

Planning and Design and Access Statement

4 Malvern Road, London, N17
9HH

Prepared For
Andrea Navarro

3058
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bell cornwell

CHARTERED TOWN PLANNERS

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CONTENTS

1	INTRODUCTION	1
	Preamble	1
	Report Structure	1
2	THE SITE AND ITS SURROUNDINGS	2
	Site Description and Accessibility	2
	Site Designations	2
3	PROPOSAL	3
4	PLANNING HISTORY	4
5	PLANNING POLICY FRAMEWORK	5
	The Development Plan	5
	The London Plan (2021)	5
	Development Management Document (2014)	5
	Other Material Considerations	6
6	PLANNING ASSESSMENT	7
7	CONCLUSION	11



1 INTRODUCTION

PREAMBLE

- 1.1 Bell Cornwell LLP ('we'; 'us'; 'our') have been instructed by Andrea Navarro (the 'Applicant') to submit to London Borough of Haringey Merton (the 'Council') a full planning application in respect of a retrospective proposal for; *'Change of use from dwelling house (Use Class C3) to House in Multiple Occupation HMO (Use Class C4)'* at 4 Malvern Road, London, N17 9HH (the 'Site').
- 1.2 For the avoidance of doubt this application pertains to the change of use of the property only. No external works are proposed.
- 1.3 In addition to this Planning and Design & Access Statement, the application submission is supported by the following information:
- Completed and dated application form
 - Completed CIL Additional Questions form
 - Planning application fee of £462.00
 - Plans, prepared by Urban Insights

REPORT STRUCTURE

- 1.4 This Statement is structured as follows:
- **Section 2** provides an overview of the Site and its surroundings
 - **Section 3** summarises the proposals
 - **Section 4** provides an overview of the Planning History
 - **Section 5** summarises relevant planning policies against which the proposed development is assessed.
 - **Section 6** sets out the case for planning permission.
 - **Section 7** provides a conclusion.



2 THE SITE AND ITS SURROUNDINGS

SITE DESCRIPTION AND ACCESSIBILITY

- 2.1 The property is a two-storey mid terrace brick built 6-bedroom dwelling located on the western side of Malvern Road. Malvern Road is predominantly residential in character and is made up of similar terraced dwellings. The property has a gross internal floor area of 136 sqm.
- 2.2 The property has a large rear garden which includes a single storey outbuilding.
- 2.3 The Site is located in an area with a public transport accessibility rating (PTAL) of 5 where 1 is poor and 6a is excellent and is therefore very well served by means of public transport. The Site is also within a Controlled Parking Zone (The Hale (TH) – CPZ) which is operational from Monday – Friday: 8am – 8:30pm and Saturday and Sunday: 8am – 8pm.
- 2.4 The Site also has excellent access to local public amenity and green spaces with Down Lane Park situated approximately 100 metres to the east of the Site.

SITE DESIGNATIONS

- 2.5 The Site lies within an area that is subject to an ‘Article 4 Direction’ which came into force on 30th November 2013. The Article 4 Direction withdraws permitted development rights for a change of use from C3 to C4, meaning that express planning permission is required for this type of development.
- 2.6 The property is not located within any conservation area and does not fall within the curtilage of any listed buildings.



3 PROPOSAL

- 3.1 The proposals are for: Change of use from dwelling house (Use Class C3) to a house in multiple occupation (Use Class C4)'. The property will not be occupied by more than 6 people sharing.
- 3.2 No external physical works are proposed, and the internal configuration is depicted on the plans submitted as part of the application. Internally the property is arranged as shown on the submitted plans. An application from an HMO licence was submitted on 10 March 2023 (Ref: HAR-857116009956).
- 3.3 All residents have access to a large rear garden.
- 3.4 Provision is to be made to accommodate cycle storage which is capable of accommodating at least 12 no. bicycles. The applicant is anticipating that details of provision will be subject to a planning condition.
- 3.5 Provision is to be made for refuse collection in the front garden and will be designed to meet the requirements of ENV.08/162. Again, the applicant is anticipating that details of provision will be subject to a planning condition.



4 PLANNING HISTORY

- 4.1 Planning history for the Site is limited, with a single application of relevance to the determination of the proposed development.
- 4.2 An application for a Certificate of lawfulness to confirm the use of the property as a House in Multiple Occupation (HMO) was refused on 1st February 2019 (Ref: HGY/2019/0164). An appeal was subsequently lodged at was dismissed on 26th October 2022 (Ref: APP/Y5420/C/21/3275894).

Other Relevant History

- 4.3 According to the Council's online planning register we are not aware of any recent change of use planning applications along Malvern Road involving the conversion of residential properties to HMOs.
- 4.4 However, we are aware of an appeal decision at 67 Rutland Gardens N4 1JW in which an inspector granted planning permission on the 14 December 2021 for a change of use from C3 (single family dwelling) to C4 (House in Multiple Occupation) (PINS ref. APP/Y5420/W/21/3268532). In the case of this appeal the GIA was measured at 121 sqm.
- 4.5 The decision is attached at **Appendix I**.



5 PLANNING POLICY FRAMEWORK

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

THE DEVELOPMENT PLAN

- 5.2 The Development Plan comprises:

- The London Plan (2021)
- Haringey Local Plan – Development Management DPD (July 2017)

THE LONDON PLAN (2021)

- 5.3 The relevant policies of the London Plan comprise:

- H9 - Ensuring the best use of stock
- D6 - Housing quality and standards
- D7 Accessible Housing
- H10 Housing Mix
- T5 Cycling
- T6 Car Parking.

DEVELOPMENT MANAGEMENT DOCUMENT (2014)

- 5.4 The relevant policies comprise:

- DM1 – Delivering High Quality Design (Haringey Development Charter)
- DM4 – Provision and Design of Waste Management Facilities
- DM12 – Housing Design and Quality
- DM16 – Residential Conversions



- DM17 – Houses in Multiple Occupation • DM31 – Sustainable Transport
- DM32 - Parking

OTHER MATERIAL CONSIDERATIONS

5.5 The following documents are also of relevance:

- National Planning Policy Framework (NPPF, 2021)
- National Planning Practice Guidance (NPPG)
- Nationally Described Space Standard (NDSS)
- London Housing Design Guide

5.6 It is demonstrated in Section 6 that in overall conclusion on national, strategic and local policies that the proposals have been formulated with full regard to all relevant policies and would not conflict, nor would cause harm to any interest of acknowledged importance. Furthermore, the proposals are wholly sustainable with regard to making best use of urban land and encouraging development opportunities in sustainable locations.



6 PLANNING ASSESSMENT

6.1 This Section of the Planning Statement outlines the key issues in respect of the determination of this planning application having regard to national planning policy, the development plan and other material considerations.

6.2 The 2004 Housing Act defines HMOs as either:

6.3 i. Small, shared dwelling houses occupied by between 3 and 6 unrelated individuals who share basic amenities and occupied as the main residence i.e., Class C4 of the Use Classes Order ii. Large houses occupied by more than 6 people sharing i.e., Use Class sui generis of the Use Classes Order. 6.3. In the Applicant's case planning permission is sought for change of use to accommodate a small, shared dwelling house to be occupied by no more than 6 unrelated individuals (Use Class C4).

6.4 The key planning considerations in assessing the proposed development are as follows:

- Principle of development
- Amenity of neighbouring properties
- Accessibility
- Living conditions of occupants

6.5 Accordingly, the proposals are assessed as compliant against the 5 criteria of DM17 (and other relevant Development Management policies and guidance) as follows:

“a) The gross original internal floor space of the existing dwelling is greater than 120m²”.

6.6 The gross internal floor area of the property is 136m².

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

6.7 There appear to be very few, certainly less than 10% of properties along the entirety of Malvern Road that are in use other than as C3 dwellinghouses. Furthermore, there are no external alterations proposed and so the residential character of the area will remain unchanged.



Accordingly, there can be no conflict with criteria a of Policy DM17 as there is no substantive evidence that the proposed development would lead to an overconcentration of HMOs. Accordingly, it is submitted that the development would not result in harm from the unacceptable loss of family sized accommodation.

- 6.8 As described in Section 4 there are no physical changes to the exterior of the building. The existing property accommodates 6 bedrooms and is an existing HMO with the number of occupants restricted to no more than 6no. individuals using the property as their home. Consequently, the level of noise and disturbance will not be materially greater than if the property was to remain as a C3 dwellinghouse.
- 6.9 Consequently, there would be no impact on the character and appearance of the area in this respect and accordingly there is no conflict with criteria b of DM17 or policies DM1 and DM12 of the Development Management Plan.

“c) They are accessible by public transport, cycling and walking”.

- 6.10 Policy DM31 seeks to implement the Council’s strategic 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. Parking standards referred to in Policy DM32 reflect the standards set out in the London Plan.
- 6.11 The site has nearly the highest PTAL rating of 5 given its proximity to Bruce Grove and Tottenham Hale underground stations. There are bus routes within walking distance.
- 6.12 London Plan Policy T5 Cycle Parking and Table 10.2 Minimum cycle parking standards prescribes 1.5 spaces for residents per 2-person 1 bedroom dwelling with no visitor spaces required for less than 5 dwellings for uses both within C3 and C4. As noted in Section 4 provision can be made for up to 12 cycle spaces to the rear of the property (policy requirement 6) and in this context the proposals comply with the cycle parking standards of the Development Plan.
- 6.13 There are no prescribed car parking standards for either C4 or sui generis HMOs contained within the Development Plan.



6.14 The proposals are car free and accordingly accord with the maximum standards allowed also noting the whole of Malvern Road falls within a CPZ.

6.15 Within this context the proposals meet the policy requirements of criteria c of policy DM17 and policies DM31 and DM32 of the Development Management Plan, noting policy DM32 defers required car and cycle parking standards to those set out in Policy T6 of the published London Plan.

“d) 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”.

6.16 The proposals are assessed as compliant against criteria d of DM17 for the following reasons:

- The property has been inspected by the Council’s housing team who have satisfied themselves that the accommodation is of sufficient high quality to be occupied as a large HMO. Accordingly, it already benefits from a license granted on the 13 March 2018 under the provisions of the Housing Act 2004 Part 2 and Schedule 5(1) in respect of a House in Multiple Occupation (HMO). This allows the building or part of the building to be occupied by nonfamily members as non-self-contained accommodation for the benefit of 6 or more residents.
- The property is appropriately located, taking account the nature of the surrounding area and land uses, access to local amenities.
- The property is of appropriate scale, bulk, and massing.

6.17 There is no material change in terms of the nature of the use i.e., it remains a house and no material external alterations to the property are proposed. Accordingly, the proposals will preserve amenity in terms of daylight, sunlight, outlook, privacy, overlooking, noise, and disturbance.

6.18 All 6 of the letting rooms comfortably exceed the minimum space standards set out in the London Housing Design. The proposals also meet the internal space standards of the Nationally Described Space Standards.

6.19 Accordingly, the proposals:



- Meet or exceed minimum space standards in the London Plan and draft London Housing Design Guide
- Provide a well-designed, flexible, and functional layout, with adequately sized rooms in accordance with the draft London Housing Design Guide

6.20 The proposals will meet the M4 (1) requirement (visitable dwellings) noting that in accordance with London Plan Policy D7 there is no requirement to meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% of new dwellings should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e., is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

6.21 As set out in Section 4 the proposals will provide a total of approximately 30 sqm of external private amenity space. As such the proposals accord with criteria d of Policy DM17 and the provision of high-quality amenity space as part of the development.

6.22 Matters relating to access, parking and refuse storage have been addressed above with reference to criteria d of Policy DM17 and Policy DM4.

6.23 It is further worth noting that the house has been newly refurbished to a high standard in line with HMO licensing requirements and meets with all the relevant Fire Regulations.

“e) Where non-self-contained, have exclusive use of a kitchen or space within a shared kitchen for each household”.

6.24 Under the terms of the HMO Licence the occupants have exclusive use of a kitchen or space within a shared kitchen for each household in compliance with criteria 'e' of DM17. Residents also have shared use of the living room, utility, and dining area with full use of the garden.



7 CONCLUSION

- 7.1 Within this context the proposals will provide an excellent quality future living environment for future residents whilst at the same time protecting the amenity of existing neighbouring residents. At the same time the character of the area and the street scene will remain unchanged. Accordingly, there is no conflict with Policy DM17 whilst satisfying the policy tests of London Plan Policy D6 and other relevant Development Management policies and supplementary planning guidance referred to above.
- 7.2 The Council is respectfully asked to grant planning permission for this well considered change of use planning application.



APPENDIX I

Appeal Decision Ref: APP/Y5420/W/21/3268532



Appeal Decision

Site visit made on 18 November 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2021

Appeal Ref: APP/Y5420/W/21/3268532

67 Rutland Gardens, London N4 1JW

- 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 Mrs Maria Economides against the decision of London Borough of Haringey.
 - The application Ref HGY/2020/1748, dated 19 June 2020, was refused by notice dated 21 September 2020.
 - The development proposed is a change of use from C3 (single family dwelling) to C4 (House in Multiple Occupation).
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from C3 (single family dwelling) to C4 (House in Multiple Occupation) at 67 Rutland Gardens, London N4 1JW in accordance with the terms of the application, Ref HGY/2020/1748, dated 19 June 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Floor Plan no. A1.

Preliminary Matters

2. I have taken the description of development from the Council's Decision Notice as this is more precise.

Main Issue

3. The main issue is whether the proposed development would harm the supply of family housing within the Borough having regard to development plan policy.

Reasons

4. The appeal property is a two-storey middle of terrace dwelling. It is located in a predominantly residential area that is characterised by its long terraces of dwellings. It is situated in an area which is subject to an Article 4 Direction which restricts 'permitted development' rights to change the use of a dwellinghouse to an HMO. The appeal property is also located in an area designated as a Family Housing Protection Zone.
5. Policy DM17 of Haringey's Local Plan – Development Management DPD (2017) sets out the criteria which a proposal for the conversion of a larger home to a House in Multiple Occupation (HMO) is required to meet. Criteria a), upon

which the Council's case focuses, requires that in order for a proposed change of use to be acceptable, the gross original internal floor area (GIA) of the existing dwelling is greater than 120m². The Council's view is that the appeal property is less than 120m² whereas the appellant considers it is greater than 120m². The Council have not set out a case that the proposed development would be contrary to any of the other criteria in the Policy.

6. The appellant's evidence suggests errors in the Council's measurements of the GIA. These include omissions of small parts of the floor area and features such as chimney breasts, stairwells and voids over stairwells. As set out in the submitted RICS Code of Measuring Practice (2015), such features should be included in the calculation of the GIA. The measurements as shown on drawing number AJC-01453-02 show that the GIA of the property exceeds 120m², albeit by a small margin. Therefore, based on the evidence before me, that the GIA of the property exceeds 120m², it would comply with the relevant criteria of Policy DM17.
7. The Council's case refers to the loss of a family sized dwelling, although this is not explicitly one of the criteria of Policy DM17. Nevertheless, it is capable of being a material consideration of the case.
8. The property is situated within the Family Protection Housing Zone, where retaining sufficient supply of small family homes is a priority in order to maintain broad housing choice for the local population. The Council has failed to provide substantive evidence that the proposed development would lead to an over-concentration of HMOs. Accordingly, it has not been demonstrated that the development would result in harm from the unacceptable loss of family sized accommodation.
9. Either way, the supporting text of Policy DM17 at para 3.39 recognises that HMOs can reduce the availability of smaller family housing, for which there is significant need. It is taken as read that the threshold between a smaller family home and a larger home, is the 120m² referred to in the Policy. In this case, as the appeal property exceeds 120m² it would be a larger home, as opposed to smaller family home which the Policy seeks to protect.
10. There is disagreement between the parties over the relevance of Policy DM16 to the consideration of the proposed development. Although there is some interrelationship between Policy DM16 and DM17, including by reason of their protection against the loss of units of less than 120m², the Council accept that the appeal proposal is not a residential conversion, or subdivision, to smaller units. This being the case therefore, I do not consider it to have significant weight in the appeal proposal for a conversion of a larger home to an HMO for which Policy DM17 is applicable.
11. The reason for refusal also refers to Policy SP2 of the Haringey's Local Plan – Strategic Policies (2013) but this appears to be an overarching policy on overall housing provision within the Borough; density and standards; and provision for the renewal and improvement of housing estates, without specific reference to HMOs.
12. The proposed development therefore would not harm the supply of family housing within the Borough. It would comply with Policy DM17 of Haringey's Local Plan – Development Management DPD (2017) which sets out the criteria

which a proposal for the conversion of a larger home to a House in Multiple Occupation (HMO) should meet.

Other Matters

13. A number of objections have been received to the proposed development which I have considered in my decision. The Council had regard to the matters raised when making their decision on the application and other than those in relation to loss of family housing, did not constitute reasons for refusal. From the evidence before me, and my own observations, I have no reasons to form a different view.
14. Representations submitted refer to the impact of the development on the living conditions of surrounding residents in terms of noise and nuisance and parking, due to the behaviour of future occupants. There is no substantive evidence before me that the proposed development would have an unacceptable impact on the living conditions of surrounding residents or highway safety in relation to parking. Furthermore, these matters are not pertinent to the main issue.
15. Any financial motives of the appellant in relation to the proposed development is not a reason to dismiss the appeal.
16. It is implied that occupation of the HMO will be transient in nature, however there is no information to suggest that residents would not occupy the property for longer periods, becoming integrated within the local community.
17. The Council have submitted an appeal decision¹ where the main issue surrounded the provision of family sized dwellings. The property in that appeal was found to be below the 120m² threshold and thus would result in the loss of a smaller family dwelling and conflict with Policy DM17. For the reasons outlined above, this is not the case in the current appeal and therefore the decision is of limited weight. Either way, I have considered the appeal on its own individual planning merits.

Conditions

18. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plan for the avoidance of doubt and in the interests of certainty.

Conclusion

19. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, for the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR

¹ APP/Y5420/W/17/3187331