

Officer Report

Application Number: HGY/2026/1923
Application Type: Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses
Address: First Floor Office, 4-6 Westbury Avenue, Wood Green, London, N22 6BN
Proposal: Application to determine if 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: Adam Silverwood
Valid Date: 28/07/2026
Applicant: 6
Gordon City Properties Ltd, c/o Agent
Agent: Gareth Stockbridge, Stuart Henley & Partners

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.

2. PLANNING HISTORY

There is no planning history relevant to the consideration of this application.

3. DESCRIPTION OF APPLICATION

The application site relates to an existing office unit located on the first floor of a two-storey commercial building located on Westbury Avenue. The ground floor is occupied by a large commercial unit that spans this property and linked property number 6 Westbury Road. The wider street consists of a variety of uses, with primarily commercial on the ground floor and either residential or commercial town centre uses on the first floor.

The application site is located within an article 4 zone (HMO's), Wood Green District Centre, Wood Green Primary Shopping Centre, East Haringey Family Housing Protection Zone and Picadilly Line Buffer zone.

The application is to determine if 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.

4. CONSULTATION RESPONSES

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

- Adjoining owners/ occupiers of 36 neighbouring properties were consulted.

No comments were received.

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).

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

(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: There is no planning history at this site. The only information submitted in support of the application to demonstrate the use of the premises is business rate valuations for the unit from February 2023 and April 2026 which has the unit rated as 'office and premises'. The Council has no other evidence to counter the claim that the building fell within one of the classes in sup-para (2) for a continuous period of at least 2 years prior to the application.

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

Comment: Complies, but no longer applicable.

- (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: The application is not located within any of the above designated areas.

(e) if the building is within an area of outstanding natural beauty/ National Park

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

or

(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 falls within an area that was previously covered by an Article 4 direction limiting the conversion from office use to residential use which came into force in June 2021. However, since this point, the direction is understood to have been cancelled and therefore no longer in force.

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 .

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.

Transport impacts of the development

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

The proposed site would replace office accommodation with a two bed three person flat. There is not considered to be a significant increase in trip generation to and from this site from this change of use. There is likewise not considered to be any concerns regarding the conversion of this office unit and its impact on the highways network.

The change of use retains the same access as that of the original office building and would provide two cycle space in accordance with the London Plan and the Haringey DMD. There would be cycle rails that would support the movement of bicycles from the ground to the first floor. Details of cycle parking could be secured by condition.

The proposed site would be located within a 5 minute walk of a London Underground station and several bus routes and is therefore considered to be in a highly sustainable travel environment.

Contamination risks

No information has been provided with regards to contamination risk as part of the submission. However, the unit is a first floor office above an existing large retail unit. The proposed change of use does not give rise to concerns with regards to contamination risks for future occupants.

Flood risk

There are no flooding risks in relation to the building. A flood risk assessment has been undertaken and provided as part of this application. No new hardstanding or additional structures are proposed as part of this development.

Impact of noise

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

Impact of change of use on character or sustainability of the conservation area

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

Provision of adequate natural light

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 it is shown that all habitable rooms will be served by a window, with both bedrooms served by windows on the western elevation and the kitchen/dining area served by a large expanse of glazing on the northern elevation. Whilst no daylight/sunlight report has been submitted, on the balance of probabilities, adequate light would be provided in all habitable rooms of the dwellinghouse.

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. 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.

Space Standards

A floorplan showing the total floorspace in square metres in relation to the dwelling unit(s) 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, building operations involving external alterations will require separate planning consent.

No external works are evidenced or considered to be necessary for the proposed change of use.

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 it is understood that the building has 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 single dwellinghouse (Class C3) subject to the following conditions:

Conditions:

- 1 The development must be completed within a period of 3 years starting with the date of this decision.

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).

- 2 The prior approval hereby approved must be carried out only in accordance with the plans as numbered below:

PL01: Existing/proposed floor plans

PL02: Block plan

Supporting Statement by Stuart Henley & Partners

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).

- 3 The accommodation hereby approved shall be used as a dwellinghouse by virtue of Class MA and 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 Prior to first occupation of the development, details of secure, covered and well-lit parking storage for bicycles within the development site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In accordance with policies TR2 and TR4 of the National Planning Policy Framework 2026.

Informatives:

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: 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: 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: 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>

The consent hereby approved relates only to the change of use, any external alterations to the building to facilitate the change of use which as 'operational development' require express permission.