



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: 24 December 2024

Appeal Ref: APP/Y5420/W/24/3344754

2 Coniston Road, Tottenham, Haringey, London N17 0EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Sean Doherty of Priory Homes Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/2775.
 - The development proposed is the construction of a two storey 1 bedroom dwelling house with workspace/office following removal from the site of the open storage of materials and the steel container placed thereon.
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Decision

1. The appeal is allowed and outline planning permission is granted for the construction of a two storey 1 bedroom dwelling house with workspace/office following removal from the site of the open storage of materials and the steel container placed thereon at 2 Coniston Road, Haringey, London N17 0EX in accordance with the terms of the application, Ref HGY/2023/2775, subject to the conditions in the attached schedule.

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. I have used the development description and address shown on the application form as no evidence has been presented to show a change to these has been agreed. I have removed the reference to the lawful development certificate in the development description as this is a matter of fact and not an act of proposed development.
4. The application was submitted in outline, with access, landscaping, layout and scale to be determined at this stage and only the matter of appearance reserved for future consideration. While I note the appellant's comments regarding the layout plans submitted being indicative and illustrative, as access, landscaping, layout and scale are required to be determined at this stage, I have considered these matters on the basis of the submitted plans.
5. It is advised that the appeal site benefits from a 2022 lawful development certificate for the siting of the storage container (LPA ref: HGY/2022/4532), and this makes it a distinct planning unit separated from the residential use of 2 Coniston Road (No 2). However, although the Council gives no comment on this and the lawful development certificate was not included, the information

that was provided only refers to the container and its use for storage purposes having become lawful. Accordingly, the evidence submitted does not convince me that the lawful development certificate extends to the entire appeal site. It does, however, show that the area has been fenced off from No 2 for a considerable time.

6. The appellant notes that planning permission was granted for No 2 being used as five self-contained flats and two non-self-contained units (LPA Ref: HGY/2021/2661). However, full details of this permission have not been provided and I am not convinced it supports the assertion that the appeal site is a separate planning unit.
7. As part of the appeal submission, the appellant has put forward a revised section drawing showing a more detailed ceiling height to floor area breakdown (Drawing unnumbered but titled 'Square meterage and head height calculation'). As this revised drawing only clarifies the ceiling height to floor area and does not alter the proposal, I have had regard to it and I am satisfied that this would not prejudice any party.

Main Issues

8. The main issues in the determination of the appeal are:
 - the effects of the proposal on the character and appearance of the surrounding area; and
 - whether acceptable living conditions would be provided for future occupants, with regard to meeting the minimum standard of internal living space for a bedroom.

Reasons

Character and appearance

9. No 2 is an end-of terrace house located at the corner of Coniston Road and Grange Road. The appeal site is the property's rear garden which is also partly used for storage. It has been fenced off from No 2 and the other neighbouring properties/gardens and has a gated access onto Grange Road. Within the appeal site there is a storage container and a variety of stored materials. While the surrounding area is largely residential, there is a large industrial/commercial development to the opposite side of Grange Road.
10. The proposal would be a two storey, one bedroom house with pitched roof which would face and be accessed from Grange Road. The bedroom would be located at first floor, within the roof's loft space. The proposal would also include a small garden, cycle and bin storage and one on-street car parking space.
11. The immediate residential area is characterised largely by blocks of two storey terraced properties with rear gardens. However, the surrounding area also has a wide and varied mix of house types and sizes including semi-detached, detached and blocks of flats/apartments. Even though the proposed house would be located in the garden area of the terraces, with its smaller size and height, similar pitch of roof and separation from neighbouring properties, it would be a discrete and respectful addition which would not overly dominate. Being at the end of the row of terraces, which does not continue to a

subsequent terrace, the proposal would not break the main rhythm or consistency of the terraces, or their rear gardens. It would sit comfortably against the character change caused by the adjacent industrial/commercial development. With the varied mix and orientations of housing that exists along Grange Road, the proposal would also not look particularly out of character between the terraces gable ends/gardens and in the street scene. It would not unacceptably harm the urban grain or the existing housing pattern.

12. Criterion A of Policy DM7 of the Haringey Development Management DPD (July 2017) (DPD) sets out that there will be a presumption against the loss of garden land unless it represents comprehensive redevelopment of a number of whole land plots. As the proposal would be a single plot and there is insufficient evidence to show the appeal site is not a garden, then the proposal would not meet this criterion.
13. However, criterion B of the policy also details various requirements that offer the potential for infill, backland and garden land proposals to be considered positively. The proposal would relate appropriately and sensitively to the surrounding area and the established street scene. It would provide good access; have street frontage; be ancillary to No 2 and the adjacent houses/terraces, and not result in a 'gated' development. It would also, due to the existing boundary fencing, not change the existing outdoor space of No 2. Consequently, the proposal would meet the criterion B requirements, enabling broad conformity with Policy DM7.
14. While full details of the refuse storage area are not provided, the area would be located to the side of the proposed house, and it would not be a significantly large or prominent feature. With the use of appropriate materials, it would not be visually intrusive and would not impact on the character and appearance of the area.
15. Accordingly, the proposal would not cause harm to the character and appearance of the surrounding area. It would not conflict with Policy SP11 of the Haringey Local Plan 2017 (Local Plan), Policies DM1 and DM7 of the DPD and Policies D3 and D6 of the London Plan 2021 (London Plan). These policies seek, amongst other matters, for new development to use a design-led approach, achieve a high standard of design, optimise site capacity, and respect and relate positively to the local context and character.

Living conditions

16. Policy D6 of the London Plan requires, to address the impacts of urban heat island effect, new housing to have a minimum ceiling height of 2.5 metres (m) for at least 75 percent (%) of the gross internal area (GIA).
17. The Council estimates the proposal would achieve a 72% figure for this requirement. The appellant does not provide a percentage figure but indicates that the entire proposed ground floor, estimated as 44.29m², and an estimated 14.78m² of the proposed first-floor bedroom, (totalling approximately 59m²) would have a minimum ceiling height of 2.5m. It is also confirmed that both the total and bedroom areas exceed the minimum 58m² GIA for a two storey one bedroom dwelling and the minimum 11.5m² for a two-bedspace double (or twin) bedroom set out in the policy.

18. The calculation of the percentage of area with a ceiling height of 2.5m is dependent on the calculation of the GIA of the first-floor bedroom. GIA is defined in the policy as the total floor space measured between the internal faces of perimeter walls that enclose a dwelling. Full details of the perimeter walls at first floor are not provided at this stage and the Council do not detail how it estimated the first floor GIA. However, as the first floor would provide more than the policy's minimum required bedroom area and this would have a 2.5m ceiling height and there is only a small, estimated as 3%, shortfall in the area meeting the ceiling height percentage, I see little reason why the minimum 75% figure could not be met at the reserved matters stage.
19. Accordingly, the proposal would provide acceptable living conditions for future occupants with regard to meeting the minimum standard of internal living space for a bedroom. It would not conflict with Policies DM1 and DM12 of the DPD and Policy D6 of the London Plan. These seek, amongst other matters, for new housing to be to a high standard of design that meets or exceeds the minimum internal space standards of the London Plan.

Other Matters

20. It is argued that the proposed house is oversized for a one-bedroom dwelling within an area where family sized dwellings predominate and also the ratio of the outdoor garden space to the property's size would be low. However, there is little substantive evidence to show the proposal is oversized for the area and it is confirmed by the Council that the outdoor garden space meets the minimum requirement.
21. The Council advise that more details are required for the bin storage and cycle store. It also advised that an energy strategy is required to ensure the development would meet policy requirements relating to energy efficiency, renewable energy, climate change and water resources. However, as this is an outline application, no substantive evidence has been submitted to show that the use of appropriately worded planning conditions could not secure these. Accordingly, the use of planning conditions would be a reasonable and appropriate approach in addressing these matters.
22. In the Officer Report, the Council refer to no tree report being provided. However, there is little reasoning given for the need of this report and it was not raised as a reason for refusal. From my visit there was little evidence of any trees directly on the appeal site. While the appellant may need to consider the proposal's effect on potentially neighbouring trees, there is little evidence that a tree report is required for the appeal site at this planning stage.

Conditions

23. The Council has suggested a number of planning conditions, and the appellant has commented on these. I have considered these against the advice in the Planning Practice Guidance. As a result, I have amended some of the conditions for clarity, accuracy and conciseness.
24. For the avoidance of doubt and in the interest of proper planning, conditions relating to the submission of reserved matters and the associated time limits are attached. I have amended the wording and amalgamated some of the conditions suggested by the Council and appellant to avoid repetition and to comply with the guidance. This includes removal of references to recesses

being at least 115mm as this can be agreed at the reserved matters stage and plant room details as this is not relevant. The repetition regarding the provision of the details for the materials, cycle parking and refuse storage have also been removed. Also, as appropriate conditions can be included regarding the carrying out and maintaining aspects of the proposal at the reserved matters stage, I have omitted reference to these where appropriate.

25. In the interests of certainty, a condition is included specifying the relevant site plans but only in so far as they are relevant to access, landscaping, layout and scale. I have not included the revised section drawing submitted in the appellant's appeal statement in the condition as it only shows a more detailed ceiling height to floor area breakdown and does not change the access, landscaping, layout and scale.
26. To protect the character and appearance of the surrounding area, conditions for samples of materials, provision of landscaping details and the restriction of permitted development are necessary. The restriction of permitted development is both reasonable and necessary due to the sensitivity of the surrounding area's character. I have removed the suggested reference to the granting of planning permission to this condition as this would be a separate matter to permitted development.
27. The use of the appeal site has been garden and storage with most materials related to this activity likely to have been kept in the container. There is little compelling evidence presented to indicate that these uses have caused any significant contamination and as such a condition requiring the assessment of contamination is not reasonable or appropriate. I have therefore omitted the suggested conditions related to this.
28. A condition for the provision of the cycle storage facility prior to first occupation is necessary to encourage the residents to use sustainable modes of transport. A construction method statement condition is appropriate in the interests of highway safety and the living conditions of residents, and a surface water drainage condition is appropriate to reduce the risk of flooding.
29. A condition for the provision of an energy statement is included to protect the environment. The suggested condition for this did not include an approval stage for the statement and I consider this is necessary. As such, I have included an approval stage into the condition to be completed prior to commencing the above ground works.

Conclusion

30. 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) Details of the appearance (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any

development takes place and the development shall be carried out as approved.

Details shall include sections, to a scale of 1:20 to confirm the detailed design and materials together with a full schedule of the exact product references for all materials of the:

- a) detailed elevational treatment;
 - b) detailing of roof and parapet treatment;
 - c) windows and doors (including plan, elevation and section drawings indicating jamb, head, cill, reveal and surrounds of all external windows and doors at a scale of 1:10);
 - d) details of entrances and porches;
 - e) details and locations of down pipes, rainwater pipes or foul pipes and all external vents;
 - f) details of balustrading;
 - g) facing Brickwork: sample panels of proposed brickwork to be used showing the colour, texture, pointing, bond, mortar, and brickwork detailing;
 - h) details of cycle and refuse enclosures; and
 - i) any other external materials to be used.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans only in so far as they relate to access, landscaping, layout and scale:
 - PH/01 – Site Plan submitted on 16 October 2023;
 - PH/02 – Elevations submitted on 16 October 2023;
 - PH/03 – Plans submitted on 16 October 2023;
 - PH/04 – Square meterage and head height calculation submitted on 16 October 2023; and
 - PH/05 – Skyline Elevation submitted on 16 October 2023.
 - 5) Samples of materials to be used for the external surfaces of the development shall be submitted to, and approved in writing by the local planning authority before any above ground development is commenced. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references.
 - 6) The development shall not be occupied until a minimum of 2 cycle parking spaces for users of the development, in accordance with the London Cycling Design Standards have been provided. The details shall be implemented as approved and retained/maintained as such thereafter.

- 7) No commencement of above ground works shall take place until a detailed Sustainable Drainage Scheme for the site has been submitted and approved in writing by the local planning authority. The development shall not be occupied until the approved drainage scheme has been completed in accordance with the approved details and thereafter retained.
- 8) No commencement of above ground works shall take place until a renewable energy statement and confirmation of the energy provision has been submitted and approved in writing by the local planning authority. The development shall be built in accordance with the approved renewable energy statement and the energy provision and the approved requirements shall be thereafter maintained and retained.
- 9) Prior to the commencement of above ground works, a detailed scheme for the treatment of the surroundings of the proposed development including the timescale for the planting of trees and/or shrubs and appropriate hard landscaping has been submitted to and approved in writing by the local planning authority. Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The approved landscaping scheme shall be maintained and retained thereafter.
- 10) No development shall take place, including any works of demolition, until a Method of Construction Statement has been submitted to and approved in writing by the local planning authority. The statement shall include details of:
 - a) parking and management of vehicles of site personnel, operatives and visitors,
 - b) loading and unloading of plant and materials,
 - c) storage of plant and materials,
 - d) programme of works (including measures for traffic management),
 - e) provision of boundary hoarding behind any visibility zones, and
 - f) wheel washing facilities.Only the approved details shall be implemented and retained during the demolition and construction period.
- 11) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no roof extensions, rear extensions and means of enclosure (walls/fences) shall be erected other than those expressly authorised by this permission.