



Appeal Decision

Site visit made on 22 January 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2025

Appeal Ref: APP/Y5420/W/24/3353164

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 refusal to grant planning permission.
 - The appeal is made by Mr George Karaolis of ACK Beta Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2024/0587.
 - The development proposed is 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.

Preliminary Matters

2. There is a previous appeal decision¹ (the previous appeal) which in accordance with case law is a material planning consideration as it is necessary to have consistency in decision making. The proposal differs from that of the previous appeal in that windows which face onto No 12 Westbury Avenue have been removed and the refuse and cycle storage amended. The previous appeal followed the Council's failure to give notice of its decision on the application within the statutory time period. The main issues in the previous appeal were based on correspondence between the appellant and the Council during the planning application and consultee responses to the application.
3. The National Planning Policy Framework (the Framework) was revised in December 2024. The 2024 revisions do not have any relevance to this appeal and I have therefore not consulted the parties on this change. I have had regard to the current Framework in my determination of this appeal.

Main Issues

4. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupants with regard to private outside space;
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - whether the proposed development would provide an appropriate mix of housing for the area; and

¹ APP/Y5420/W/23/3332190

- whether the proposed development provides adequate storage for bins and cycles.

Reasons

Living conditions

5. Policy D6 of the London Plan (2021) (LDNP) requires a minimum of 5sqm of private outdoor space for 1-2 person dwellings. The supporting text goes on to state that all dwellings should have level access to one or more of the following forms of private outdoor spaces: a garden, terrace, roof garden, courtyard garden or balcony. The provision of private outdoor space was not addressed as part of the previous appeal.
6. The proposal includes a private courtyard for Flat 1 of 11.3sqm, although this would be enclosed and dominated by the three-storey high walls of the proposed development and side walls of No. 12, which would not provide an enjoyable space. Flat 2 would have access to a large private garden, however, Flats 3 and 4 would not have access to any private outdoor space. Therefore Flats 1, 3 and 4 would not meet the requirements of policy D6 of the LDNP.
7. The appeal site is within a short walking distance from Belmont Recreation Ground, Russell Park and Ducketts Common. The larger Lordship Recreation Ground and Downhills Park are also within reasonable walking distance. However, these spaces do not provide the same type of space offered by private amenity space as required.
8. The appellant has referred me to a recent permission which was granted for the conversion of an existing dwelling at 4 Sirdar Road where the top flat would not have direct access to a private amenity space. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development.
9. The proposed development would not provide acceptable living conditions for future occupants with regard to private outside space. It thereby conflicts with Policies DM12 and DM16 of the Haringey Development Management Development Plan Document (2017) (DM) and policies D3 and D6 of the LDNP, which amongst other things seek to ensure that new development provides satisfactory levels of amenity space and meets adequate standards for the provision of private outdoor space.

Character and appearance

10. The appeal site is a garage and driveway located to the rear of 24 Sirdar Road, a mid-terrace property, with large rear garden. The garage and driveway are accessed via Westbury Avenue. Westbury Avenue is a busy road which has a mix of residential and commercial uses. The appeal site adjoins a short terrace of two storey dwellings. These dwellings share architectural details, including a two-storey square bay with hipped roof and a detailed door surround, which provides a unified appearance to this part of Westbury Avenue. To the other side of the appeal site is an area of trees which lie between the rear gardens of dwellings on Sirdar Road and Westbury Avenue.

11. The proposal involves the sub-division of the garden and creation of 4 one-bedroom flats. The flats would face onto Westbury Avenue and have the appearance of a detached house. It would have a similar appearance to the adjoining terrace in terms of architectural style, building line, form and massing. However, the roof above the bay window would be gabled instead of hipped and the front garden would include a lightwell.
12. The lightwell would provide access to Flat 1 and to a cycle storage area for all of the flats. It would result in the loss of approximately 50% of the small front garden area. Although the proposal would draw from the architectural style of the adjoining terrace it would be physically detached. As there is no development to the other side of the appeal site the new development would appear distinct from the terrace. As much of the lightwell would be filled by the stairs, the lightwell and basement would not appear unduly prominent within the wider streetscape. Furthermore, some limited screening would be provided by the boundary wall around the front of the garden.
13. As a result of the proposed lightwell the space available to store bins would be reduced. I observed that the dwellings along Westbury Avenue have 3 or 4 wheelie bins and that these are generally clustered together in one area of the front gardens. Although the proposal would require more wheelie bins in comparison to neighbouring properties, the storage of numerous bins in front gardens is already part of the established character of the area. The arrangement of the storage in one part of the garden as a result of the lightwell would not be dissimilar in appearance to neighbouring properties.
14. Therefore, the proposed development would not harm the character and appearance of the surrounding area. The proposal thereby complies with Policy SP11 of the Haringey Strategic Policies Development Plan (2017) (LP), Policy DM1 of the DM and Policies D3 and D4 of the LDNP. Together these policies seek to ensure that new development is of high quality, which enhances and enriches Haringey's built environment.

Housing mix

15. Policy DM11 of the DM states that proposals for new residential development should provide a mix of housing. It also states that the Council will not support proposals which result in an overconcentration of 1 or 2 bed units.
16. I observed that the majority of terrace houses on Westbury Avenue retain the appearance of being family homes. Many of the properties along Hawke Road have the appearance of traditional maisonettes, whereas Sirdar Road still appears to be family housing. From my observations it appears that there is a broad mix of housing in the area, and I have not been provided with any evidence to the contrary.
17. I have no compelling evidence that the provision of four additional one-bedroom flats would lead to an overconcentration of this sized dwelling and unbalance the area's housing mix. Therefore, although the proposal would not provide a mix of different bedroom sizes, the provision of 4 one-bedroom dwellings would be appropriate given the circumstances of the area.
18. I thereby conclude that the proposed development would provide an appropriate mix of housing for the area and therefore does not conflict with Policy DM11 of the

DM which amongst other things seeks to ensure proposals for new development provide a mix of housing.

Bin and cycle storage

19. There appears to be some inconsistency in the advice provided from the Council's Waste and Recycling team with regards to bin storage. The Officer Report refers to the requirement for a total of 8 wheelie bins and 4x 23L containers. In an email dated 30 August 2024, the Council's Waste and Recycling Officer confirms that 6 wheelie bins and 4x25L food waste bins would be required. The provision of this level of storage is shown on Drawing No P0000_1_C, which demonstrates that there would be adequate storage space for this requirement.
20. The proposed cycle storage to meet the requirements of the LDNP would be provided in the basement area, which would be accessed via steps. The Supporting Statement proposes that this lockable storage would be of timber construction. This arrangement would mean that cycles would be carried up and down these steps, which is an awkward arrangement. Although the London Cycling Design Standards recommend that cycle storage should avoid obstacles it is not mandatory.
21. Three of the flats would be accessed via stairways and therefore storage within the amenity area of Flat 1 would also require step access. Whilst storage could be provided in the private garden of Flat 2, cycles would need to be taken through both the bedroom and living room which is not an ideal arrangement. Therefore, given the limited space to the front of the property and constraints of the site the proposed storage is considered acceptable.
22. The proposed development would provide adequate, bin and cycle storage and therefore complies with policy DM35 of the DM and Policies D6 and T5 of the LDNP. These policies seek amongst other things to ensure that development helps to remove barriers to cycling and create a healthy environment in which people choose to cycle and provides adequate storage space for waste.

Other Matters

23. The appellant has put forward that the Council presented misleading comments in relation to the previous appeal, which has led to unnecessary costs and time wasted. However, these matters were addressed in the Costs decision associated with the previous appeal.

Conclusion

24. The proposed development would not provide acceptable living conditions for future occupants with regard to private outside space. This harm brings the scheme into conflict with the development plan.
25. The policies in the Framework seek to significantly boost the supply of homes. The proposal would provide four new flats which would contribute to the local housing supply. The appeal site is also within an area of excellent public transport accessibility and would re-use the site of a former garage. However, the creation of high-quality places is fundamental to what the planning and development process should achieve. Although there is support for housing in this location, this does not outweigh the harm caused as a result of the unacceptable living conditions the proposal would provide.

26. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be determined other than in accordance with it. Therefore, for the reasons given the appeal is dismissed.

C Skelly

INSPECTOR