



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: 16 August 2024

Appeal Ref: APP/Y5420/W/24/3338682

47 Hanover Road, Tottenham, Haringey, London N15 4DL

- 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 Moses Isaac Lorincz of Quay Gardens Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/3279.
 - The development proposed is subdivision of dwellinghouse to create x2 flats; x1 3B4P and x1 2B3P with associated works including the erection of ground floor rear and rear dormer extensions with installation of front rooflights.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has requested that I consider changes which were not before the Council when it took its decision. These changes relate to the provision of internal storage within both dwellings, refuse storage and cycle parking and clarification on floor coverings with carpet shown between the living/dining of Flat 2 and the bedroom of Flat 1. I have considered the proposed changes taking into consideration the tests on *Holborn Studios Ltd*¹. Given the nature and extent of the changes proposed, the amended plans do not involve a substantial difference or fundamental change to those considered by the Council, I am satisfied there would be no procedural unfairness to anyone involved in the appeal, including those consulted on the original application. I have therefore determined the appeal on the basis of submitted plans HR.47.PR.201 Rev A and HR.47.PR.202 Rev A.
3. The proposal is for the subdivision of the dwellinghouse to create x2 flats; x1 3B4P and x1 2B3P with associated works including the erection of ground floor rear and rear dormer extensions with the installation of front rooflights. The Council has, in its statement outlined the matters which are in dispute. This does not refer to the proposed dormer or ground floor rear extensions which the appellant draws upon in their statement. Based on the evidence I have no reason to take a different view. I shall therefore focus my assessment on those elements of the proposed development outlined in the decision notice.

Main Issue

4. The main issue is whether the conversion would be acceptable for subdivision having particular regard to local planning policy on conversion within the Family Housing Protection Zone (FHPZ) and issues relating to

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

the effect on the living conditions of future occupants and sustainable travel.

Reasons

5. The appeal site is a two-storey terraced house, located within an established residential area. The proposed development would extend the ground floor and insert a dormer to the rear, increasing the overall floor area of the building to create a 3 bedroomed/4-person (3B/4P) dwelling to the ground/first floor, and a 2 bedroomed/3-person (2B/3P) dwelling to the rear of the first floor and loft space.
6. Policy SP2 of Haringey's Local Plan Strategic Policies 2013-2026 (Local Plan) relates to housing and seeks to provide homes to meet Haringey's housing needs. Policy DM16 of Haringey's Development Management DPD 2017 (DPD) seeks to retain a supply of larger family homes to meet Haringey's housing needs and stipulates that the Council will only permit the conversion of larger homes to smaller self-contained homes subject to a number of criteria.
7. For proposals within the FHPZ, such as this, criterion B allows for conversions where criteria b) to g) are met and where it would not lead to a net loss in the number of family-sized dwellings.
8. A family-sized dwelling is one with 3 or more bedrooms. The development would therefore meet this requirement. However, to satisfy the policy as a whole, criteria b) to g) must also be met.
9. In terms of criterion b), while the floor area is only marginally below the 120 sqm stipulated, this nevertheless sets a threshold against which proposals must be considered. Even if the development would increase the internal floor area, the criterion refers only to the 'original' internal floor space. As such, the development would not comply with criterion b).
10. The Council have also raised concerns in relation to the external amenity space, noise, internal storage provision, cycle parking and refuse storage which broadly corresponds to criteria c) and d).
11. Policy D6 of the London Plan outlines that a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. This is consistent with criterion c) of Policy DM16 which seeks to ensure that residential conversions provide satisfactory levels of amenity space.
12. The appellant contends that it is not possible to provide outdoor amenity space at upper levels without causing a loss of privacy to neighbouring properties. Policy D6 is clear that outdoor amenity is a requirement for all dwellings. As such, even if the internal floor area of Flat 2 exceeds the minimum internal floor area stipulated by Policy D6, this does not mitigate against the lack of outdoor space or justifies unacceptable development. As such, the absence of external amenity space would not provide satisfactory living conditions for future occupants.
13. Criterion d) of Policy DM16 is concerned with achieving internal configurations that are practical and fit for purpose, including vertical and horizontal stacking arrangements that minimise noise transfer.

14. Bedroom 01 of Flat 1 overlaps with the living/dining room of Flat 2 at the first floor. The updated plans only show the inclusion of carpets to the upper floor without any precise noise mitigation measures against vertical stacking. As carpet could be easily removed, this is not considered sufficient mitigation to prevent noise transference. Furthermore, there is no evidence before me to confirm whether soundproofing could be accommodated within the fabric of the building. Consequently, the proposed vertical stacking arrangement would be harmful to future occupiers of Flat 1, particularly when occupants are trying to sleep through transference from voices, music or television for example when occupiers of the future occupiers of Flat 2 use the living/dining area.
15. I have considered the use of a condition to secure sound attenuation between the living/dining room and bedroom. However, given the degree of uncertainty I have referred to in relation to the building's fabric, the use of a condition would not be reasonable in this case. As such, the internal configuration and vertical stacking would harm the living conditions of future intended occupiers of Flat 1 with regard to noise.
16. Amended plans identify storage within each dwelling. As storage within Flat 1 would measure 2.5 sqm, this would meet the minimum storage for a 3B/4P dwelling. Given the internal floor area of Flat 2 would exceed the minimum gross internal area set out in Policy D6 of the London Plan for a 2B/3P dwelling, the proposed development would be large enough to provide sufficient storage without compromising the living conditions of future intended occupiers.
17. The revised plans submitted with the appeal show the provision of two secure and enclosed parking stores to the front and rear of the property. These would meet the relevant policy requirements. Subject to a suitably worded condition, the development would not therefore result in unacceptable harm to living conditions, with regard to cycle storage. It would also meet the relevant requirements in terms of encouraging and facilitating active and more sustainable travel.
18. Plans submitted alongside the appeal show the provision of an enclosed refuse storage capable of providing two bins per dwelling to the front of No 47. In the absence of any evidence from the Council to the contrary with regard to capacity, I am satisfied that the refuse storage would be sufficient. Subject to a suitable worded condition the refuse storage would not result in unacceptable living conditions for the future occupiers.
19. In light of the above, I conclude that whilst the proposed conversion would provide future occupiers with adequate living conditions with regard to internal storage, cycle parking and refuse, this would not be the case with regards to access to external amenity space for Flat 2 and noise transfer as a result of vertical stacking. As such, conflict arises with Policies D3 and D6 of the London Plan and criteria c) and d) of Policy DM16 of the DPD insofar as they seek to ensure sufficient external amenity space and that units achieve internal configurations that are practical and fit for purpose, including vertical and horizontal stacking arrangements that minimise noise transfer between home.
20. Whilst the proposed development would not result in a loss of family-sized housing within a FHPZ, as the gross original internal floor area falls below 120 sqm, there would be conflict with Part A, criterion b). As above, there would also be conflict with criteria c) and d). The development would therefore not meet the required standards to justify a conversion. This would also conflict with Policy SP2 of the

Local Plan, which seeks to ensure, amongst other things, residential conversions maintain a supply of larger family homes to meet Haringey's housing need.

21. With particular regard to cycle parking to accord with Policies D3, D6 and T5 of the London Plan, and Policies DM16 and DM31 of the DPD which collectively seek, amongst other things, to encourage and facilitate active travel with convenient and inclusive cycle parking.
22. The decision notice refers to Policies DM17 of the DPD and T1 of the London Plan. Policy DM17 relates to Houses in Multiple Occupation (HMO) and Policy T1 relates to strategic transport issues. Neither policy is directly relevant to this issue.

Other Matters

23. The Council's Officer Report refers to parking concerns. However, these were not part of the reasons for refusal and no additional evidence was provided by the Council on this matter. As I am dismissing the appeal on other grounds, this is not a matter which needs to be considered further.
24. The appellant has drawn my attention to Policy DM11 of the DPD and contends that it does not specify the retention of a 'large' family unit. I have identified no conflict with criteria e), f) or g) in relation to DPD Policy DM16. This includes the provisions of Policy DM11. However, these factors do not outweigh the conflict with DM16, and other policies, I have identified.
25. The appellant has referred to their permitted development rights under application Ref HGY/2023/2494 regarding the single-storey rear extension, rear dormer and outrigger extensions, as a fall-back position. Even if the property extends in such a manner, this would not affect the gross original internal floor space of the 'original' dwelling. Furthermore, the proposal would still result in unacceptable living conditions for future occupiers.
26. From the evidence before me, there is no dispute with regard to hard or soft landscaping. As such, I concur with the appellant that the proposal would not distract from the street scene.

Planning Balance and Conclusion

27. The proposed development would result in the creation of one additional dwelling, thereby supporting the Government's objective of significantly boosting the supply of homes. The increase in housing numbers and matters of good design are not mutually exclusive. Given that I have found harm to the living conditions of future intended occupiers, this harm is the overriding consideration in this case.
28. For the reasons given above, the proposal conflicts with the development plan as a whole and there are no material considerations that indicate that the development should be determined other than in accordance with it. Therefore, the appeal is dismissed.

L Clark

INSPECTOR