

Application for removal or variation of a condition following grant of planning permission. Town and Country Planning Act 1990

Re: Planning Permission HGY/2018/1327 Decision Notice dated 13/06/2018

<http://www.planningservices.haringey.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=332853>

The applicant makes this application to vary Condition 6 of the Planning Consent (**HGY/2018/1327**) to allow for the short-term occupation of the garden room up to the maximum number of nights allowable in accordance with The Deregulation Act of 2015.

In relation to issues that were raised in representations that are material to the determination of the application, item 5.2 of the Officers Report states:

The proposed rear garden outbuilding is tantamount to a new dwelling (A condition has been included to ensure the use of the building remains ancillary to the main dwelling)

Section 8 (Recommendations), Condition 6 of the Officers delegated Report states:

The development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 14 Lansdowne Road, N10 2AU and shall not be used as an independent dwelling or for commercial purposes, without the prior approval in writing of the local planning authority.

Reason: In the interests of the amenities of the area and to comply with London Plan 2016 Policy 3.5 and Haringey Local Plan 2017 Policy SP2 which set out appropriate standards and requirements for all new dwellings.

Letter Statement to go along with the application

We draw your attention to the following material points:

1. Albeit the applicants are **not** proposing a self-contained dwelling, the garden room complies in full with London Plan 2016 Policy 3.5. Quality & Design of Housing Developments (superseded by London Plan 2021 Policies D4, D5 and D6) for the following reasons:
 - The garden room has been built in accordance with planning regulations and has received a full certificate of compliance from Building Control
 - The materials used for the facing bricks of the brick / block cavity walls match the brick elevations approved by Haringey in separate conditions imposed on the development consented in HGY/2018/1327.
 - The building is of the highest quality internally (see appended internal photo schedule)
 - The building has no adverse impact on either the principal dwelling or the neighbouring dwellings
2. Haringey Local Plan 2017 policy SP2 does not apply in this case. The garden room is not considered a new home in its own right.
3. The intention of the condition is to ensure the garden room cannot be used as a dwelling in its own right, and no form of tenancy or regularised rental occupation could be crystallised. There is no scenario in which any legal tenancy could be entered in to, or the garden room viewed as a self-contained dwelling.
 - The garden room has no kitchen and no means of preparing food, including no microwave oven – as evidenced in the appended photo schedule.

- LB Haringey's published guidance states that no permission is required for the temporary sleeping accommodation requested – see link to the relevant guidance below

<https://www.haringey.gov.uk/planning-and-building-control/planning/planning-applications/pre-application-guidance/planning-advice-common-projects#short-term-letting>

4. Planning permission for the garden building was sought only as an after-thought following the application for the ground and first floor extension. The footprint of the building falls within the allowable dimensions acceptable under permitted development rights. The only volumetric difference results from the height of the garden building being 500mm greater than that which would be considered acceptable under Permitted Development. As such, if the applicants had constructed the room 500mm lower (or the applicants subsequently choose to reduce the overall height by 500mm) no planning condition would be imposed, and the applicants would be within their rights to let the room as temporary sleeping accommodation, unhindered by onerous conditions.
5. There is no doubt that the right currently exists for the applicants to let either their entire house **including the garden room**, or a room (or rooms) in their house, for up to 90 nights per year under LB Haringey's published guidance and the terms of The Deregulation Act 2015.
6. The garden room has been occupied by people who make a significant contribution to the local economy. As evidenced by reviews from guests, people stay in the room largely because of the proximity to Alexandra Palace and Tottenham Football Stadium. Guests have been working / exhibiting / visiting for the Knitting & Stitching show, the Yoga Show, Soap Box Race, concerts and other events. These are people supporting the local economy including F&B, transport and recreation.
7. From an operational perspective, each guest is carefully vetted prior to accepting a booking - both by the applicants personally, as well as being verified by the AirBnB platform. The garden room is located within the Title boundary of the applicants primary residence, and they remain in residence when guests stay. There has never been a noise complaint from neighbours, security issues or any adverse or negative impact on the amenity of any neighbours. The entirety of the garden, together with the exterior of the garden room is covered by 24 hour full colour CCTV – a point made clear to guests both pre-stay and during. Furthermore, if there was ever a noise or amenity issue, the property principally impacted would be number 14 – the applicants own residential property.
8. The maximum occupancy is 2 people. There is no doubt that temporary sleeping accommodation does not present an unsafe or noisy activity.
9. Access to the garden room is via secure, code-operated gate entry to the side of Number 14, and at no point does access to the garden room require the crossing of any neighbouring land.
10. Only 1 visitor has arrived by car. Notwithstanding, Lansdowne Road enjoys unrestricted parking. The general public are free to park on Lansdowne Road for concerts, access to Alexandra Palace playground and pond, or to visit The Laboratory Gym. There is no impact on the amenity of neighbours as a result of increased car usage due to the garden room.
11. There is no doubt that the use of the garden room remains ancillary to the main dwelling even when used as temporary sleeping accommodation.
12. There is significant precedent for this use within LB Haringey. The following links are examples of garden rooms – **ALL** within Haringey – that do not have any similar onerous or restrictive condition imposed upon them.

https://www.airbnb.co.uk/rooms/54325278?adults=2&children=0&infants=0&check_in=2023-05-05&check_out=2023-05-07&source_impression_id=p3_1666201054_BqHHB%2Bb%2BnhI%2Bi5cA

https://www.airbnb.co.uk/rooms/37901201?adults=2&children=0&infants=0&check_in=2023-05-05&check_out=2023-05-07&source_impression_id=p3_1666201074_7emNDLvXHXadR5jK

https://www.airbnb.co.uk/rooms/41335431?adults=2&children=0&infants=0&check_in=2023-05-05&check_out=2023-05-07&source_impression_id=p3_1666201097_eIln08XroqQ3fse%2B0

https://www.airbnb.co.uk/rooms/52330524?adults=2&children=0&infants=0&check_in=2023-05-05&check_out=2023-05-07&source_impression_id=p3_1666201113_bPrpLU1fTDEMhAMg

Summary:

For the reasons listed above, the applicants are applying to amend the condition to permit the garden room to be used as temporary sleeping accommodation in compliance with LB Haringey's published guidance and the Deregulation Act 2015. The applicants are prepared to retain the obligation not to use the room for any commercial purposes outside of this allowance. To that end the following wording addition in bold type is suggested:

*The development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 14 Lansdowne Road, N10 2AU and shall not be used as an independent dwelling or for commercial purposes, **other than as temporary sleeping accommodation for a maximum number of nights as stipulated in London Borough of Haringey's published guidance together with The Deregulation Act 2015**, without the prior approval in writing of the local planning authority.*