

Application Number:	HGY/2023/0696
Application Type:	Full planning permission
Address:	77 Tottenham Lane, Hornsey, London, N8 9BE
Proposal:	Conversion of existing ground floor one bedroom flat (former retail unit) into two separate self-contained one-bedroom units (retrospective application).
Case Officer:	Laina Levassor
Valid Date:	13/06/2023
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Applicant:	Mr M. Moses
Agent:	Ms Mary Sim

RECOMMENDATION

Refuse

RELEVANT HISTORY

Planning Cases (8)

1. HGY/2022/1989 Planning permission granted - 30/8/2022

Installation of a new timber shopfront and doors.

2. HGY/2022/0615 Prior approval granted - 11/4/2022

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): conversion of part of the ground floor shop unit into residential C3 accommodation. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA.

3. HGY/2021/3380 Prior approval required - 14/1/2022

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): conversion of part of the ground floor shop unit into residential C3 accommodation. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA.

4. HGY/2021/2847 Prior approval refused - 15/11/2021

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): conversion of part of the ground floor shop unit into residential C3 accommodation. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA.

5. HGY/2020/2100 Prior approval required - 07/10/2020

Prior approval for change of use from A1 (retail) to A1 (retail) / C3 (dwellinghouse)

6. HGY/2018/3293 Planning permission refused - 20/12/2018

Erection of a 2 storey rear extension; change of use of rear section of ground floor retail unit into a 1 bed studio unit and conversion of an existing 4 bedroom flat into 1 x 1 bed + 1 x 2 bed flats.

7. HGY/2018/2701 Planning permission granted - 10/10/2018

Proposed 2 storey rear extension & change of use of rear section of ground floor retail unit into a 1 bed studio unit and conversion of an existing 4 bedroom flat into 1 x 1 bed + 1 x 2 bed flats.

8. HGY/2016/2754 Planning permission granted - 12/1/2017

Proposed 2 storey rear extension & Change of use of rear section of ground floor retail unit into a 1 bed studio unit and Conversion of an existing 4 bedroom flat into 2 x 1 bed flats

Enforcement Cases (3)

1. ENF/2023/0006 In Progress

Breach of Conditions

2. FCV/2018/00774 – Closed 07/05/2020

Change of Use - Flat Conversion

3. CON/2022/00581 - Closed 03/11/2022

Breach of Conditions

SITE DESCRIPTION

The subject property is a mid-terraced building within an established shopping parade. The long parade is composed mainly of three-storey buildings with commercial premises occupying the ground floors. The property is not located within a conservation area or close to any listed buildings. The site does form part of the designated frontage of the Tottenham Lane East Local Centre.

CONSULTATION RESPONSES

Five representations were received in response to the notification and publicity of this application. The following material considerations were raised and are addressed within the next section of this report:

- Resultant substandard living accommodation
- Resultant parking stress and access issues
- Overcrowding
- Resultant refuse issues

ANAYLYSIS/ASSESSMENT OF THE APPLICATION

This application seeks retrospective permission for the conversion of an existing residential unit (1 x bedroom flat) to two residential units (2 x 1 bedroom flats).

Residential use of the entirety of the ground floor was assessed under an application for prior approval (Use Class E to C3) under reference HGY/2022/0615 and approved for meeting conditions and regulations as set out in Schedule 2, Part 3, Class MA. A condition of this permission was the development as permitted should be carried out in accordance with the approved plans. Residential use of the rear of the building was assessed under application HGY/2018/2701 where consent was given for a single-storey rear extension to facilitate the provision of a 1 x bedroom self-contained unit with outdoor amenity space. Approved plans retained the retail unit to the front of the building.

Plans for this application show the residential unit as permitted by HGY/2022/0615 as pre-existing. This use is since interrupted and therefore, is not considered the lawful use. This application incorporates the scale of the rear unit as proposed under HGY/2018/2701 whilst minimising the unit as allowed under HGY/2022/0615.

Policy SP2 of Haringey's Local Plan seeks to ensure that all new development within the borough delivers quality homes that meet the minimum design and space standards set out in the London Plan. Policy D6 of the London Plan requires housing development to be of high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. Housing developments are required to meet the minimum standards as set out in Table 3.1 which apply to all tenures and all residential accommodation that is self-contained, including conversions and change of use. Dwellings must provide at least the gross internal floor area and built-in storage area set out in Table 3.1.

Flat 1 (Front) provides a 1 bedroom unit with a single bedspace with 37.7sqm floorspace.
Flat 2 (Rear) provides a 1 bedroom unit with a single bedspace with 38.8sqm floorspace.

For a unit offering 1 bedroom, 1 bedspace set across a single storey, Table 3.1 requires a minimum of 39sqm, or 37sqm where a shower room is provided in place of a bathroom. Whilst both units meet these requirements, the space standards detailed within this table are minimums which applicants are encouraged to exceed and do not outweigh other considerations for the delivery of high-quality residential units.

Policy DM1 of Haringey's Development Management DPD, Delivering High-Quality Design, seeks to ensure proposals offer a high standard of privacy and amenity for the development's users and neighbours, providing appropriate sunlight, daylight and open aspects (including private amenity space where required) to all parts of the development.

Policy D6 of the London Plan promotes dual-aspect dwellings with openable windows on at least two sides of the dwelling, stating single aspect should normally be avoided. Where single-aspect dwellings are acceptable, they must demonstrate adequate passive ventilation, privacy and daylight and that the orientation enhances amenity, including views. The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

The proposed front unit makes use of a former commercial unit, set within a parade of buildings. External light resources and outlook for the majority of the unit are limited to the shopfront window which in order to retain the privacy of any future occupants, are to be obscured. Where non-obscured, windows sit above head and eye level, providing low quality outlook. The only additional window for the unit is a small transom window set above the rear infill extension (which forms part of the rear unit) and internally, placed above built-in storage which is above head/eye level and offers no outlook - in addition to this would also offer minimal daylight due to its size and siting.

Policy D6 states a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings and that all dwellings should have level access to one or more of the following forms of private outside spaces: a garden, terrace, roof garden, courtyard garden or balcony. As proposed, the proposed front unit would not benefit from any outdoor amenity space.

Policy DM4 requires all proposals to provide on-site provision for general waste, recycling and organic material for composting. This on-site provision must ensure adequate dedicated internal and external storage space to manage the volume of waste arising from the site. Policy also requires that

refuse storage is located and screened to avoid nuisance and adverse impact on visual and other amenity to occupiers and neighbouring uses.

Residential development should ensure that the experience of arrival, via footpaths, entrances and shared circulation spaces is comfortable, accessible and fit for purpose - the primary and sole access to the front unit makes use of the existing shop frontage where the living space is accessed directly from the street, limiting privacy for occupiers and security. Development should provide sufficient levels of secure, covered and conveniently located externally accessible storage for deliveries and other bulky items and recycling and waste disposal - the street-facing façade does not allow for space for the adequate provision of external storage or refuse facilities. The application as submitted fails to satisfy Policy DM4 of the Development Management DPD requirements to provide adequate external storage for waste.

In addition to failing to provide adequate storage and waste facilities, the proposal also fails to include appropriate cycle parking provisions for the front unit. 4 cycle parking spaces are shown as approved in consent HGY/2018/2701 to the rear unit however, these are only accessible from the rear unit or from access to Harvey Mews and the application form states that there are no additional cycle parking spaces proposed as part of this submission so these are not considered to contribute towards the front unit. London Cycling Design Standards recommends cycle parking provisions are well located, close to the entrance of the property - if this cycle parking were to be shared between both units, the siting of the storage would not be considered acceptable or easily accessed for both units.

Policy SP10 of the Local Plan seeks to protect and enhance Haringey's Town Centres. Tottenham Lane East is recognised as one of Haringey's Local Shopping Centres which provide for the day-to-day needs of people living, working and staying nearby. The surrounding area offers a mix of retail and residential, comprised of buildings with ground-floor commercial units and residential units throughout upper floors, it is therefore not considered that there is a need to intensify residential use where it is sufficient as existing. Replacement of a commercial unit within a Local Shopping Centre is considered to threaten and harm the character, function, vitality and viability of the centre and general area, contrary to the aims of SP10.

CONCLUSION

The unauthorised conversion of the ground floor level into two flats has resulted in the loss of existing retail floorspace in a protected Town Centre and sub-standard residential accommodation in breach of previous planning permissions, contrary to Reginal and Local policies as listed above. All other relevant policies and considerations, including equalities, have been taken into account.

Refusal Reasons:

The proposed development would result in substandard accommodation by reason of poor outlook, inadequate natural lighting, inadequate ventilation and lack of private amenity contrary to Policy D6 of the London Plan, Policy SP2 of Haringey's Local Plan and Policy DM1 of Haringey's Development Management DPD.

The proposed development fails to provide any on-site provision for refuse, cycle and external storage, contrary to Policy D6 of the London Plan, Policy SP2 of Haringey's Local Plan and Policy

DM4, DM35 of Haringey's Development Management DPD.

The proposal would contribute to harming the character, function, vitality and viability of one of Haringey's Local Shopping Centres, contrary to the aims of Policy SP10 of Haringey's Local Plan.