



Officer Report

Application Number:	HGY/2023/1797
Application Type:	Full planning permission
Address:	109 Rutland Gardens, Tottenham, London, N4 1JW
Proposal:	Conversion of existing dwellinghouse (C3 Use Class) to an HMO for up to six residents (C4 Use Class).
Case Officer:	Sarah Madondo
Valid Date:	07/07/2023
Applicant:	Mrs Maureen Gomez
Agent:	

RECOMMENDATION

Refuse

Proposed Development

Conversion of existing property into HMO. The applicant has stated on their application form that the use being sought is for an HMO within the C4 use Class which includes HMO's of up to six residents. The site lies within an area of Haringey covered by an Article 4 removing PD rights for changes of use between the C3 and C4 use classes.

Site and Surroundings

The site application is a two story mid terraced property located on Rutland Gardens. The property has been extended by a loft conversion and the site is not in conservation area nor is it listed.

Principle Development

The Council's adopted Policy DM17 of Development Management Plan Document (2017), amongst other things, aims to ensure that conversions to HMO's result in a high standard of design. In addition, such conversions should not give rise to any significant adverse impact of the living conditions of neighbouring occupiers and future occupiers. Policy DM17 further specifies that the minimum 120m² floor area of an acceptable dwelling for HMO conversion must be the original floor area.

The dwelling has an original (un-extended) floor area of 97.4 sqm, based on the submitted plans. As set out in the policy any existing extensions are excluded. The property therefore falls significantly below the required 120sqm.

London Plan (2021) Table 4.1 sets out housing targets for London over the coming decade, setting a 10-year housing target (2019/20 – 2028/29) for Haringey of 15,920, equating to 1,592 dwellings per annum. Policy H1 'Increasing housing supply' states that boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites, especially sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m of

a station or town centre boundary. Local Plan Policy SP2 seeks to ensure that an adequate mix of dwelling sizes is delivered within new developments while protecting existing family housing as it is recognised that a lack of family housing in Haringey is contributing to overcrowding.

The proposal is for the conversion of the existing dwelling into 6 bedroomed C4 HMO for up to six residents. It is considered that allowing this conversion would have impact the overall supply of housing within the Borough and the LPA's ability to meet its housing targets set out the development plan. The need to provide a sufficient supply of family homes is high priority for the Council and is very challenging. The loss of this satisfactory accommodation to be replaced with HMO, would result in a loss of residential units and cannot be supported.

It is recognised that the development boosts the supply of housing within the Borough; however, the need to provide a sufficient supply of small family homes is a priority for the Council. As such, the modest benefit of the additional housing provided by the conversion is outweighed by the unacceptable loss of a single-family dwelling house. Furthermore, the original size of the property fails to comply with the requirements as identified in Policy DM17 of the DPD.

The overall principle of the conversion is, therefore, considered unacceptable, as it would result in the loss of a family sized dwellinghouse for which there is an identified need. It would therefore be contrary to Policy DM17 of the adopted Development Management, Development Plan Document (2017). The loss of large family dwelling would also be contrary to policy SP2 of the Local Plan.

Design and Appearance

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.

There are no external alterations proposed, however the property has been extended by way of roof extensions and it appears there is planning history. These alterations do not form part of this application.

Standard and quality of residential accommodation

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 outlook.

The proposal comprises of 6 rooms consisting of 2 double rooms and 4 single rooms, therefore the property is capable of accommodating 9 residents therefore considered to be a large HMO. The HMO would comprise of shared kitchen at ground floor, reception room, bathroom at first floor and shower room in the loft. According to the HMO requirements, where some or all of the units of accommodation do not have exclusive kitchen facilities, shared facilities shall be provided in a ratio of one set of facilities to a maximum of three lettings. In this case, there is only one kitchen for 9 lettings and also there is no separate toilets which is not acceptable.

According to Haringey HMO Standards one person letting where there is a separate kitchen, the minimum requirements for the room should be 10 sq.m. Officers note that the bedroom on the ground floor, middle bedroom and rear bedroom at first floor are below 10 sq.m therefore below the HMO standards.

The applicant has not provided sections so therefore it is unclear if the loft bedroom would have a minimum ceiling height of 2.5m, so that room is of adequate quality, especially in terms of daylight penetration, ventilation and cooling, and sense of space.

Point d) of Policy DM17 states that proposals for conversions into HMO should 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 refuse storage. The applicant has failed to satisfy the LPA, in that adequate refuse and recycling bins or cycle parking will be provided to meet the likely increase in intensity of use that would result from the change of use to an HMO 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.

Impact on neighbouring amenity

London Plan Policy D6 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.

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 residents.

The proposed use of this single dwelling as a large HMO for at least 6 adults is likely to result in an intensity of use that would be detrimental to the residential amenity of neighbouring occupiers by reason of increased noise.

Policy DM17 part (b) states '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;' According to Haringey's HMO register, there are already 36 licenced HMOs or over 29% of houses in Rutland Gardens. Research conducted by the private consultancy London Property Licensing estimated in 2020 that 75% of all HMOs in London are unregistered. So, the total number of existing HMOs in St Paul's Road is likely to be significantly higher. The proposal would therefore exacerbate the over concentration of HMOs in the area, resulting in adverse impacts on local character and amenity. No information on existing conversions has been submitted by the applicant to support their application.

No external alterations are proposed therefore the neighbouring properties would not be adversely affected in terms of daylight, outlook and overshadowing.

Transport considerations

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'.

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 application is proposed as a car free development and the Council's Transportation Team has been consulted and advises that the site is located within a CPZ and has a transport accessibility level of 3 which is considered as 'moderate.' The transportation officer advises that the applicant has not indicated whether or not any cycle parking would be provided therefore the developer is advised that plans showing accessible, sheltered, and secure cycle parking for 5 bicycles would be required. Furthermore, the cycle parking will need to be built adhering to TfL's published London Cycling Design Standards (LCDS). Officers have observed that there appears to be limited space at the front garden of the development, which could potentially limit the number of bikes that could be accommodated there. However, cycle parking could not be located within the developments garden, as this would mean they would have to be taken through the kitchen and hallway to store/retrieve them. Therefore, making it not fit for purpose and not in accordance with the published London Plan 2021 Policy T5 Cycle. If applicant is minded to appeal against the LPA's decision then a condition would be attached.

Waste Management

The applicant has not indicated where the bins would be located. Officers have observed that the front garden is very small as such are concerned that the front garden is not large enough to accommodate bins/cycle parking for this HMO. Therefore would result in harm to the character and appearance of the area. Consequently, the proposal would not provide high quality accommodation.

Conclusion

Overall, it is considered that conversion of this single dwelling into HMO for 6 people would result in the loss of a family sized residential unit for which there is an identified need. The proposed development would not provide satisfactory cycle, refuse and recycling storage. Accordingly, it would conflict with Policy DM17 of the DPD which seeks to ensure HMOs provide high quality accommodation which provide adequate and convenient refuse storage and is accessible by cycling.

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

Refusal Reasons:

The proposed conversion of the single-family dwelling into a HMO would result in an unacceptable loss of family housing for which there is an identified need. The original un-

extended floor area of the property also fails to meet the minimum floor space standard set out in the Council's adopted HMO policy. As such the proposal would be contrary to London Plan policy, Local Plan Policy SP2, and DM17 of the adopted Development Management, Development Plan Document (2017).

The proposed development would result in an over-intensive use of the property and an increase in levels of activity and noise that would be detrimental to neighbouring residential amenity, contrary to Policy SP2 of Haringey Council's Local Plan 2017, Policy DM12 & DM17 of Haringey Council's Development Management DPD, and Policy D6 of the London Plan 2021 and the Mayor's Housing SPG 2016.

The proposed change of use of the property to a house in multiple occupation (HMO) for 6 persons would by reason of the lack of cycle parking, and the lack of refuse, recycling storage and adequate room size is considered to provide a sub-standard form of accommodation, an over intensive use of the site, harmful to neighbouring residential amenity contrary to Policy DM17 of Haringey's Development Management DPD (2017).

The proposed conversion of the property to an HMO will exacerbate the over-concentration of HMO uses in this area, resulting in adverse impacts on local character and amenity and contrary to Policy DM17 of Haringey's Development Management DPD (2017).