



Officer Report

Application Number:	HGY/2023/1194
Application Type:	Change of use
Address:	11 St Pauls Road, Tottenham, London, N17 0NB
Proposal:	Change of use of an existing outbuilding in rear garden to provide for a self-contained Studio Flat.
Case Officer:	Daniel Boama
Valid Date:	02/05/2023
Applicant:	Mordechai Steren
Agent:	Shulem Posen

RECOMMENDATION

Refuse

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

This is an application for the change of use of an outbuilding to a 1no. bedroom residential dwelling. The outbuilding is in the rear garden of no.11 St Pauls Road. The proposed development is associated with the subdivision of the land to create an enclosure for the outbuilding. Access to the site would be via the side gate in the front garden. Cycle storage for 1no. bicycle would be provided in rear garden of the host building. Planters and fencing would be provided to subdivide the site from the host building.

Site and Surroundings

The application site is a two storey semi-detached house on a predominantly residential road. The front of the site faces the west end of the Foyle Road. The site is within the Family Housing Zone. It is not in a Conservation Area, nor is it in the curtilage of a Listed building.

Relevant Planning and Enforcement History

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

HGY/2022/399 Approval of details pursuant to condition to 3 (Cycle Storage) pursuant to planning permission ref: HGY/2022/2267 granted on 31/10/2022 for the conversion of house into 2 self-contained 3-bedroom flats.

HGY/2022/2267 GTD 31/10/2022 Conversion of house into 2 self-contained flats: 2x 3 bed.

CONSULTATION

The responses below were received following consultation on the application:

LBH Transportation Team: Subject to satisfactory resolution of the above, there are no transport objections regarding this application. (see further views in the planning considerations section below)

LBH Waste Team: see views expressed in the planning considerations section below

LOCAL REPRESENTATIONS

The application has been publicised by way 20 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: 4

Objecting: 1

Supporting: 3

The following local groups/societies made representations:

None

The following Councillor(s) made representations:

CLLR John Bevan: Objection - I am not convinced that this proposal will meet the required standards, I am therefore opposing this application.

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

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

Principle of development;
Design and appearance;
Standard and quality of residential accommodation;
Impact on neighbouring amenity;
Transport considerations;
Trees and landscaping;
Waste Management

Principle of development

Policy Council's adopted Policies DM10 (Housing Supply) and DM11 (Housing Mix) of the Development Management, Development Plan Document (July 2017), 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.

Despite being within Family Housing Protection Zone the proposal does not conflict with this policy DM16 (Residential Conversions) as this policy relates to the conversion of single-family dwelling houses and not for the conversion from non-residential buildings to dwellings.

The overall principle of the change of use to the rear outbuilding is considered to be in accordance with the above policies.

Design and appearance

DPD Policy DM12 'Housing Design and Quality' states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original building, including external features such as chimneys, and porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to the context. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.

No changes are proposed to the external features, because the proposal is for the change of use of an existing outbuilding. Therefore, there would be no impact on the character and appearance of the area in this respect.

Standard and quality of residential accommodation

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.

DPD Policy DM16 'Residential Conversions' part C states that the Council will support proposals where existing garden land is available the Council will seek to optimise the total amount of private amenity space and access to this space for residents. The proposed private garden would exceed the minimum standard for private outdoor space for a 1 person dwelling, which is considered to be acceptable.

Alterations would be made to the internal arrangement of the outbuilding. The walls separating the two storage rooms would be removed to create a sleeping area. The gym area would be converted to Living/Kitchen area. The WC would be converted to a Shower Room. The proposed floor area would be 43.8sqm which would be the same as the existing floor area, which would exceed the minimum gross internal floor area for a 1bed 1person Studio flat.

However, the standard of outlook would be poor due to the position of the outbuilding at rear. The property would feel secluded and would be limited in providing a viable place to live for potential residents.

The proposed development by reason of an unsatisfactory access to a public highway that is not capable of reasonable improvement, difficulties in connection with the normal provision of deliveries and refuse collection, and difficulties with regard to access by fire appliances, results in an unacceptable form of back-land development which is unsatisfactorily related to the existing properties in the locality.

Impact on neighbouring amenity

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.

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 residents.

The existing building is not proposed to have any changes made to the elevations. The existing windows would remain in the same positions on the front and rear elevations, therefore not impact is considered in this sense. However, the proposed development involves the change of use of an outbuilding on a back-land site in a manner which would result in unacceptable overlooking to existing nearby properties, considering that distance between the outbuilding and the host dwelling is under 8m. This would cause overlooking between both properties, leading to a serious loss of privacy to all occupants in the vicinity. The introduction of a self-contained residential use into a small back garden would result in a level of activity arising from the use and coming and goings of the occupants, their guests and other visitors, would create a level of noise and disturbance out of character within a domestic back garden environment and harmful to neighbouring amenity.

Transport considerations

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.

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'.

DPD Policy DM32 'Parking' states that the Council will support proposals for new development with limited or no on-site parking where there are alternative and accessible means of transport available, public transport accessibility is at least 4 as defined in the Public Transport Accessibility Index, a Controlled Parking Zone (CPZ) exists or will be provided prior to the occupation of the development, parking is provided for disabled people; and parking is designated for occupiers of developments specified as 'car capped'.

The Council's Transportation Team has been consulted and advises that the site has moderate public transport accessibility (PTAL=3) and is located within the Tottenham Event Day CPZ. The proposal is car free and include provision for cycle storage for one bicycles. The width of pedestrian and cycle access via the side entrance should be specified. This should be a minimum of 1.2m wide. The cycle storage should be secure, sheltered and accessible (step free). Refuse storage for the proposed studio flat is proposed to be located in the front yard of the host property. The layout plan should illustrate the refuse storage for both the host property and the proposed new dwelling. The proposals will reduce the storage space available for occupiers of the host property – Details of provision for storage of bicycles for the host property should be provided.

Subject to satisfactory resolution of the above, there are no transport objections regarding this application.

Furthermore, upon measurement, the width of the pedestrian and cycle access via the side entrance is 1.213m, so it just exceeds the minimum requirement of 1.2m, but by a small amount.

The proposed cycle storage for 1no. would be provided in the rear garden on the host building site. This would be an intrusion of the private outdoor amenity space and would lead to a loss of the privacy. Given that the cycle storage is proposed in the host rear garden, it appears that the front garden would lack in remaining space, which is also due to previous planning approvals at the site, and it does not seem likely that sufficient cycle parking can be provided at in the front.

The proposed conversion of the outbuilding involves the over-intensive sub-division of the property resulting in substandard accommodation by reason of the lack of outlook inadequate space for refuse and bicycle storage at the front garden, and so this is considered to be unacceptable.

Trees and landscaping

London Plan Policy G7 requires existing trees of value to be retained, and any removal to be compensated by adequate replacement. This policy further sets out that planting of new trees, especially those with large canopies, should be included within development proposals.

DPD Policy DM1 requires proposals demonstrate how landscaping and planting are integrated into a development as a whole, responding to trees on and close to the site.

The proposal includes fencing at a height of 1.2m and planters to the front. At this height, the proposal would not provide an appropriate amount of privacy to the potential resident(s), and the host building to avoid overlooking and loss of privacy detrimental to the amenity of the host building and potential resident(s) of the proposed development. However, further details were not requested, and so this was not considered as a reason for refusal.

Waste management

The councils Waste Strategy Officer was consulted and advises that as with the current property at this address, the new studio flat will be eligible for a kerbside collection service for refuse and recycling. Our standard set of containers for a kerbside service is 1 x 240 litre wheelie bin (refuse), 1 x 240 litre wheelie bin (mixed recycling – paper, card, glass, cans, food and drinks cartons plastic tubs, bottles and trays), and 1 x external food waste container (23 litre) and 1 x 7 litre internal kitchen waste caddy. Refuse collections are once every two weeks while food waste and recycling are weekly and containers should be placed at the edge of property for collection.

The plans show the provision of 1no. collect domestic recycling wheelie bin and 1no. general waste wheelie bin. Although the plans do not show the food bin, the front garden appears to have enough space to accommodate this.

Conclusion

The proposal is considered not acceptable in terms of standard and quality of residential accommodation in terms of the outlook, impact on neighbouring amenity due to its back-land siting, transport considerations regarding inadequate space at front garden for bicycle storage, and trees and landscaping to subdivide the site.

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.

CIL APPLICABLE

N/A

RECOMMENDATION

REFUSE PERMISSION For the following reason(s)

Refusal Reasons:

The introduction of a self-contained residential dwelling into this small back garden location would not accord with the prevailing pattern of development in the vicinity and would result in a level of activity, noise and disturbance and loss of privacy that would be out of character within a domestic back garden environment and harmful to neighbouring residential amenities, including those of the host dwelling, contrary to Policies D3, D6, and D12 of the London Plan 2021, Policy SP11 of Haringey's Local Plan 2017 and Policies DM1, DM7 and DM12 of Haringey's Development Management DPD 2017.

The proposed self-contained residential dwelling due to the site layout, access and servicing arrangements and its proximity to the host dwelling would result in a mutual loss of privacy, unsatisfactory access to the public highway that is not capable of reasonable improvement, difficulties with regard to access by fire appliances, resulting in a substandard quality of housing and an unacceptable form of back-land development contrary to Policies D3, D6, and D12 of the London Plan 2021, Policy SP11 of Haringey's Local Plan 2017 and Policies DM1 and DM7 of Haringey's Development Management DPD 2017.