The Planning Inspectorate

Appeal Decision

Site visit made on 15 March 2016

by H Cassini BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 April 2016

Appeal Ref: APP/Y5420/W/15/3138704
109 Myddleton Road, Wood Green, London N22 8NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Angelos Agathangelou against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2015/1989, dated 6 July 2015, was refused by notice dated 3 September 2015.
- The development proposed is the change of use of rear part of shop (A1) to one x one person, one bedroom flat (C3) with one additional window.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:

   (i) the living conditions of future occupiers of the flat, with particular regard to outlook, privacy and outdoor amenity space;

   (ii) the vitality and viability of the Myddleton Road Local Shopping Centre (MRLSC); and

   (iii) highway safety, with regard to the adequacy of parking provision.

Reasons

Living Conditions

3. The living room and bedroom windows to the proposed flat would look out onto a very narrow access passageway. The occupiers of the existing flats would walk past these windows to access their units. In these circumstances, even though a gate could be installed in the passageway to limit access, it is considered that the privacy for future occupants would be severely compromised.

4. Also, the outlook from both windows would be oppressive and extremely poor. Although a feature wall is proposed, even for a one bedroom unit in an urban location, the outlook achievable from the windows would be of an inferior standard for a residential use.

5. I recognise that the unit would be located in a relatively densely populated area, where the expectations regarding outdoor amenity space may be less than elsewhere. However, due to the limited size, the space proposed would not be adequate to meet the likely needs of future occupiers. The availability of local public open space at the Bounds Green Community Open Space and New River Walk does not justify the deficiency of provision.

6. Previous development details at No. 100 and 111 Myddleton Road have been provided by the appellant. No. 100 has habitable rooms with windows adjacent to the pavement. Whilst pedestrians may pass close to the windows, due to the open nature of the street scene a similar impact regarding overlooking and privacy is unlikely to be experienced. In terms of No. 111, it is accepted the internal layout is similar to the proposal. However, the main windows and access at No. 111 open out onto a private garden area. Accordingly, that scheme is not comparable with the appeal proposal. Limited information regarding No. 102 has been supplied and I am therefore unable to assess the validity of any comparisons drawn.

7. In view of the above, the other conversion schemes do not persuade me to find the current proposal acceptable. In any event, I am required to determine the appeal based on the individual circumstances of the proposal.

8. I recognise the benefit of the creation of an additional unit to the supply of housing within the Borough. However, I conclude that the living conditions of future occupiers would not be acceptable in terms of privacy, outlook and lack of adequate outdoor amenity space. The proposal would therefore conflict with the design objectives of policies 3.5, 7.4 and 7.6 of The London Plan 2011 (TLP), policies of SP2 and SP11 of the Haringey Local Plan 2013 and saved policy UD3 of the Haringey Unitary Development Plan 2006 (UDP).

Myddleton Road Local Shopping Centre

9. Evidence from the appellant illustrates that due to the success and development of other shopping centres in proximity to the appeal site, the catchment area of the MRLSC has eroded and consequently footfall is low. The Council's draft MRLSC Policy Guidance Note July 2012 (PGN) recognises that Myddleton Road is underperforming as a local shopping centre. Vacancy rates are high and the evidence at that time was that these were increasing. The PGN goes on to note that the road has been experiencing economic decline since the late 1960's and early 1970's and competition from shopping destinations such as the Wood Green and Brent Cross shopping centres have had a significant impact on the street's economic viability. The road also suffers from a lack of footfall which has had a significant impact on the ability of local businesses to attract passing trade.

10. Whilst the Council and a number of local residents refer to a high demand for new shops within the MRLSC, no evidence has been provided to substantiate this. Further evidence from the appellant suggests that in October 2015 23% of the units were vacant and in the last four years only one A1 business opened within the MRLSC. I have no reason to doubt the validity of this information and at the time of my site visit I noted a number of empty units. Against this background it is apparent that the current vitality and viability of the MRLSC is low.

11. Moreover, the proposal would not see the total loss of the retail unit. Only the rear part of the ground floor shop would be lost. Although the remaining retail space would be small, the appellant has confirmed that this would be ample for the owner and two part-time staff. It seems to me that not all commercial uses require large floor areas and a smaller but still functional space can be both suitable and viable for some Class A1 uses. It is recognised that there is no guarantee that, should the current occupier of the unit vacate the premises, the unit would be leased and that as a result this part of the premises could become vacant. However this applies to any of the commercial units in the MRLSC. The important factor is that if the appeal is allowed an A1 use along with a shop front would remain in this part of the centre.

12. My attention has also been drawn to other planning permissions near to the appeal site involving either the total loss or reduction in the size of retail spaces. With specific regard to 111 Myddleton Road (Council Ref HGY/ 2014/2568) next door, the principle of reducing the shop area was found acceptable. Although the smaller shop was larger than the one subject of this appeal it does seem that the principle of what is now before me has been found acceptable before. This evidence has also not been disputed by the Council.

13. Taking account of the above I conclude that the proposed change of use would not have an adverse effect on the vitality and viability of the MRLSC. There would therefore be no conflict with the retail vitality and viability aims of policies TCR1 and TCR4 of the UDP and the PGN. The Council has referred to the proposal being contrary to its Supplementary Planning Guidance Urban Design - 1a Design Guidance 2006 (SPG). However, it has not been made clear in what respect and it also relates to design. There are no such objections from the Council in this regard. On this occasion therefore I have not found any conflict with the SPG.

Highway Safety

14. Whilst the proposal would not provide any on-site car parking, I note that there would be provision for bicycle storage. The appeal site is also in a highly sustainable location with a range of services and opportunities to travel other than by car. Against this background and bearing in mind the type of accommodation proposed, it is considered unlikely that future occupants of the proposed flat would own a motor vehicle.

15. My attention has also been drawn to the planning permission granted for a single unit self-contained flat at 111 Myddleton Road. In this instance, the officer's report concluded that any additional parking impact was likely to be minimal and given that the MRLSC falls within a controlled parking zone (CPZ) and was in a sustainable location, the proposal was considered acceptable.

16. Even if future occupiers were to make use of a private car, taking into account the potential low level of additional vehicle movements, combined with the CPZ, it is unlikely that there would be any materially adverse effect on the either the existing parking pressure or free flow of traffic in the area. Accordingly, I conclude that the nil provision of car parking is acceptable.

17. In this respect, I can find no conflict with highway safety and public transport aims of saved policies UD3 and HSG11 of the UDP and policy 6.13 of TLP.

Other Matters

18. I note that the site is within the Bowes Park Conservation Area. As the unit would be located within the existing building, I agree with the view of the Council that the character and appearance of the Conservation Area would be preserved.

Conclusion

19. I have not found harm to the vitality and viability of the MRLSC or to highway safety by reason of inadequate parking provision. However, the harm to living conditions for future occupiers is decisive.

20. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR