



Officer Report

Application Number:	HGY/2023/2293
Application Type:	Lawful development: Proposed use
Address:	Flat B, 83 West Green Road, Tottenham, London, N15 5DA
Proposal:	Certificate of Lawfulness for proposed internal reconfiguration to allow an increase in occupancy of HMO from 4 occupants to 5 occupants
Case Officer:	Laina Levassor
Valid Date:	24/08/2023
Applicant:	Yumi Just
Agent:	Mr. Heshy Friedman

RECOMMENDATION

Refuse

SITE DESCRIPTION & PLANNING HISTORY

This application relates to Flat B which is set across the first and second floors.
The site is not within any conservation area.

HGY/2020/0659 - Refuse

The proposal includes the erection of a first floor extension at the rear, to provide an additional bedroom to Flat B and internal alterations to Flat A, to comply with the current HMO minimum space standards.

Existing plans provided for application reference HGY/2020/0659 states Flat B contains '7 persons' with proposed plans showing an increase to '9 persons'.

ANALYSIS & ASSESSMENT

This application proposes an increase in occupancy to an existing HMO use.
The application form states that the current use falls within C4, allowing up to 6 occupants.

The application site falls within the East of the borough which is covered by an Article 4 Direction, restricting HMO conversions. Any such conversion therefore requires planning permission - planning history for the site reveals that this conversion does not benefit from planning permission. In addition, previous submissions reveal that the 'existing' use was as a 7-person HMO, exceeding the maximum number of occupants for C4 HMO use, which would be considered a Sui Generis use.

CONCLUSION

Section 192 of the Town and Country Planning Act states 'If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations

described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect and in any other case they shall refuse the application'. Based on site history, it cannot be established that the lawful use of the property is as a C4 HMO therefore it cannot be considered that an increase in occupancy would be considered lawful. For this reason, a certificate is not issued.

Refusal Reasons:

It has not been demonstrated that, on the balance of probabilities that the lawful use of the property is as a Home in Multiple Occupancy (HMO) within the C4 Use Class and therefore the proposed alterations to the property's occupancy levels cannot be considered lawful.