

Officer's Report

Application Number	HGY/2023/0751
Type	Change of use
Location	4 Malvern Road, Tottenham, London, N17 9HH
Proposal	Change of use from dwelling house (use class C3) to House in Multiple Occupation (use class C4) (Retrospective).
Case Officer	Mercy Oruwari
Valid Date	21/04/2023
Applicant	Ms. Andrea Navarro
Agent	Mr Alex Yearsley

RECOMMENDATION

Refuse

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

1.1 This is an application for the conversion of existing house (class C3) into a small 5-person HMO (class C4)

Site and Surroundings

1.2 The subject site is a two storey mid terrace property closely located to the junction of Scales Road. The loft has been converted into a habitable space with a large rear dormer, and has a full width single storey rear extension. The single storey rear extension, along with the roof dormer mirrors and adjoins the extensions of the neighbouring property of no. 3 Malvern Road. There's a large outbuilding at the end of the rear garden, which is also adjoined to No. 3 Malvern Road. There are doors that lead from the back garden as well as doors that open out onto the private gated road that runs from Scales Road through to Mitchley Road.

Relevant Planning and Enforcement history

1.3 The most recent planning history in relation to the site is as follows:

- ENF/2023/0123 – Change of use of outbuilding - Closed
- HGY/2019/0164 – Certificate of lawfulness for House in Multiple Occupation (HMO) existing use – Refused
- UNW/2018/00436 – Unauthorised works - Closed
- HMO/2018/00279 – Unauthorised change of use into a HMO and unauthorised outbuilding at the end of the rear garden adjoined to the unauthorised outbuilding at No. 3 – In progress
- HGY/2017/2983 – (Flat A) New extension in rear of building – Refused (Allowed on appeal APP/Y5420/W/18/3201095)
- HGY/2015/3736 - Erection of a rear dormer extension with roof lights to front roof slope – Granted
- HGY/2015/2429 - Loft conversion with rear dormer extension and roof lights to front roof slope with rear extension at first floor level (householder application) – Refused

- HGY/2015/1430 – 3 & 4 Malvern Road N17 - Ground floor rear extension to both properties – Granted
- HGY/2015/1403 – Certificate of lawfulness for a rear dormer extension – Permission not required
- HGY/2013/0562 – Use of property as two self contained flats (Certificate of Lawfulness) - Granted

2. CONSULTATION RESPONSE

2.1 The following were consulted regarding the application:

Internal:

LBH Transportation Team:

- The site has very good public transport accessibility (PATL=5) and is located within a CPZ.
- Cycle parking provision for one bicycle is required for each HMO bedroom. These spaces should be secure, sheltered and accessible (independently by each occupier). Given the site constraints, this aspect should be resolved prior to determination of application.
- A car free s106 agreement is required to restrict eligibility of all occupiers from obtaining CPZ parking permits. The applicant will also be responsible for corresponding cost (£4000) for amending the TMO.
- Details of provision for refuse storage is required.

3. LOCAL REPRESENTATIONS

3.1 The application has been publicised by way letters. 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: 1

Objecting: 1

Supporting: 0

3.2 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:

- Family homes should not be converted into HMOs
- Family Housing Protection Zone
- Proliferation of HMOs in the area resulting in overcrowding and lack of community cohesion
- Transient population, less collaboration and local investment.

4 MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of development;
2. Design and appearance;
3. Standard and quality of residential accommodation;
4. Impact on neighbouring amenity;
5. Transport considerations;
6. Waste Management

Principle of development

4.2 Policy DM17: Houses in Multiple Occupation states the following:

A Proposals for the conversion of larger homes to Houses in Multiple Occupation (HMO), including small HMOs (3-6 unrelated people) within the area covered by the Article 4 Direction (as shown in Figure 3.2), will only be permitted where:

- a. The gross original internal floor space of the existing dwelling is greater than 120m²;
- 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;
- c. They are accessible by public transport, cycling and walking;
- 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; and
- e. Where non self-contained, have exclusive use of a kitchen or space within a shared kitchen for each household

4.3 The gross original internal floor space (the original floorspace excludes extensions and loft conversions) of the existing dwelling house is approximately 80m² is significantly below the required 120m² and therefore considered too small for conversion to an HMO, contrary to Policy DM17 of Haringey's Development Management DPD (2016).

4.4 In addition, the proposed conversion of the single dwelling house into a HMO results in the loss of a family sized unit within the Family Housing Protection Zone for which there is an identified need, contrary to Policy SP2 of the Haringey Local Plan (2017) and Policy DM17 of Haringey's Development Management DPD (2016).

4.5 The proposal for this application is unacceptable in principle.

Design and appearance

4.6 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.

4.7 There are no proposed physical changes to the exterior of the building. Therefore, there would be no impact on the character and appearance of the area in this respect.

Standard and quality of residential accommodation

4.8 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.

4.9 The proposal comprises of 5x bedrooms, served by 3x bath/shower rooms, 1x kitchen/diner, 1x living room. As the property is a three or more person household the bedroom sizes for the HMO standards would be 6.5 sq.m for a single room and 10 sq.m for a double. The rooms appear to comply with this size standard. However it is noted that the ground floor bedroom has no windows, other than small roof light and so is afforded no outlook. This would be considered unacceptable in convention housing, but the harm to the living environment of the rooms occupant in this case is exacerbated given that in HMO's occupiers are likely to spend more time in their rooms.

4.10 There is an adequate communal living space both in the front living room and the kitchen/diner that would be acceptable in regards to the internal amenity space for the occupants. It is noted that there is a ensuite shower room w.c. located off of the communal living rooms which seems an unusual arrangement.

4.11 There is no indication on the plans of any cycle parking which according to policy T5 of the London Plan (2021) is a requirement (5 bed equates to 5x long stay parking spaces). It has been stated that this would be considered as a condition with the application by the applicant. However, transportation has requested that this be concluded before determining the application. As the application has been recommended for refusal there will be no need to pursue this.

Impact on neighbouring amenity

4.12 London Plan Policy D4 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

4.13 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.

4.14 There are no proposed physical changes to the exterior of the building. Therefore, there would be no new amenity impacts to consider.

Transport considerations

4.15 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.

4.16 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'.

4.17 The Council's Transportation Team has been consulted and advises that the site has a Public Transport Accessibility Level (PTAL) of 5, which indicates that access to public transport is very good. The development is also located within a Control Parking Zone (CPZ). The transport team has requested that a car free s106 agreement would be required to restrict eligibility of all occupiers from obtaining CPZ parking permits. It is also advised that the applicant will be responsible for corresponding cost (£4000) for amending the TMO.

4.18 The applicant will also be required to provide long and short stay cycle parking provisions in line with the London Plan (2021) standards of the London Cycle Design Standards. Given the small size of the properties front forecourt/garden, it does not seem likely that sufficient cycle parking and refuse storage can be provided.

Waste Management

4.19 Policy DM4 of the development Management DPD states that all proposals will be required to make on-site provision for general waste, the separation of recyclable materials and organic for composting. The on-site provision must:

- Ensure adequate dedicated internal and external storage space to manage the volume of waste arising from the site;
- Provide accessible and safe to on-site storage facilities, both for occupiers and collection operatives, including vehicles, having regard to the Council's Refuse Collection Strategy;
- Be located and screened to avoid nuisance and adverse impact on visual and other amenity to occupiers and neighbouring uses, and are within the maximum permitted carrying and reversing distances.

4.20 The proposal does not provide any details of bin storage arrangements. Given the small size of the front forecourt, there is concern that there would be sufficient space to accommodate refuse storage for an HMO occupied by up to 6 adults.

Conclusion

4.21 The gross original internal floor space of the existing dwelling house is below 120m² and therefore considered too small for conversion and contrary to Policy DM17 of Haringey's Development Management DPD (2016).

4.22 The proposed conversion of the single dwellinghouse results in the loss of a family sized unit [within the Family Housing Protection Zone] for which there is an identified need, contrary to Policy SP2 of the Haringey Local Plan 2017 and Policy DM17 of Haringey's Development Management DPD (2016).

4.23 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

5. CIL APPLICABLE

N/A

6. RECOMMENDATION

REFUSE PERMISSION for the following reason(s):

Refusal Reasons:

The gross original internal floor space of the existing dwelling house is below 120m² and therefore considered too small for conversion and contrary to Policy DM17 of Haringey's Development Management DPD (2016).

The proposed conversion of the single dwellinghouse will result in the loss of a family sized unit [within the Family Housing Protection Zone] for which there is an identified need, contrary to Policy SP2 of the Haringey Local Plan 2017 and Policy DM17 of Haringey's Development Management DPD (2016).

The proposed conversion involves the over-intensive sub-division of the property resulting in sub-standard accommodation by reason of the lack of outlook and inadequate natural ventilation due to the absence of windows in one of the proposed ground floor bedrooms and inadequate space for refuse and bicycle storage for the likely number of occupants of the HMO as a whole, contrary to Policies D3 and D6 of the London Plan 2021, Policy SP2 of Haringey's Strategic Policies DPD 2017, Policies DM17 and DM12 of Haringey's Development Management DPD 2017.