



Appeal Decision

Site visit made on 9 July 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2024

Appeal Ref: APP/Y5420/W/23/3335135

70 Tottenham Lane, Hornsey, Haringey, London N8 7EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr S McCracken against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2023/0348 was approved on 14 June 2023 and planning permission was granted subject to conditions.
 - The development permitted is demolition of existing single storey garage and the erection of a 3-storey infill development with a rear dormer, 2 front roof-lights and a rear roof terrace, to form a new self-contained 2-bedroom dwelling.
 - The condition in dispute is No 6 which states that:
"Prior to the first occupation of the development hereby the developer shall have entered into an agreement with the local highway authority under Section 278 of the Highways Act 1980 to remove the section of redundant crossover across the footway into the site and to reinstate the public footpath at this location. The necessary Traffic Management Order (TMO) shall also be amended so that the existing on-street road markings and parking bays are extended to cover the area fronting the redundant crossover to the front of the application site".
 - The reason given for the condition is: "In order to the public realm and enhance on street parking capacity, consistent with Policy D3 and D32 of Haringey's Development Management DPD 2017 and SP7 of the Haringey Local Plan 2017".
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Decision

1. The appeal is allowed and the planning permission Ref HGY/2023/0348 for demolition of existing single storey garage and the erection of a 3-storey infill development with a rear dormer, 2 front roof-lights and a rear roof terrace, to form a new self-contained 2-bedroom dwelling at 70 Tottenham Lane, Hornsey, Haringey, London N8 7EE granted on 14 June 2023 by the Council of the London Borough of Haringey, is varied by deleting condition 6.

Background and Main Issues

2. Planning permission has been granted for a new dwelling which would replace an existing single storey garage attached to an end of terrace house. The proposed house would fill the gap between that house and the adjacent house at 72 Tottenham Lane. There is an existing vehicular crossover and driveway in front of the garage. Condition 6 of the planning permission requires an agreement under Section 278 of the Highways Act 1980 to be entered into to remove the crossover and reinstate the public footpath. The Traffic Management Order is also required to be amended to allow the on-street residents parking bays to be extended over the area occupied by the current crossover.

3. The Council's reason for condition 6 quotes Policies D3 and D32 of Haringey's Development Management Development Plan Document 2017 (DPD). I have taken this to mean Policies DM3 and DM32 since copies of those have been provided with the appeal documentation, and are referred to in the delegated report. The reason for the condition does not explicitly state what aspects of the public realm the condition is aiming to protect, the delegated report accompanying the appeal implies that the public realm would be improved as a result of the crossover removal.
4. In light of the above, the main issues are whether the condition is reasonable or necessary in the interests of enhancing:
 - on-street parking capacity in the area; and,
 - the appearance of the public realm.

Reasons

On-street parking

5. The approved drawings show a driveway with refuse and cycle storage to one side. An electric vehicle charging point would also be provided. The removal of the crossover as required by Condition 6 would allow for one additional on-street residents' parking bay to be provided in lieu of the private space on the driveway.
6. Tottenham Lane and surrounding streets are within a Controlled Parking Zone (CPZ). Tottenham Lane itself comprises a mix of commercial and residential uses; it forms the main thoroughfare from Hornsey rail station up to the shops and services of Hornsey. The appeal site is in a location where public transport is easily accessible and has a Public Transport Accessibility Level (PTAL) rating of 4. There are residents' parking bays in close proximity to the appeal site. The controlled hours are between 11.00 – 13.00 Monday to Friday.
7. There are various other parking restrictions along Tottenham Lane including paid for on-street spaces controlled from 08.00 to 18.30, some blue badge spaces, electric vehicle charging spaces, loading bays and some double yellow lines where no stopping is permitted. Other residential streets leading off Tottenham Lane are also within the CPZ.
8. Policy DM32 of the DPD states the Council will support proposals for new development with limited or no on-site parking where criteria are met including the availability of other modes of transport, with the site having a PTAL rating of at least 4 and located within a CPZ. Policy SP7 of the Haringey Local Plan 2017 (Local Plan) is a more strategic transport policy, which amongst other things, seeks to improve transport quality and safety by adopting maximum car parking standards and car free housing wherever feasible.
9. The appellant has submitted an on-street parking occupancy survey, carried out both during the day and overnight midweek in November 2023. The study area included Tottenham Lane and the streets leading off it within 200m of the appeal site. Average overnight occupancy on Tottenham Lane was 56%, on other nearby streets the average occupancy ranged between 46% up to 90%. Whilst this is a snapshot in time, the evidence suggests that without the additional on-street space secured by Condition 6, there would be sufficient availability to accommodate any parking needs arising from the approved

dwelling. In any event, there is nothing to prevent the future occupant of the dwelling from parking on street and therefore any capacity created through removing the crossover could then be used by that occupant. The impact in these circumstances is negligible.

10. The aim of the development plan policies is to encourage car free development particularly in areas of good public transport availability. However, taking into account the parking survey evidence, the addition of one on-street space would not be necessary to make the dwelling acceptable in terms of its effect on on-street parking pressure in the local area. No substantive evidence has been advanced by the Council in relation to occupancy of and demand for on-street parking spaces. Furthermore, the Council has not required this development to be car-free.
11. Concern has been expressed from interested parties regarding parking demand from other uses locally including entertainment and leisure. I note the YMCA on Tottenham Lane has its own car park, and there are paid for public on-street bays outside other commercial uses. The evidence before me does not lead me to conclude that the provision of an additional dwelling without a corresponding increase in a single on-street bay would lead to an unacceptable degree of harm to the availability of on-street parking locally.
12. I therefore conclude that the disputed condition is not reasonable or necessary in the interests of enhancing on-street parking capacity. Furthermore, there is no absolute requirement under DPD Policy DM32 or Local Plan Policy SP7 for new residential development to contribute to the improvement of on-street parking provision. I therefore find no conflict with these policies.

Public Realm

13. The appeal site is the only residential property with a vehicular crossover on this part of Tottenham Lane, although there are several crossovers serving commercial premises. There are crossovers located on other residential streets in the area and I do not consider they detract from the character or appearance of the local area. The acceptability of a new dwelling in this location would not hinge upon the reinstatement of the footway and kerb.
14. DPD Policy DM3 concerns the public realm. There are no specific provisions within the policy relating to footpaths or their reinstatement. Whilst the supporting text to the policy seeks to ensure new development contributes to the delivery of a high-quality public realm, this is not reflected in the wording of the policy itself.
15. In view of the above, I do not find that Condition 6 is reasonable or necessary in the interests of enhancing the appearance of the public realm, in line with DPD Policy DM3.

Other Matters

16. Whilst the installation of the cycle/refuse storage would reduce the space available on the driveway, from the drawings provided I consider that there would still be sufficient space for a small car with room for pedestrians to access the entrance of the house. I note that there is a 20mph speed limit on this one-way part of Tottenham Lane and there is little evidence to suggest that the retention of a crossover in this location would unacceptably harm highway safety in terms of vehicular access or egress.

17. Various other non-planning issues have also been raised by interested parties including matters controlled by Building Regulations, party wall matters, access to services and leaseholders' costs. These are not matters that are material to the planning considerations of the proposal.

Conclusion

18. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

L Francis

INSPECTOR