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**Re: 57 Park Avenue, Wood Green, London, N22 7EY, Lawful development:
Existing use - Certificate of lawfulness for use of property as HMO,
HGY/2023/1082.**

I make the following objections to the above application for approval, as follows:

Existing Use

1. The applicant states as justification for the grant of a Lawful Development Certificate, that an existing HMO use has existed for more than 10 years in the form of two or more lodgers living at the dwelling.
2. The taking in of lodgers is, however, not a Class C4 HMO use, but is a continuation of the existing Class C3 residential use. It follows that the presence of lodgers in a C3 dwelling cannot be used to justify the change of use to C4 HMO.
3. The criterion of an enduring existing use as an HMO has therefore not been passed: the grant of a Certificate of Lawfulness should be refused.

HMO impacts and loss of family accommodation

4. In order to control problems associated with HMOs, the LPA has introduced an Article 4 Direction removing permitted development rights for conversion to small HMOs (Haringey Development Management DPD para 3.40). A planning application is required. This applies to the east of the Borough, as shown in the map DM DPD figure 3.2.
5. #57 Park Avenue is in the east of the Borough and thus subject to the Article direction and Council Policy DM DPD DM17. The dwelling is also in the Family Housing Protection Zone (map, DM DPD Figure 3.1) and thus subject to Haringey's policies to maintain existing family housing (DM DPD para 3.3).
6. Park Avenue is already the site of many HMOs: conversion of the property would add to the concentration of HMOs in the area, as well as remove sought after family accommodation from the stock available. This is against Policies DM17 and DM16. The change of use to HMO should therefore be resisted.

Existing planning conditions

7. The drawings supplied for the accommodation at #57 show details of a garden room situated in the rear garden of the dwelling. This building is a converted garage with a flat roof. It does not have a pitched roof as indicated in the drawings.
8. The garden room was the subject of a planning application in 2011 (HGY/2011/0222) to: 'retain the garden room as residential accommodation ancillary to the main house'. The application was refused by the LPA, but later allowed on appeal, (Appeal Ref: APP/Y5420/A/12/2169577).
9. At appeal, the Inspector imposed a condition, namely that:

'The garden room hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 57 Park Avenue, Wood Green, London N22 7EY.'

10. The Inspector in his Decision states further (para 10), that the garden room, if separately let or occupied independently of the dwelling house, would be in breach of the condition he imposed.
11. It follows that the garden room cannot be separately let, as it would be if it were part of an HMO. The use of the garden room as an HMO would therefore be in breach. Any change of use of #57 to Class C4 should require the garden room to remain ancillary to the residential use of the dwelling, as determined in the Inspector's decision.

Yours sincerely

Simon Fedida