



Officer Report

Application Number:	HGY/2023/2578
Application Type:	Change of use
Address:	324 Philip Lane, Tottenham, London, N15 4AB
Proposal:	Change of Use: C3 to C4 (6 Person HMO).
Case Officer:	Zara Seelig
Valid Date:	26/09/2023
Applicant:	Ian Brown
Agent:	Joshua Valler-Feltham

RECOMMENDATION

Approve with Conditions

Proposed Development

This is an application for a change of Use from C3 to C4 (6 Person HMO).

Site and Surroundings

The application site is a two storey mid-terrace dwelling on the northern side of Philip Lane. The site is not located within a conservation area and does not fall within the curtilage of a listed building. It is located within a family housing protection zone and is covered by an article 4 direction for HMO's.

Relevant Planning & Enforcement History

HGY/1996/1017 – Change of use to a care home for children – Refused permission
PRE/2023/0134 - Change Of Use from C3 to a 7 room HMO – 7 rooms was not considered acceptable and it was concluded that the proposed room numbered 3 would not be acceptable as a bedroom and would be suitable as a communal lounge/dining room. It was concluded that a 6 person HMO could be considered acceptable.

CONSULTATION RESPONSE

Internal:

LBH HMO team: Consulted, no response received

LBH Transportation: Consulted, see transport section of the report below for comments

LOCAL REPRESENTATIONS

No representations received from neighbours, local groups, etc in response to notification and publicity of the application.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Principle of development;
2. Design and appearance;
3. Standard and Quality of accommodation;
4. Impact on neighbouring amenity;
5. Transportation considerations; and
6. Waste Management

Principle of development

Development Management Development Plan Document (DPD) Policy DM17 (Houses in multiple occupation) states that the conversion of larger homes to Houses in Multiple Occupation (HMO), including small HMOs (3-6 unrelated people) within the area covered by the Article 4 Direction, will only be 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 overconcentration of HMOs within an area;
- c) They are accessible by public transport, cycling and walking;
- d) 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; and
- e) Where non self-contained, have exclusive use of a kitchen or space within a shared kitchen for each household.

Under Policy DM17, the floor space requirement relates to the gross original internal floor space. Based on the submitted plans, the gross original floor space measures approximately 65.78m² at ground floor level and 64.61m² at first floor level, totalling 130.39sqm, which exceeds the minimum 120m² required by the policy.

Policy SP2 (Housing) of the Haringey Local Plan 2017 states that the Council will aim to provide homes to meet Haringey's housing needs and to make the full use of Haringey's capacity for housing by maximising the supply of additional housing to meet and exceed the minimum target of 19,802 homes from 2011-2026 (820 units per annum from 2011-2014 and 1,502 units per annum from 2015-2026).

As previously noted, the net original floor space exceeds 120m² and the proposal does comply with this part of Policy DM17.

Policy DM17 aims to prevent residential conversions of small dwellings that would result in sub-standard living conditions for the occupants through inadequate floor space. Policy SP2 aims to meet Haringey's housing needs. In this instance the proposed conversion complies with key requirements of these policies and is therefore acceptable in principle for conversion to an HMO.

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.

No extensions are proposed as part of this application and the works are internal, therefore there would be no impact in terms of design resulting from the proposal.

Standard and quality of 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 and easily accessible storage space as well as outdoor amenity space. Table 3.1 sets out 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.

The HMO would comprise of six bedrooms comprising of 6 rooms, capable of accommodating 6 residents. All rooms have shower/toilet with a shared kitchens/dining area including a common room at ground floor. All rooms sizes exceed the HMO standards of (10 sq.m). The proposal satisfies this in terms of the provision of six good-sized bedrooms.

The layout of the ground floor is such that kitchen would be provided and dining area/living room. The kitchen is satisfactory in size for the number of occupants. Part A (d) requires proposals to result in high quality accommodation, which satisfies the relevant policies of the Local Plan. This includes internal space standards, which are set out in the London Plan (2021) and the government's 2015 'Technical housing standards – nationally described space standard' (NDSS)). Its requirements also include the provision of a satisfactory level of amenity space for occupants, and adequate and convenient refuse storage and collection. A condition will be imposed to ensure that the waste/refuse storage details are submitted.

The property has existing external rear amenity space, this will be a communal outdoor amenity space for residents and is considered acceptable. Therefore, the proposal would comply with Part A of Policy DM17.

Overall, the living conditions for future residents comply with the above relevant planning policy framework and the proposal is acceptable in this regard.

Impact on neighbouring amenity

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 resident

The surrounding area is characterised by residential properties, which may be of similar density/occupancy level. Some existing noise from comings and goings would be expected, and Officers acknowledge that these may be greater under the proposal with the rooms occupied by unconnected individuals than with a single household. While the property would be occupied by unrelated persons, as outlined earlier, officers note that under a C3 lawful use the seven bedrooms of the house could be 'fully' occupied by a great number (7) of people provided they are in a single related group, such as a large family. The property has ample kitchen space, two communal areas and amenity space for this occupancy level, consistent with similar or greater numbers under a C3 use.

However, given the site context, and the fact that the proposed occupancy level is not more than six people and not materially greater than the previous C3 use, these comings and goings would not be sufficient to cause material harm to neighbour amenity in terms of noise or general disturbance. For the same reasons, noise/ vibration transfers from within the unit to neighbouring properties would not arise to a harmful degree compared to the C3 use. The proposal is therefore acceptable in terms of impact on neighbouring amenity.

Transportation 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 transportation team was consulted and commented as follows:

- a. The site has poor public transport accessibility (PTAL=2) and is located within a CPZ. The site is also located within the Family Housing protection zone.
- b. The proposal is car free, however no parking stress assessment has been undertaken. Under these circumstances, a car free s106 agreement is required to restrict eligibility of all occupiers from obtaining CPZ parking permits. A corresponding charge (£4000) for amending the CPZ TMO should be secured via s106 agreement.
- c. Cycle parking provision for 8 bicycles is proposed to be in the front yard together with refuse storage. The aisle width for access to cycle parking is inadequate (approx. 1m) – a minimum of 1.8m is required. Revised dimensioned plans are required to demonstrate cycle parking meets London Cycling Design guidance.

The requirement for S106 is noted, however officers consider that the uplift would not be considerable different from C3 use (residential dwelling), therefore a S106 would not be required and bearing in mind the nature of the use as a small HMO. In terms of the cycle storage, 8 bicycle spaces would be provided, transportation officers raised concerns about the aisle width for access and so amendments were made to move the cycle and bin storage and to add a front boundary wall to screen the bin store in the front garden area.

Waste Management

The London Plan Policy DM4 of the development Management DPD states that all proposals will be required to make on-site provision for general waste, the separation of recyclable materials and organic for composting. The on-site provision must:

- Ensure adequate dedicated internal and external storage space to manage the volume of waste arising from the site;
- Provide accessible and safe access to on-site storage facilities, both for occupiers and collection operatives, including vehicles, having regard to the Council's Refuse Collection Strategy;
- Be located and screened to avoid nuisance and adverse impact on visual and other amenity to occupiers and neighbouring uses and are within the maximum permitted carrying and reversing distances.

A condition will be attached to provide details of proposed waste/refuse storage.

Conclusion

The proposal is considered acceptable and would not result in adverse impacts, given that the residential accommodation would be of an acceptable layout and standard for a HMO use to meet HMO licencing standards.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

RECOMMENDATION

Approve with condition(s):

Conditions:

- 1 The development to which this permission relates must be begun no later than three years from the date of this decision notice, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The proposed 8 space secure and covered cycle parking facilities as set out on plan number PR-PR001 Rev A shall be provided prior to the occupation of the use hereby permitted and such spaces shall be retained thereafter for this use only.

Reason: To promote sustainable modes of transport in accordance with Policy T5 of the London Plan 2021 and Policy SP7 of the Haringey Local Plan 2017.

- 4 Notwithstanding the approved drawings and before the occupation of this property as a HMO hereby permitted details of the new front boundary wall, the enclosures and screening of the recycling containers, wheeled refuse bins/containers shall be submitted to and approved in writing by the Local Planning Authority and thereafter provided and maintained on site.

Reason: To ensure a satisfactory appearance for the development and to protect the amenities of the area.

Informatives:

INFORMATIVE: Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

INFORMATIVE: Hours of Construction Work

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

and not at all on Sundays and Bank Holidays.

INFORMATIVE: Party Wall Act

The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.