



Appeal Decision

Site visit made on 1 July 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2024

Appeal Ref: APP/Y5420/W/23/3331022

78 Myddleton Road, London N22 8NQ

- 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 Mr Costantinos Ioannou against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/1772.
 - The development proposed is change of use of the rear part of the commercial property to a single 1-bedroom self-contained flat.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It was apparent during my site visit that the internal fixtures and fittings within the rear extension had been largely completed. However, given that there was no furniture and no personal effects on show, I have dealt with the appeal on the basis that is planning permission is sought for the change of use to a single-bedroom self-contained flat.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. Given the date the appeal was submitted, I am satisfied that the main parties were able to address any changes within their submissions.

Main Issue

4. The main issue is whether the development provides adequate living conditions for the future intended occupants with particular regard to a) outlook and b) external amenity space.

Reasons

5. The appeal property (No 78) is a three-storey building which has commercial use to the ground floor within the main body of the building and residential accommodation above. The rear outrigger subject to this appeal is set off the boundary with its immediate neighbour No 76 and has an external staircase leading to the residential accommodation above, situated between its flank elevation and the boundary. Access to the rear is via a pedestrian passageway to the flank elevation of 41 Marlborough Road. This passageway currently provides rear access to a number of units on Myddleton Road.
6. The area between the outrigger of No 78 and that of its immediate neighbour No 80 is shared, with the space enclosed by a wooden roof which has three roof lights and a gate which separates this space from the remainder of the rear yard. At the time of my site visit, the main rear wall and the flank

elevation of the outrigger associated with No 80 contained three doors. Whilst the precise layout of No 80 has not been specified on the submitted plans, given the position of the door to the main body of the building, it is reasonable that this relates to the commercial use situated on Myddleton Road. The remaining two doors have numbers 1 and 2 on them (Nos 1 and 2). Given the extent of personal paraphernalia visible through the windows and which was present within the space at the time of my site visit, it is highly likely that these doors relate to two residential units.

a) Outlook

7. The gate to the shared rear yard is offset to the main rear boundary of No 78. Given its position, the occupants of the upper residential accommodation would be required to walk past the proposed bedroom windows. Furthermore, as the yard is also shared with Nos 1 and 2, the occupants of these units would also be required to walk past the clear glazed window of the dining/living room and the obscured door and window to the kitchen of the proposed accommodation.
8. These clear windows would provide the only vertical outlook for future intended occupants which does not either directly overlook, the habitable accommodation of nearby residential accommodation, or the underside of the external staircase.
9. Even if there is sufficient space between the boundary and bedroom windows for occupants to access the bicycle and bin store, and the windows comply with building regulations, from observations on site, their proximity to the boundary severely restricts the outlook from this room and would result in oppressive living conditions for future occupiers.
10. I have been told that the outlook from the proposed dwelling would be similar to surrounding properties, however, I have not been directed to any examples or provided with details to make a comparison. Notwithstanding this, each case must be considered on its own merits.
11. I conclude that the proposed development would fail to provide acceptable living conditions for future intended occupiers with regard to outlook. Accordingly, the proposal conflicts with Policy D6 of the London Plan 2021, Policies SP2 and SP11 of Haringey's Local Plan Strategic Policies 2013-2026 (Local Plan) and Policy DM12 of Haringey's Development Management DPD 2017 (DPD), insofar as they seek, to ensure that all new housing must be of high quality.

b) External amenity space

12. Policy D6 of the London Plan (2021) outlines that a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings. This requirement is also set out in Policy DM12 of the DPD.
13. The covered area and yard would provide the only external amenity space for the future intended occupants and existing occupants of Nos 1 and 2. Whilst neither party has provided me with the overall size of the external amenity space, it is clear from the appellant's Ground Floor Plan that this space would also accommodate dedicated bicycle and refuse store and circulation space for each unit. From the evidence before me, the resultant amenity area would not provide sufficient space to accommodate the domestic paraphernalia such as outdoor furniture or washing lines associated with the combined level of

occupation. Taken together with the restricted outlook, the use of the external area would severely compromise the living conditions of future intended occupiers.

14. I conclude that the proposed dwelling would fail to provide acceptable living conditions for future intended occupants with regard to external amenity space. The proposal would therefore fail to comply with Policy D6 of the London Plan (2021), and Policies SP2 and SP11 of the Local Plan, which collectively seek, to ensure that all new development is designed having regard to the housing design standards and space standards set out in the London Plan.

Other Matters

15. The absence of harm to transportation and amenity of existing neighbouring properties, or the fact that the internal floor area meets the minimum spacing requirements under Policy DM12 of the DMP and D6 of the London Plan, are neutral matters in the overall planning balance as these would be requirements of any well-designed development.

Planning Balance and Conclusion

16. The appeal proposal would create one new dwelling, thereby supporting the Government's objective of significantly boosting the supply of homes and would make an economic contribution to generating council tax revenue. However, the overall benefits would be modest and not significant enough to outweigh the harm to the living conditions of future intended occupiers.
17. For the reasons set out above, the proposed development conflicts with the development plan taken as a whole, and material considerations do not indicate a decision otherwise than in accordance with the development plan. The appeal is therefore dismissed.

L Clark

INSPECTOR