



# Appeal Decision

Hearing held on 7 February 2001

by D J MUMFORD BA MRTPI

an Inspector appointed by the Secretary of State for the  
Environment, Transport and the Regions

The Planning Inspectorate  
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Date

9 MAR 2001

**Appeal Ref: APP/Y5420/A/00/1053324**

**100 Myddleton Road, London N22**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr S K Mehta against the decision of the London Borough of Haringey.
- The application (ref: HGY/058258), dated 29 March 2000, was refused by notice dated 27 June 2000.
- The development proposed is described in the application as to convert the rear store on the ground floor as a flat and keep the front as a shop.

**Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.**

## Procedural Matters

1. The proposal is described by the Council as the change of use of rear of shop to residential use (a self contained flat). I accept that that gives a slightly clearer description of the development proposed.
2. It became apparent at the hearing and site visit that the plans were slightly incomplete in that (i) there is a small single storey extension at the back of the building on the ground floor, not shown on plan 672.1, and (ii) there are no elevation plans showing the proposed kitchen and bedroom windows. I do not consider that the former omission affects the merits of the case and the Council agreed that the latter omission could be covered by condition if necessary.

## Main Issues

3. From my inspection of the site and surroundings and from the submissions made, both at the hearing and in writing, I consider that the main issues in this case are first whether the proposal would provide adequate living conditions for future occupants and secondly the impact of the proposal on the vitality and viability of the Myddleton Road shopping centre.

## Planning Policy

4. The Act requires that planning applications and appeals are to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan here comprises the Haringey Unitary Development Plan (UDP). Policy HSG 1.3 permits changes of use to residential purposes provided that the accommodation results in fully acceptable living conditions, the surrounding environment is appropriate to the form of residential accommodation being provided and the change would help satisfy local housing needs. Policy HSG 2.7 requires all flats to be self contained (with their own

private entrance door from the street or common entrance hall, which leads into a lobby or hallway). In relation to Local Shopping Centres, policy STC 1.6 advises that proposals should not cause significant harm to the convenience, attractiveness, vitality and viability of the local centre.

5. Supplementary Planning Guidance (SPG) 2.4 deals specifically with the conversion of residential properties. This sets overall space standards, layout requirements and minimum room sizes, amongst other things not at issue or not relevant here. As this has been produced after public consultation and has been adopted by the Council, I give it substantial weight in accordance with the advice in Planning Policy Guidance Note 12 – *Development Plans*.

### **Reasons**

6. The appeal site comprises a ground floor shop unit with rear store, in a terrace of similar 3 storey buildings comprising shops with flats above. The proposal would retain the front part of the shop, converting the rear store to a small flat, intended to lead off the hallway giving access to the flat above the shop.

### **Living Conditions**

7. The flat would be self contained and have its own front entrance door. It would contain 43.75m<sup>2</sup> floorspace, which is slightly below the 48m<sup>2</sup> suggested minimum floor area put forward in the SPG for a 1 bedroom flat, but individual room sizes would meet the minimum sizes suggested. However, the Council object to the internal layout of the flat because access to all rooms would not be from a hallway, as the kitchen and bathroom would lead off the living room (the latter through an intervening lobby). Although the layout of the flat above the proposal is not known, it was agreed at the hearing that any noise insulation needed would be covered by the requirements of the Building Regulations.
8. I acknowledge that the layout of the flat would not be ideal, but in the case of conversions it is not always possible to achieve the standards that might be applied to new build development. In this case I do not consider that the small shortfall in overall floorspace is itself a crucial matter. At the hearing the Council accepted that the proposed layout was not disastrous, even if a different layout would be preferable. In my view the layout shortcomings are not sufficiently serious to warrant dismissing the appeal on that ground, especially bearing in mind that this proposal is for a one bedroom flat that would accommodate only one or two people.
9. I conclude that the proposal would provide acceptable living conditions for future occupiers and that although it would not fully meet the advice of the SPG, this shortfall is not serious and that the proposal would comply with policies HSG 1.3 and HSG 2.7

### **Vitality of shopping centre**

10. The site is located in a local shopping centre, which fronts both sides of the western part of Myddleton Road. I saw that many of the shop units are empty. Despite the heavy on-street parking I formed the impression that the shopping centre is suffering from a serious loss of vitality, with few shoppers about at the time of my visit around mid-day. The Council contend that the reduction in the size of the shop unit (particularly removing its current storage space) would render it unattractive to any future trader, and that this would in turn harm the vitality of the shopping centre.

11. I accept that the shopping centre is in a delicate state and that harmful changes should be avoided. However, there is no specific evidence that there is a demand for shop units here of the size of the current shop unit, and the number of empty shops suggests a distinct lack of demand. Conversely, the appellant states that he has a potential tenant for the premises who does not need substantial storage space. I see no point in insisting that the current shop unit be retained, when there is clearly no demand for it, and denying its occupation to someone who might want a smaller unit and who would bring some life to the shopping centre by occupying a unit which would otherwise be likely to remain empty.
12. I am not convinced by the Council's argument that all traders would necessarily want or need substantial storage space and consider that the proposal would not harm the vitality and viability of the Myddleton Road shopping centre, or conflict with UDP policy STC 1.6.

#### ***Other matters***

13. The site lies within the Bowes Park Conservation Area, and I have therefore considered, in accordance with statutory requirements, whether or not the proposal would preserve or enhance the character or appearance of the Area. The Council have not provided a character statement but I saw that the Area is generally residential in character, the houses mostly comprising terraces of 2 and 3 storey Victorian houses, with some more modern infill development. I have already referred to the shopping centre in the western part of Myddleton Road, which lies within the Conservation Area. The proposal would not alter the appearance of the building (apart from the insertion of small windows at the back). The proposed residential use would be entirely compatible with the underlying residential character of the area. I acknowledge that any diminution in the vitality of the shopping centre could harm the overall character of the Conservation Area but as I have concluded that the proposal would not harm that vitality I do not consider that any such harm would arise. In my view therefore the proposal would preserve the character and appearance of the Bowes Park Conservation Area.

#### **Conditions**

14. As discussed at the hearing a condition concerning the insertion of windows would be appropriate in the event of a successful appeal, as these details are not provided in the application, and to ensure that the proposal has a satisfactory appearance.

#### **Conclusions**

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

#### **Formal Decision**

16. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for a change of use of rear of shop to residential use (self contained flat) at 100 Myddleton Road, London N22 in accordance with the terms of the application No: HGY/058258 dated 29 March 2000, and the plans submitted therewith, subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.

- 2) Before the development hereby permitted is commenced, details of the proposed bedroom and kitchen windows indicated on plan 672.2 shall be submitted to and approved by the local planning authority and such windows shall be installed before the development is occupied.

**Information**

17. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.
18. This decision does not convey any approval or consent that may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990. In particular this permission does not imply any right to use the hallway giving access to the upper flat without that owner's permission.
19. Attention is drawn to the provisions of section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

*D. J. Mumford*

INSPECTOR