



Officer Report

Application Number:	HGY/2023/1348
Application Type:	Full planning permission
Address:	37 Boundary Road, Tottenham, London, N22 6AS
Proposal:	Change of use from a dwelling (C3 use) to a 6 bedroom 6 Person HMO (C4 Use) including rear dormer and installation of two rooflights in front roof slope (RESUBMISSION OF PLANNING REFERENCE: HGYP/2022/1775)
Case Officer:	Gareth Prosser
Valid Date:	19/05/2023
Applicant:	Mrs M Larijani
Agent:	Mr Lloyd Jones

RECOMMENDATION

Approve with Conditions

Site and Surroundings

The application site is two storeys, Victorian, mid-terrace dwelling with two storey rear projection. The site is not located within any conservation area.

Relevant Planning and Enforcement history

The most recent planning history in relation to the site is as follows.

- HGYP/2022/1775 Full planning permission Decision Made Refuse 37, Boundary Road, London, N22 6AS Change of use from a dwelling (C3 use) to a 6 bedroom 6 Person HMO (C4 Use) including rear dormer and installation of two rooflights in front roof slope ALLOWED ON APPEAL (Ref: Appeal Ref: APP/Y5420/W/22/3311734)

CONSULTATION RESPONSE

The responses below were received following consultation on the application:

Internal:

1) LBH Transportation Team:

We would not object to the planning application being granted permission on transport grounds, subject to planning conditions and a Section 106 planning obligation.

External:

2) None

LOCAL REPRESENTATIONS

The application has been publicised by way of 21 letters. 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: 5 objections

The following local groups/societies made representations:

- None

The following Councillor(s) made representations:

- None

The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

- Loss of family housing in the borough (Officer comment: Houses below 120sqm (original floorspace) are not eligible for conversion under the adopted Local Plan)
- Overconcentration of conversions/HMOs (Officer comment: records show that approximately 14% of houses have been converted in this post code)
- Increased noise/activity (Officer comment: There is no evidence that future occupants would generate more noise above existing occupiers)
- Overlooking/loss of privacy (Officer comment: See amenity section below)
- Lack of Parking (Officer comment: A car-free legal agreement would be required if permission granted)
- Property not suitable for conversion (Officer comment: The adopted Local Plan outlines criteria for conversion of properties in the borough).
- Poor standard of accommodation/garden space (Officer comment: Within the appeal relating to previous applications the Planning Inspectorate has stated that the standard of accommodation is acceptable)

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 residential accommodation;
4. Impact on neighbouring amenity;
5. Transport considerations;

Principle of development

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.

London Plan (2021) Policy H2A outlines a clear presumption in favour of development proposals for small sites (below 0.25 hectares in size) and sets out a minimum target in Table 4.2 for boroughs (Haringey –10 year target is 2,600).

London Plan Policy D6 seeks to optimise the potential of sites, having regard to local context, design principles, public transport accessibility and capacity of existing and future transport services.

Policy DM17: Houses in Multiple Occupation states the following:

A Proposals for 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 (as shown in Figure 3.2), 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.

The submitted drawings show that the original dwelling is above the 120sqm requirement and is therefore eligible for conversion. Whilst this has been disputed by an objector, no evidence has been presented to illustrate this claim.

If the original dwelling is above 120sqm as shown on the submitted plans, then the application is acceptable in principle.

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 proposed dormer and rooflights in front roof slope could be constructed via permitted developments and is therefore considered acceptable.

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.

The proposed conversion includes:

- No6 self contained bed units, each with en-suite (toilet/shower facilities)
- No1 x kitchen for use by all occupants

Haringey's HMO standards 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'. This application proposes one kitchen to six lettings and is therefore unacceptable. The guidance continues, stating that 'No unit of accommodation shall be more than one floor distant from a kitchen, whether for exclusive or shared use'. This application proposes a loft unit, two floors away from a kitchen and as such, this is also unacceptable.

In addition, it is noted that the proposal contains several rooms where the proposed floorspace is over 15sqm (where there is a shared kitchen). These units meet the requirement for two-person lettings and therefore the total occupancy is likely to be 10 individuals, all using one, single shared kitchen facility. As such, the description of a 6 person HMO is incorrect.

However, within appeals APP/Y5420/W/21/3281193 and APP/Y5420/W/22/3311734 the inspector states that 'facilities provided would be sufficient to cater for the proposed 6 residents' and the standard of accommodation is considered acceptable. This position is accepted by officers.

Given the above, the proposed HMO accommodation is considered to provide an acceptable standard of accommodation for the likely number of future occupiers and is therefore in accordance with the above policies.

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.

The proposed dormer and rooflights in front roof slope are the only proposed external changes and could be constructed via permitted developments and is therefore considered acceptable. There is not significant impact to the amenity of the neighbouring properties.

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'.

Haringey's development management DPD states that 'The Council will require a section 106 or other legal agreement for all new car-free developments of more than 4 residential units.

The Council's Transportation Team has been consulted and advises that they have no objections subject to conditions and a Section 106 car-free planning obligation.

Other considerations

This application is subject to the Housing Delivery Test. The 2020 Housing Delivery Test (HDT) results were published on 19 January 2021 and as a result the LPA is now subject to the 'presumption in favour of sustainable development' and paragraph 11d of the NPPF is relevant. The Council's delivery of housing over the last three years is substantially below its housing target and so paragraph 11d) of the NPPF is engaged by virtue of footnote 7 of the NPPF. Nevertheless, the proposed development has been found to be in accordance with development plan policies and therefore consideration of para 11(d) is not required in this instance.

Conclusion

The proposed conversion would provide and acceptable standards of accommodation as stated by the Planning Inspector in the above appeals

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

RECOMMENDATION

GRANT PERMISSION

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 Prior to the commencement of development above ground, full details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until a minimum of 6 cycle parking spaces for users of the development, in accordance with the London Cycling Design Standards. Once agreed, the details shall be implemented as approved and retained/maintained as such thereafter.

Reason: To promote travel by sustainable modes of transport and to comply with the London Plan 2021 minimum cycle parking standards and the London Cycling Design Standards, policy T5 of the London Plan 2021, Policy SP7 of the Haringey Local Plan 2017 and to maximise the accessibility of the development.

- 4 Prior to the commencement of development, a Construction Management Plan (including a Construction Logistics Plan) shall be submitted to and approved in writing by the Local Planning Authority. The document shall include the following matters and the development shall be undertaken in accordance with the details as approved:

- a) The routing of excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works on the highway;
- b) The estimated peak number and type of vehicles per day and week;
- c) Estimates for the number and type of parking suspensions that will be required; and
- d) Details of measures to protect pedestrians and other highway users from construction activities on the highway.

Reason: To provide the framework for understanding and managing construction vehicle activity into and out of a proposed development, encouraging modal shift and reducing overall vehicle numbers. To give the Council an overview of the expected logistics activity during the construction programme. To protect the amenity of neighbour properties and to maintain traffic safety.

Informatives:

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.

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: S106

The applicant is advised that a S106 legal agreement is attached to this permission.