

Officer's Report

Application Number	HGY/2022/4506
Type	Full planning permission
Location	80 Shelbourne Road, Tottenham, London, N17 9XY
Proposal	Erection of single storey rear extensions, construction of rear dormer and outrigger extensions to facilitate loft conversion and change of use from C3 Dwellinghouse to Large HMO for 7 Occupants (Sui Generis) (5 x 1-occupant rooms, 1 x 2-occupant room). Retrospective application.
Case Officer	Laina Levassor
Valid Date	22/12/2022
Applicant	Mr Spyros Karayiorghi
Agent	DLA Town Planning Ltd

RECOMMENDATION

Refuse

SITE HISTORY

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

Enforcement Cases:

HMO/2021/00566: Ongoing enforcement action for unauthorised conversion to HMO.

Planning Cases:

HGY/2022/1043: Certificate of Lawfulness for the existing use as C4 HMO (5 Occupants) - Refused.

HGY/2021/3066: Erection of single storey rear extensions, construction of rear dormer and outrigger extensions to facilitate loft conversion and change of use from C3 Dwellinghouse to Large HMO (Sui Generis) (5 x 1 occupant rooms, 1 x 2 occupant room) – Refused (& dismissed at appeal).

HGY/2021/0979: Certificate of Lawfulness for proposed rooflight - Permitted Development.

HGY/2019/0623: Certificate of lawfulness for proposed rear dormers. Erection of single storey rear extensions and insertion of 2 x rooflights to the front roofslope - Permitted Development.

HGY/2019/0370: Erection of single storey extension which extends beyond the rear wall of the original house by 6m, for which the maximum height would be 3m and for which the height of the eaves would be 3m – Refused.

OLD/1987/1746: Conversion into two self-contained flats - Refused.

SITE DESCRIPTION

This application relates to 80 Shelbourne Road, a two storey property located on the western side of Shelbourne Road. The application site is not within any conservation area and does not fall within the curtilage of any listed buildings.

CONSULTATION RESPONSES

10 objections were received in response to notification of this application, 1 of which was from a Local Councillor. The following issues raised are material considerations which form part of the analysis/assessment of this application:

- Resultant adverse amenity impacts (including noise)
- Over concentration of HMOs in the area
- Design and appearance of proposed development
- Loss of single family dwelling in a Family Housing Protection Zone
- Issues with waste and refuse
- Resultant substandard accommodation
- Overcrowding
- Impact on parking issue

BACKGROUND

This application is made following the refusal of a previous application (HGY/2021/3066), for which the council's decision was upheld at appeal.

PROPOSED DEVELOPMENT

This application proposes the erection of a single storey rear extension at ground level and the erection of a rear dormer and rear outrigger which would enable an increase in floorspace to allow the conversion of the property to a Large HMO (Use Class Sui Generis) for 7 occupants with associated refuse and cycle storage. This is a retrospective application.

Single Storey Rear Extensions:

DPD Policy DM12 'Housing Design and Quality' states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original building, including external features such as chimneys, and porches.

High quality matching or complementary materials should be used appropriately and sensitively in relation to the context. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.

A single storey rear extension is proposed between the side elevation of the original outrigger and the shared boundary of No.82, which would extend 3m in depth from the rear elevation. The second ground floor extension would project 3m in depth from the rear elevation of the original outrigger, adjacent to the boundary of neighbouring No.87, and is limited to 3m in height.

At 3m in height and depth, the scale of the proposed ground floor extensions are in line with permitted development requirements which would not require planning permission and is generally considered a neighbourly form of development. The single storey rear extensions are to be constructed in materials which would match the original dwelling and therefore are considered of

acceptable design. This element of the proposal is considered proportionate and subordinate to the host building and is in keeping with the pattern of development in the area. Therefore, the local character and visual amenity of the area will be protected.

Proposed Dormer & Outrigger Extensions:

The proposed dormer extension would sit the full span of the roof, projecting just over 1m onto the original two storey outrigger to form an 'L shaped' roof extension. The resultant cubic volume of the proposal is less than what would be allowed under permitted development however, the proposed dormer is only set up from the eaves by 0.1m which would fail to meet the conditions of the order.

There are few examples of similar development within the local residential setting and this form of extension is not considered to be in character. A visible example of roof development within the terrace can be seen at No.106, where the dormer has been constructed under permitted development and is set within the main roof, not extending on to the outrigger.

It is considered that being full width, set just below the ridge of the roof and with minimal spacing between the eaves and the dormer itself, the addition of this dormer with outrigger extension would appear at odds with the host dwelling and terrace which it forms part of, creating a visually obtrusive and incongruous feature to the rear of these properties.

The proposed roof extension would introduce a discordant feature to the rear elevations of the building and residential terrace, detracting from the visual appearance of the property and is therefore detrimental to the visual amenity of the area by reason of excessive width in relation to depth, overall bulk and scale in relation to the property contrary to Policy DM1 of The Development Management DPD 2017, Policy SP11 of the Haringey Local Plan 2017, Policies 7.4 and 7.6 of the London Plan 2016.

Conversion from C3 to Large HMO (Sui Generis):

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 the areas covered, for this type of development. Use of a property as an HMO for seven or more occupants (Sui Generis), requires planning permission in all parts of Haringey.

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 11/02/2021.

An enforcement visit made September 2021 confirms that the proposed works have been undertaken including the extensions at ground and roof level – this however is not depicted on existing plans – which do not show any extensions. A planning contravention notice returned in 2021, confirmed that the property has been unlawfully operating as a HMO, which at the time 6 occupants were listed which would be within C4 Use – and due to the article 4 restriction, require planning permission.

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 show 5 x 1 occupant bedrooms across ground and first floor, with a 1 x 2 occupant room at roof level – totalling 7 occupants. This would exceed the maximum number of tenants within the C4 definition, and the proposed use therefore, as depicted, would be as a Large HMO (Sui Generis).

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;

‘Original’ refers to internal floorspace, not including any extensions made to the property. Measurements for this area have been taken using floorplans provided, scaled, taking into considerations areas deemed accessible.

The Gross Internal Area (GIA) is measured according to the Royal Institute of Chartered Surveyors (RICS) Code of Measuring Practice for GIA (which is used for the calculation of CIL payments) which states that attic/loft space can will be included if there is access to it via a fixed, permanent stairway or ladder – not if it is accessed by a pull-down ladder.

Gross Internal Area, not inclusive of loft space:

Ground Floor (Drawing 09): 49.22

First Floor (Drawing 03): 49.85

Total: 98.19sqm

It is noted that the plans denote that the loft space is accessible by a loft hatch and stairs. Existing sections do not show that the access to the loft space is a fixed or permanent staircase. Drawings submitted as part of an application made to building control confirm that the current staircase was installed as part of works undertaken in 2021 and this did not form part of the original construction. As part of a statement provided in response to appeal, the applicant infers that the guidance surrounding GIA measurements is not clear in defining whether attic/loft space is to be considered however, the LPA believes that this is made clear as above.

Even where taking into consideration that part of the original loft space which was in excess of 1.5m headroom, according to scaled plans, the total original GIA would not meet the required 120sqm minimum.

Attic/Loft Floorspace:

Length x Width

4.7m x 2.17m = 10.19m²

Total, inc. Attic/Loft:

Ground Floor + First Floor + Loft Space

98.19 + 10.19 = 108.38sqm

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 21/02/2022 to 20/02/2027. This license restricts the maximum number of occupants to 6. Despite this, proposed plans show accommodation for 7 occupants as detailed above. The issue of any HMO license is separate to that of a planning application or planning permission. In making assessment of this application, the details provided on drawings which would form part of an approved application show that the proposal is for 5 x 1 occupant rooms and 1 x 2 occupant room at roof level.

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 7 people as 6 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 7 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 6 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 6 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 council holds records in regard to several complaints received to other council departments regarding anti-social behaviour and noise as a result of the use, dated between 2016 to 2022, reaffirming this.

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. Internal records (not the publicly visible landlord register which is currently still being updated therefore does not include all records) show the following number of licenses issued to Shelbourne Road and directly adjacent roads. This figure does not differentiate between HMO's granted planning permission, those without, those unlicensed or other conversions.

Shelbourne Road: 9 (including application site)
Rosebery Avenue: 12
Poynton Road: 6
Halefield Road: 1
Lansdowne Road: 15
Asplins Road: 11
Manor Road: 7

Again, 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. As part of the enforcement investigation for the site, the LPA were made aware of suspected HMOs within proximity to the site, of which there are addresses which are not included in the HMO Licensing Register for the borough.

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'.

Car-free Development

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 development is proposed as a car-free development. 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.

LBH Transportation Comments:

- a. The site has poor public transport accessibility (PTAL=2) and is located within a CPZ (Tottenham - Event days)
- b. The site is also located within the Family Housing Protection Zone.
- c. The proposal is car free, however no parking stress surveys / assessment have been submitted. A car free s106 agreement will be required to restrict eligibility of all occupiers from obtaining CPZ parking permits. The developer will be responsible for corresponding cost (£4000) for amending the CPZ TMO.

Bicycle Storage

Policy DM35: Cycle storage in Front Gardens states that cycle storage on front gardens should be of high quality design, should not be visually intrusive and should not harm the amenity of surrounding properties.

Planning applications for cycle storage should have regard to the following:

- a) The size of the shed or storage shelter, the building and the garden;
- b) Its location;
- c) Level of screening; and
- d) The nature of the materials used.

Cycle storage provision located in residential front gardens should have minimal visual impact on the property or the street. To ensure the existing character and appearance of the property and surrounding streetscape are protected, particularly in Conservation Areas, the appearance of cycle storage facilities visible from the public highway need to be of high quality design, subtle in size and colour and built from materials which are in keeping with their surroundings.

In front gardens, all storage units require planning permission. The preferred location, to place/build the storage unit is where visual impact is minimal. Appropriate screening should be used - perhaps using plants. Materials should be used which are in keeping with the locality, reflecting the original materials of the property. If the storage unit is painted, choosing colours already used on the property or dark or subdued colours such as dark green/black help minimise the visual impact. Access doors must not overhang the highway (pavement or road). The height should be the same or less than the boundary treatment (wall/fence) where feasible.

Proposed are 2 no. Sheffield bike stands within the front courtyard and 1 no. at the rear, capable of storing 6 bicycles. Access to bicycle storage at the rear is available via the kitchen/dining room which is not considered acceptable.

The front courtyard is highly visible from the public highway therefore, is required to meet local policy requirements as set out above.

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.

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 360L refuse bin, 1 x 360L recycling bin and 1 x food waste box 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.

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.

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) (Use Class C4) would by reason of the lack of cycle parking, and the lack of refuse and recycling storage, provide a sub-standard form of accommodation, and over intensive use of the site, harmful to neighbouring residential amenity contrary to Policy DM17 of Haringey's Development Management DPD (2017).

The proposed roof extension would introduce a discordant feature to the elevations of the building and residential terrace, detracting from the visual appearance of the property and is therefore detrimental to the visual amenity of the area by reason of excessive width in relation to depth, overall bulk and scale in relation to the property contrary to Policy DM1 of The Development Management DPD 2017, Policy SP11 of the Haringey Local Plan 2017.

The proposed bicycle storage sited in the front garden is not considered to a high-quality design, and is thereby is contrary to Policy DM35 of the Development Management DPD. In addition to this, 2 of 6 cycle spaces are not considered to be appropriately placed for practical or convenient access. These failures together with the application site's poor Public Transport Accessibility and in the absence of other measures to promote sustainable modes of transport would be contrary to DM31 and DM32 of Haringey's Development Management PDP, Policy SP7 of Haringey's Strategic Policies DPD and Policy T1, T4, T5 and T6 of the London Plan 2021.

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, or an appropriate legal agreement to restricting occupiers from applying for parking permits, 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, contrary to Policy DM17 and DM31 of Haringey's Development Management PDP, Policy SP7 of Haringey's Strategic Policies DPD and Policy T1, T4, T5 and T6 of the London Plan 2021.

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.