



Appeal Decision

Site visit made on 9 April 2024

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2024

Appeal Ref: APP/Y5420/W/23/3332178

11 St Pauls Road, Tottenham, Haringey, London N17 0NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mordechai Steren of Starfield Estates Ltd against the decision of The Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/1194.
 - The development proposed is change of use of an existing outbuilding to provide for a self-contained Studio Flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council determined the application based upon drawing number (DrG No) EX.PR.01 Rev A. The appellant states that DrG No EX.PR.01 Rev B and then Rev C were submitted during the determination of the application, but the decision was based upon Rev A. Compared to Rev A, Rev C sought to revise the layout of the site. This would create an alleyway along the boundary of 11 St Pauls Road (No 11) to provide a separate access to the proposed Studio Flat as well as provide the cycle parking outside of the garden for No 11. To achieve this, the scheme would reduce the size of No 11's garden. Furthermore, the revised plan included a Dry Riser Inlet towards the front of No 11 and an Outlet by the Studio Flat.
3. Whilst the differences between Rev A and C are relatively limited the revised plan would reduce the size of No 11's garden and the occupiers of that building should be given the opportunity to comment on what would be a material change in circumstances between the revised plans. Consequently, the interested parties would be unfairly prejudiced if I were to accept the revised plan that has not been consulted on. Accordingly, I have considered the appeal on the basis of the scheme and the plans which were before the Council when it made its decision.
4. Since the Council issued its decision, a revised National Planning Policy Framework (the Framework) was published in December 2023. The amendments to the Framework do not affect the matters that are in dispute in the determination of this appeal. However, I have referred to the updated paragraph numbers where applicable.

Main Issue

5. The main issue is effect of the proposal upon the living conditions of the occupants of the proposed Studio Flat and the occupiers of 11 St Pauls Road as well as other neighbouring occupiers with regard to outlook, privacy, noise and disturbance as well as access by fire appliances.

Reasons

6. No 11 is a semi-detached property with a two-storey rear outrigger as well as a single storey addition to the rear of the outrigger. No 11 has a modest garden and to the rear of it is the existing outbuilding which is a small brick built single storey building with a pitched roof. The building is located a short distance from the rear of the single storey outrigger and the windows closest to the outbuilding have obscured glass. The outbuilding has a large transparent window on the front elevation, as well as a smaller window and a transparent glazed door that face towards No 11. To the rear of the outbuilding is another transparent glazed door and two smaller windows that face towards the brick built rear boundary wall.
7. However, a fence would be installed close to the front elevation of the building that has the largest window within it and thus would provide the main outlook for the occupiers of the building. Given how close the fence would be built in front of this building and because it would be around 1.75 metres(m) tall it would enclose the outlook from within the building. The Studio Flat would have a shared living area and there would be windows to the rear as well which would provide some relief for the occupiers. Although this outlook to the rear is also partly enclosed by the brick built rear boundary wall.
8. The combination of the height and depth of the fence to the front and the garden wall to the rear would result in a significant degree and sense of enclosure from within the building. Given that this appeal relates to a studio flat, the enclosed outlook would be experienced from within most of the building where the occupiers would be likely to spend significant periods of time and as such this sense of enclosure would be keenly felt.
9. The outbuilding is located within a garden and appears to provide additional space for the occupiers of No 11 and as such, the noise and disturbance the use of this building would generate would be limited and typical of a residential outbuilding and personal gym. Furthermore, this outbuilding would be used by the occupiers of No 11, rather than by people with potentially no connection to them.
10. The proposal would result in a self-contained dwelling at the end of a relatively small garden and the day-to-day use of it would cause noise and disruption above and beyond what the existing use would generate. The proposal would reduce the amount of space available to the occupiers of No 11 and intensify the use next to the garden. Given the limited distance between No 11's garden and the proposed Studio Flat, the noise this scheme would generate would harmfully disturb the occupiers of No 11 when using the garden which should be a place relatively free from disruption.
11. Additionally, when using the garden for No 11 the occupiers would be socialising and thus creating noise and disturbance very close to the front of the proposed Studio Flat. Given the limited size of the building the occupants of

the Studio Flat would have limited recourse to avoid this disturbance. This would result in a harmful level of noise and disruption occurring very close to the living accommodation of the Studio Flat.

12. DrG No EX.PR.01 Rev A shows the bin storage area within the front garden for No 11. Notwithstanding whether there would be space for this, alongside the bin storage area that should be provided for the occupiers of No 11, the occupiers of the Studio Flat would have to pass through No 11's garden and walk along the alleyway between No 11 and the neighbouring dwelling to reach the bin storage area. The occupiers as well as visitors would also have to walk down this alleyway to reach the Studio Flat. Further to this, the proposed occupiers would have to enter into No 11's garden to access the proposed secure cycle storage. These constant incursions into the garden would erode its sense of privacy which would have a harmful effect on the occupier's privacy when using the garden.
13. Even if DrG No EX.PR.01 Rev C had been accepted and the gardens for No 11 and the proposed Studio Flat separated by an alleyway there would still be noise and disturbance happening very close to No 11's rear garden.
14. The Council in its Officer's Report refer to fencing between the buildings that would be around 1.2m tall. However, DrG No EX.PR.01 Rev A that is quoted on the Decision Notice identifies that the proposed fence would be around 1.75m tall with planters in front. As such, this fencing would be tall enough to ensure the occupiers of the proposed Studio Flat would generally be unable to overlook No 11's garden. Furthermore, given the distance between the transparent windows within No 11 and the proposed Studio Flat, the occupiers of the Studio Flat would not overlook those rooms. Additionally, given the height and close siting of the proposed fence, the occupiers of No 11 generally would not be able to overlook the shared living area of the proposed Studio Flat, even when viewed from the windows on the upper floors of the building.
15. Some noise and disturbance would occur next to the neighbouring occupiers' rear gardens above and beyond what would typically be expected within a residential garden, from comings and goings as well as from the day-to-day use of a separate dwelling. However, the effect of this proposal upon the occupiers of the dwellings either side would be limited given that the noise and disturbance would occur further from the respective gardens and as such this would not be harmful. The fencing between the sites would also ensure privacy would be retained.
16. The building is in a residential area where outbuildings to the rear of dwellings are common, and the outbuilding is not located a significant distance from the public highway to make access significantly impractical for firefighters. Neither is the road impractically designed to hinder access to emergency vehicles. This would provide suitably positioned unobstructed space for fire appliances to be positioned close to the appeal site. Additionally, there is an alleyway to the rear of No 11's garden that would provide an additional route to the building in the event of an emergency. I am not convinced that there is substantive evidence that the building would be so inaccessible to fire appliances to warrant dismissal of the appeal.
17. Even if I had accepted DrG No EX.PR.01 Rev C given my concerns with some of the fundamental design principles of the scheme, I am not satisfied that the

revised plan nor suitably worded planning conditions, could mitigate the harm I have identified.

18. Therefore, for the reasons given above the proposal would harm the living conditions of the occupants of the proposed Studio Flat as well as the occupiers of No 11. While it would not lead to harm to the living conditions of other neighbouring occupiers this would not mitigate or justify the harm I have identified. Consequently, the proposal would not accord with Policies D3 and D6 of the London Plan, Policy SP11 of Haringey's Local Plan Strategic Policies and Policies DM1, DM7 and DM12 of Haringey's Development Management Development Plan Document. These policies seek, amongst other matters, to ensure that development proposals for infill, backland and garden sites as well as all new housing must safeguard privacy and amenity of neighbouring uses.
19. Whilst the proposal would accord with Policy D12 of the London Plan, insofar as it relates to access to fire appliances, this would not mitigate or justify the harm I have identified.

Planning Balance and Conclusion

20. The proposal would reuse an under-utilised building to deliver a single dwelling with good access to public transport links which is supported by paragraph 124d) of the Framework. Accordingly, I attribute modest weight to this. Paragraph 70 of the Framework also states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. The delivery of a single dwelling would contribute towards the Council's housing supply; however, this matter attracts limited weight particularly where there is no indication that the Council has an inadequate supply of housing land.
21. The occupiers of the proposed dwelling would contribute both economically and socially towards services and facilities in the local area. Overall, the social and economic benefits from a single dwelling would be minor.
22. The main parties agree that the development would conform with the minimum space standards for both internal and external space for the proposed Studio Flat, and I have no reason to disagree. In general, and subject to control by appropriate planning conditions the proposal could be made acceptable with regard to character and appearance, space standards and other matters not in dispute. However, these would be neutral matters in the balance.
23. The proposal would harm the living conditions of the occupants of the proposed Studio Flat as well as the occupiers of No 11. This harm would result in the proposal conflicting with policies in the development plan that seek to safeguard living conditions and I attribute significant weight to this. This harm would subsequently outweigh the stated benefits of the scheme.
24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR