The Planning Inspectorate

Appeal Decision

Site visit made on 4 December 2023

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2024

Appeal Ref: APP/Y5420/W/23/3323481
17 St Pauls Road, Tottenham, Haringey, London N17 0NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Goldeneye Estates against the decision of the London Borough of Haringey Council.
- The application Ref HGY/2022/4521, dated 22 December 2022, was refused by notice dated 24 March 2023.
- The development proposed is change of use to an HMO (Use Class C4) for 5 persons.

Decision

1. The appeal is allowed and planning permission is granted for change of use to an HMO (Use Class C4) for 5 persons at 17 St Pauls Road, Tottenham, Haringey, London N17 0NB in accordance with the terms of the application, Ref HGY/2022/4521, dated 22 December 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council made some minor amendments to the description of the development. The appellant has not raised any objection to the changes made and, for clarity, I have taken the description of the development from the decision notice.

3. A separate appeal has been submitted against an Enforcement Notice at the site, which alleges an unauthorised change of use at the appeal property to mixed use, comprising of 4-self-contained flats and a small House in Multiple Occupation (HMO), and the erection of a rear dormer on the main roof and outrigger roof. Although the enforcement appeal is yet to be determined, the issues in the two appeals are different and I have therefore determined the appeal before me on its own merits. The application form for this s78 appeal states that the HMO use commenced on 27 January 2020. I have therefore made my determination on the basis that permission is being sought retrospectively for the change of use. It is not for me to determine whether the existing use is as an HMO; my focus is simply upon whether or not the use of the property as a 5-person HMO is acceptable in planning terms.

4. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issue

5. The main issue is the effect of the development on the character and amenity of the surrounding neighbourhood, having particular regard to development plan policy and the potential cumulative effects resulting from existing Houses in Multiple Occupation in the area.

Reasons

6. The supporting text to Policy DM17 of the Haringey London Development Management DPD 2017 (DPD) explains that HMO accommodation plays an important role in meeting particular housing needs, especially for low-income residents, young people and those needing temporary accommodation. However, it goes on to say that many HMOs in Haringey provide sub-standard living conditions, are clustered in areas resulting in adverse impacts on local character and amenity, and also reduce the availability of smaller family housing, for which there is a significant need.

7. An Article 4 Direction, which came into force in 2013, removed permitted development rights across parts of the borough, including the appeal site, for the conversion of dwellings to HMOs. The Article 4 Direction, along with Policy DM17 of the DPD, seeks to enable the Council to actively manage the quality and location of new HMOs, in order to balance the aforementioned housing needs with potential adverse effects to local character and amenity, including cumulative effects arising through the overconcentration of HMOs.

8. I have not been directed to any development plan policy or local guidance that sets out the concentration of HMOs that would be acceptable in the vicinity of the appeal site. Therefore, whether or not there is an over-concentration of HMOs in the area is a matter of planning judgement. In that regard, it is common ground between the parties that there are nine licensed HMOs on St Pauls Road. This amounts to just over 10% of properties. The Council contends that there may be other, unlicensed HMOs in the area. It cites research which indicates that three-quarters of HMOs in London are unregistered. However, there is no firm evidence to identify the location of any such HMOs that may exist near to the appeal site. I have made my decision on the established facts, and these indicate that licensed HMOs represent a minority of properties on the street. Based on this, I find that the proposal would not lead to a harmful over-concentration of HMOs in the area.

9. The evidence refers to concerns about the effect of the development on noise and other potential adverse effects that are perceived to have occurred through the presence of a transient population within the community. However, at an occupancy level of five tenants, the development has a similar population to the use of the property as a family home. The level of activity generated by a five person HMO would, therefore, be similar to many other properties in the local area and is unlikely to result in a material increase in noise or other adverse effects. Moreover, on my site visit, I observed St Pauls Road and neighbouring streets, and did not identify evidence of harm to local character or amenity that had arisen due to the use of the property as a HMO.

10. Furthermore, I have been provided with details of the locations of nine licensed HMOs on St Pauls Road. Based on this information, and my own observations of the site and its surroundings, the existing licensed HMOs are dispersed along the length of the street, rather than in tight clusters. Therefore, any adverse

effects that could potentially be caused through the concentration of HMOs on St Pauls Road are likely to be mitigated by the spatial distribution of HMOs along the street.

11. I conclude that the development does not cause harm to the character and amenity of the surrounding neighbourhood. Therefore, there is no conflict with Policy DM17 of the DPD insofar as it seeks to ensure that HMOs do not give rise to any significant adverse amenity impacts on the surrounding neighbourhood, including cumulative impacts arising from an over-concentration of HMOs within an area.

Other Matters

12. Concerns have been raised about the loss of a family housing unit within a Family Housing Protection Zone. There is limited evidence on the implications of this designation for the appeal but, in any event, no external changes to the building are proposed and the internal layout does not preclude its occupation by a family in the future. Given that licensed HMOs make up only a small proportion of the dwellings on St Pauls Road, I attach limited weight to this matter.

13. The Council did not identify any harm arising to the living conditions of the occupants of the development due to the standard of internal accommodation or the external amenity space. Based on the evidence, and my own observations, I have no reason to take a different view on these matters.

14. The site has a moderate public transport accessibility level (PTAL) of 3 and is located within a Controlled Parking Zone (CPZ). However, given that the occupancy of the property would be similar to other residential uses, including a single dwellinghouse or two self-contained flats (which have been permitted at the site previously), the development is unlikely to generate an increase in demand for on-street parking spaces significant enough to cause harm to highway safety.

Conditions

15. The Council provided a list of suggested conditions, which I have considered against the tests set out in paragraph 56 of the Framework and the Planning Practice Guidance. Where appropriate, I have adjusted the wording of the conditions to improve precision and enforceability, and to reflect the retrospective nature of the planning application. Both parties have been provided with an opportunity to comment on the conditions listed in the attached schedule, and no concerns have been raised with regard to the wording of the conditions or the timescales I have included for compliance.

16. The development has already commenced therefore I have not included the standard time limit condition. It is also not necessary to include a condition to define the permitted drawings, because the appeal relates solely to a change of use.

17. Condition 1 in the attached schedule requires the submission, approval, and implementation of bicycle parking facilities. This condition is necessary to ensure the development provides appropriate levels of cycle parking and to promote travel by sustainable modes.

18. Condition 2 in the attached schedule requires the submission, approval, and implementation of refuse and waste storage and recycling facilities. This condition is necessary to ensure that the character of the area is not adversely affected by open waste storage.

19. The conditions have strict timetables for compliance because permission is being granted retrospectively, and it is not possible to use negatively worded conditions to secure the approval and implementation of the details before the development takes place. The timetables incorporated into the conditions will ensure the development can be enforced against if the requirements are not met.

20. The Council suggested a condition to secure the development as a car-free development by preventing the occupants from applying for an on-street parking permit. However, as set out above, it is unlikely that the development has caused an increased demand for parking beyond former residential uses of the building. Therefore, given the small-scale of the proposal, and in the particular circumstances of this case, the condition would be unnecessary and unreasonable.

Conclusion

21. The development is in accordance with the development plan when read as a whole. There are no material considerations before me to indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, for the reasons given above, and subject to the conditions listed, I conclude the appeal should be allowed.

E Catcheside

INSPECTOR

SCHEDULE OF CONDITIONS

1) Unless within one month of the date of this decision, details of bicycle parking facilities are submitted in writing to the local planning authority for approval, and unless the approved details are implemented within one month of the local planning authority's approval, the occupation of the development shall cease until such time as details are approved and implemented.

   If no details in accordance with this condition are approved within four months of the date of this decision, the occupation of the development shall cease until such time as details approved by the local planning authority have been implemented.

   Upon implementation, the approved bicycle parking facilities specified in this condition shall be permanently retained.

   In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

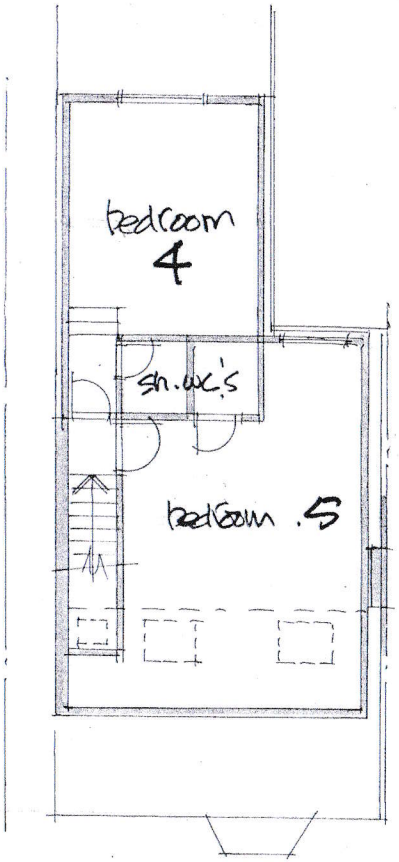
2) Unless within one month of the date of this decision, a scheme for the provision of refuse and waste storage and recycling facilities is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within one month of the local planning authority's approval, the occupation of the development shall cease until such time a scheme is approved and implemented.

   If no details in accordance with this condition are approved within four months of the date of this decision, the occupation of the development shall cease until such time as details approved by the local planning authority have been implemented.

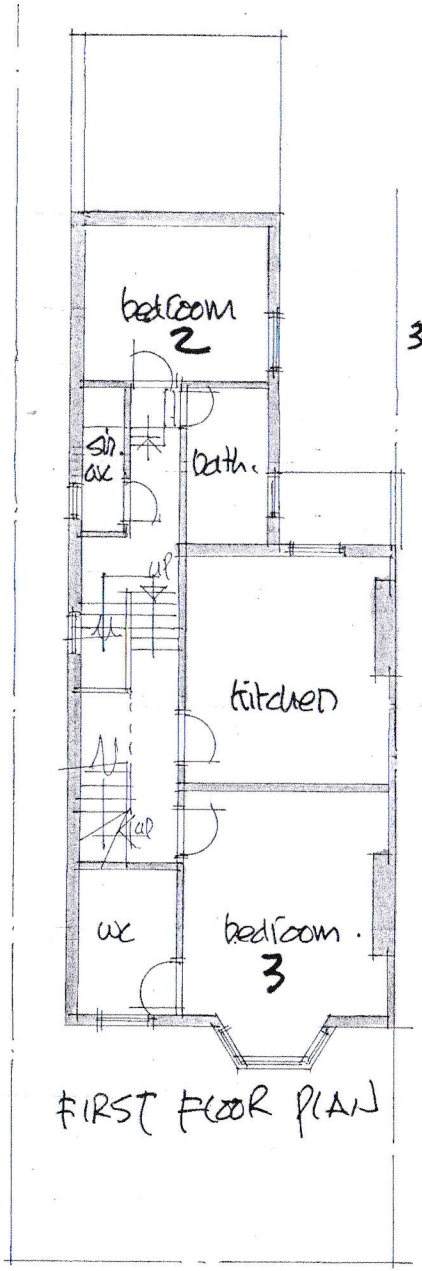
   Upon implementation, the approved refuse and waste storage and recycling facilities specified in this condition shall be permanently retained.

   In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

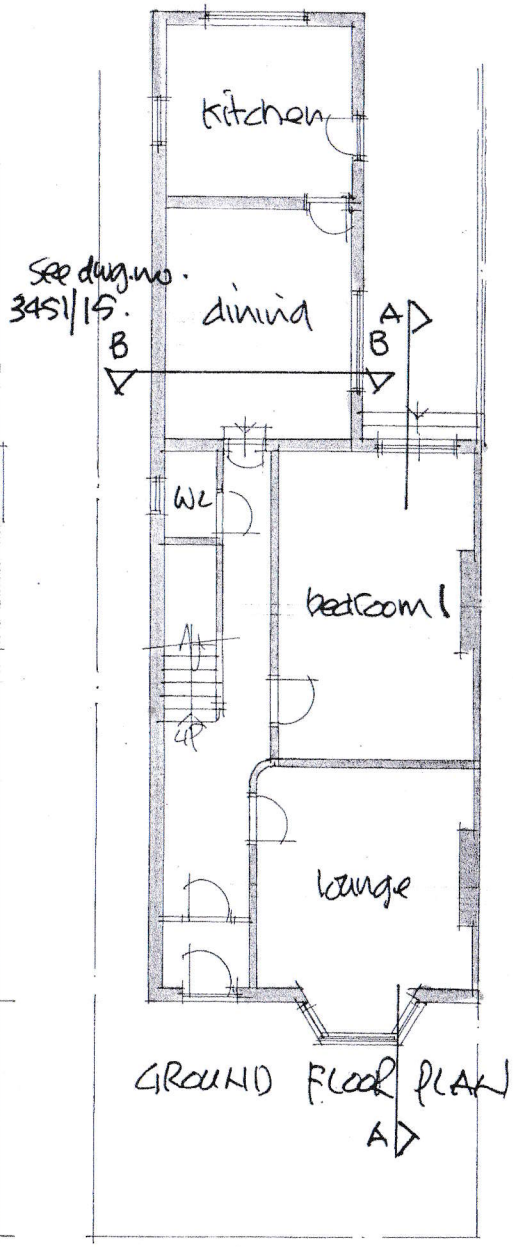
END OF CONDITIONS



PLAN IN LOFT



FIRST FLOOR PLAN



GROUND FLOOR PLAN

1m 0 1 2 3 4 5

Scale @ 1:100 @ A3

St. Pauls Road.

notes:

1. No external changes.

17 ST. PAULS ROAD
N17 0NB

Use as 5 bed. HMO, C4.
existing / proposed plans:

scale: 1:100	job: 3451
date: dec-22.	
drawn:	dwg. no: 14
client:	

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