



Appeal Decision

Site visit made on 3 August 2026

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2026

Appeal Ref: 6010529

108 The Avenue, Tottenham, Haringey, London N17 6TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Jay Sokal against the decision of the Council of the London Borough of Haringey.
- The application Ref is HGY/2026/0542.
- The development proposed is change of use from C4 small HMO to 1No 1-bedroom flat and 1No 3-bedroom flat.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal premises (No 108) is described as being a small HMO. Existing plans submitted alongside the appeal show that there are approximately 5 kitchen/living (K/L) areas over three floors and that 2 rooms also occupy bedrooms within the K/L creating what I saw to be studio units. The layout as shown on the existing plans is approximately what I observed, with the exception of the second floor within the main dwelling, where the room also contained a bench with a cooker and a sink. Externally, there were no obvious cycle stands, rather the front area contained approximately 6 standard refuse bins and 1 caddy. Notwithstanding the differences, I have determined the appeal based on the proposed plans that have been submitted with the exception of the study.
3. I note that the Council in its officer report describes the proposed study room within the ground floor flat as meeting the minimum requirement for a one bedspace single bedroom. However, whilst the Council changed the description of development on the officer report and Decision Notice to refer to the creation of 1 x 2 bedroom and 1 x 3-bedroom flats, the notification letters on the planning application sent to nearby neighbours and consultees describe the development as a 1 x 1 bedroom flat and a 1 x 3-bedroom flat.
4. Whilst I recognise that Councils have discretion as to whether or not future consultation is necessary¹, an increase in bedspaces would, in my mind, change the size and intensity of its occupation and would also likely increase the demand for long-stay cycle parking. There is little evidence before me to demonstrate the Council's reasoning behind why it did not re-consult. Therefore, given my findings, even if the room shown as a study on the proposed plans would meet the minimum requirement for a one bedspace single bedroom, I consider that the lack of re-consultation would have likely deprived those who were consulted on the application an opportunity to make any representations should they have wanted

¹ Planning Practice Guidance Paragraph: 026 Reference ID: 15-026-20190722

to. Therefore, in the interests of procedural fairness, I have determined the appeal based on the proposed plans.

5. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published and the main parties were provided with an opportunity to comment. I have had regard to the 2026 version of the Framework in my decision.
6. The Council has drawn my attention to an Enforcement case². Any enforcement process is a separate matter and falls outside the scope of my assessment, which must focus on the planning merits of the appeal proposal.

Main Issues

7. The main issues in this appeal are:
 - whether the conversion would be acceptable for subdivision having particular regard to local planning policy on conversion within the Family Housing Protection Zone (FHPZ); and,
 - the effect on living conditions of future occupiers with regards to cycle and refuse facilities; and floorspace for Flat 1 and outlook for Flat 2.

Reasons

Local planning policy

8. The appeal site (No 108) is a three-storey terraced house located within an established residential area. The proposed development would create a 1 bedroom / 2 person dwelling to the ground floor and a 3 bedroom / 4 person dwelling to the upper floors.
9. Policy DM16 of the Haringey's Development Management DPD 2017 (DPD) relates to residential conversions and seeks to retain a supply of larger family homes to meet Haringey's housing needs. It stipulates that the Council will only permit the conversion of larger homes to smaller self-contained homes subject to a number of criteria. Criterion B allows for conversions within the FHPZ, where it meets criteria (b-g) set out in Criteria A and where it would not lead to a net loss in the number of family-sized dwellings.
10. In terms of criterion A. b. this specifically refers to the gross original floor space of the existing dwelling being greater than 120sqm. The appellant does not dispute that the dwelling originally measured approximately 117sqm but contends that the property has been enlarged and now provides approximately 152.1sqm.
11. I acknowledge the property is now significantly larger than it was originally, and there would be no net loss in the number of family sized units, with the proposed 3-bedroom flat at the upper floors replacing the loss of a single-family unit. However, this does not outweigh the fact that the floor space of the original dwelling was below 120sqm and therefore considered too small for conversion by the standards set out in DPD Policy DM16.
12. I note that the appellant considers the DPD Policy overly rigid, however the policy nevertheless sets out a threshold against which proposals must be considered.

² ENF/2025/0571

Even if No 108 is now larger, the criterion refers only to the 'original' internal floor space. As such, the development would not comply with criterion A.b.

13. I conclude that the proposed development would result in the loss of a dwelling which had an original floor space of less than 120sqm. The proposal would therefore fail to comply with criterion A.b. of DPD Policy DM16.

Living conditions - Cycle and refuse provision

14. DPD Policy DM4 seeks to ensure, amongst other things, that all proposals make on-site provision for general waste, and the separation of recyclable materials and organic matter³. Criterion B. b. states that on-site provision should provide accessible and safe access for occupants, and this mirrors criterion A. c. of DPD Policy DM16. Policy DM4 also states that in flatted properties there should be convenient access to recycling.
15. Proposed plans show that the front external area could accommodate approximately 5 bicycles at right angles to the front boundary, with 2 refuse bins⁴ located on either side of the bay window. Notwithstanding this, the Council's Transportation section seeks further information to demonstrate the layout of the long-stay cycle parking and waste storage.
16. I have considered whether this detail could be dealt with by condition as suggested by the appellant, however I saw that to the ground floor front elevation of No 108 there was a bay window which projected into the front external amenity space. I also saw that the refuse bins associated with the property were aligned alongside the front boundary wall. Whilst these were parallel to the street and the front elevation of No 108, their overall length, position and depth noticeably reduced the remaining available space, particularly opposite the bay window. From my observations, even if bicycles could be accommodated opposite the refuse bins, I have little before me to demonstrate that either the refuse bins or bicycles furthest from the main door or gate could be accessed independently. I am therefore not persuaded that sufficient cycle and refuse provision could be accommodated to the front, or that they would be functional or accessible for future occupants. As such, I am not persuaded that otherwise unacceptable development could be made acceptable through the use of a condition.
17. For the above reasons, I conclude that it has not been demonstrated that adequate provision and access could be made with regard to refuse bin and cycle storage. Without adequate provision and access the proposed development would likely have a harmful effect on the living conditions of future occupiers, whereby the only most accessible refuse bins would likely be used. This would result in them overflowing into the street, and where bicycles would be stored within the dwellings reducing available living space. Accordingly, I find conflict with Policies DM4 and DM16 of the DPD which collectively seek to ensure that the provision and design of waste management facilities is accessible and convenient.

Living Conditions - Spacing standards and Outlook

18. The Council contend that the proposed ground floor flat (Flat 1) would be 2 bedroom and not 1 bedroom as shown on the proposed plans. As I have found above, even if the room shown as a study is large enough to meet the minimum

³ Criterion B

⁴ Four in total.

requirements for a single bedroom, this is not what was originally applied for or what the Council consulted on.

19. Policy SP2 of the DPD relates to housing and seeks, amongst other matters, to ensure design standards deliver quality homes in Haringey by meeting, criteria 1 to 4. Criteria 2 seeks to ensure that its design has regard to, amongst other things, the space standards in the London Plan 2021.
20. Policy D6 of the London Plan relates to housing quality and standards and seeks to ensure, amongst other things, housing developments meet the minimum standards set out in Table 3.1.
21. Table 3.1 sets out minimum gross internal floor areas and storage according to the type of dwelling and number of bedrooms. It states that a 1 bedroom/2-person unit over 1 storey should be 50sqm. The Council do not dispute that Flat 1 would measure approximately 52 sqm. This exceeds the minimum floor area set out in Table 3.1. Whilst the Council is silent on the matter of storage, given that the overall size of Flat 1 would exceed the minimum gross internal floor area, and my observations on site, the Flat would also likely be large enough to accommodate the required 1.5 sqm of storage.
22. Given the proposed unit would constitute a 1 bed 2-person unit, its overall floor area of approximately 52 sqm would comply with Policy D6. I therefore conclude that the proposed dwelling would provide future occupants of Flat 1 with a good standard of accommodation.
23. The proposed double bedroom in Flat 2 would be located to the front of the property within the second floor. This room is currently utilised as a kitchen/living room and has two roof lights. Both of these roof lights had coverings on at the time of my visit, and one rooflight was open which gave me an outlook of the sky. Even with the window coverings the room was fairly light.
24. The proposed plan shows that Flat 2 has two distinct habitable rooms on the first floor, with the living room to the front and the kitchen to the rear, with both rooms having windows in the ordinary sense. Given the primary function of a bedroom is to sleep, even if there is limited outlook from the double bedroom, the proposed layout of Flat 2 would nevertheless provide future occupants with a good standard of outlook during daytime hours from the majority of the remaining habitable rooms.
25. For the reasons given above, the proposed dwelling would accord with Policy D6 of the London Plan and Policies DM16 and SP2 of the DPD, which collectively seek to ensure development provides future intended occupiers with adequate levels of amenity.

Other Matters

26. The appellant contends that the Council has been inconsistent in its position given its planning history. Whilst the Council does not dispute that planning permission⁵ was approved in 1973 for the conversion of No 108 to 2 self-contained flats, I am also mindful planning permission was approved for the conversion of the ground and first floor flat into a single dwelling⁶. However, neither party have provided me with the circumstances surrounding these cases. While I recognise that the

⁵ Ref: OLD/1973/0044

⁶ Ref: HGY/2019/0678

appellant seeks to reinstate an earlier permission, a significant amount of time has elapsed since then, and the adopted plan is likely to have changed the planning circumstances.

27. The absence of harm with regard to neighbouring properties or character or appearance of the area and sustainable location are neutral matters in the overall planning balance, as this would be likely requirements of a well-designed development.

Planning Balance and Conclusion

28. The proposal would bring about a number of benefits, not least the provision of one dwelling to boost the housing supply. It would also have benefits to the local economy in subsequent occupation. Whilst these benefits can be afforded a modest degree of weight in favour of the scheme, they would be limited to the scale of the proposal. These benefits, together with the lack of harm with regard to internal living standards would not outweigh conflict with the development plan or the harm to the living conditions of future occupants with regard to the lack of accessible and convenient refuse and cycle provision.
29. The proposal therefore conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
30. Accordingly, I conclude that the appeal should be dismissed.

L Clark

INSPECTOR