

Officer Report

Application Number:	HGY/2026/0163
Application Type:	Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses
Address:	Shop, 4 Whittington Road, Wood Green, London, N22 8YD
Proposal:	Prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA
Case Officer:	Mercy Oruwari
Valid Date:	20/01/2026
Applicant:	Mr Hamid Kamyab
Agent:	Tickglobe Ltd

RECOMMENDATION

Approve with Conditions

1. DESCRIPTION OF APPLICATION

This is an application to determine if prior approval is required for a proposed Change of Use from commercial/business/service (Class E) to a dwellinghouse (Class C3). The application is submitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), specifically Schedule 2, Part 3, Class MA.

The proposal is for the conversion of the ground floor commercial space into a studio flat. There are no proposed extensions/external alterations to the existing building, with the entrance and front windows being retained. Internally the changes would include the toilet area being modified and extended to create a usable bathroom. The kitchen would be relocated, and a larger open plan kitchen would be created in the existing office space. A small cycle storage area would be located behind/under the stairs. Apart from the bathroom and the cycle storage the space would be completely open plan with the sleeping and living/kitchen areas.

2. SITE DESCRIPTION

The application site relates to a ground floor of a three storey mid-terraced property located on the southern side of Whittington Road near the junction with Bounds Green Road. It forms part of a row of eight properties. Several of this set of properties have already converted the ground floor space into residential use, with the most recent being the neighbouring site at No 6. The upper floors are residential with separate door entrances to the ground floor spaces. All the properties have full depth/width structures built right up to the rear boundary with no rear garden areas. The rear of the sites back onto an access way at the rear of the terraces.

The site is within the Bowes Park Conservation Area but none of the buildings on or adjacent to the site are listed.

The site has a Public Transport Accessibility Level (PTAL) of 5. It is close to both Bounds Green Station and Bowes Park Station. It benefits from numerous bus routes and is close to the amenities of the area.

3. PLANNING HISTORY

The planning history for this site includes:

- HGY/2011/1496 – Erection of rear dormer window and conversion of property into two self contained flats. Refused
- HGY/2010/1135 – Erection of two rear dormer windows and conversion of property into two self-contained flats. Refused
- HGY/2010/0022 – Erection of two rear dormer windows to facilitate loft conversion. Approved with conditions
- HGY/2009/1293 – Erection of rear dormer window to facilitate loft conversion. Refused
- HGY/2008/0439 – Installation of electric roller shutter. Refused
- OLD/1987/2107 - 29/7/87 Change of use to Dry cleaners. Approved with conditions
- OLD/1976/1480 - 11/12/75 Continuation of use for the manufacture of ladies garments. Approved with conditions
- OLD/1972/1669 - Continuation of use for manufacture of ladies garments. Approved with conditions
- OLD/1970/1264 - Continuation of use of ground floor front room for small dressmaking unit. Approved with conditions
- UNW/2007/00201 – Unauthorised works to front of building. Closed

4. CONSULTATION RESPONSES

The following internal consultation responses were received:

Transport for London - railway engineering and safety matters -

- No objection in principle. However, there are a number of potential constraints on the redevelopment of a site situated close to London Underground infrastructure.
- Planning permission should be subject to a condition.

In accordance with the procedure for applications for prior approval under Part 3 Paragraph W -

- A site notice was displayed in the immediate vicinity of the site;
- Adjoining owners/ occupiers of the neighbouring properties were consulted by letter.

The following issues were raised in the representations received: 0

5. ANALYSIS/ASSESSMENT

Relevant Legislation

Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') for changes of use from Commercial, Business and Leisure (Class E) to a dwellinghouse (Class C3).

This application seeks prior approval for a change of use from commercial, business and service use (Class E) to residential use (Class C3) to provide 1x new studio flat.

Prior approval is an application to discharge the conditions pertaining to the permitted development right (PDR) so the scope of the issues which are material to the prior approval application are fixed and fixed exclusively by the terms of the order. Therefore, no consideration can be given to the statutory development plan or the National Planning Policy Framework (NPPF) unless the GPDO specifically provides for this. The relevant limitations and conditions are assessed as set out below.

Limitations

(a) Unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval.

Comment: This paragraph has been omitted by the Statutory Instrument 2024 No.141 which came into force on 5th March 2024, and is therefore no longer relevant.

(b) Unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval.

Comment: Complies –the building is understood to have been under Class E use for a continuous period of at least 2 years. Google Maps imagery from September 2024 indicates that the unit was occupied and in use at that time.

(c) If the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres.

Comment: This paragraph has been omitted by the Statutory Instrument 2024 No.141 which came into force on 5th March 2024 and is therefore no longer relevant.

(d) If land covered by, or within the curtilage of, the building—

- (i) is or forms part of a site of special scientific interest;**
- (ii) is or forms part of a listed building or land within its curtilage;**
- (iii) is or forms part of a scheduled monument or land within its curtilage;**
- (iv) is or forms part of a safety hazard area; or**
- (v) is or forms part of a military explosives storage area.**

Comment: Complies - The site does not form part of any of the above areas.

(e) If the building is within—

- (i) an area of outstanding natural beauty;**
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;**
- (iii) the Broads;**
- (iv) a National Park; or**
- (v) a World Heritage Site.**

Comment: N/A

(f) If the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.

Comment: N/A

(g) Before 1 August 2022, if—

- (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and**
- (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.**

Comment: The site does not fall within an area covered by an Article 4 direction.

Other Limitations

In assessing this application consideration also needs to be given as to whether the application site/ building/ the part of the building is subject to a condition of planning consent limiting it to purposes falling within Class C3.

Comment: The application site/ building is subject to no such restriction.

Conditions of Prior Approval

Class MA development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport impacts of the development, particularly to ensure safe site access;**
- (b) contamination risks in relation to the building;**
- (c) flooding risks in relation to the building;**
- (d) impacts of noise from commercial premises on the intended occupiers of the development;**
- (e) where the building is located in a conservation area, and the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;**
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;**
- (g) the impact, on intended occupiers of the development, of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and**
- (h) where the development involves the loss of services provided by a registered nursery, or a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost.**
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.**

(a) Transport impacts of the development

The transport impacts of the development, particularly to ensure safe site access have been considered.

The TfL WebCAT calculator tool shows the PTAL rating of the centre of the site as 5 indicating that the site has a good level of accessibility to public transport.

The latest version of the NPPF was published in December 2024 and sets out the Government's planning policies for England and how these are expected to be applied. Chapter 9 – 'Promoting Sustainable Transport', states at paragraph 116 that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The property has no front forecourt so there is no possibility of providing refuse storage accessible from the street. However, it has been stated in the Planning Statement that 'refuse and recycling bag collection is currently in force and carried out twice daily (7 days a week). The same arrangement will continue and apply to the residential unit. The limited size of the unit would not materially affect this arrangement.

Secure cycle storage would also not be able to be provided to the front; however, space would be allocated in storage behind/under the stairs of the upper floor residential area. The internal store would provide the studio flat with a secure space for 1 bike, thus meeting the relevant London Plan

standard. While this would mean wheeling the bike through the dwelling, which would not normally be acceptable, given the site constraints this is considered an acceptable compromise.

Given the site's high PTAL rating and the low level of car ownership amongst Haringey residents, it is not anticipated that the conversion of the existing ground floor of the building into a 1x studio self-contained residential flat would result in a materially significant increase in on-street parking.

Given the site's highly accessible location and the capacity within the site to accommodate an appropriate level of secure bicycle storage, it is considered that the proposed change of use complies with the objectives of the NPPF in achieving sustainable residential development.

Overall, the new unit would comply with Condition (a) given that there would be no material increase or material change in the character of traffic in the vicinity of the site, nor would it have any detrimental impact upon highway safety.

(b) Contamination risks

There are no contamination risks in relation to the building.

(c) Flood risk

The site is located in Flood Risk Zone 1 (low risk) and is considered to have low flood risk.

(d) Impacts of noise from commercial premises on the intended occupiers of the development

There are no identified impacts of noise from commercial premises so as to negatively affect the intended occupation of the residential units created by this change of use.

(e) Impact of change of use on character or sustainability of the conservation area

There are no proposed external alterations to the building in relation to this application. However, an informative will be added that any necessary external changes, such as the front elevation, would require consent.

(f) The provision of adequate natural light in all habitable rooms of the dwellinghouses

Paragraph W.-(2A) of Part 3 of the GPDO 2015 states that "Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses"

The BRE Guide recognises the importance of receiving adequate daylight within new residential accommodation; it states that "Daylight provision in new rooms may be checked using either of the methods in BS EN 17037 Daylight in Buildings: direct prediction of illuminance levels using hourly climate data, or the use of the daylight factor (D). Both are measures of the overall amount of daylight in a space. The daylight factor (D) addresses daylight provision as a ratio of unobstructed external illuminance under overcast sky conditions." (para 2.1.8).

As per drawings / information submitted, given the open plan layout and size of window openings, whilst no daylight survey has been provided, it is considered that adequate information has been provided to demonstrate that the habitable rooms will be served by satisfactory natural light and meaningful outlook from the front.

(g) Impact in relation to nearby general or heavy industry, waste management, storage and distribution uses.

This criteria is not relevant in relation to the assessment of this application.

(h) Impact in relation to loss of services provided by a registered nursery, or a health centre

This criteria is not relevant in relation to the assessment of this application.

(i) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

The building is not more than 18 metres in height and does not contain 7 or more storeys. The proposal therefore does not meet the fire risk condition, and the fire safety impacts are not required to be considered.

Other conditions

Space Standards

A floorplan showing the total floorspace in square metres in relation to the dwelling unit has been submitted with this application and complies with the nationally described space standards.

Fire safety

There is a requirement for fire risk to be considered in relation to certain building types. The size of the building here does not require fire safety impacts on the intended occupants of the building to be considered at planning application stage; Building Regulations and other statutory fire safety requirements still however will apply.

Building operations

Class MA permits only a change of use and as such it is being brought to the attention of the application/ agent that building operations involving external alterations will require separate planning consent.

An informative will be attached to the decision notice advising the applicant of the need to obtain separate planning permission for external alterations materially affecting the appearance of the building.

Conclusion

The proposed change of use is considered acceptable in relation to the conditions and limitations detailed and discussed above.

6. CIL LIABILITY

No new floorspace is being created and the building is understood to have been occupied for a lawful use for at least six months continuously in the last three years, as such the proposal is not liable for CIL.

7. RECOMMENDATION

GRANT PRIOR APPROVAL subject to the following conditions:

Prior approval is granted under the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) England) Order 2015 (GPDO) for the change of use from commercial/business/service (Class E) to a dwellinghouse (Class C3) subject to the following conditions:

Conditions:

- 1 The development to which this permission relates must be begun no later than three years from the date of this decision notice, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed below, other than where those details are altered pursuant to the conditions of this planning permission.

Approved drawings list:

- 02
- 03
- Block Plan
- Planning Statement by KG Dated 16th January 2026

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The accommodation hereby approved shall be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

Reason: To comply with Article 3, Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 4 The proposed internal 1x secure cycle storage facilities as set out on plan number reference: 02 shall be provided prior to the first occupation of the use hereby permitted and such spaces shall be retained thereafter for this use only.

Reason: To promote sustainable modes of transport in accordance with Policy T5 of the London Plan 2021 and Policy SP7 of the Haringey Local Plan 2017.

- 5 All refuse and recycling bins shall be stored within the premises and not outside on the kerb/road accept for the scheduled collection days/times. As stated this is twice daily, 7 days a week.

Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of The Development Management DPD 2017 and Policy D4 of the London Plan 2021.

8 The development hereby permitted shall not be commenced until the following documents, in consultation with London Underground have been submitted to and approved in writing by the local planning authority which:

a) An assessment of railway noise and vibration shall be carried out and appropriate protective measures shall be taken to protect the users of the property and of other properties potentially affected as a result of the current development against noise and vibration.

Reason: To ensure that the development does not impact on existing London Underground/DLR transport infrastructure, in accordance with the London Plan 2021 Policy T3 and Sustainable Transport Walking and Cycling London Plan Guidance 2022.

Informatives:

INFORMATIVE: The new development will require numbering. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (street.naming@haringey.gov.uk) to arrange for the allocation of a suitable address. In order to proceed with 'Street Naming and Numbering', please use the following web link: <https://www.haringey.gov.uk/streets-roads-travel/street-licences-applications/streetbuilding-naming-numbering>

INFORMATIVE: Hours of Construction Work

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

and not at all on Sundays and Bank Holidays.

INFORMATIVE: Party Wall Act

The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

INFORMATIVE: Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

INFORMATIVE: Prior to demolition of existing buildings, an asbestos survey should be carried out to identify the location and type of asbestos containing materials. Any asbestos containing materials must be removed and disposed of in accordance with the correct procedure prior to any demolition or construction works carried out.

INFORMATIVE: This prior approval only relates to the change of use of the building and any works necessary to convert the building. Any external changes that materially affect the external appearance of the building may require separate planning consent.