LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2016/0727 **Ward:** Noel Park

Date received: 10/03/2016

Drawing number of plans: PL-01 Rev A and OS received 10/03/16

Address: 11 Cheapside High Road N22 6HH

Proposal: Construction of a two storey rear extension to create a store for the ground floor shop and create one self-contained 1 bed flat at the first floor level. Rearrangement of the existing self-contained flats at first floor and second floor.

Applicant: Mr Tariq Tariq Azam Properties Ltd

Ownership: Private

Site Visit Date: 11/09/16

Officer contact: Wendy Robinson

2. SUMMARY OF RECOMMENDATION

REFUSE PERMISSION

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

3.1 This is an application for the construction of a two storey rear extension to create ground floor storage for the retail A1 unit and a new self-contained flat at first floor. The application would involve internal re-alignment of the existing units at first and second floor. The proposal also includes a new stairwell to the rear of the property.

Site and Surroundings

3.2 The subject site is a three storey mid-terrace building located on the north eastern side of the highway. The building is currently retail A1 at ground floor with a shop front access to High Road and there is a service entrance to the rear onto a narrow pedestrian access way. The first and second floors currently host two self-contained residential units.

3.3 The property it is not located within any Conservation Area and is not located within the curtilage of a listed building.

Relevant Planning and Enforcement history

3.4 PRE/2016/0338 02/11/2015 Rear extension to create a store space for the ground floor shop and create two x 1 bedroom flats above

4. CONSULTATION RESPONSE

4.1 The following were consulted regarding the application and they provided the following responses:

Internal:

1) LBH Transportation Team: *No comment made until cycling parking and refuse storage are shown on maps (officer comment: cycle parking and refuse storage would be conditioned if minded for approval)*

2) LBH Cleansing: *Red RAG traffic light status as no information shown. Due to the location of the entrance to this proposed development the property will need to utilise the timed collection service for flats above shops from High Road N22. The put rubbish out times are as follows 08:00 to 09:00 and 21:30 to 23:00, 7 days each week. Waste should be presented for collection in coloured refuse and recycling provided by the Council on a quarterly basis on the pavement in High Road N22 and not in Dovecote Avenue. Waste presented for collection in black sacks and outside of the above time maybe search and enforcement action taken*.

External:

3) Thames Water: *No objection*

4) London Fire Brigade: *No objection*

5. LOCAL REPRESENTATIONS

5.1 The application has been publicised by way of 11 letters. No representations were received.

6. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Principle of the development;
2. The impact of the proposed development on the character and appearance of the area;
3. The impact on the amenity of adjoining occupiers;
4. Living conditions for future occupants;
5. Parking and highway safety; and
6. Affordable housing

Principle of the development

6.1 The NPPF provides guidance on decision taking and in particular, introduces a presumption in favour of sustainable development and also outlines a number of core planning principles that should be adhered to. In particular this includes to

secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and encouraging the effective use of land by reusing land that has been previously-developed, and to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Emerging Policy DM10 (Housing Supply) and DM11 (Housing Mix) of the Development Management, Development Plan Document (January 2016 pre-submission version), and Local Plan Policy SP2 seeks to ensure that an adequate mix of dwelling sizes is delivered within new developments and supports windfall residential development.

6.2 The principle of extending the subject site to provide 18m^2 of ground floor storage space and increasing the residential (C3) floor space at first floor is supported by local plan policies as the site is within a designated town centre and to meet housing need. Therefore, the principle of additional residential units and storage floor space at this site is considered to be acceptable subject to detailed considerations.

Character and appearance of the area

6.3 SPG1a 'Design guidance' in accordance with the expectations of the NPPF, saved UDP Policy UD3, emerging Policy DM1 of the Development Management, Development Plan Document (January 2016 pre-submission version), London Plan Policies 7.4 and 7.6, Local Plan Policy SP11, states that all new development should enhance and enrich Haringey's built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use.

6.4 The proposed external works are to the rear of the property only and are visible from the narrow service access way. The proposed 2 storey extension will project to the rear boundary at ground floor and first floor while neighbouring properties are generally set in at first floor and partially set in at ground floor to allow space for waste storage, external staircases and a set-back entrance with security fencing. The subject development will involve the replacement of an existing external stairwell, flat roof amenity space for the 2 units existing, and a temporary ground floor shed. The prevailing building line at this site has not been met (as guidance recommended pre-application) as the entire site has been proposed to be built over and does not include the set in of first floor and partial set in of ground. Therefore the resulting bulk and massing would dominate the narrow alleyway.

6.5 The pedestrian access way was designed as a service entrance only; however it is now the primary entrance for a number of residential flats similar to that in the application proposal. The access way does present concerns regarding anti-social behaviour, fly-tipping, and general security and the application has been considered against Policy 7.3 'Designing out Crime' of the London Plan which is works to prevent development that compromises security. On balance it is considered that the presence of other residential entrances in the alley will result in people movement and to increase the security visibility in accordance with Policy 7.3.

6.6 As such, the proposed development by way of constructing the two storey rear extension not in line with the prevailing building line of neighbouring properties would be harmful to the visual amenity of the surrounding area by way of having an overbearing impact on the alleyway. It would, therefore, be contrary to the above policies.

Impact on the amenity of adjoining occupiers

6.7 The London Plan 2015 Policy 7.6 Architecture states that development must not cause unacceptable harm to the amenity of surrounding land and buildings. Saved Policy UD3 and emerging Policy DM1 of the Development Management, Development Plan Document (January 2016 pre-submission version) also requires development not to have a significant adverse impact on residential amenity in terms of loss of daylight, or sunlight, privacy overlooking, aspect noise, pollution and of fume and smell nuisance.

6.8 The proposed two storey rear extension is to be built directly up to the rear boundary of the property with a fire exit at ground floor and an external staircase for the first floor entrances for the residential units. The attached property to the south east, No. 10 Cheapside, has a two storey built structure that has windows at first floor rear elevation windows and a window to the side elevation with the subject site. First floor of No. 10 is set back from the boundary line by over 1m. Planning history appears to show that the side elevation window of No. 10 came about as the space was a terrace which has been enclosed and converted to habitable accommodation with a window. As the window was not undertaken lawfully the impacts on this window by the proposed rear extension does not hold full weight. The proposed extension is set back 1m and the proposed side elevation window at the subject site is to be obscure glazed. It is not expected to result in any loss of amenity to the adjoining property.

6.9 The property to the north-west, No. 12 Cheapside, is set back from the rear property boundary at first floor with the same building line as No. 10 but includes a second floor extension in addition. The subject development is not considered likely to impact this property or any of the residential units within.

6.10 Overall the proposed development would have no material adverse impact on the amenity of the adjoining neighbours as such the proposal is considered to be in accordance with the above policies.

Living conditions for future occupants

6.11 London Plan 2016 Policy 3.5 'Quality and Design of Housing Developments' requires the design of all new housing developments to enhance the quality of local places and for the dwelling in particular to be of sufficient size and quality. The standards by which this is measured are set out in the Mayor's Housing Standards Minor Alterations to the London Plan March 2016. The greater emphasis on securing high quality housing across London has been translated into Haringey Local Plan Policies SP2 and SP11 and Emerging Policy DM12 of the Development Management, Development Plan Document (pre-submission version Jan 2016).

6.12 The proposal would comprise 1 x 1 bed new self-contained flat at first floor and re-arrangement of the first floor 1 x 1 bed self-contained flat and 1 x 2 bed self-contained flat at second floor. The re-arrangement of the existing units (retaining same tenure) requires these units also to meet the minimum standards set out in the London Plan. The two existing units do not meet the minimum standards: first floor 1 bedroom 2 persons requires 50m^2 but only provides 39m^2 while the second floor 2 bedroom unit requires 61m^2 but only provides 42m^2. The applicant was advised to

amend the scheme so that all units would be studio units and, therefore, meets the minimum standard of accommodation but satisfactory amendments were not received.

6.13 The proposed extension would result in the loss of external amenity (existing flat roof space at entrance) for the two existing units and would not provide any further amenity space for the new unit. Nearby units have been allowed without private amenity space as their internal layouts have been considered a high quality of living space for the likely singular occupant. The subject units proposed are not considered a suitable living of accommodation quality and therefore the lack of usable amenity space is contrary to the above policies and this application should be refused.

6.14 The proposed scheme does not outline any provision for secure refuse and recycling storage. If this application was minded for approval then secure waste storage would need to be shown on the plans and retained in perpetuity.

6.15 The pedestrian access way for the subject site was designed as a service entrance only; however it is now the primary entrance for a number of residential flats similar to that in the application proposal – including the existing units at the subject site. The access way does present concerns regarding anti-social behaviour, fly-tipping, and general security and the application has been considered against Policy 7.3 'Designing out Crime' of the London Plan which is works to prevent development that compromises security. The proposal does not provide metal security gates across the entrance way as seen in the neighbouring properties and it was recommended (during pre-application advice and as a recommended amendment) that the proposal include this also.

6.16 It is not considered that the proposed accommodation provides suitable floor area, living space, general layout, amenity space, and waste storage is contrary to the above policies and should be refused.

Parking and highway safety

6.17 Local Plan (2016) Policy SP7 Transport states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport.

6.18 The Council's Transportation Team has been consulted and advises that there is already a 1 bedroom flat on the first floor and a 2 bedroom flat o the second floor. The site is located to the west side of High Road Wood Green, and has a PTAL value of 6a which is considered 'excellent' access to public transport services. The site is also located within the Wood Green inner zone CPZ which has operating hours of 0800 - 2200 Monday to Sunday. It is appropriate for the new 1 bedroom flat to be car and permit free and accordingly there will need to be a S106 obligation or Unilateral Undertaking to cover this from the applicant.

6.19 The proposed scheme does not outline any provision for any sheltered and secure cycle parking. If this application was minded for approval then secure waste storage and cycling parking would need to be shown on the plans and retained in perpetuity.

6.20 This application is therefore contrary to the above policy and should be refused.

Affordable housing

6.21 The National Planning Policy Framework (NPPF, 2011) recognises that to create sustainable, inclusive and diverse communities, a mix of housing based on demographic and market trends and the needs of different groups should be provided. London Plan Policy 3.8 'Housing Choice' of the London Plan seeks to ensure that development schemes deliver a range of housing choices in terms of a mix of housing and types. This approach is continued in Haringey Local Plan SP2 Housing, which is supported by the Council's Housing SPD, and emerging policy DM13 of the Development Management, Development Plan Document (pre-submission version January 2016).

6.22 The NPPF states that where it is identified that affordable housing is needed, planning policies should be set for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. However, such policies should be sufficiently flexible to take account of changing market conditions over time (para. 50).

6.23 Similarly, The London Plan Policy 3.12 states that Boroughs should seek "the maximum reasonable amount of affordable housing...when negotiating on individual private residential and mixed-use schemes", having regard to their affordable housing targets, the need to encourage rather than restrain residential development and the individual circumstances including development viability". Local Plan Policy SP2 states that affordable housing shall be provided on-site subject to viability and schemes below the ten unit threshold are required to provide 20% affordable housing on site, based on habitable rooms, or provide financial contributions towards affordable housing provision subject to viability.

6.24 It is accepted that on sites of 1-9 net units it is not practical to provide affordable housing on site and therefore a financial contribution will be sought in this instance. The Council's Planning Obligations SPD (October 2014) sets out the rates for the provision of off-site financial contributions on sites of 1-9 net units which for the Bounds Green Ward is £336 per m^2. The proposal must therefore provide a 20% affordable housing contribution of £17,472.00 ($52m^2$ x £336).

6.25 In the absence of a legal agreement securing a financial contribution in lieu of the provision of on-site affordable housing or viability assessment, the proposal is considered to be contrary to policy SP2 (Housing) of the London Borough of Haringey Local Plan: Strategic Policies March 2013 and Policy 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes) of the London Plan July 2016.

Conclusions

6.26 The proposed design and living standards of the new unit and existing (re-arranged) units are considered unacceptable acceptable at the subject site. There would be no adverse impact on the surrounding neighbours' amenity. A contribution towards

affordable housing has not been secured through a section 106 legal agreement and neither has parking restrictions.

6.27 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be refused for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

7. CIL APPLICABLE

7.1 The increase in internal floor area would not exceed 100m^2 and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

8. RECOMMENDATION

REFUSE PERMISSION

Registered No. HGY/2016/0727

Applicant's drawing No.(s) PL-01 Rev A and OS received 10/03/16

For the following reason(s)

1. The development would be visually intrusive when viewed from pedestrian alleyway access by reason of bulk, overall scale and massing, thereby contrary to emerging Policy DM1 of the Development Management, Development Plan Document (January 2016 pre-submission version), Saved Policy UD3 of the Haringey Unitary Development Plan 2006, Policy SP11 of the Haringey Local Plan 2013, Policies 7.4 and 7.6 of the London Plan 2016.

2. The proposed development would have a substandard provision for private amenity space or communal gardens for the benefit of future occupiers of the development and would take away existing amenity space for the existing units resulting in a poor quality of living accommodation contrary to Policies 3.5, 7.4 and 7.6 of the London Plan 2016, Emerging Policy DM12 of the Development Management, Development Plan Document (pre-submission version Jan 2016), Policy SP11 of the Haringey Local Plan 2013, and Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

3. The proposed conversion involves the over-intensive sub-division of the property resulting in sub-standard accommodation by reason of inadequate unit sizes contrary to contrary to Policies 3.5, 7.4 and 7.6 of the London Plan 2016, Policies SP2 and SP11 of the Haringey Local Plan 2013, Saved Policy UD3 of the Haringey Unitary Development Plan 2006, Emerging Policy DM12 of the Development Management, Development Plan Document (pre-submission version Jan 2016), and the Major's Housing SPG 2016.

4. The proposed development in the absence of a legal agreement securing the provision as a car and permit free development is contrary to policy SP7 'Transport' of the London Plan (2016).

5. The proposed development in the absence of a legal agreement securing the provision of on-site affordable housing or a financial contribution in lieu the

proposal is contrary to policy SP2 ‘Housing’ of the Local Plan March 2013, emerging policy DM13 of the Development Management, Development Plan Document (pre-submission version January 2016), and Policy 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes) of the London Plan 2016.