

Officer's Report

Application Number	HGY/2023/0545
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
Case Officer	Emily Whittredge
Valid Date	
Applicant	Mr L Ali
Agent	Mr JIN IL KIM

RECOMMENDATION

Permitted Development

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/2022/3879 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). - Refuse Certificate

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 which is permitted use within the same class

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 one bedroom, an office room, a living room, a communal kitchen/dining room, and shared garden. The first floor has three bedrooms and three shower rooms, and the loft dormer has two bedrooms and one shower room. There would be 5 double bedrooms and one single room according to the definitions set out in the government's nationally described space standards.

The layout and facilities within the property broadly resemble that of a single-family dwelling, with living room and a kitchen/diner at ground floor level and bedrooms mainly on the upper floors. Six bedrooms are proposed, and six shower rooms, with four of these being en-suite. On the balance of probabilities, the layout would facilitate the communal living expected of a single household and

is therefore 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. General information has been provided about the residential care provider and their specialisms.

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. A Statement of Purpose has been submitted that describes broadly the support provided by the care provider for this site. Evergreen Care supports: people with physical disabilities; People with sensory loss, including those with dual sensory impairment; People with mental health problems including forensic mental health; People with Autism Spectrum Disorder; People with complex needs care; People with learning disabilities; People with terminal illnesses. The statement does not specify the type or level of care that would be provided, nor details such as number of carers or visits. Care would be provided to adult residents aged 18 and over. However, the Council can confirm that Evergreen Care is registered with the Care Quality Commission and has been reviewed with an overall rating of 'Good'. The Council is satisfied, based on the details provided and the Care Quality Commission's review, that care would be provided to the proposed occupants, in line with Class C3(b). In addition, the office on the ground floor could be available for the caring function on site.

6. Summary and Conclusion

For the reasons described above, the Council is satisfied 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.

Based upon the information provided, the proposed development would constitute permitted development by virtue of Part C of the Town and Country Planning (Use Classes) Order 1987 (as amended) and is therefore lawful.

7. Recommendation

Grant Certificate