



Appeal Decision

Site visit made on 16 July 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2024

Appeal Ref: APP/Y5420/W/24/3341662

74 Turnpike Lane, Wood Green, Haringey, London N8 0PR

- 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 Kian Parmar (Island Portfolio Development Ltd) against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/3384.
 - The development proposed is to remove ground floor temporary structure; construct 3 storey rear extension to extend kitchen for existing restaurant (ground floor) and facilitate change of use from HMO bedrooms (Use Class C4) into Class C3 dwellings comprising 1 no. two bed unit (first floor) and 2 no. one bed units (second floor & third floor), install replacement ventilation equipment & external flue to the rear.
-

Decision

1. The appeal is allowed and planning permission is granted to remove ground floor temporary structure; construct 3 storey rear extension to extend kitchen for existing restaurant (ground floor) and facilitate change of use from HMO bedrooms (Use Class C4) into Class C3 dwellings comprising 1 no. two bed unit (first floor) and 2 no. one bed units (second floor & third floor), install replacement ventilation equipment & external flue to the rear at 74 Turnpike Lane, Wood Green, Haringey, London N8 0PR in accordance with the terms of the application, Ref HGY/2023/3384, 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: Location Plan (Drawing No: 2512369.2.01), Existing Floor Plans (Drawing No: 2512369.2.03), Existing Elevations & Sections (Drawing No: 2512369.2.04), Proposed Floor Plans (Drawing No: 2512369.2.11) insofar as it relates to the 'Proposed Second Floor Plan' and 'Proposed Third Floor Plan', Proposed Elevations & Sections (Drawing No: 2512369.2.12), Proposed Ground Floor Plan (Drawing No: 2512369.2.30), Proposed First Floor Plan (Drawing No: 2512369.2.15) and Proposed Outdoor Spaces (Drawing No: 2512369.2.21).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to the first occupation of the residential flats hereby approved, details of a secure and sheltered cycle store for 5 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The

development shall thereafter be implemented in accordance with the approved details and retained as such thereafter.

- 5) Prior to the first occupation of the residential flats hereby approved, details of a refuse storage area shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and retained as such thereafter.

Preliminary Matter

2. Amended plans were submitted with the appeal which show changes to the scheme proposed. These include minor internal changes to the size of the bedrooms within one of the proposed flats and to the external area at the rear of the site to include an amenity space. As there has been an opportunity for interested parties to comment on the amended plans, I am satisfied that it would not result in any prejudice to such parties. Consequently, and given the minor nature of the changes, I have accepted the amended plans and determined the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the living conditions of neighbouring residential occupiers with regard to daylight, sunlight and outlook, and
 - whether the proposed development would provide satisfactory accommodation for its future occupants, with regard to internal space standards and private amenity space provision.

Reasons

Living Conditions – Neighbouring Residential Occupiers

4. The proposed three storey extension would replace a large ground floor extension accommodating a restaurant seating area that was in place at the time of my visit. Concerns have been raised on the size of the proposed extension impacting on neighbouring occupiers at 76 Turnpike Lane. The appellant has submitted a Daylight and Sunlight Report¹ which has considered the light received by neighbouring properties and this demonstrates that the proposal will have a low impact on light, with all windows passing the daylight and sunlight tests, as would No. 76's garden/amenity area.
5. The height and depth of the proposed extension would appear as a three-storey wall when viewed from No. 76, but as the extension would be set away from the shared boundary with this neighbouring building including the rear garden/amenity area, such views would be at an angle. The development would not therefore unduly increase the sense of enclosure or have an adverse overbearing impact.
6. I therefore conclude that the proposal would not result in unacceptable harm to the living conditions of neighbouring residential occupiers with regard to daylight, sunlight or outlook. As such, the proposal would comply with Policy

¹ Right of Light Consulting, 27 March 2024

DM1 of the Council's Development Management DPD and Policy D6 of The London Plan, which seek, amongst other matters, to provide sufficient daylight and sunlight to surrounding housing as well as open aspects to adjacent buildings and land. It would also comply with Paragraph 135 of the National Planning Policy Framework (Framework) in relation to it seeking a high standard of amenity.

Living Conditions – Future Occupiers

7. The Council has raised concerns on one of the three proposed flats not complying with the space standards set out in The London Plan. The total internal floorspace of the proposed flat on the first floor would, based on the detailed internal measurements presented by the appellant, be 61.15sqm. It would thereby comply with the 61sqm standard set out in The London Plan for this size of flat. Although this same flat was proposing a double bedroom with an internal floor area of 11.14sqm that would have been less than the 11.5sqm standard required, the amendments that have been made to the internal layout illustrate the provision of a double bedroom with a 14.07sqm floor area.
8. The appeal scheme with revisions to the proposed outdoor area at the rear of the site would incorporate an 18.56sqm outdoor amenity space. Whilst this would be a shared outside space, rather than individual spaces that would be private to each of the three proposed flats, in terms of the size of the space, it would provide a minimum of 5sqm for 1-2 person dwellings, with an additional 1sqm for each additional occupant as set out in Policy D6 of The London Plan. The submitted plan also shows how the arrangement of this outdoor space would meet the needs of future occupiers.
9. I therefore conclude that the proposed development would provide satisfactory accommodation for its future occupiers with regards to internal space standards and private amenity space provision. As such, it would accord with Policies SP2 and SP11 of Haringey's Local Plan Strategic Policies 2013-2026, Policies DM1, DM11 and DM12 of the Council's Development Management DPD and the Technical housing standards – nationally described space standards, which seek, amongst other matters, a high standard of amenity for the development's users and for family housing on upper floors to have access to a balcony/terrace or a shared amenity space and children's play space.
10. Although there would be some conflict with Policy D6 of The London Plan and the Mayor of London's Housing Supplementary Planning Guidance (SPG) in relation to private outside space, the appeal proposal would not conflict with the aims of this development plan policy, the SPG or the Framework, which include seeking a high standard of amenity for existing and future users.

Other Matters

11. I have considered representations made, including those relating to a loss of privacy and noise disturbance. As there are no side facing windows proposed on the rear extension, with views from the proposed new windows to the north, I do not consider there would be harmful overlooking arising. There is also no evidence that the residential flats proposed, nor the reduced size extension on the ground floor serving the existing restaurant use would give rise to unacceptable noise impacts. The size of the extension, which would extend across only part of the rear elevation, and its design which reflects features on the host property, would be sympathetic to the character and appearance of

the area. The appeal proposal would lead to a reduced ground floor area, but the ground floor commercial unit would retain a restaurant seating area, as well as being provided with a kitchen and toilet facilities. As such, I do not find the proposal would unduly compromise the viability of the commercial unit or have an unacceptable impact on the vitality of the street.

12. Reference has been made to the structural implications of the proposed development on an adjoining property, but no further details have been provided. A previously refused application has been cited, but I can confirm that I have dealt with the appeal before me on its own merits. Concerns have been raised in relation to the lack of notification, but this interested party has been able to make representations on the appeal scheme.
13. The accuracy of a number of the submitted plans have been raised, but this did not form part of the Council's concerns with the appeal scheme. Having regard to the tapering nature of the site, I consider the submitted plans together clearly illustrate the development proposed.

Conditions

14. The Council has not suggested any conditions should the proposed development be acceptable.
15. A condition is necessary in relation to external materials in order to protect the character and appearance of the appeal building and the area. Some details which illustrate the cycle parking provision and refuse storage area have been provided, but it is necessary for full details to be submitted and agreed in the interests of promoting an accessible means of travel and the character and appearance of the area respectively.

Conclusion

16. The proposed development would accord with the development plan as a whole and there are no other considerations that warrant determining the appeal otherwise. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR