



Officer Report

Application Number: HGY/2023/2471
Application Type: Full planning permission
Address: Flat B, 83 West Green Road, Tottenham, London, N15 5DA
Proposal: Retrospective permission for change of use from single family dwelling (Use Class C3) to HMO (Use Class C4) for 5 occupants
Case Officer: Laina Levassor
Valid Date: 28/09/2023
Applicant: Yumi Just
Agent: Mr. Heshy Friedman

RECOMMENDATION

Refuse

RELEVANT PLANNING HISTORY

PLANNING CASES (2)

1 - HGY/2023/2293

Proposal: Certificate of Lawfulness for proposed internal reconfiguration to allow an increase in occupancy of HMO from 4 occupants to 5 occupants
Decision: Refuse

2 - HGY/2020/0659

Proposal: 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.
Decision: Refuse

ENFORCEMENT CASES (1)

ENF/2023/0379

Enforcement Type: Change of Use - House in Multiple Occupation
Status: In Progress

SITE DESCRIPTION

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

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

It was established in the assessment of submission reference HGY/2023/2293 that the lawful use is considered to be a single-family dwelling as C4 use had not continued uninterrupted for a period of time to allow immunity from enforcement action.

CONSULTATION RESPONSES

Transport comments are as follows:

1. The site has excellent public transport accessibility (PTAL=6a) and is located within a CPZ.
2. The proposals is car free. No parking stress survey has been undertaken. Under these circumstances, a car free s106 agreement is recommended. The applicant will be responsible for cost (£4000) for amending the TMO.
3. Clarification is required regarding provision for cycle parking. The planning statement indicates provision for 4 or 5 cycle spaces and Cycle parking provision is either internally or proposed in the rear garden. However, no detailed plan has been provided regarding the layout, location and access arrangements to demonstrate that this meets London cycling design standards. These details should be provided before determination of the application rather than via a planning condition. The proposed access from Anchor Drive must demonstrate that it is available and suitable.
4. The Planning statement indicates provision for refuse storage (4 x44l recycling) is proposed internally on the first and second floors and it also indicates The refuse and recycling storage will be located to the rear garden of Flat A, accessible via Anchor Drive – no further details have been illustrated. However, the proposals are for five separate HMO units and clarification regarding inconsistencies is necessary.

The proposals are not supported for the transport reasons outlined above.

PROPOSED DEVELOPMENT

This application combines a request for retrospective permission for C4 use for 4 rooms and proposals for internal reconfiguration which increases occupancy to 5 persons.

As C4 is not considered the lawful use - but instead a single-family dwelling, this application is to be assessed as to whether the site is appropriate for planning permission to be granted for C4 use.

Use Class C4 is described as Houses in multiple occupation - Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

Proposed is a 5 (single occupancy) bedroom HMO, featuring 2 communal kitchen spaces.

Each room is proposed to have access to their own shower room/wc.

ANALYSIS/ASSESSMENT

Policy DM17: Houses in Multiple Occupation (Development Management DPD 2017), states that conversion is only 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 over concentration of HMOs within an area;
- c. They satisfy the appropriate Haringey Environmental Health Standards;
- d. They are accessible by public transport, cycling and walking;

e. 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;

The planning statement provided states that the property is not a family dwelling - this however is considered to be the lawful use and as such DM17 is considered relevant.

a. The gross original internal floor space of the existing dwelling is greater than 120m²;

The original internal floorspace of the property measures 75m² and fails to meet this part of the policy. The original, un-extended floorspace fails to meet the minimum floorspace requirements, as set out in Policy DM17 of the Haringey Development Management Document which requires a total of more than 120sqm.

□b. They do not give rise to any significant adverse amenity impact(s) on the surrounding Neighbourhood, including cumulative impacts arising from an over concentration of HMOs within an area;

According to Council records there are 215 licensed HMOs on West Green Road. 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'. 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 this area 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.

d. They are accessible by public transport, cycling and walking;

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'.

The proposed development does not incorporate on-site parking provisions and is therefore to be assessed as a car-free development.

The site has a PTAL rating of 6 which denotes good public transport connectivity.

The site is located within the Seven Sisters CPZ. The applicant has not provided any car parking survey to demonstrate that there is residual parking supply to meet the need created by the proposal. In the absence of car parking survey, it is considered that the development would give rise to additional vehicular activity (including by residents', visitors' and servicing vehicles), and place additional pressure upon on-street parking which is already restricted and in high demand.

Plans denote vertical cycle storage for 5 bicycles. Guidance on the planning and design of high-quality parking facilities for all cycle users is set out in Chapter 8 of Transport for London's London Cycling Design Standards stating parking serving all types of home should be designed to be close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners.

Cycle storage is provided at ground floor level, through a corridor space which is sited outside the entrance to Flat A which does not form part of the application site. Access to this cycle storage requires entrance through a 0.9m wide hallway from the street entrance and entrance through a further doorway measuring 0.75m. The proposal would therefore not meet minimum cycle parking requirements for conversion.

e. 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;

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, including conversions - 5 bedrooms and 5 bedspaces is not covered within this however, it is clear that based on provisions set out, the conversion would not meet these requirements.

Policy DM4 requires all proposals to provide on-site provision for general waste, recycling and organic material for composting. This on-site provision must ensure adequate dedicated internal and external storage space to manage the volume of waste arising from the site. Policy also requires that refuse storage is located and screened to avoid nuisance and adverse impact on visual and other amenity to occupiers and neighbouring uses.

In addition, they should provide high quality accommodation that satisfies the relevant policies in the Local Plan, including internal space standards, provision of satisfactory level of amenity space for occupants and adequate and convenient refuse storage and collection.

Policy DM17 of the Development Management DPD recognises that many HMOs in the borough provide sub-standard living conditions. In response to this, policy states that conversion is only permitted where the gross original internal floorspace of the existing dwelling is greater than 120m². The property does not meet minimum floorspace requirements, fails to provide internal amenity areas such as a living/dining space and does not propose access to any outdoor amenity space.

Policy DM4 requires all proposals to provide on-site provision for general waste, recycling and organic material for composting. This on-site provision must ensure adequate dedicated internal and external storage space to manage the volume of waste arising from the site. Policy also requires that refuse storage is located and screened to avoid nuisance and adverse impact on visual and other amenity to occupiers and neighbouring uses. This submission fails to provide details on external refuse arrangements and does not demonstrate that internal waste provisions are adequate in line with Haringey's Sustainable Design and Construction SPD (Appendix A3 - Waste).

Other Matters

The Local Plan is not reliant on conversions to meet its strategic housing target and the Council will restrict further residential conversions in areas of the Borough identified as already having a high concentration of converted properties which form part of the Family Housing Protection Zone. This will ensure the Council can protect the remaining existing stock of family houses (3+ bedrooms) within these areas, and to ensure that, across the Borough, the range of Haringey's housing needs can be met. The property falls within the Family Housing Protection Zone. Conversion of the site to

a HMO would contribute to the removal of family housing, within a designated area for which protection of such housing is applied.

CONCLUSION

Accordingly, the proposed development does not meet the relevant local and regional policies as outlined above.

All other relevant policies and considerations, including equalities, have been taken into account.

REASONS FOR REFUSAL

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.

The proposed change of use of the property to a house in multiple occupation (HMO) for 5 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).

Informatives:

INFORMATIVE: Pre- application Advice

Taking the reason(s) for refusal into account, you may wish to prepare a revised proposal for comment prior to submitting a further planning application. To do so we strongly recommend you seek pre-application advice and refer you to our Pre-Application Planning Advice (PAPA) Service.

<https://www.haringey.gov.uk/planning-and-building-control/planning>