

Officer's Report

Application Number	HGY/2022/4435
Type	Full planning permission
Location	45 Bounds Green Road, Wood Green, London, N22 8HB
Proposal	Construction of rear outbuilding to facilitate enlargement of existing 7 bedroom HMO (sui generis) to 8 bedrooms.
Case Officer	Eunice Huang
Valid Date	15/12/2022
Applicant	Mr R Singh
Agent	Design and Management. co. uk

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

- 1.1 This is an application for construction of rear outbuilding to facilitate enlargement of existing 7 bedroom HMO (sui generis) to 8 bedrooms.

Site and Surroundings

- 1.2 The subject site is located on the south-western side of Bounds Green Road, between Park Avenue and Selborne Road. It is occupied by a two-storey terraced house with a loft, and hardstand car parking at the front of site. The property currently operates as a House in Multiple Occupation (HMO) for a maximum 9 people in 7 households.
- 1.3 The site forms part of a row of two storey terraced houses on the south-western side of the street, located opposite Trinity Gardens across Bounds Green Road. The site is in Trinity Gardens Conservation Area.

Relevant Planning and Enforcement history

- 1.4 There is no history in relation to this site. The most recent planning and enforcement history in relation to the site is as follows:
- UNW/2022/00311 – Enforcement investigation into unauthorised works (construction of outbuilding allegedly for residential accommodation), initiated on 10/06/2022 and currently in progress as of 4/05/2023.

2. CONSULTATION RESPONSE

2.1 The following were consulted regarding the application:

Internal: LBH Private Sector Housing Officer

- 1) LBH Private Sector Housing Officer: The Private Sector Housing Officer has confirmed that the property currently has a mandatory HMO licence running until 30 October 2024, for a maximum 9 occupants in 7 households.

3. LOCAL REPRESENTATIONS

5.1 The application has been publicised by way of 1 site noticed displayed in the vicinity of the site and 5 letters.

5.2 The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses:

Objecting: 10

Supporting: 0

5.2 The local group Cranbrook Park Residents Association ('CPRA') made representations, as summarised below.

5.3 One Councillor, Cllr das Neves, made representations, as summarised below.

5.4 The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

- HMO is not on Council register and does not meet HMO standards (*Planning Officer Comment: LBH Private Sector Housing Officer has confirmed that the HMO is operating under a mandatory licence for a maximum 9 occupants in 7 households.*)
- Proposal will increase stress on waste/sewage services, local services, parking, in an area with a high concentration of HMOs
- Article 4 Direction for HMOs and Family Housing Protection Zone applies to this property
- Proposal will not provide 'high quality accommodation', with poor internal amenity and inadequate internal floor area, and loss of privacy, security and green space.

- Adverse impact on neighbours including light and noise pollution.
- Proposal is not an extension, but a new self-contained dwellinghouse
- Proposed design and materials are unsympathetic with the existing Victorian building on the site, prevailing character of the neighbourhood and Trinity Gardens Conservation area.
- Unauthorised works require enforcement action
- Inadequate fire safety measures

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning considerations raised by the proposed development are:

1. Principle of the development;
2. Design and impact on the character and appearance of the conservation area;
3. Standard and quality of residential accommodation
4. Impact on the amenity of adjoining occupants;
5. Impact on neighbouring amenity; and
6. Transport considerations.

Principle of the development

6.2 Development Management DPD Policy DM17 states that Houses in Multiple Occupation will only be permitted where:

- 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;
- They are accessible by public transport, cycling and walking;
- 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.

6.3 The site currently operates as a large house in multiple occupation (sui generis) for a maximum 9 occupants in 7 households under a mandatory HMO licence. However, there is no record of a planning permission on Council's files. As such, the lawfulness of the existing HMO use has not been satisfactorily established by the applicant for the purposes of planning consent.

6.4 The proposal would add accommodation in the form of a single storey house to the rear garden providing 1 additional bed space, according to LBH's HMO standards for bedsit rooms. The site would therefore accommodate 10 individuals in 8 households. Such a garden structure would represent an overdevelopment of the site in relation to the intensification of the HMO use on site, with the addition of a new separate dwelling also at odds within the surrounding pattern of development and detrimental to the amenity of neighbouring properties.

- 6.8 As such, the principle of HMO accommodation within an outbuilding is not considered acceptable here.

Design and impact on the character and appearance of the conservation area

- 6.9 Policy DM12 'Housing Design and Quality' of the Haringey Development Management DPD (2017) is relevant. It states that new housing will be required to be of a high, site specific, and sensitive design quality, and is required to meet or exceed the minimum internal and external space standards of the London Plan and the Mayor's Housing SPG.
- 6.10 DPD Policy DM9 'Management of the Historic Environment' states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.
- 6.11 The development would result in a substantial addition to the rear garden. The large outbuilding occupies a significant footprint of the rear garden, with nominal separation from the side and rear boundaries of the site. The proposed building would have little relationship with the surrounding development including the existing Victorian terraced house on site. The design, height, scale and massing of the proposed building does not respect its local context and character.
- 6.12 For these reasons, the proposal detracts from the character and appearance of the CA; as such failing to preserve or enhance the character or appearance of the CA. Such harm to the heritage asset is not viewed to be outweighed by any identified public benefit, with the provision of additional housing representing a very limited benefit.

Standard and quality of residential accommodation

- 6.12 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, while Table 3.2 of the London Plan provides qualitative design aspects that should be addressed in housing developments.

- 6.13 The outbuilding is designed as a separate self-contained dwelling with kitchen and shower room facilities. The new dwelling does not meet the minimum internal space design for a new 1 bed/1 person/1 storey dwelling, as specified in Policy D6 of the London Plan.

	LP standard (m ²)	Proposed (sqm)	Compliance	Shortfall
1 bed/ 1 person/ 1 storey/ shower room	37	20.1	No	46%

- 6.14 The outbuilding is restricted to a single north-eastern aspect, due to its design and siting adjacent to the side and rear boundaries of the site. This would result in substandard access to sunlight and daylight for the new dwelling.
- 6.15 Access to the outbuilding is difficult and inconvenient, as it is only available internally through the main building and through the rear garden, harming the living standards of the other HMO residents. The proposed access is also unacceptable in relation to fire safety, and the proposed fire escape opening out to the rear boundary is not satisfactory.
- 6.16 The proposed design is thus in contravention of Policy D6 of the London Plan (2021) (LP) and Policies DM1, DM12 and DM17 of Haringey Development Management Plan DPD (2017) (DPD).

Impact upon amenity of adjoining occupants

- 6.18 DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring resident.
- 6.19 The outbuilding is located in an established residential area, characterised by a tight-knit pattern of housing and modest sized gardens. The addition of another household, resulting in 10 individuals in 8 household, would be an unacceptable intensification use of the site. In particular, the addition of the household in a separate dwelling within the rear garden will generate noise impacts and additional refuse and recycling storage requirements to the detriment of neighbouring amenity. Specifically, the occupant must move through the rear garden to access the outbuilding and shared facilities such as waste storage. Such pedestrian movements would also be apparent to, and affect, the amenity of adjoining occupiers, particularly late at night and early mornings, when a typical garden structure would not be in use.

- 6.20 The bulk and scale of the outbuilding is oversized for the site, occupying a significant footprint of the rear garden, adjacent to the side and rear boundaries of the site. The outbuilding has an approximate height of 2.7m, which would be apparent to adjoining neighbours over the existing fence. The proposed design would hence contribute to a sense of enclosure on the subject site and adjoining properties.
- 6.21 The proposal would thus harm the amenity of neighbouring properties by way of bulk impact and noise impact.

Conclusion

- 6.22 The proposed development represents an overdevelopment in relation to the intensification of the HMO use and the addition of a new separate dwelling that is at odds within the surrounding residential area.
- 6.23 The proposed development would be out of keeping with the general pattern, standard and character of the conservation area by reason of its bulk, scale, massing and design and would introduce a discordant feature to the area, failing to preserve or enhance the character and appearance of the Trinity Gardens Conservation Area.
- 6.24 The proposed unit would result in substandard accommodation by reason of inadequate unit size, inappropriate and inconvenient access through the internal areas of the main building and garden area, and restricted, single aspect.
- 6.25 The building addition and increase in occupants to this property given its current use and location would result in unacceptable impact on neighbouring residential amenity in terms of refuse and recycling storage, noise impact, and the character of the area. The proposal is therefore considered to be unsatisfactory.
- 6.26 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be refused for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

7. CIL APPLICABLE

- 7.1 The development is less than 100 square metres but is for a whole new dwelling and as such would be liable for CIL if it were being approved. Based on the information given on the plans, the Mayoral CIL charge would be £1,297.46 (20.1 sqm x £64.55 (indexation included)) and the Haringey CIL charge will be £4,926.31 (20.1 sqm x £245.09 (indexation included))

8. RECOMMENDATION

REFUSE PERMISSION

For the following reasons:

1. The proposed development represents an overdevelopment of the site in relation to the intensification of the HMO use and the addition of a new separate dwelling that is at odds within the surrounding residential area. The proposed development represents an overdevelopment in relation to the area of the site and the properties in the locality contrary to Policy D3 of the London Plan (2021), Policy SP11 of the Haringey Local Plan 2017 and policies DM1, DM12 and DM17 of Haringey Development Management Plan DPD (2017) (DPD).
2. The proposed development would be out of keeping with the general pattern, character and appearance of the conservation area by reason of the bulk, scale and siting of such a garden structure, with it being a discordant feature failing to preserve or enhance the character to this part of Trinity Gardens Conservation Area, contrary to London Plan (2021) Policy HC1, policies SP11 and SP12 of the Haringey Local Plan (2013), and policies DM1, DM12 and DM9 of Development Management DPD (2017).
3. The proposed unit would result in sub-standard accommodation by reason of inadequate unit size, inappropriate and inconvenient access through the internal areas of the main building and garden area, and restricted single aspect, contrary to Policy D6 of the London Plan 2021, and Policies DM1, DM12 and DM17 of Haringey Development Management Plan DPD (2017) (DPD).
4. The building addition and increase in occupants to this property given its current use and location would result in unacceptable impact on neighbouring residential amenity in terms of refuse and recycling storage, noise impacts, and additional coming and goings, particularly in relation to the rear garden, contrary to Policies DM1, DM12 and DM17 of Haringey Development Management Plan DPD (2017) (DPD).