision and enforceability.
20. Conditions relating to the timing of the proposed development and the approved plans have been applied in the interests of clarity. Details of the provision of refuse storage and cycle parking provision, and their subsequent implementation and retention, have been applied in order to ensure appropriate facilities are provided for future occupants and in the interests of the amenity of the area.
21. A condition requiring that the loft floor is lowered is required in order to ensure a minimum ceiling height of 2.5m for at least 75 percent of the gross internal floor area is achieved in the proposed studio flat (Flat 3), as required by Policy D6 of the London Plan 2021.

Conclusion

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

C Livingstone

INSPECTOR