The Planning Inspectorate

Appeal Decision

Site visit made on 30 March 2016

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 April 2016

Appeal Ref: APP/Y5420/W/15/3140938
132A Arcadian Gardens, Wood Green, London N22 5AE

- 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 M Kaya against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2015/2662, dated 7 September 2015, was refused by notice dated 6 November 2015.
- The development is the retention of existing HMO use for 5 rooms.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Although all parties were notified about the date and time of the site visit there was no appearance from a representative from the Council. I therefore proceeded on the basis of an unaccompanied site visit having been given access by the appellant and his agent to the individual rooms and garden area of the property.

3. The application was submitted at the same time as two similar applications for Houses in Multiple Occupation (HMO) at the adjoining properties Nos 132 and 134 Arcadian Gardens. Both proposals were refused permission for the same reasons as the current appeal and conjoined appeals have also been lodged against those refusals, which are subject to separate decisions[1]. Whilst I have considered the merits of each proposal separately, the issues raised are the same given that the size of property and internal configurations of floorspace for each property are very similar.

Main Issues

4. The main issues are: the effect of the proposal on the supply of family housing in the District; and whether the proposal would provide satisfactory living conditions for future occupiers of the House in Multiple Occupation (HMO).

Reasons

5. The appeal property comprises a two storey terraced house located on the southern side of Arcadian Gardens. Although the adjoining terraced properties on either side are of some age, No 132A was constructed recently but to a

[1] Appeal References APP/Y5420/W/15/3140941 and 3140943.

similar style[2]. A single storey rear extension and a rear roof addition have also been added together with a detached outbuilding at the rear of the site. At the time of my site visit the property was occupied as an HMO although a ground floor room was empty as well as the rear outbuilding, both of which appeared to have been occupied for living accommodation at some stage.

6. The area is characterised by similar terraced properties on either side of Arcadian Gardens and I observed that there is a mixture of residential uses including multiple occupancy and some properties which appear to be still in use as single family dwellings.

7. The Council's policy approach towards HMOs in its Unitary Development Plan 2006 (UDP) has been to recognise that such uses can form an important source of low cost accommodation for certain households but that an over intensification can result in loss of family housing and other potential environmental problems. Consequently the policy approach in Saved Policy HSG6 has been to grant permission for HMOs subject to certain criteria. Two of these stipulate that the floor area should be greater than 120 sq. m and that it would not result in more than 20% of houses in the street being an HMO. Certain areas are also restricted from conversions to multiple occupancy as set out in Policy HSG11, although the Council has stated that the appeal site does not fall within any of those areas.

8. The above approach appears to be carried forward in the Council's emerging Development Management Development Plan Document (DPD) which the Council has consulted on and which is shortly to be the subject of an examination. Emerging Policy DM17 deals with HMOs and largely carries forward the main objectives of saved Policies HSG6 and HSG11 above, together with other criteria. Emerging Policy DM16, amongst other requirements, looks to resist conversions of houses with an original gross floorspace of under 120 sq. m within the Family Housing Protection Zone. The Council advises that the site is located within that zone. I attach some weight to those policies given the extent of public consultations carried out to date.

9. In addition to the above, Strategic Policy SP2 of the Council's Local Plan Strategic Policies 2013 (LP) looks to maximise the supply of additional housing but makes it clear that housing standards should be complied with and there should be an affordable mix of unit size and type of dwellings.

10. The above approach appears to me to be well conceived in that it recognises that a balance has to be struck in order to ensure that needs of certain households are catered for whilst at the same time ensuring a continuing supply of family housing and to prevent environmental issues developing if there was an over concentration of HMOS in any one residential area.

11. In the above context, I note that the property was granted permission very recently on the basis of it being a single family dwelling. The Council advises that the gross floorspace as approved was originally 97 sq. m although as noted above it has since been extended. There are no figures for the extended property before me and saved Policy HSG6 is not specific as to whether it applies to the original gross area or as subsequently extended. However, the

[2] Application Ref HGY/2014/1229

original figure would seem to me to be a more appropriate indicator; otherwise the objectives behind the Council's policy approach to retain family housing could be undermined by cumulative extensions over time. I note that the Council has clarified that it is the original gross floorspace figure which is the relevant figure to be considered in its emerging Policies DM16 and DM17.

12. Notwithstanding the above, the other strand to the policy approach is to prevent conversions to HMOs where it would result in more than 20% of houses in the street being HMO and/or conversions. The Council has estimated that currently there are approximately 50% of properties in the street converted to smaller residential units or HMOs and I note that the appellant has not disputed that. From my own observations walking up and down the whole length of Arcadian Gardens I am not surprised by the Council's estimate and whatever the precise figure is, it would appear to be significantly greater than the 20% policy figure. I also note the evidence from local representations made that there are concerns in the area relating to anti-social behaviour, noise, insufficient parking and insufficient waste bins. In my view such issues are all indicators of an area under some stress from an over concentration of conversions and HMOs.

13. Drawing the above together, I acknowledge the appellant's argument that the HMO provides valuable affordable units to those in need of such accommodation and I have no doubts that is the case. However a balance needs to be struck in order for the Council's objectives to be achieved in terms of maintaining a supply of family housing within the District. Given the number of properties already converted to some form of multiple occupation, that balance already appears to be weighted in favour of such properties and would be made worse by allowing a further permission for the conversion of a property which seems to be entirely suitable for single family use. In that respect there is no evidence before me to suggest why that would not be the case.

14. Given the above, I agree with the Council that the proposal would result in the loss of family housing for which there is an identified need. It would therefore be contrary to Saved Policies HS6 and HSG11 of the UDP, Policy SP2 of the LP and emerging Policies DM16 and DM17 of the DPD.

15. Turning to living conditions I note that the application proposal is described as an HMO use for 5 rooms. I assume that is a reference to provide for 5 bedrooms which would leave an additional room on the ground floor plus a large kitchen and 3 separate bathroom facilities available for joint use, together with the rear garden and outbuilding. From my inspection of the premises, the rooms appeared to be of good size, well lit with natural daylight and with a good standard of facilities. However, I note that no plans were submitted with the application to provide supporting details of room arrangements, relative sizes, intended numbers of occupants or how other internal accommodation would be organised. There is no additional information in the grounds of appeal or other evidence before me that relates to that. Whilst such information may also be required by other regulatory departments of the Council at a later stage, it is also important to have that information at the planning stage as part of an assessment of the suitability of a property for an HMO. Without such information it is not possible at this stage to reach a finding as to whether the proposed HMO would provide satisfactory living conditions or not. Accordingly, in the absence of such information the proposal would be contrary to Policies

3.5, 7.4 and 7.6 of the London Plan, Policies SP2 and SP11 of the LP, Saved Policy UD3 of the UDP and the Mayor of London's Supplementary Planning Guidance 2012.

16. With regard to other matters, I note that the site is within a very sustainable location with good access to public transport. On- street parking was well used at the time of my site visit but spaces were available and I note that the Council has advised that the site does not fall within an area suffering from a high level of on-street parking pressures. Whilst I agree with the Council that parking issues would not be decisive in their own right, the cumulative effect of allowing further conversions may create on-street parking issues. It is thus a further area of concern and a reason to support the overall policy approach of restricting the numbers of conversion in any one area or street.

17. Whilst I note concerns regarding amenity, given the general character of the area which already accommodates a high level of conversions and consequently increased levels of activity, I do not consider the proposal would necessarily cause harm in that respect, subject to details of refuse provision, form of accommodation and numbers of persons involved, which as set out above, is missing from the application. I acknowledge concerns from neighbouring property regarding overlooking from the rear dormer accommodation. However I noted there were other similar dormer extensions in the vicinity and that such accommodation could be provided under permitted development rights provided it complied with certain criteria. I do not therefore consider such concerns would justify a refusal for those reasons. Finally, with regard to concerns about loss of property values, I agree with the Council that such issues are not material land use planning considerations.

18. Although I acknowledge that the HMO provides a need for local persons seeking such accommodation, it would result in the loss of suitable family housing, a need for which the Council has also identified. I note the appellant's claim that a high standard of living facilities would be provided although in the absence of detailed information I cannot determine whether that would be the case in that what is actually proposed may be different to what I observed on site. I also note that the property has been built to a sustainable design and construction but such standards should also apply to family housing and is not a factor which overrides the wider conflict with policy in terms of the number of existing HMOs and other residential conversions within the vicinity.

19. Accordingly, for the reasons and conflict with policies set out above, the appeal should be dismissed.

Kim Bennett

INSPECTOR