



Appeal Decision

Site visit made on 20 December 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2024

Appeal Ref: APP/Y5420/W/23/3317338

9 Mannock Road, Tottenham, Haringey, London N22 6AT

- 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 L Teng against the decision of the Council of the London Borough of Haringey.
 - The application Ref. HGY/2022/4293, dated 1 December 2022, was refused by notice dated 26 January 2023
 - The development proposed is Full Planning Application for Proposed Conversion / Change of Use of Existing Single-Family Dwelling into Two Flats Comprising 1no. 2-bedroom flat and 1no. 3-bedroom flat.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues in this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.

Main Issues

3. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupiers in respect of the provision of private outdoor space;
 - the effect of the proposal on the local highway network in respect of car parking;
 - whether the proposal would provide satisfactory cycle parking at the front of the property in respect of standards of provision and the effect on the character and appearance of the area;
 - the effect of the proposal on living conditions of future occupiers of the ground floor flat in respect of noise; and
 - whether the proposal would be consistent with the Council's development strategy concerning the protection of family housing.

Reasons

Private outdoor space

4. The proposed three-bedroomed first floor flat (Flat 2) would have no private outdoor space to serve future occupiers. The appellant contends that the appeal site is only a short distance from a number of open spaces including Belmont Recreation Ground, Downhills Park, and Lordship Park Forest, each of which contain various recreational facilities and services, and that these spaces would more than adequately compensate for the shortfall in provision of private amenity space at the site. Nevertheless, Policy D6 of The London Plan (March 2021) (the London Plan) sets out minimum requirements for the provision of private outdoor space at new dwellings. Flat 2 would require a minimum of 7sq.m. to serve the four intended occupiers. Policy DM16 of the Haringey Development Management DPD (July 2017) (the DPD) requires the provision of satisfactory levels of amenity space. The proposal fails to meet the minimum requirements set out in the development plan in this respect.
5. Nearby open spaces referred to by the appellant would be of benefit to future occupiers. However, those open spaces would not adequately compensate for the failure to meet the defined standards for private outdoor space to serve the future occupiers of Flat 2. Furthermore, those public spaces would not fulfil the valuable function provided by private outdoor space which is necessary for the reasonable enjoyment of the proposed dwelling by future occupiers of all ages. I recognise that the proposed flats would exceed minimum internal space requirements set out in the development plan, but this does not mitigate or compensate for the lack of private outdoor space proposed for Flat 2. The evidence before me does not satisfactorily demonstrate why the failure to provide private outdoor space to meet at least the minimum requirements set out in the development plan should be acceptable in this case.
6. On this main issue, I therefore conclude that the development would be harmful to the living conditions of future occupiers in respect of the provision of private outdoor space. Accordingly, the proposal fails to comply with Policies D6 of the London Plan and DM16(c) of the DPD which together, amongst other things, require all new housing to be provided with at least the minimum defined amount of private amenity space.
7. The Council's reason for refusal refers to Policy DM6 of the London Plan. I have not been provided with the text of that policy, but I have seen Policy D6 of the London Plan which is relevant to this main issue.

Car parking

8. Policy DM16 (D) of the DPD requires that all residential conversions should be supported by a car parking survey that demonstrates there is residual car parking supply to meet the need created by the proposal. While the proposal is well located in respect of accessibility to public transport having a PTAL¹ rating of 4, and the appeal site is within a Controlled Parking Zone (CPZ) where restrictions apply to on-street parking, it remains the case that the requirements of DPD Policy DM16 have not been met in respect of the provision of results of a car parking survey.

¹ Transport for London Public Transport Accessibility Level rating system.

9. The proposal is described by the main parties as being 'car-free', meaning that future residents would not be provided with access to parking permits associated with the CPZ. Whilst the appellant has confirmed his willingness to enter into a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended), I have not been provided with a completed planning obligation that would give effect to the appellant's intentions in respect of preventing future occupiers from applying for a parking permit. I also note the appellant's explanation regarding the availability of a parking permit for the existing dwelling. However, this does not address the lack of a parking survey as required by the development plan, nor is it consistent with the stated intentions concerning the proposed development being car-free.
10. The conversion of the appeal property into two flats would likely give rise to additional demand for on-street parking in a CPZ. Given its accessible location, the appeal site is suitable for car-free development. However, without the controls provided by car-free development, the additional dwelling arising from the scheme would likely result in additional parking stress within the CPZ.
11. Securing the development as car-free would ensure that the demand for on-street car parking is not significantly increased as a result of the proposal, since the intention of controls would be such that future occupiers would not be eligible for a residents parking permit to park in this CPZ. In accordance with the requirements of paragraph 57 of the Framework it would be reasonable, necessary, and directly related to the proposed development to secure such controls through a planning obligation. However, none has been provided.
12. On this main issue, I therefore conclude that, without a planning obligation to secure car-free development, the proposal would have an unacceptably harmful effect on the local highway network in respect of car parking. The proposal is therefore contrary to Policies T1, T4 and T6 of the London Plan, Policy DM16 of the DPD and Policy SP7 of Haringey's Local Plan Strategic Policies 2013-2026 (consolidated with alterations since 2017) (the LP), which together, in summary, seek to ensure, amongst other things, that all residential conversions should be supported by a car parking survey that demonstrates there is residual car parking supply to meet the need created by the proposal, that car parking should be restricted in line with levels of public transport accessibility and connectivity, that car-free development should be the starting point for all development proposals in places that are well-connected by public transport, and development proposals should not increase road danger.

Living conditions for future occupiers - noise

13. The proposed development would involve the creation of a living room in Flat 2 that would be located directly above the front bedroom of the ground floor flat (Flat 1). The Council is concerned that such an arrangement would conflict with the expectations in DPD Policy DM16(d) which requires that internal configurations are practical and fit for purpose, ensuring that noise transfer between homes is minimised. I note the appellant's explanation regarding the design of the layout proposed, and I agree that it presents a reasonable and practical use of the available space.
14. In this case, if the appeal were to be allowed, planning conditions could be used to secure the design, implementation, and subsequent testing of a scheme of noise insulation to ensure, as far as practicable, that noise transfer between the flats is minimised. That being the case, the proposal would not

harm the living conditions of future occupiers of the ground floor flat in respect of noise and it would therefore not conflict with Policy D6 of the London Plan or Policy DM16 of the DPD.

15. The Council's reason for refusal in respect of this main issue makes reference to Policy DM6 of the London Plan. I have not been provided with the text of that policy, but I have seen Policy D6 of the London Plan which is relevant to this matter.

Cycle provision

16. The proposal makes provision for external cycle storage to the front and rear of the building. The Council has raised concerns about the appearance, useability, security and accessibility of the proposed cycle storage to the front of the building. Cycle storage for the proposal is intended to comprise an 'Asgard' storage unit, an example of which is given in the appellant's statement, and the location of which is shown on the plans.
17. The appeal site is a mid-terraced dwelling with the front elevation set back noticeably from the neighbouring attached building, 7 Mannock Road. The buildings in this terrace address the highway at a slight angle which results in the boundary between the appeal site and No 7 being marginally longer than that with 11 Mannock Road. The front garden is paved and the boundary with the highway is marked by a relatively low brick wall, a form of boundary treatment which is common within this section of the street and at many of the dwellings elsewhere on Mannock Road and in the neighbouring streets. While there are some small street trees nearby, vegetation in this section of Mannock Road is relatively sparse.
18. In accordance with the plans, a low, purpose-built cycle store of the type suggested by the appellant would provide useable, secure and accessible cycle storage. Although it would be accommodated within the front garden, given the set-back of the front elevation of No 9 from the front of No 7, this could be achieved with a degree of shielding by No 7 which would also provide a tall, solid backdrop to a large part of the cycle store.
19. Notwithstanding the relatively small front garden at the appeal property, there appeared to me to be adequate scope for planting which would aid in screening the relatively low cycle store, assist in assimilating it into the street scene and would also provide a positive contribution to the character and appearance of the area by introducing additional greenery.
20. The proposed 'Asgard' storage unit would provide an appropriate form of cycle storage. Screen planting could be secured by planning conditions were the appeal to be allowed. In these respects, the proposed cycle store would not conflict with the intentions of DPD Policy DM35 and would, due to its low height and positioning at the back of the front garden, not harm the character and appearance of the area.
21. On this main issue, I therefore conclude that the proposal would provide satisfactory cycle parking at the front of the property in respect of standards of provision and the effect on the character and appearance of the area. Accordingly, the proposal would not conflict with Policies T4 and T5 of the London Plan or Policies DM32 and DM35 of the DPD which collectively, in summary, encourage sustainable forms of travel and require cycle storage in

front gardens to be of high-quality design, and that it should not be visually intrusive and should not harm the amenity of surrounding properties.

22. The Council's reason for refusal in respect of this main issue refers to conflict with DPD Policy DM31. However, whilst I have had regard to this policy, I have not been directed to wording that is directly relevant to this main issue.

Provision of family housing

23. The appeal relates to an extended two-storey mid-terrace property with additional accommodation provided in the roof space. The submitted plans show that the property is currently in use as a single 7-bedroom dwellinghouse, with a small hard-surfaced front garden and a rear yard area.
24. The proposal seeks to convert this property into two flats: Flat 1 on the ground floor would be a 2-bedroom dwelling with exclusive access to the rear yard; and Flat 2 would be a 3-bedroom dwelling situated at first and second floor levels.
25. LP Policy SP2 indicates that the Council will aim to provide homes to meet the Borough's housing need and make use of Haringey's capacity for housing by maximising the supply of additional housing to meet and exceed the minimum targets set out in the development plan, subject to design expectations and other requirements. DPD Policy DM16 seeks to maintain the supply of larger family homes by generally resisting the conversion of larger homes that have an original gross internal floor area greater than 120sq.m. in areas defined as a Family Housing Protection Zone (FHPZ). The appeal site is located in a FHPZ.
26. The Council calculates, from its measurements of the plans, that the original dwelling had a gross internal floor area of 114sq.m. The appellant contends that the original gross internal floor area was 120.4sq.m. The original dwelling has been substantially modified and now provides a significantly larger gross internal floor area. I have not been provided with suitably robust evidence to substantiate the Council's claim regarding their measured estimate of the original gross floor area. In these circumstances, I have no reason to doubt the appellants evidence concerning the size of the original dwelling, and I am satisfied that the gross internal floor area of the original dwelling was greater than 120sq.m.
27. The Officer Report clarifies that, subject to compliance with other criteria in DPD Policy DM16, the Council will consider conversions within the FHPZ to be acceptable where the gross internal floor space of the existing dwelling is greater than 120sq.m. Notwithstanding my assessment of the proposal in respect of its failure to comply with other policies in the development plan and some other criteria in DPD Policy DM16, the proposal would not conflict with criterion (b) of that policy because the original internal floor space of the existing dwelling was larger than the threshold size. Accordingly, in this specific respect, the proposal would be consistent with the Council's development strategy concerning the protection of family housing and it would not conflict with criterion (b) of DPD Policy DM16 which requires the original internal floor space of the existing dwelling to be greater than 120sq.m.

Other Matters

28. The appellant has drawn to my attention a proposal for the subdivision of a dwelling at 62 Mannock Road for which the Council granted planning

permission². While recognising the appellant's concerns in respect of consistency in decision making by the Council on various matters including, but not limited to, parking arrangements and outdoor amenity space, the development plan policy position is clear in respect of each of the reasons for refusal and the main issues in dispute in the case before me. I have had regard to that other proposal, including the information provided by the appellant. However, I have determined the current appeal on the basis of the evidence before me, my observations during my site visit, and on its own merits. Moreover, the Council's grant of permission for the scheme at 62 Mannock Road would not in itself justify harmful development that would arise from the current appeal proposal.

29. The development would make a positive contribution to the delivery of housing on a small site within an accessible location and these benefits accord with the intentions of the Framework and the strategic priorities of the development plan. I attribute these benefits moderate weight given the scale of the development. However, while I have not found harm in respect of cycle parking provision, the effects of noise on future occupiers, or the Council's development strategy for family housing, the benefits arising from a net increase of one dwelling would not outweigh the harm I have identified in terms of living conditions that would be created for future occupiers due to the lack of private outdoor space to serve Flat 2, or the harm that would arise to the local highway network in respect of car parking.

Conclusion

30. For the reasons given above, the proposal would conflict with the development plan and material considerations do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude that the appeal should be dismissed.

David English

INSPECTOR

² Council Ref. HGY/2022/1348