



Officer Report

Application Number:	HGY/2023/3362
Application Type:	Full planning permission
Address:	Upper Flat, Public House, 33 Station Road, Wood Green, London, N22 6UX
Proposal:	Change of use of the upper floors of the public House (Class E) to HMO (House of Multiple Occupation) C4 use class including internal alterations.
Case Officer:	Kwaku Bossman-Gyamera
Valid Date:	20/12/2023
Applicant:	Mr Bilal Ustun
Agent:	Ms Aygul Boyraz

RECOMMENDATION

Approve with Conditions

1. Site location

The application site comprises a two-storey, detached public house situated off High Road Wood Green. The area is a mixed –use commercial and residential area. Directly opposite the site is Council offices.

The property is not located within any conservation area and does not fall within the curtilage of a listed building. 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).

2. Description of Proposal

This is an application for change of use of the upper floors of the public house to House Multiple Occupation (HMO – C4 use) for 6 people comprising of single occupancy bedrooms and including internal alterations.

The proposal retains the existing E class use (former A4 drinking establishment) on the ground floor level and the change of use of the upper floor (existing ancillary residential accommodation) to the proposed HMO use.

3. Relevant Planning and Enforcement history

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

- HGY/2006/2258: Granted 02/01/2007 - Installation of double-glazed lobby extension and steps to the rear and installation of retractable canopy to the side elevation.

4. Internal & Statutory Consultation

The following were consulted regarding the application:

LBH Transportation Group: No objection subject further details in relation to secure cycle storage and refuse/recycling facilities.

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: 20

Objecting: 20

Supporting: 0

The following Councillor(s) made representations:

- Cllr Lucia das Neves has raised concerns about the impact locally and loss of amenity. A public house and community amenity has stood on this site since the 19th century, and other local successful endeavours like the green rooms show it can work well today. Conversion into an HMO seems inappropriate on this site. It would represent an erosion of the high street and an inappropriate intensification of the site. Furthermore, I do not feel confident it would provide safe, sufficiently spacious homes, or easy to maintain and run well accommodation for those who need it most. The following comments were raised and summarised in the representations received:

Objections

- Objections on the grounds that proposal would lead to anti-social behaviour in the locality.
- Station road and the area where the Jolly Anglers is located is completely inappropriate for residential housing.
- Proposals for this site/street should have priority given to local businesses looking to establish themselves, allowing them to capitalise on the immense amount of people using this road to attend events at Alexandra Palace and adding more choice and value to the local community.
- An HMO on this site will only amplify the traffic which is already a problem in the area, as residents will require parking for themselves and visitors, further congesting these roads and adding pollution.
- The loss of the pub would be a blow to the local community.
- Adding an HMO to a busy street will create more fly tipping problems.

- There are already too many HMOs in the area & it has been proven they bring with them antisocial & unhealthy living conditions. Please do not ruin another landmark.
- The council should be working to improve the area and give people exciting and fun things to bring money into the local economy.
- The permanent loss of yet another pub to private accommodation (especially another HMO) would therefore be net negative to the community.
- How will all the rubbish be dealt with.

Support

- This is a good proposal and will help in alleviating housing pressures in the borough.

Comments on representation

- Objector's comments are noted. The council welcomes the retention of the Public House use at the ground floor level, and as such would continue to provide community services on the ground level which enhance the vitality and viability of the centre. Local residents also comment that there are frequent incidences of antisocial behaviour in the area. Permitting the use of the upper floor of the pub to HMO would not harm the living conditions of the neighbouring occupiers and would maintain the residential environment within the locality. This is precisely the location in which London Plan and Council policies encourages the use of HMO within Metropolitan Town Centre.
- The proposal would provide satisfactory standard of accommodation and does not result in an over-concentration of HMOs in the area, as a consequence, it does not lead to an unacceptable loss of family accommodation. Proposal is located in the heart of the Town centre and as such unlikely to result in any increase in parking.

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 ancillary residential accommodation above the public house (pub) within the upper floor level of the subject site is considered acceptable in the Metropolitan shopping centres as the ground floor E class is being retained with no change. Despite being within being 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.

Loss of ancillary residential floorspace

The proposal involves the changes of use of upper floor of the existing Public House E class to HMO. This application specifically relates to the change of use of the upper floors, being the first and second loft space, from ancillary use to provide autonomous and separate HMO (Use Class C4).

The main issue in relation to the proposed change of use is the loss of part of the existing E class (Public House) use at first and second floor, which is currently used to provide ancillary residential accommodation. Policy SP16 of the Haringey Local Plan identifies pubs as being a provider of community facility floor space provision within the borough. Local Plan policy DM50 of the Haringey Development Management DPD 2017 states that any permitted change from Use Class A4 involving the alteration and/or the extension of a public house must ensure any proposed alterations does not affect the viability of the pub, the vitality of the area, detract from the character and appearance of the building and the street scene and any significant features of historic or character value are retained and, where possible, enhanced.

This application retains the use of the public house at ground floor level as the lawful use, which include a bar and function rooms at ground floor level.

The upper floors, which appear to have been in ancillary residential use and are primarily accessed from the pub, are to be converted to provide autonomous and separate residential units. The proposal would not result in the loss of a service or facility of value to the community, as the public house is to be retained at ground and basement level and, given its size would likely remain viable. It is considered that the proposed residential (C4) use of the upper floors as a separate planning unit from the pub would not detrimentally affect the viability or the vitality of the pub. . In this regards it is considered that criteria (A) and (B) have been met.

(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 application relates to the upper floors of a public house and so therefore is suitable for a conversion and the property is detached building making it suitable for a HMO, and also has more space at the side and rear for bins compared to other / typical houses in the street. The proposal here therefore does not affect the availability of family accommodation in the locality. It also needs to be borne in mind that HMOs provide an important source of accommodation as reflected in London and local planning policy.

(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) 3 which is deemed to be moderate 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 proposed HMO would have two large kitchens located on the first floor and second floor/loft floor plan which complies with HMO licensing standards. The scheme is acceptable in terms of the room's sizes and the number of residents. The Council's HMO licensing regime provides for further safeguards to ensure the accommodation is acceptable and kept to an acceptable and safe standard.

With regard to the stacking there may be some transfer of noise from the ground pub to the rooms above, however, in an HMO where there are shared space residents cannot reasonably be protected from noise to the same extent as might be possible in self-contained accommodation.

The side of the site has sufficient space for the storage of refuse bins. A condition is being placed on the consent here asking for details for the storage and screening of refuse bins.

(e) Where non-self-contained, have exclusive use of a kitchen or space within a shared kitchen for each household.

Comment: Haringey standards for HMOs require that one kitchen is shared per three room lettings. In the case here two kitchens would be provided and therefore would be in compliance with HMO standards.

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.

The proposal has 6 rooms, that is single lettings therefore capable of accommodating 6 people. The layout of the HMO is such that two large kitchens would be provided, and each room would have an en-suite toilet/shower. The future occupiers would also have access to a communal garden. The standard of accommodation is considered satisfactory and would comply with HMO licencing requirements, therefore acceptable.

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 internal alterations to the upper floors of the property would not adversely affect the amenity of neighbouring occupiers. As such the physical internal alterations are acceptable in amenity terms.

In terms of use, the change to a 6 person HMO is not significant in planning terms. The comings and goings would remain similar to the existing use as a pub. In planning terms, the LPA do not have sufficient evidence to demonstrate that the conversion here would

lead to an over-concentration of HMO development. The surrounding area comprises mainly purpose-built student accommodation which are specialist housing and does not result in an over-concentration of HMOs in the area, as a consequence, it does not lead to an unacceptable loss of family accommodation.

Whilst a maximum of 6 people, consisting of occupants forming different households may generate additional activity, such as the general coming and going of people and their visitors, and in the use, the increase in activity likely from the proposal would not impact neighbouring properties to a detrimental level. The noise levels and levels of general disturbance are only likely to increase from increased occupancy by a small degree due to the relatively low number of people occupying the property.

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'.

The Council's Transportation Team have raised no objection to this application with the use of this property as an HMO not considered to have any greater impact on parking conditions over and above the existing extant use of the property as a pub. A condition to ensure secure cycle storage is provided for the beneficial use of future occupation of this HMO is imposed. On this basis it considered that the development would result in any unacceptable impacts on highway safety or local parking conditions.

An HMO use of this size does not meet the threshold to be designed as 'Car Free', specifically as rented and HMO occupation generates much lower levels of car ownership than the general population. Equally there is also no evidence to show that an HMO would lead to more vehicle ownership and demand for on-street parking greater than that associated with a dwelling house.

Conclusion

The proposed conversion to an HMO is considered acceptable and will provide an acceptable layout and standard of accommodation for future occupiers, with no unacceptable impact on the living conditions or on the highway network in relation to parking. The proposal complies with Policy DM50, with the Class E pub use retained at ground and basement floor level.

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

7. CIL Applicable

N/A

8. Recommendation

The application is recommended for approval subject to the following conditions:

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 Notwithstanding the approved plans the development hereby permitted shall not commence until final details of the secure cycle parking to the front of the site have been submitted to and approved in writing by the local planning authority and this development shall not be occupied until the cycle parking has been provided in accordance with the approved details and the cycle parking shall be maintained for the lifetime of the development.

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 plans the development hereby permitted shall not commence until final details of the refuse and waste storage and recycling facilities have been submitted to and approved in writing by the local planning authority. Such a scheme as approved shall be implemented and permanently retained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of The Development Management DPD 2017.

- 5 The House of Multiple Occupation hereby approved must be occupied by no more than 6 persons at any time.

Reason: In order to protect the amenities of nearby residential occupiers consistent with Policy D14 of the London Plan 2021 and Policies DM1 and DM23 of The Development Management DPD 2017.

Informatives:

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.

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.