

Officer's Report

Application Number	HGY/2022/4357
Type	Full planning permission
Location	17 Denmark Street, Tottenham, London, N17 0JL
Proposal	Retrospective application for the change of use from a dwelling house (Use Class C3) to an HMO (Use Class C4) for up to 6 occupants, with associated refuse storage and cycle parking.
Case Officer	Laina Levassor
Valid Date	07/12/2022
Applicant	MR MURAT DEMIRCIVI
Agent	ALI KOSELE

RECOMMENDATION

Refuse

SITE HISTORY

The planning history of the site has been taken into account when coming to this decision:

Planning History:

HGY/2021/0566 - Not Required

Erection of a single storey extension which extends beyond the rear wall of the original house by 6m, for which the maximum height would be 3.2m and for which the height of the eaves would be 2.75m

Enforcement History:

ENF/2023/0015 – In Progress

Unauthorised change of use to House in Multiple Occupation

SITE DESCRIPTION

This application relates to a two storey property located on the Eastern side of Denmark Street. The application site is not within any conservation area and does not fall within the curtilage of any listed buildings.

The site is covered by an Article 4 Direction for HMO's and is within the designated Family Housing Protection Zone.

CONSULTATION RESPONSES

The responses below were received following notification of this application:

PROPOSED DEVELOPMENT

This application proposes the change of use of the property from a single family dwelling (Use Class C3) to a HMO for up to 5 occupants (Use Class C4), with associated refuse and cycle storage.

Conversion from C3 to C4:

The site address is within the Northumberland Park Ward, covered by an adopted Article 4 Direction for Houses in Multiple Occupation (HMO) which removes permitted development rights for change of use from dwelling houses (Use Class C3) to houses in multiple occupation (Use Class C4). The direction, which came into force on the 30 November 2013, means that planning permission is required in areas covered, for this type of development.

The application form details the existing use of the property as a C3 Dwellinghouse, proposing a change of use to a C4 HMO. The application form also confirms that use has already commenced as of 01/02/2021.

Use Class C4 is defined as Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

Proposed floor plans (Drawing No: DS22-04) shows a communal lounge, kitchen and dining area at ground floor level, 1 x double bedroom with ensuite and 1 x single bedroom with ensuite at first floor level, with 2 x single bedroom with ensuites at second floor/roof level – totalling 5 occupant spaces.

Policy DM17: Houses in Multiple Occupation (Development Management DPD 2017), states that conversion is only permitted where:

- a. The gross original internal floor space of the existing dwelling is greater than 120m²;

The property benefits from extensions undertaken as part of applications made under permitted development meant for the benefit of single family dwellings.

Policy requirements refer to original internal floorspace which is not inclusive of any extensions made to the property. 'Original' refers to internal floorspace, not including any extensions made to the property. Measurements for this area have been taken using floorplans provided and scaled. Original internal floorspace measures approximately 87.63sqm at maximum, failing to meet minimum floorspace requirements.

Reason for refusal: The original, un-extended floorspace fails to meet the minimum floorspace requirements, as set out in Policy DM16 of the Haringey Development Management Document which requires a total of more than 120sqm.

- b. They do not give rise to any significant adverse amenity impact(s) on the surrounding neighbourhood, including cumulative impacts arising from an over concentration of HMOs within an area;

A HMO license was issued by the council, dated 11/11/2021 – 10/11/2026. This license restricts the maximum number of occupants to 5.

The site falls within an area covered by an Article 4 Direction, which came into effect November 2013, enabling the LPA to control and manage the number of HMO's within the borough, introduced as justified by issues relating to the east of the borough. The justification for this concluded there is an over concentration of HMO accommodation in this part of the borough. In response to consultations made as part of this process, concerns were raised by residents

including excessive noise, issues relating to rubbish, the resultant transient population, increased anti-social behaviours, poorly maintained properties, and increased criminal activity.

Analysed evidence suggests links between HMO concentrations and issues which create adverse amenity impacts. This is further supported by consultation responses to previous applications and appeals.

The lawful use of the property is as a three bedroom (un-extended), single family dwelling. It has been found that the introduction of two or more households into a single family dwellinghouse greatly increases the intensity of use and noise generated. In this instance, proposed is an HMO capable of occupying 5 people as 5 households, which is not considered typical of a home within a residential setting of this character. It is accepted that a dwellinghouse could have this number of adult occupants however, this would be an usual situation for a property of this size.

The comings and goings of 5 adult occupants and any resultant disturbance is likely to depend on lifestyle and working patterns with occupants expected to be entering the site at different times to other residents, this is considered alongside the fact that 5 separate households are likely to receive visitors, also that the garden amenity space is to be accessed by all residents and their visitors which would lead to increased activity in excess of that of a typical family dwelling where inhabitants would reside as a single household, not 5 separate households.. The layout of the property would also differ to that of a family dwelling where you would more often than not have a living area and dining space (as shown on the original layout), where these rooms would not be occupied by tenants who are likely to use their bedrooms as a living space due to a lack of communal areas within the property, other than the kitchen, which is different to the function of a family home.

Haringey Development Management Development Plan Document policy DM1 Delivering High Quality Design advocates for the resistant of 'bad neighbour' uses, including developments where impacts may include additional noise, should be resisted. The Council also takes the position that mitigation measures may not fully overcome the issues of noise and disturbance.

Additionally, London Plan Policy 7.15 requires development proposals to seek to reduce noise and manage the effects of noise. The Housing SPG describes the management of noise impacts as 'another important aspect of retreat and privacy in a dwelling... Noise from the street and adjoining properties can cause stress, sleep disturbance and friction between neighbours as recognised in the NPPF' (2.3.34)

Issues of noise and anti-social behaviour were raised in objections made to past and current applications. In the absence of evidence that any noise and disturbance to neighbouring properties could be effectively managed or mitigated, it is not demonstrated that this conversion would not have a harmful impact on neighbouring properties and the wider residential area. In addition to this, where in some periods there may be no problems with noise transmission or disturbance between neighbours due to occupation by reasonable tenants who have proper regard to their neighbours, it is not possible to ensure this remains the case.

The fact that there was justified need to introduce an Article 4 Direction for HMO's in this part of the borough, serves as sufficient evidence to demonstrate that there is already a high concentration of HMO's in the area.

The issue of a HMO license does not equate to planning permission for use as an HMO. In addition to this, it must be recognised that not all properties in use as HMOs will have sought appropriate licensing and therefore may not be included in records. Without investigation of the surrounding area, the exact number of HMOs cannot be concluded.

Reason for refusal: It is considered that the proposed use of the property would result in activity which conflicts development standards set out in Policy DM1 of the Development Management DPD which states developments where impacts may include additional noise, should be resisted. It is not considered that the details provided as part of this submission are sufficient to conclude that such impacts would be appropriately managed or mitigated in a residential, family setting, contrary to London Plan Policy 7.15.

c. They satisfy the appropriate Haringey Environmental Health Standards:

Issue of a HMO license by the council assumes that these standards have been met.

d. They are accessible by public transport, cycling and walking:

London Plan Policy T1 requires all development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking, and cycling routes, and to ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policies T4, T5 and T6 set out key principles for the assessment of development impacts on the highway network in terms of trip generation, parking demand and cycling provision.

Local Plan Policy SP7 'Transport' states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DPD Policy DM31 'Sustainable Transport'.

LBH Transportation Comments:

a. The site has poor public transport accessibility (PTAL=2) and is located within the Tottenham CPZ that is operational on event day only.

b. The proposals are car free. However, no parking stress surveys have been undertaken or analysed. Under these circumstances a car free s106 agreement to restrict eligibility for all occupiers from obtaining CPZ parking permits, is recommended. It should also be noted that the developer / applicant will be responsible for cost (4000) for amending the CPZ TMO.

c. The proposal includes provision for 7 bicycles (5 long stay and 2 short stay), and is located in the rear garden. However, the access to the bicycle storage via the kitchen / dining room is not considered acceptable. It may be possible to redesign the layout to accommodate cycle parking close to the main entrance within the building.

DPD Policy DM32 'Parking' states that the Council will support proposals for new development with limited or no on-site parking where there are alternative and accessible means of transport available, public transport accessibility is at least 4 as defined in the Public Transport Accessibility Index, a Controlled Parking Zone (CPZ) exists or will be provided prior to the occupation of the development, parking is provided for disabled people; and parking is designated for occupiers of developments specified as 'car capped'.

The Council's Transportation Team has been consulted and advises that the site is located within a CPZ and has a PTAL rating of 2 which denotes poor connectivity. Given the number of residents proposed and the level of accessibility to the site, it is considered highly likely that some residents will own vehicles likely to increase the demand for on street parking.

The applicant has not provided any car parking survey that demonstrate that there is residual car parking supply to meet the need created by the proposal. In the absence of car parking survey, it is

considered that the development would give rise to additional vehicular activity (including by residents', visitors' and servicing vehicles), and place additional pressure upon on-street parking which is already restricted and in high demand.

Reason for refusal: The submission fails to demonstrate there is a residual car parking supply to meet the need created by the proposal. There was no car parking survey provided as required by Policy DM17, no details provided in regard to a car-free arrangement and the proposed cycle parking provisions are not adequate to comply with London Plan Policy T1, T4, T5 & T6 or Local Plan Policy SP7.

Bicycle Storage

Transport comments are as follows:

"The proposal includes provision for 7 bicycles (5 long stay and 2 short stay), and is located in the rear garden. However, the access to the bicycle storage via the kitchen / dining room is not considered acceptable. It may be possible to redesign the layout to accommodate cycle parking close to the main entrance within the building".

Proposed are 5 x secure covered cycle spaces (long stay) and 2 x visitor cycle spaces (short stay) to the rear garden. Access to these are required by accessing the communal ground floor area which is not considered acceptable.

Reason for refusal: It is not considered that proposed bicycle storage is appropriately placed for convenient access, in conflict with DM31 and DM32 of the Development Management DPD.

e. They provide high quality accommodation that satisfies the relevant policies of the Local Plan, including internal space standards, provision of a satisfactory level of amenity space for occupants, and adequate and convenient refuse storage and collection;

London Plan Policy D6 requires housing developments to be of high quality design, providing comfortable and functional layouts, benefiting from sufficient daylight and sunlight, maximising the provision of dual aspect units and providing adequate and easily accessible storage space as well as outdoor amenity space. Table 3.1 sets out the internal minimum space standards for new developments, including conversions, stating a 6 bedroom property set over 3 storeys should have 129sqm of GIA. Extended, the conversion would meet these requirements.

In addition, they should provide high quality accommodation that satisfies the relevant policies in the Local Plan, including internal space standards, provision of satisfactory level of amenity space for occupants and adequate and convenient refuse storage and collection.

Policy DM17 of the Development Management DPD recognises that many HMOs in the borough provide sub-standard living conditions. In response to this, policy states that conversion is only permitted where the gross original internal floorspace of the existing dwelling is greater than 120m².

Reason for Refusal: The property fails to meet minimum internal floorspace standards as set out in Policy DM17 for such a conversion, thereby failing to meet the requirements of quality accommodation provision.

Refuse Storage

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.

Plans state that refuse arrangements will include 1 x 240L refuse bin, 1 x 240L recycling bin and 3 x food waste bins located to the front of the property. As part of this proposal, no screening options have been presented, thereby not meeting policy requirements as set out above.

Reason for refusal: The application as submitted fails to satisfy Policy DM4 of the Development Management DPD requirements to provide adequate external storage for waste.

Other Matters

The Local Plan is not reliant on conversions to meet its strategic housing target and the Council will restrict further residential conversions in areas of the Borough identified as already having a high concentration of converted properties which form part of the Family Housing Protection Zone. This will ensure the Council can protect the remaining existing stock of family houses (3+ bedrooms) within these areas, and to ensure that, across the Borough, the range of Haringey's housing needs can be met.

The property falls within the Family Housing Protection Zone. DM17 recognises that the conversion of family dwellings into HMOs in the East of the borough adversely impacts family housing supply, reducing the availability of smaller family housing for which there is a significant need in Haringey. The Article 4 Direction for HMOs as described above seeks to protect the existing stock of family houses to meet Haringey's housing needs. Conversion of the site to a HMO would contribute to the removal of family housing, within a designated area for which protection of such housing is applied.

CONCLUSION

All other relevant policies and considerations, including equalities, have been taken into account.

REASONS FOR REFUSAL

The original, un-extended floorspace fails to meet the minimum floorspace requirements, as set out in Policy DM16 of the Haringey Development Management Document which requires a total of more than 120sqm.

It is considered that the proposed use of the property would result in activity which conflicts development standards set out in Policy DM1 of the Development Management DPD which states developments where impacts may include additional noise, should be resisted. It is not considered that the details provided as part of this submission are sufficient to conclude that such impacts would be appropriately managed or mitigated in a residential, family setting, contrary to London Plan Policy 7.15.

The submission fails to demonstrate there is a residual car parking supply to meet the need created by the proposal. There was no car parking survey provided as required by Policy DM17, no details provided in regard to a car-free arrangement and the proposed cycle parking provisions are not adequate to comply with London Plan Policy T1, T4, T5 & T6 or Local Plan Policy SP7.

It is not considered that proposed bicycle storage is appropriately placed for convenient access, in conflict with DM31 and DM32 of the Development Management DPD.

The property fails to meet minimum internal floorspace standards as set out in Policy DM17 for such a conversion, thereby failing to meet the requirements of quality accommodation provision.

The application as submitted fails to satisfy Policy DM4 of the Development Management DPD requirements to provide adequate external storage for waste.

Conversion of the site to a HMO would contribute to the removal of family housing, within a designated area for which protection of such housing is applied, contrary to council objectives set out in Policy DM17.

Refusal Reasons:

The conversion of the single-family dwelling, located within the Council's Family House Protection Zone, into a HMO has resulted in an unacceptable loss of family housing for which there is an identified need. The original internal floor area of the property also fails to meet the minimum floor space standard set out in the Council's adopted HMO policy. As such the proposal would be contrary to DM17 of the adopted Development Management, Development Plan Document (2017) and the Local Plan Policy SP2 (2017).

The proposed conversion of this single-family dwelling into an HMO would result in an over-intensive use of the property and an increase in levels of activity, noise and disturbance that would be detrimental to neighbouring residential amenity, contrary to Policy SP2 of Haringey Council's Local Plan 2017, Policy DM12 & DM17 of Haringey Council's Development Management DPD, and Policy D6 of the London Plan 2021.

The change of use of the property to a house in multiple occupation (HMO) for 6 persons (Use Class C4) would by reason of the lack of cycle parking, and the lack of refuse and recycling storage is considered to provide a sub-standard form of accommodation, an over intensive use of the site and harmful to neighbouring residential amenity contrary to Policy DM17 of Haringey's Development Management DPD (2017).

Informatives:

- **INFORMATIVE:** In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our development plan comprising the London Plan 2021, the Haringey Local Plan 2017 along with relevant SPD/SPG documents, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant during the consideration of the application.