

Officer's Report

Application Number	HGY/2023/1018
Type	Change of use
Location	124A Muswell Hill Broadway, Hornsey, London, N10 3RU
Proposal	Change of use of first floor flat from single family dwelling (Use Class C3) to a Large HMO for 8 occupants (Use Class Sui Generis)
Case Officer	Laina Levassor
Valid Date	20/03/2023
Applicant	MR SHKAR ANWAR
Agent	Mrs NURHAN ERK

RECOMMENDATION

Refuse

SITE HISTORY

There is no relevant planning history for the residential element of this site.

SITE DESCRIPTION

This application relates to 124A Muswell Hill Broadway which is comprised of a mixed use unit, with commercial use at ground floor accessed from the Broadway and the residential space, relevant to this application, accessed by a side passage. The relevant part of the unit is set across 3 storeys, ground, first and second floor all of which are accessed towards the rear of the building.

The Application site falls within the Muswell Hill Conservation Area and Family Housing Protection Zone.

CONSULTATION RESPONSES

None received.

PROPOSED DEVELOPMENT

The application form details a proposed change of use from C3 to C4. Use Class C4 is described as Houses in multiple occupation - 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.

The number of proposed occupants is detailed at 8, thereby exceeding the maximum defined within the C4 Use Class. The 'actual' proposed use is therefore considered a Large HMO falling within the 'Sui Generis' use class, falling outside the defined limits of any other use class.

ANALYSIS/ASSESSMENT

Conversion from C3 to Large HMO (Sui Generis):

Use of a property as an HMO for seven or more occupants (Sui Generis), requires planning permission in all parts of Haringey. Policy DM17: Houses in Multiple Occupation (Development Management DPD 2017) recognises that many HMOs within the borough provide sub-standard living conditions, are clustered in areas resulting in adverse impacts on local character and amenity and also reduce the availability of smaller family housing, for which there is significant need.

This application proposes a change of use to a 'Sui Generis' HMO thereby requiring the acceptability of the proposal to be assessed against the policy criteria set out in DM17 (a-e).

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.

Based on the submitted plans the existing dwellings original un-extended useable floor area (internal areas with a headroom of 1.5m or more) is estimated to just meet the 120m² minimum required by the above policy.

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;

Analysed evidence which supports the introduction of Haringey's HMO policy requirements, suggests links between HMO concentrations and resultant issues which can create adverse amenity impacts for neighbouring residents. The conversion of the existing dwelling to an 8-person HMO is likely to result in a much higher intensity of use than the existing lawful use as a single dwelling.

Muswell Hill Broadway is a busy mixed use high street which might mitigate some of the adverse impacts such as noise and general nuisance associated with a large scale HMO that might impact on residential amenity in a typical residential street.

However there are concerns regarding the intensity of use proposed and lack of refuse storage facilities within the site and how this may have environmental and visual amenity impacts on the area. These concerns are dealt with below.

c. They satisfy the appropriate Haringey Environmental Health Standards:

Where permission is granted for conversion to a HMO, a requirement of this permission will be to seek a HMO license to ensure these standards are 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'.

The proposed development does not incorporate on-site parking provisions and is therefore to be assessed as a car-free development.

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 site has a PTAL rating of 5 which denotes good public transport connectivity.

The site is located within the Muswell Hill West CPZ. The applicant has not provided any car parking survey to demonstrate that there is residual parking supply to meet the need created by the proposal. In the absence of car parking survey, it is considered that the development would require a legal agreement restricting future occupiers of the development from applying for parking permits and exacerbating existing on street parking congestion in the area.

The proposal does not include the provision of cycle parking.

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;

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. Un-extended, the property fails to meet this requirement.

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.

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.

It is considered that the lawful use of the property is as a single -family dwelling which features 4 rooms with the likely set up being two bedrooms at first floor level and a bedroom at second floor level. In this instance, proposed is a large HMO capable of occupying 8 people as 5 households which is not typical of a residential home. It is accepted that a dwellinghouse could have this number of adult occupants however, this would be unusual for a property of this size.

The layout of the property differs to that of a family dwelling where you would more often than not have a living area of form of communal space besides bathrooms/kitchens. The conversion does not incorporate any communal living space and the proposed combined kitchen/dining area does not offer space for the enjoyment of 8 occupants. It is likely in this scenario that occupants of the property would use their bedrooms as living space due to a lack of communal living space.

The comings and goings of 8 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, all of which are likely to contribute to increased activity in excess of that of a typical family dwelling.

Whilst consideration is given to the sites proximity within a busy area, the application fails to address how noise and disturbance caused by the proposed of a Large HMO, could be effectively managed or mitigated. In the absence of this evidence, it is not demonstrated that this conversion would not have a harmful impact on the living standards of future occupiers of the development. .

The proposal does not include the facilitation of external amenity space for use as a communal area. In addition to this, the only communal area is the kitchen – for occupancy of this scale, it is not considered the scale of the kitchen presents adequate provisions to facilitate a satisfactory way of living or function to that of a typical home environment.

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.

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. 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. It is recommended that the application be refused for the following reason(s):

Refusal Reasons:

The development due to the number of occupants proposed, the relatively small size of the unit, the limited amount of communal space within the unit, the absence of any external amenity space, lack of cycle parking and refuse storage, would result in an over intensive, cramped, noisy and poor quality living environment for future occupiers, contrary to policy DM17 of Haringey's Development Management DPD (2017) and policies D3 and D6 of the London Plan (2021).

The development would place unacceptable demands on the Council's on street bagged refuse collection service, resulting in additional nagged waste being left on the street to the detriment of the local environment and visual amenity, contrary to policies DM1, DM17 and DM4 of Haringey's Development Management DPD (2017).

The application fails to provide sufficient secure cycle parking in line with the standards as set out in the London Plan and therefore fails to promote appropriate sustainable transport measures to the detriment of the environment and the living standards of future occupiers of the development, contrary to policies DM17 and DM31 of Haringey's Development Management DPD (2017) and policies T1 and T5 of the London Plan (2021).

In the absence of an up-to-date parking survey that demonstrates sufficient on-street car parking capacity within the vicinity of the site, or an appropriate legal agreement prohibiting future occupiers of the development from applying for permits to park within the local controlled parking zone, the application fails to demonstrate that the proposal would not place additional pressure upon on-street parking which is already restricted and in high demand, to the detriment of local highway conditions, safety and the local environment, contrary to policies DM17, DM31 and DM32 of Haringey's Development Management DPD (2017) and policies T1 and T4 of the London Plan (2021).