



Officer Report

Application Number:	HGY/2023/1772
Application Type:	Change of use
Address:	78 Myddleton Road, Wood Green, London, N22 8NQ
Proposal:	Change of use of the rear part of the commercial property to a single 1-bedroom self-contained flat.
Case Officer:	Kwaku Bossman-Gyamera
Valid Date:	05/07/2023
Applicant:	Mr Costantinos Ioannou
Agent:	Mr Jamie Sleep

RECOMMENDATION

Refuse

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

1.1 This is an application for the change of use of the rear part of the commercial property to a single self-contained flat. The flat consists of 1 bedroom, 2 person self-contained flat with access from rear alleyway which serves the upper-floor residential accommodation.

Site and Surroundings

1.2 This is an application for the change of use of the rear part of the commercial property to a single self-contained flat. The flat consists of 1 bedroom, 2 person self-contained flat with access from rear alleyway which serves the upper-floor residential accommodation.

Relevant Planning and Enforcement history

1.3 The most recent planning history in relation to the site is as follows.

- HGY/2022/0759 – Granted - Single Storey Rear extension ancillary to existing retail unit.
- HGY/2020/0649 - GTD 14/04/2020 - non-illuminated fascia sign.
- HGY/2016/3944 - REF - 08/09/2017 New Shop Front (Retrospective)
- HGY/2016/2271 - GTD 14/09/2016 - Retention of wooden shed & storage area.

1.4 There is no planning enforcement history in relation to the site.

2. CONSULTATION RESPONSE

2.1 The responses below were received following consultation on the application:

Internal:

1) LBH Transportation Team: no objection subject to conditions

3. LOCAL REPRESENTATIONS

3.1 The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 26 letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 96

Objecting: 96

Supporting: 0

3.2 The following Councillor(s) made representations:

- Cllr Mary Mason has called in the application to be determined by the planning committee if officer is minded to approved. On the grounds that proposal is a significant development which has substantial local interest. It is significant as it involves a change of use to a premises in a Conservation Area and Local Shopping Centre. There is substantial local interest, as it has generated a large volume of objection from over 75 local residents and community groups representing hundreds of local residents.

3.3 The following issues were raised in representations that are material to the determination of the application and are summarised and addressed in the next section of this report:

- This would result in a reduction in the size of the retail unit which may limit the number of potential business that could rent the property.
- There are numerous flats on Myddleton Road above the shops already and turning the rear of no.78 into another residential property will increase the density of people on the street.
- It will start a precedent of other property owners trying to change the use of their properties to residential which would diminish the vibrancy and vitality of the street and turn it into yet another street full of flats.
- It has potential of increasing the demand for on street parking in an area in which the availability is already stretched.
- The proposed change of use would result in the significant reduction in the size of a prime commercial unit, eroding the primary function, vitality and viability of Myddleton Road Local Shopping Centre, which is a Conservation Area.
- There are very few empty units available for rent on the street and there is healthy demand for commercial space.
- The 'evidence' of the unit being marketed for rent that has been presented by the applicant should be disregarded by Haringey Council.
- There is high demand from local businesses for units on this road, and its key for the vitality of the local area that we have businesses that are reachable via a short work rather than having to go further towards Wood Green. Converting this unit into a flat would set the local shopping area

down a path of decline, while keeping it as a retail/commercial unit would help continuing to attract small businesses and local footfall to the road.

- This will harm the character and sustainability of the area. There is a high demand for retail units both amongst potential tenants, and residents.
- Taking commercial uses out of Myddleton Road will harm the character and sustainability of the area. This is an area with lots of potential for small businesses.
- This unit should remain as retail. This area needs more and better shops to encourage local shopping and less driving to other areas. With the introduction of LTNs now is an ideal time for the council to support local businesses and encourage more to open. Good for the planet, good for the community.

4. MATERIAL PLANNING CONSIDERATIONS

4.1 The main planning considerations raised by the proposed development are:

1. Principle of development.
2. Impact on the character and appearance of the conservation area
3. Standard and quality of residential accommodation.
4. Impact on neighbouring amenity.
5. Transport considerations.

Principle of development

4.2 London Plan (2021) Table 4.1 sets out housing targets for London over the coming decade, setting a 10-year housing target (2019/20 – 2028/29) for Haringey of 15,920, equating to 1,592 dwellings per annum. Policy H1 'Increasing housing supply' states that boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites, especially sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m of a station or town centre boundary.

4.3 London Plan (2021) Policy H2A outlines a clear presumption in favour of development proposals for small sites (below 0.25 hectares in size) and sets out a minimum target in Table 4.2 for boroughs (Haringey –10-year target is 2,600).

4.4 London Plan Policy D6 seeks to optimise the potential of sites, having regard to local context, design principles, public transport accessibility and capacity of existing and future transport services.

4.5 The creation of residential unit to form a mixed-use building containing new residential flat is acceptable in principle provided that it does it sustain and enhance the vitality and viability of the local centre and subject to satisfying the normal policy requirements.

4.6 Considerable number of objections have been raised by local residents in relation to the long - term effect of the commercial retail unit fronting Myddleton Road. The proposal would not alter the floorspace of the existing shop, but rather increased the floor space for the retail unit. It is considered proposed use of the rear as flat would preserve the long - term viability of the commercial frontage. The existing commercial unit will not be affected by the proposed residential unit.

Impact on the character and appearance of the conservation area

4.7 London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non-designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.

4.8 DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

4.9 The existing rear extension has recently been constructed to the rear of the 3-storey building which fronts onto Myddleton Road which serves as ancillary space to the retail unit. This rear extension can be accessed from Marlborough Road via a narrow alley serving the residential units above the shops along Myddleton Road and the rear elevation of other residential dwellings fronting Northbrook Road. Given that the principle of the rear extension has already been established, as such the proposal would preserve the character and appearance of the conservation area.

Standard and quality of residential accommodation

4.10 London Plan Policy D6 requires housing developments to be of high-quality design, providing comfortable and functional layouts, benefiting from sufficient daylight and sunlight, maximising the provision of dual aspect units and providing adequate and easily accessible storage space as well as outdoor amenity space. Table 3.1 sets out the internal minimum space standards for new developments, while Table 3.2 of the London Plan provides qualitative design aspects that should be addressed in housing developments.

4.11 The proposed flat comply with the minimum floor space requirements under Development Management policy DM10 and the London Plan. The flat accord with the minimum floor space of 50sq.m for 1 bed/ two person dwelling over one floor.

4.12 However, the proposed development would extend close to the rear site boundary with access way (alleyway), retaining a small strip of land to the side for access and bicycle/bin storage. The only bedroom proposed would be located within the existing building (new rear extension) which would have windows inserted into its rear elevation. Whilst this room would be served by two adjacent windows, both would be set back within the site, directly opposing the rear fence and the neighbouring property access to the upper floor level, which stands in very close proximity. This would create a significant sense of enclosure and poor outlook for future residents, as well as restricting the amount of light that would reach the room. Although the bedroom is a room that would be expected to be more private and used less often, that does not diminish the need for appropriate standards of accommodation. This is notwithstanding that the living area would provide a better living standard.

4.13 In addition to the above, the development proposes no usable outdoor amenity space, notwithstanding the narrow strip of land referenced above. This would further undermine the quality of accommodation and make it all the more likely future residents would necessarily spend greater amounts of time indoors, heightening the importance of appropriate internal living conditions.

4.14 It is considered that the development would not provide suitable living conditions for future occupants. This would be in conflict with Policy 3.5 of the London Plan (2021) which seeks high quality design and good living conditions; Policy DM12 of the Development Management DPD (2017) which require that new dwellings are appropriate in their context and provide suitable living conditions; and the objective of the National Planning Policy Framework (the Framework) to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Impact on neighbouring amenity

4.15 London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

4.16 DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring resident.

4.17 The proposal solely relates to the change of use of the internal area of the existing extension, so will not have any significant material impact on adjoining occupiers.

Transport considerations

4.18 London Plan Policy T1 requires all development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and to ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policies T4, T5 and T6 set out key principles for the assessment of development impacts on the highway network in terms of trip generation, parking demand and cycling provision.

4.19 Local Plan 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. This is supported by DPD Policy DM31 'Sustainable Transport'.

4.20 The creation of a single residential unit will not create any material highway and parking effects. It is unlikely that the above proposal will have any significant impact on the local transportation network. Consequently, no objections are raised in terms of the proposals impact on on-street parking pressure within the area. The Council's Transportation Team has been consulted and raises no concerns.

Conclusion

4.21 The proposed change of use is considered not acceptable, providing unacceptable living accommodation in relation to outlook and the provision of inadequate amenity space in connection with a conversion to residential use, contrary to living conditions requirements of policy D6 of the London Plan 2021, policies SP2 and SP11 of the Haringey Local Plan 2017 and Policy DM12 of the DPD.

4.22 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.

5. CIL APPLICABLE

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

6. RECOMMENDATION

REFUSE PERMISSION

Refusal Reasons:

The proposed dwelling by reason of its poor outlook, and lack of useable external amenity space would provide a substandard living environment and poor level of residential amenity for for future occupiers contrary to Policy D6 of the London Plan (2021), Policies SP2 and SP11 of the Haringey Local Plan (2017) and Policy DM12 of the Haringey's Development Management DPD (2017).