



Appeal Decision

Site visit made on 9 July 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 16 August 2024

Appeal Ref: APP/Y5420/W/23/3332190

17 Sirdar Road, Wood Green, Haringey, London N22 6QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr George Karaolis of ACK Beta Ltd against the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/1216.
 - The development proposed is the sub-division of site, demolition of the existing garage and construction of a new dwelling containing 4 × 1-bed flats, comprising of a basement level and 3 above-ground levels, with associated cycle and bin storage.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr George Karaolis of ACK Beta Ltd against the Council of the London Borough of Haringey. The cost application is the subject of a separate decision.

Preliminary Matters

3. The appeal follows the Council's failure to give notice of its decision on the application within the statutory time period. The Council has not provided an appeal statement outlining their putative reasons for refusal. I have considered correspondence between the appellant and the Council during the planning application and consultee responses to the planning application. I have used these documents to inform the main issues of this appeal and have assessed these against the policies provided by the Council.
4. During the planning application the appellant submitted revised plans¹. It has been confirmed in correspondence with the Council that they did not consult interested parties on these plans. The amendments include the removal of windows at the ground and first floor as well as amended refuse and cycle storage. Given the scale of the changes, particularly the removal of windows, I consider that the revised plans represent a fundamental change to those previously submitted. As neighbouring occupants have not been consulted on the revised plans, they have been deprived of the opportunity to comment on how the amended proposal could affect them.

¹ Drawing Refs.: P0000-1 Rev. B; P0000-2 Rev. B; P0000-3 Rev. B; P0000-4 Rev. B; P0000-5 Rev. B; P0000-6 Rev. B; and P0000-7 Rev. B.

5. For these reasons, it would be procedurally unfair for me to consider the revised plans. My assessment of the appeal proposal is therefore based on the plans that were originally submitted to the Council as part of the planning application.
6. Between the deadline for final comments and the issuing of this decision, the Secretary of State has issued a Written Ministerial Statement entitled "Building the homes we need", and a consultation has begun on the proposed reforms to the National Planning Policy Framework (the Framework). I have sought views from both the Council and the appellant on the relevance of this to the appeal.

Main Issues

7. The main issues of this appeal are:
 - the effect of the proposal on the living conditions of occupants of 12 Westbury Avenue (No 12), with particular regard to privacy;
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide an appropriate mix of housing for the area;
 - whether the proposal would provide acceptable refuse storage;
 - whether the proposal would provide acceptable cycle storage;
 - whether sufficient information has been provided to conclude that the proposal would not have a harmful effect on land stability; and,
 - whether the proposal would provide acceptable living conditions for future occupants, with particular regard to the provision of sunlight and daylight.

Reasons

Living conditions – neighbours

8. The proposed block of flats would be built broadly in line with No 12. However, it would project beyond No 12's rear elevation. The proposed block would include windows at the ground and first floor level facing toward No 12 at a short distance.
9. Although views toward No 12 from the ground floor windows would be partially screened by the boundary treatment, views from the first floor would be from an elevated position. Views from both levels would be of the private external amenity space immediately to the rear of No 12, where its occupants would expect the highest level of privacy. No 12's occupants would be overlooked when using this area. As such, the proposal would lead to a harmful reduction in the amount of privacy enjoyed by occupants of No 12 in their rear garden.
10. The windows in the rear and side elevations would be a significant distance from the properties on Sirdar Road. Therefore, the proposal would not materially increase the extent of overlooking of those properties.
11. Overall, I conclude the proposal would have a harmful effect on the living conditions of occupants of No 12, with particular regard to privacy. The proposal would be contrary to Policies DM1 and DM12 of the Development Management DPD, July 2017 (DMP), which indicate that proposals must ensure a high standard of privacy for its neighbours, amongst other matters.

Character and appearance

12. Although the address of the appeal site is Sirdar Road, the existing garage fronts on to Westbury Avenue, as would the proposed block of flats. The area is characterised by several terraced properties of similar design which create a high-density pattern of development. To the rear, the properties have a varying design where they have been altered and extended.
13. There would be a small amount of separation between the proposed block of flats and No 12. However, the design of the front elevation of the proposed block would be very similar to the terraced properties along this section of Westbury Avenue. Therefore, the proposed block of flats would assimilate within the street scene.
14. The proposed block of flats would have a large flat roof to the rear which would appear in contrast to the neighbouring property. However, given the separation between No 12 and the proposed block of flats they would not appear as mirror images of one another, unlike nearby terraced properties. Furthermore, there are several other examples of large flat roofs in proximity to the appeal site. As such, the proposed flat roof would contribute to the varying roofscape to the rear of properties.
15. I conclude that the proposal would not have a harmful effect on the character and appearance of the area. It would comply with DMP Policies DM1 and DM7 which indicate that new development must achieve a high standard of design and development proposals for garden land should relate sensitively to the established street scene. Moreover, it would be in accordance with paragraphs 131 and 135 of the Framework which advise that good design is a key aspect of sustainable development and planning decisions should ensure that developments are sympathetic to local character.

Mix of housing

16. DMP Policy DM11 indicates that proposals for new residential development should provide a mix of housing having regard to individual site circumstances. It also states that the Council will not support proposals which result in an overconcentration of 1 or 2 bed units.
17. The proposal would be in proximity to several terraced properties, some of which have been converted to houses in multiple occupation. There are also several commercial properties nearby with what appear to be residential properties above. The character of the area is defined by the high-density residential development. Although it would not be a mix of different sized dwellings, the provision of four one-bedroom flats would be appropriate given the circumstances of the area.
18. There is no substantive evidence that there is an overconcentration of 1 or 2 bed units in the area, or that an additional four flats would alter that balance. During my site visit I observed several terraced properties which were not obviously sub-divided. Therefore, I cannot conclude that the proposal would result in the overconcentration of 1 or 2 bed units in the area.
19. For the reasons given above, the proposal would provide an appropriate mix of housing for the area and would comply with DMP Policy DM11.

Refuse storage

20. The Site Location and Block Plan² does not demonstrate sufficient storage space for the number of bins required to meet the Council's guidance on refuse storage. However, I am satisfied that there is sufficient space at the front of the proposed block of flats for several communal bins. This would ensure that the proposal does comply with the Council's guidance.
21. A condition could be attached to any planning permission, requiring the appellant to submit details of refuse storage to be approved by the Council. I therefore conclude that the proposal would provide acceptable refuse storage. The proposal would comply with DMP Policy DM4 which indicates that all proposals will be required to make on-site provision for general waste.

Cycle storage

22. The proposed development includes an adequate amount of cycle storage. However, most of the storage would be accessed via stairs. The London Cycling Design Standards recommends that access to storage is step-free. However, this is not a mandatory requirement.
23. The space to the front of the proposed block is modest and largely required for refuse storage which needs to be step-free. Given the site circumstances, including that the access to three of the proposed flats would not be step-free, the limited width of the plot, and the modest space to the front of the proposed block of flats; the location of the proposed cycle storage would be acceptable.
24. The proposed storage for Flats 3 and 4 would be under the stairs leading to the basement. Details of the cycle storage showing how this storage could be private and only accessed by occupants of these flats would need to be provided. Furthermore, it should be demonstrated that all of the proposed facilities could cater for larger cycles including adapted cycles. However, a condition requiring those details to be submitted to and agreed by the Council could be attached to any planning permission.
25. I conclude that the proposal would provide acceptable cycle storage, in accordance with Policy T5 of the London Plan, The Spatial Development Strategy for Greater London, March 2021. This policy indicates that proposals should create a healthy environment in which people choose to cycle.

Land stability

26. DMP Policy DM18 indicates that the construction of new basements will only be permitted where it can be demonstrated that the proposal will not adversely affect the structural stability of neighbouring buildings and other infrastructure.
27. A Stage 1 & 2 Basement Impact Assessment has been submitted with the appeal. The assessment concludes that the creation of a basement would not adversely impact the site or its immediate environs, provided protection measures are in place during construction. Conditions requiring an intrusive ground investigation and ground movement assessment could be attached to any planning permission. A further condition requiring the protection measures to be agreed with the Council could also be attached to a planning permission.

² Drawing Ref. P0000-13 Rev. A

28. I therefore conclude that sufficient information has been provided to conclude that the proposal would not have a harmful effect on land stability. For the reasons given above, the proposal would comply with DMP Policy DM18.

Living conditions – future occupants

29. Given the siting of proposed Flat 1 within the basement, the amount of light experienced by future occupants would be limited. However, an Internal Daylight Assessment³ has been submitted with the appeal. The Assessment demonstrates that the amount of natural light experienced within proposed Flat 1 would be well in excess of the minimum standard set by BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'⁴.

30. There is no substantive evidence to dispute the findings of this report. I therefore conclude that the proposal would provide acceptable living conditions for future occupants, with particular regard to the provision of sunlight and daylight. The proposal would comply with DMP Policy DM1 which indicates that proposals must ensure a high standard of amenity for future users.

Other Matters

31. The Council has indicated that to ensure the proposed development is car-free, the appellant would have to enter into an agreement to restrict the eligibility of future occupants from obtaining controlled parking zone permits. No obligation is before me. However, the requirement for the proposal to be car-free is not disputed by the appellant neither is the need to enter into an agreement. Therefore, it does not form one of the main issues of the appeal. As I am dismissing the appeal for other reasons, I have not sought views from the parties on whether an obligation would be provided.

32. Within their representations the appellant has highlighted many sections of the Framework, including those relating to sustainable development and how small and medium sites can make an important contribution to meeting the housing requirement in the area. Although the proposal accords with many sections of the Framework, it would be harmful to the living conditions of neighbouring occupants and is contrary to paragraph 135. As such, it is not in accordance with the Framework when read as a whole.

Conclusion

33. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed, and planning permission is refused.

J Hobbs

INSPECTOR

³ Land Rear of 17 Sirdar Road, N22, Internal Daylight Assessment, Job No: 5099, Issued: July 2023, Issue No: 1

⁴ 3rd Edition 2022