



Appeal Decision

Site visit made on 4 November 2024

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 17 December 2024

Appeal Ref: APP/Y5420/W/24/3347579

10 Brampton Park Road, Wood Green, Haringey, London N22 6BG

- 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 Osher Rosenberg against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2024/1126.
 - The development proposed is the erection of a single storey rear extension, together with internal alterations, to facilitate the increase of an existing 8-bedroom HMO to 11 rooms (11 people) including the provision of cycle and refuse storage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension, together with internal alterations, to facilitate the increase of an existing 8-bedroom HMO to 11 rooms (11 people) including the provision of cycle and refuse storage at 10 Brampton Park Road, Wood Green, Haringey, London N22 6BG in accordance with the terms of the application, Ref HGY/2024/1126, subject to the attached schedule of conditions.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate decision.

Preliminary Matters

3. For correctness I have changed the existing HMO reference as being '8-bed' in the development description to being '8-bedrooms'.
4. Reference is made to the refusal of planning applications HGY/2023/2811 in the appellant's appeal statement. However, only an appeal for the refusal of planning application HGY/2024/1126 is before me, and I have therefore only considered this case in the appeal.

Main Issues

5. The main issues in determination of the appeal are:
 - the effect of the proposed rear extension on the character and appearance of the host property and surrounding area; and
 - the effect of the proposal on the living conditions of neighbouring residents with regard to refuse and recycling storage, noise and disturbance and odour.

Reasons

Character and appearance

6. The appeal site is a semi-detached, 8-bedroom house in multiple occupation (HMO) located at the end of a cul-de-sac. The house has a rear two-storey offshoot and a small rear single-storey extension and a rear and side garden area. It is located close to the Wood Green Primary Shopping Area which provides a high standard of retail, commercial and public transport services.
7. The proposal would replace the existing extension with a rear and side single-storey infill extension. It would include internal layout changes and provide secure cycle and refuse storage within the side garden.
8. The rear area of the appeal site is secluded with good levels of boundary screening and separation from neighbouring properties and not highly visible from public areas. The proposed single storey extension would be a modest change. With its limited size, height, use of similar materials to the existing extension and rear positioning, it would be subservient, not overly dominating and would not appear as an incongruous addition to the host property or the surrounding area. There would be no changes to the front of the host property and it would not unacceptably affect the symmetry of the pair of semi-detached houses. It would not represent overdevelopment.
9. The Council advises that the proposed refuse bins located to the side garden should be replaced with a eurobin and this would necessitate it being located to the front of the appeal property resulting in an unsightly and cluttered appearance. However, no clear evidence is provided to show the use of the proposed bins would not be acceptable, or that if a eurobin was needed to be used that it could not be located to the side garden. I am therefore not convinced that there is a significant risk that the proposed bins would need to be located to the front of the appeal site and the property's appearance would be harmed.
10. Overall, the proposed rear extension would not adversely affect the character and appearance of the host property and the surrounding area. It would not be contrary to Policy SP11 of Haringey's Local Plan 2017 (Local Plan), Policies DM1 and DM12 of the Haringey Development Management DPD 2017 (DPD) and Policy D6 of the London Plan 2021 (London Plan). These seek, amongst other matters, for new housing to be to a high-quality design which relates positively to their locality and respects their local context and character.

Living conditions of neighbouring residents

11. Little evidence has been presented to show the existing HMO use has been causing adverse effects to neighbouring residents from general coming and going activity. The proposal would only slightly increase the number of residents, and this would have negligible effect on this activity. There is no substantive evidence to show this increase in residents would unacceptably effect noise and disturbance to neighbouring residents.
12. An interested party has advised that internal noise from the existing HMO residents can be heard at various points throughout the day but that this is manageable and not overwhelming. There is little evidence presented to indicate that the proposed small increase in residents or the other proposed internal layout modifications would unacceptably change this. Indeed, with

respect to the additional bedrooms these would be mostly located to the rear part of the appeal property, limiting any change in noise and disturbance on the adjoining neighbouring residents.

13. Concern was also raised by an Interested Party that adverse effect to noise and disturbance would occur during the construction period. However, while I appreciate the inconvenience this could cause, this would only be for a temporary period and there is little evidence before me that it would create unreasonable disruption during this period. To provide some relief to neighbouring residents during the construction period, working hours could be controlled through a suitably worded condition.
14. The proposed refuse and recycling storage in the side garden area would be appropriately sized for the increased number of residents at the HMO and it has been confirmed that this would be effectively managed. This would address concerns that the proposal would worsen the existing build-up of refuse and rubbish to the front of the appeal site which is unsightly and causes vermin and odour issues.
15. Consequently, the proposal would not adversely affect the living conditions of neighbouring residents with regard to refuse and recycling storage, noise and disturbance and odour. It would not be contrary to Policies DM1, DM4, DM12 and DM17 of the DPD. These seek, amongst other matters, for new development to deliver a high-quality design which would not adversely impact the amenity of the surrounding neighbourhood and would provide adequate and convenient refuse storage and collection.

Other Matters

16. The appeal site is in a 'Family Housing Protection Zone'. However, as it is already an HMO, there would be no direct loss of a family house and it would not conflict with the development plan in this regard. Furthermore, no substantive evidence has been presented to show the proposal would represent an over-concentration of HMOs in the immediate or surrounding area.
17. The appeal site is indicated as having excellent public transport accessibility (PTAL rating of 6a) and being in a Controlled Parking Zone (CPZ). The proposal includes secure cycle storage, and it is advised, due to its highly accessible public transport connections, that it would remain car free. The Council's Transportation Team refers to a Section 106 agreement being required to restrict the eligibility of all residents of the proposal from obtaining CPZ parking permits. However, the Council made no reference to this in either in its notice of refusal of planning permission or during the appeal. As no supporting evidence has been provided to show the proposal would cause harm to congestion or highway safety, there is nothing to suggest that an agreement is necessary to make the development acceptable in planning terms.

Conditions

18. The Council has not suggested any planning conditions. However, planning conditions are required and the appellant and Council were given the opportunity to comment on these. Other than accepting the proposed condition wording, neither the Council or appellant provided any further comments.
19. In the interests of certainty, a time limit condition for completing the development and a condition to ensure it is completed in accordance with the

approved plans are required. To protect the character and appearance of the area, a condition to ensure the proposed building's external materials accord to the application form is necessary.

20. To protect neighbouring residents from noise and disturbance a time limit condition is necessary for the construction stage. Furthermore, due to the confined and residential nature of the cul-de-sac and the closeness of neighbouring properties, a pre-commencement condition for a construction management statement is appropriate and necessary to protect the living conditions of residents of the area.
21. A condition for the provision of the cycle storage facilities prior to first occupation is necessary to encourage the residents to use sustainable modes of transport. Additionally, a condition is required to ensure the proposed refuse and recycling storage is provided prior to first occupation to prevent harm to the appearance of the area and the living conditions of residents.

Conclusion

22. For the reasons detailed above, and having had regard to other matters raised, I conclude that the appeal should be allowed.

J Symmons

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - 2066/P01 - Proposed Drawings Site Plan - dated 8 April 2024,
 - 2066/P02 – Proposed Drawings Floor Plans – dated 8 April 2024,
 - 2066/P03 – Proposed Drawings Elevations – dated 8 April 2024,
 - 2066/P04 – Proposed Drawings Elevations – dated 8 April 2024,
 - 2066/P05 – Proposed Drawings Elevations – dated 8 April 2024,
 - 2066/P06 – Proposed Drawings Section – dated 8 April 2024,
 - 2066/P07 – Proposed Drawings Details – Refuse, recycle and food waste storage – dated 8 April 2024, and
 - 2066/P08 – Proposed Drawings Details – Refuse, recycle and food waste storage – dated 8 April 2024.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those stated on the planning application form.
- 4) Demolition or construction works including any associated deliveries shall take place only between 08.00 and 18.00 Mondays to Fridays, 8.00 and

13.00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to monitoring and control dust/dirt, noise, vibration, and lighting during construction; and
 - v) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period of the development.

- 6) The approved cycle storage shall be provided prior to the first occupation of the development hereby permitted and thereafter retained and maintained in accordance with the approved details.
- 7) The approved refuse and recycling storage facilities shall be provided prior to the first occupation of the development hereby permitted and thereafter retained and maintained in accordance with the approved details. No refuse or waste material of any description shall be left or stored anywhere on the site other than within the appropriate waste storage bins which shall be kept in the approved enclosure.