



Appeal Decision

Site visit made on 20 January 2025

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/Y5420/W/24/3347213

85 Craven Park Road, London N15 6AH

- 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 Joel Stern against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2022/0369.
 - The development proposed is conversion of single dwelling previously subdivided into 3 Flats without permission to 2 flats, comprising of Flat 1 4B6P over ground and first floor and Flat 2 2B3P over second and loft floors.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issues has not been significantly changed, other than paragraph numbers, there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Preliminary Background Matter

3. From the evidence, the appeal property was erected in 2016/2017 ensuing from a planning permission granted for the erection of a dwelling following demolition of the original dwelling¹. There is no dispute between the parties that the building subsequently constructed incorporated extensions that had previously been approved to the original dwelling² nor that the building was unlawfully converted to three flats.
4. Planning permission has previously been refused at the appeal site for the 'retrospective subdivision of a single dwelling house into three flats at the ground, first and second-floor level'³. Even though, at the time of my site visit, the property was in use as three separate flats, on the basis of the submitted evidence and as far as it is material to my decision, the proposal before me is for a proposed development for the use of the appeal property as two separate flats. The Council has assessed the scheme on the basis that the existing use of the appeal property is a single family dwelling and so shall I.

¹ LPA Ref HGY/2015/2872

² LPA Ref HGY/2014/2478

³ LPA Ref HYG/202/1005

Main Issues

5. Given the background above, the main issues are:

- whether the proposal would provide adequate living conditions for future occupants of Flat 2, with particular regard to local policies on the internal standard of accommodation, including daylight, sunlight, ventilation and outlook; and,
- whether the proposal would accord with local development plan policies in relation to the provision of family housing.

Reasons

Living Conditions of future occupants

6. The appeal site is a three storey end of terraced property with accommodation over four floors. Flat 1 would be on the ground and first floor of the building and Flat 2 would be on the second and third floor of the building. In relation to Flat 2, the plans indicate there would be one bedroom on the second floor, along with an open plan living/dining/kitchen area and small bathroom. On the third (loft) floor, there would be a main bathroom, a study and a utility room. However, this arrangement would not tally with the description of development, which refers to a 2-bedroom, 3 person flat, nor with the appellant's final comments submitted with the appeal which refer to a '2 bed flat on the third and loft floors'.
7. Home office/study/utility rooms are common features in residential accommodation. Nevertheless, whilst the plans indicate there would be no bedrooms in the loft space, there is no reason why the rooms would not also be used as bedrooms. Indeed, I saw the loft rooms were currently used as bedrooms at my site visit, which suggests this would be a reasonable possibility in the event I were to allow the appeal. Given the above inconsistencies with the plans and the written submissions, I cannot be certain one or more of the loft rooms would not be used as a bedroom. There is no mechanism before me that would prevent such an occurrence in this case.
8. In light of the above, proposed Flat 2 should be considered as a minimum 2-bedroom flat.
9. Policy SP2 of Haringey's Local Plan Strategic Policies 2013-2026, updated 2017, (HLP) aims to provide homes to meet the Borough's identified housing needs. Amongst other matters, it seeks to ensure that new development is designed having regard to the housing design standards and space standards set out in The London Plan 2021 (London Plan). I note the Council's concern in relation to usable habitable space and the standard of accommodation for future occupants of Flat 2. Although not specifically listed in the second reason for refusal on the Council's decision notice, the Council's officer report and appeal statement references Policy D6 of the London Plan and also Policies DM1 and DM12 of Haringey's Development Management DPD 2017 (DPD) with regard to housing design standards. I find these policies to be relevant to this main issue.
10. Policy D6 of the London Plan prescribes, amongst other things, minimum Gross Internal Areas (GIA) for residential units and minimum widths for bedrooms and

that minimum floor-to-ceiling height must be 2.5 metres (m) for at least 75 per cent of the GIA of each dwelling. It also states any area with a headroom of less than 1.5m is not counted within the GIA unless used solely for storage.

11. The Council suggest the GIA of Flat 2 would be 86.6 square metres, which would be more than the minimum requirement for a 2-bedroom, 3 person flat set out in Policy D6. However, it is not clear whether this GIA includes rooms with a floor to ceiling height less than 2.5m and neither party have provided me with the dimensions of each room in the proposed flats. Given the Council's suggests floor to ceiling heights of the loft rooms would be between 2.3m and 1.1m, I am not satisfied that the overall floor to ceiling height within Flat 2 would achieve the 75% set out in Policy D6.
12. Even if I were to accept compliance with the minimum standards, this does not automatically equate to acceptable living conditions. From the evidence before me and my own observations, it would only be possible for most people to stand upright in either loft room within a very limited area and there would be insufficient room to maintain circulation space. Thus, a significant proportion of the room would not be of useable height and would fail to provide good quality accommodation.
13. Furthermore, each loft room relies on two small openable rooflights to provide light, ventilation and outlook for occupants. Whilst the rooflights would ensure the rooms would receive adequate light and ventilation, rooms solely served by such openings would not provide future occupiers with a satisfactory outlook. I appreciate that a bedroom is a room for sleep, however, bedrooms usefully serve as a private room during the day for study, home working or quiet relaxation, particularly within residential units that include open plan kitchen/living areas such as Flat 2. Whilst the rooflights may provide an adequate source of natural light, their position within the angled roof slope, even positioned at eye level, with views skyward, would not provide suitable levels of outlook, resulting in unacceptably oppressive conditions for future occupants of the room.
14. My attention has been drawn by the appellant to the Council's House Extensions in South Tottenham Supplementary Planning Document, October 2013 (SPD) with regards to the use of rooflights to facilitate loft accommodation. While Figure 5 in the SPD shows velux roof lights in the roofspace of a building, at paragraph 2.2 the SPD advises different scenarios may vary according to the specific building. Furthermore, at paragraph 3.6, it is noted that other considerations may affect the feasibility of roof extensions, such as I find to be the case in this appeal.
15. Policies DM10 and DM17 of the DPD, along with Policy H8 of the London Plan are referred to in the second reason for refusal on the decision notice in relation to living conditions. Policy DM10 relates to housing supply, Policy DM17 relates to Houses in Multiple Occupation and Policy H8 relates to the loss of housing generally. As such, they are not directly relevant and have not been determinative in relation to this main issue.
16. To conclude on this main issue, given the restricted floor to ceiling height of the loft rooms and the lack of outlook, the proposal would provide unacceptable living conditions for the future occupiers of Flat 2, with particular regard to the internal standard of accommodation, including outlook. The proposal therefore conflicts with Policies SP2 of the HLP and DM1, DM12 and DM16 of the DPD, which, taken

together, seek to ensure developments provide satisfactory living conditions for future occupants. It would also conflict with Policy D6 of the London Plan which seeks the same aims.

17. The proposal would also be contrary to the Framework, specifically paragraph 135 which, amongst other matters, aims to create places with a high standard of living conditions for future occupiers.

Supply of Family Housing

18. In order to maintain the supply of family housing to meet the identified need in the Borough, Part A (a) of Policy DM16 of the DPD identifies parts of the borough as a Family Housing Protection Zone (FHPZ). Within these areas, the Council will only permit the conversion of a larger home to small self-contained homes (Class C3) where six criteria are met and where, at Part B of this policy, the proposal would not result in a net loss in the number of family-sized units.
19. The appeal property is located within the FHPZ. Criterion A (b) of Policy DM16 requires that the gross internal floor space of the existing dwelling is greater than 120 square metres. From the information before me, extensions to the original property were granted permission in order to enlarge it for use as a large family dwelling². The approved extensions were not constructed but instead, the property was demolished and re-built to incorporate the extensions. It is not disputed by the parties that the existing dwelling now has a gross internal floor space greater than 120 square metres. Even without extensions, based on the appellant's figures, the 'original' property would have had a gross internal floor space just over 120 square metres. Criterion A (b) would therefore be met.
20. The Council do not allege that criteria A (c) to (g) of Policy DM16 would not be met and, from the limited information before me in this regard, I have no reason to disagree.
21. There is no definition of what constitutes a family-sized unit in Part B of Policy DM16. However, family housing is defined in the glossary to the London Plan as a dwelling that by virtue of its size, layout and design is suitable for a family to live in and generally has three, four, five or more bedrooms. Flat 1 would have four bedrooms, separate living, dining and kitchen areas, three bathrooms and private external amenity space and, using the Council's figures, an internal floor area above 120 square metres.
22. While I acknowledge the aim of the SPD is to ensure there is a supply of accommodation for large families and prevent overcrowding in the Borough, there is nothing before me which would cast doubt on the suitability of the property to provide accommodation suitable for a larger family, albeit within a flat. The property is located in an established residential area. The definition of family housing in the London Plan would be met. Flat 1, by virtue of its size, layout and design would be suitable for a family to live in. The internal floorspace together with the private amenity space available would be highly likely to meet the housing needs of a family with children.
23. I recognise the property now constructed was permitted on the basis that it remained a single family dwelling. This is in accordance with paragraph 5.52 of the SPD which also advises that applications for conversion of properties previously extended would not be approved for 20 years after completion of the extension.

However, while it is important to note that supplementary planning documents are capable of being a material consideration in planning decisions, they are not part of the development plan.

24. In this instance, while the whole of the property would not be in use as a single family dwelling, no substantive evidence has been presented that demonstrates Flat 1 would be unsuitable for, or unattractive to, families and thus fulfil the requirement for a family dwelling. Therefore, on the basis of the evidence before me, there would be no net loss of a family-sized unit, in accordance with Part B of Policy DM16 of the DPD. For this reason, a decision other than in accordance with the SPD is justified in this case, but it is based on the specific circumstances of the appeal site and the details of the scheme before me.
25. Taking all the above into account, for the above reasons, the proposal would accord with Policy H10 of the London Plan in relation to housing mix. It would also comply with Policy SP2 of the HLP and Policy DM16 of the DPD insofar as these policies relate to the supply of larger family homes to meet Haringey's housing need.

Other Matters

26. Although there were no objections to the proposed development, a lack of objection is not a reason to approve unacceptable development.

Conclusion

27. The proposed development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
28. For the reasons given above I conclude that the appeal should be dismissed.

A Veevers

INSPECTOR