

Officer's Report

Application Number	HGY/2022/3879
Type	Lawful development: Proposed use
Location	1, Tilson Road, Tottenham, London, N17 9UY
Proposal	C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems which is permitted use within the same class (Certificate of Lawfulness)
Case Officer	Emily Whittredge
Valid Date	25/10/2022
Applicant	Mr L Ali
Agent	Mr JIN IL KIM

RECOMMENDATION

Refuse

1. Site Description

The site comprises a two storey end of terrace dwelling on the west side of Tilson Road in Tottenham. The site is not located within any conservation area and does not fall within the curtilage of a listed building.

2. Relevant Planning and Enforcement History

HGY/2022/2763 Certificate of lawfulness for the proposed erection of an outbuilding in the rear garden. Permitted Development

HGY/2022/1150 Erection of single storey side extension. Approve with Conditions

HGY/2021/3347 - Certificate of lawfulness for the formation of 2x side dormers and rear hip to gable end with 2x front rooflights - proposed use. Permission not required

HGY/2021/3111 Erection of single storey extension which extends beyond the rear wall of the original house by 6m, for which the maximum height would be 3.24m and for which the height of the eaves would be 3m. Permitted Development

OLD/1973/1733 - Erection of 2 storey extension to side of house. Granted

3. Details of Proposal

This is an application for a certificate of lawfulness for a change of use from C3(a) to C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems

4. Relevant Planning Legislation

The application has been made under section 192 of the Town and Country Planning Act 1990 and relevant amendments. This not a planning application but instead the applicant seeks confirmation

that the proposed development is lawful. As such, the impact of the proposed development of the neighbour's amenities or the character of the area cannot be taken into consideration for this submission.

5. Assessment of Application

PART C: Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence)

(a) by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child;

(b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

Class C3 (dwellinghouses) is a class which comprises use as a dwellinghouse by an individual, by people living together as a family or by not more than six residents living together as a single household. The intention of this class is to include, for example, use as a dwellinghouse by individuals living together in the community who have formerly been in an institution of some kind.

The application seeks a change to supported housing (Use Class C3(b)) to accommodate up to six residents. The proposal indicates that the current use of the residence is as a dwellinghouse under Class C3(a) - use by a single person or family, an employer, or certain domestic employees. This is confirmed by the planning history of the site.

The licensing team has confirmed that a C3(b) use would be subject to HMO licensing.

The principal considerations relating to this application are:

- i. Whether the use is a single household;
- ii. Whether care is provided

These considerations will be discussed in turn:

- i. Whether the use is a single household.

The submitted plans show a proposed layout over three storeys, the ground floor having two bedrooms, an office room and a communal kitchen/dining room, the first floor having three bedrooms, and the loft dormer having one large bedroom approximately twice the area of the other five. Each bedroom has an ensuite WC/shower room, and would be double bedrooms according to the definition set out in the government's nationally described space standards.

The layout and facilities within the property do not resemble those of a single-family dwelling, which would normally have a living room at ground floor level and bedrooms on the upper floors; the proposed layout is more characteristic of an HMO where typically some or all of the principal rooms of the house are converted to bedrooms. In this instance, two double bedrooms at ground floor level replace what would have been the original reception and dining rooms. A new extension to the rear would house the sole communal space comprising a kitchen/diner. Although the extension appears adequate to accommodate a table and chairs for six people including circulation

space, the absence of any living room / lounge is not what would be expected in a single residential household of this size.

The proposed layout illustrates a use where the occupants live largely isolated in en-suite private rooms, only sharing a communal kitchen and dining space. In a single domestic household, there is typically a living room or lounge area of some kind, for the purpose of informal gathering and relaxing outside of mealtimes. The layout and facilities therefore do not, in the Council's opinion, demonstrate that the property would readily function as a single household allowing adequate communal space for six residents to live together as one would expect in a single-family dwelling. The layout would fail to facilitate the communal living expected of a single household, particularly in respect of lounge space, and is therefore not consistent with the description of Use Class C3(b) as residents living as a single household.

ii. Whether care is provided

The application states that it seeks a certificate of lawfulness for the use of the property as C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems. No further details have been provided about the proposed level or nature of the care that would be provided for the occupants on the site, nor details about the proposed occupants such as their age or needs.

For a property to be registered for the provision of care, the Care Quality Commission requires the submission of a Statement of Purpose which sets out all the details needed to establish the use. This statement should normally be provided to the LPA where a C3(b) use is proposed; however the applicant has failed to provide a statement of any kind that would allow the nature of the proposed care to be assessed. No information has been provided to assure the LPA that an appropriate standard of care would be provided to the proposed occupants, in line with Class C3(b).

6. Summary and Conclusion

For the reasons described above, the Council is not persuaded that the use proposed in the application falls within Class C3(b): not more than 6 residents living together as a single household where care is provided for residents.

The proposed development would not constitute permitted development by virtue of Part C of the Town and Country Planning (Use Classes) Order 1987 (as amended) and requires Planning Permission.

7. Recommendation

Refuse Certificate