

Application Number:	HGY/2023/3237
Application Type:	Change of use
Address:	349C High Road, Wood Green, London, N22 8JA
Proposal:	Change of use first floor office to HMO use (6 no. Ensuite rooms) with 6 no. roof windows (Internal and external alterations).
Case Officer:	Kwaku Bossman-Gyamera
Valid Date:	05/12/2023
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Applicant:	MR C GEZICI
Agent:	MR ALI AY

RECOMMENDATION

1. Site location

The application site is first floor office unit. It is located at end of terrace two-storey containing a variety of ground floor commercial uses in a relatively small shopping parade. The area is a mixed-use commercial and residential area. Directly opposite the site is Woodside Park.

The property is not located within a conservation area. The property is located within a 'Family Housing Protection Zone', as introduced in the 2017 local plan to restrict further residential conversions in areas identified as already having a high concentration of converted properties. It is also pointed out that the application site and this part of the borough is subject to an Article 4 Direction which came into force in November 2013, removing permitted development rights for a change of use from a single-family dwelling house (Use Class C3) to an HMO (Use Class C4). However, this application relates to first floor office.

2. Description of Proposal

This is an application for change of use from first floor office to House Multiple Occupation (HMO – Sui Generis use) for 10 people comprising of 2 single occupancy bedrooms and 8 double occupancy bedrooms including internal and external alterations.

3. Relevant Planning and Enforcement history

The most recent applications for this site are summarised as follows:

- HGY/2023/2050 – Refused 21/09/2023 - Change of use from first floor office to HMO Use (8 no. Ensuite Rooms) with 3 no roof windows including internal and external alterations.

- HGY/2005/1893 – Refused 06/12/2005 - Change of use of premises from retail (A1) to social club (Sui Generis).

4. Internal & Statutory Consultation

The following were consulted regarding the application:

LBH Transportation Group: Objection raised on the grounds that provision for cycle parking and refuse storage proposed to be located on the first floor. This is not considered acceptable because it is not practical or accessible for all people.

5. Local Representations

The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 1

Objecting: 1

The following comments were raised in the representations received:

- Noise, disturbance during late evening and night time
- overlooking
- anti social behaviour

6. Assessment of 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 residential accommodation.
4. Impact on neighbouring amenity.
5. Transport considerations.

Principle of development

HMO accommodation plays an important role in meeting particular housing needs, especially for low-income residents, young people and those needing temporary accommodation, however as set out in Haringey's Development Management DPD 2017 (Para. 3.36) there are broader concerns in respect of losing family units to conversions, with HMOs heavily concentrated in the east of the Borough, with this leading to what it describes as "a significant loss in the availability of family housing for which there is strong need."

As such Policy DM17 set out specific criteria that is required to be met to allow approval of the conversion of a home to an HMO within the area covered by the Article 4 Direction, specifically:

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

Comment: The original un-extended floor space of the property exceeds 120m² and therefore complies with this requirement. a. However, the threshold guidance calculation is therefore not relevant in this instance.

The principle of the proposed change of use from office space above a shop to HMO (Sui Generis) within the upper floor level of the subject site is considered acceptable in the local shopping centre as the ground floor E class is being retained with no change. Despite being within an area covered by Article 4 Direction, the proposal does not conflict with this policy DM17 (House in Multiple Occupation) as this policy relates to the conversion of larger homes to (HMO) and not for the conversion from non-residential buildings to HMO. It is considered that the change of use of the upper floor level of the office space would preserve the long-term viability of the commercial frontage on the ground floor and would therefore be acceptable and as such the existing commercial unit will not be affected by the proposed residential units.

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;

Comment: The drawings submitted shows where bikes, refuse and recycling would be stored at first floor level. This is not considered acceptable because it is not practical or accessible for all people. Given the number of HMO occupiers and given that the area at the first floor is adequate and unsuitable, it is not clear how cycle parking and refuse storage can be integrated here.

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

Comment: The site is located within an area with a Public Transport Accessibility Level (PTAL) 6a which is deemed to be excellent access. There are 6 different bus services accessible within 2 to 3 minutes' walk of the site. The site is also within walking distance of Wood Green Underground station and therefore overall, the site is considered to have an acceptable level of access to public transport.

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.

Comment:.. The standard of accommodation is considered to be of poor quality.

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.

The proposal would not comprise any significant alterations to the external envelope of the building from the existing. As such, there would be no impact on the character or the visual amenity of the street scene or wider area resulting from the proposal.

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 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.

Haringey's Standards for Houses in Multiple Occupation (HMOs) June 2016 identifies minimum internal floorspace standard (Appendix 5). All the proposed rooms meet these requirements. However, a kitchen/dining is proposed within the first floor - This proposed shared kitchen/dining area is unacceptable and inadequate. The HMO guidance states that 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. The proposal would fail to comply with requirements set out in HMO guidelines which requires one set of facilities to a maximum of three lettings. The proposal therefore results in a cramped and substandard accommodation and does not provide high quality standard of residential accommodation contained in the London Plan.

Provision for cycle parking and refuse storage is proposed to be located on the first floor. The position, location of those cycling parking and refuse storage are not practical or accessible for all people. 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 a large HMO. Given, the possible intensity of use proposed as a large HMO is likely to result in a cramped and substandard form of accommodation.

From the proposed plans, the rooms fall well below the standards of what should reasonably be expected in terms of natural light and outlook. Room 2 has no windows at all, no ventilation or outlook. Other rooms have windows that look out on blank walls or the viaduct. Some rooms and communal areas have roof lights which improve the amount of natural light, but which do not overcome the general inadequacy of the premises as quality HMO accommodation. In addition, the siting and design of the proposed bedrooms would not provide suitable accommodation for future occupants. The outlook/sunlight received into those room would be severely restricted and limited. The absence of any real view or meaningful outlook would mean the accommodation would feel oppressive resulting in a poor standard of accommodation.

In addition to the above, the development proposes no usable outdoor amenity space, notwithstanding the premises above a shop. Given the number of potential occupancies of the proposed development up to 10 individuals. This would further undermine the quality of accommodation and make it all the more likely future residents would necessarily spend greater amounts of time indoors, heightening the importance of appropriate internal living conditions.

It is considered that the development would not provide suitable living conditions for future occupants. This would be in conflict with Policy 3.5 of the London Plan (2021) which seeks high quality design and good living conditions; Policy DM17 of the Development Management DPD (2017) which require that new dwellings are appropriate in their context and provide suitable living conditions; and the objective of the National Planning Policy Framework (the Framework) to ensure a good standard of amenity for all existing and future occupants of land and buildings.

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 resident.

It is considered the views from the new window proposed would not afford significant additional opportunities for overlooking of adjoining properties over and above that from existing rear facing windows serving the property, as such, there would be no material loss of privacy to neighbouring properties.

The level of activity resulting from a group of 10 unconnected people is likely to result in more frequent comings and goings and differing patterns of behaviour. The resulting potential for noise and disturbance to neighbouring occupiers would be increased by the proposed number of occupants. Local residents also comment that there are frequent incidences of antisocial behaviour at HMOs in the rear. By permitting such intensive use, it would harm the living conditions of neighbouring occupiers and would not maintain the residential environment as required by policy DM17.

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'.

Given the location of this development and the proposed HMO does not create any material highway and Parking effects. It is unlikely that the above proposal will have any significant impact on the local transportation network. Consequently, no objections are raised in terms of the proposals impact on on-street parking pressure within the area. The Council's Transportation Team has been consulted and raises no concerns.

As the HMO falls under the Sui Generis land use class, the cycle parking standards applicable to the proposals should be those that are most relevant to the proposed use of the property. In the case of the proposed HMO, the standard of cycle storage provided at first floor level is unacceptable with obstacles such as steps/stairs.

Conclusion

The proposed change of use of the first floor office space into a house in multiple occupation (HMO) for 8-10 persons (Sui-generis) by virtue of the poor outlook, inadequate daylight/sunlight and poor natural ventilation to some of the rooms, together with the limited internal communal living space, lack of external amenity space and lack of adequate cycle parking and refuse storage, would provide a sub-standard form of housing and poor living conditions for future occupiers contrary to Policy SP2 of Haringey's Local Plan 2017, Policy DM1, DM12 & DM17 of Haringey Council's Development Management DPD, and Policy D6 of the London Plan 2021

The proposed change of use to a house in multiple occupation (HMO) for 10 persons (Sui-generis), would by reason of the lack of adequate cycle parking provision and lack of sufficient shared facilities internally, provide substandard quality of accommodation for future occupiers, contrary to Policies D12, DM17 and DM35 of the Council's Development Management DPD (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 Policies DM1 and DM17 of Haringey Council's Development Management DPD (2017).

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be refused for the reasons set out above.

7. CIL Applicable

The increase in internal floor area would not exceed 100 sq.m. and therefore the proposal is not liable for Mayoral or Haringey's CIL charge.

8. Recommendation

REFUSED

Refusal Reasons:

The proposed change of use of the first floor office space into a house in multiple occupation (HMO) for 8 persons (Sui-generis) by virtue of the poor outlook, inadequate daylight/sunlight and poor natural ventilation to some of the rooms, together with the limited internal communal living space, lack of external amenity space and lack of adequate cycle parking and refuse storage, would provide a sub-standard form of housing and poor living conditions for future occupiers contrary to Policy SP2 of Haringey's Local Plan 2017, Policy DM1, DM12 & DM17 of Haringey Council's Development Management DPD, and Policy D6 of the London Plan 2021

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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 Policies DM1 and DM17 of Haringey Council's Development Management DPD (2017).

