



Officer Report

Application Number: HGY/2024/0005
Application Type: Change of use
Address: 41 Whymark Avenue, Wood Green, London, N22 6DJ
Proposal: Change of use from Class C3 Dwelling House to C4 House of Multiple Occupancy: 4 bedrooms for 6 people
Case Officer: Nathan Keyte
Valid Date: 02/01/2024
Applicant: Miss Joanna Rogers
Agent:

RECOMMENDATION

Refuse

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

1.1 This is an application for the change of use of the property from a single dwellinghouse (C3 Use Class) to a HMO for up to 6 residents (C4 Use Class). The proposal will provide 4 bedrooms with a shared kitchen/dining and a living room.

1.2 The proposal is a resubmission of a previously refused application, reference HGY/20231248, refused 4 July 2023.

1.3 Drawings have also been revised to provide single beds rather than double beds for some of the rooms, to indicate no more than 6 individuals are to be accounted for. The floor plans otherwise remain unchanged.

1.4 Enclosed cycle and storage space is proposed within the front yard.

Site and Surroundings

1.5 The application site comprises a mid-terrace 2-storey dwellinghouse situated on the southern side of Whymark Road. The street scene is residential and characterised by semi-detached dwellings of similar nature featuring rear outriggers and extensions and rear gardens.

1.6 The subject site is not located within a Conservation Area and does not fall within the curtilage of a listed building. However, it is located within the area of the borough covered by an Article 4 Direction removing permitted development rights for changes of use for C3 (Dwellings) to C4 (Houses in Multiple Occupation) and it is also within the designated Family Housing Protection Zone.

1.7 A visit was conducted to view the property from the public environment on 15.02.24.

Relevant Planning and Enforcement History

1.8 The relevant planning history comprises the recently refused case: HGY/2023/1248 – Change of use from Class C3 Dwelling House to C4 House of Multiple Occupancy: 4 bedrooms for 6 people. Refuses.

Reasons for refusal:

- *The gross original internal floor space of the existing dwelling house is below 120 sqm and therefore considered too small for conversion and contrary to Policy DM17 of Haringey's Development Management DPD (2017).*
- *The conversion of the single-family dwelling into a HMO has resulted in an unacceptable loss of family housing for which there is an identified need. As such the proposal would be Local Plan Policy SP2 (2017) of the Haringey Local Plan 2017 and Policy DM17 of Haringey's Development Management DPD (2017).*
- *The proposed access to the cycle parking from the living room is not considered acceptable and is therefore contrary to London Plan Policy T5.*

2. CONSULTATION RESPONSE

2.1 The responses below were received following consultation on the application:

Internal:

- LBH Transportation Team:
- The site has excellent public transport accessibility (PTAL=6a) and is located within a CPZ. The site is also located within the 'Family Housing Protection' zone.
- The proposals is 'car free'.
- The proposals include cycle parking for two bicycles located in the front yard. This is not adequate and a total provision for four bicycles is required. Each bicycle should be independently accessible by occupiers of each HMO, sheltered, secure and accessible. Please refer to London Cycling Design Standards for further guidance on layout.
- Provision for refuse storage is proposed in the front yard.
- A car free s106 agreement is recommended to restrict eligibility of all occupiers from obtaining CPZ parking permits. The applicant will be responsible for cost (£4000) for amending the CPZ TMO.

3. LOCAL REPRESENTATIONS

3.1 The application has been publicised by way of letters to neighbouring properties. No responses were received in response to the consultation.

4. MATERIAL PLANNING CONSIDERATIONS

4.1 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; and
6. Waste management

Principle of development

4.2 Council's adopted Policy DM17 of the Development Management, Development Plan Document (2017) both seeks to ensure that the conversion of single-family dwellings to houses in multiple occupation (HMO) is acceptable on the basis that the property is of an appropriate size to be converted to an HMO (over and above 120m² and are more than two storeys). Policy DM17 further specifies that the minimum 120m² floor area of an acceptable dwelling for conversion must be the original floor area.

4.3 One of the reasons for the previous refusal (HGY/2023/1248) included the fact that the original un-extended building (in 1948) did not meet the required 120 sqm under policy. The resubmitted application states that the shower room on the ground floor was not included in the previous officer's calculation. The letter submitted with the current application also refers to previous pre application discussions in 2020 where the Council Officer at the time indicated that:

“The original, un-extended, internal floorspace of the existing dwelling is approximately 120 square meters therefore just means 120m² threshold set out in Policy DM16. As such, the principle of the proposed conversion is acceptable”

4.4 It is noted that the pre application referred to above was in relation to a conversion to flats, rather than an HMO. The advice would have been provided on the information available at the time and submitted with the application.

4.5 It is also important to highlight that Policy DM17 places an emphasis on the word “original” which for an older property such as the application site would be the property’s floor area in 1948.

4.6 It is noted that with the current application, on the plan titled ‘Accommodation Area Plans HMO Application’ the total original gross internal area is 118.8m². This excludes the garden room but includes the rear shower extension. With regard to the inclusion of the shower room, the submitted information notes that this was indicated on the Land Registry Plan from 1965, and that the original step out area was part of the original footprint.

4.7 The Land Registry Plan has been reviewed as part of this application. Firstly, it is noted that this was from 1965 rather than 1948. Notwithstanding this, the pattern of development shown in the Land Registry Plan indicates that there was a repeating pattern of built form within the terrace, where there existed a slight protrusion beyond the rear returns.

4.8 It is observed that the scale of the protrusion in relation to the rear return is significantly less than the existing shower room. A review of current aerial imagery of the host terrace reveals that the original built form would have been that as shown at no. 37, no. 39, and no. 45 and no. 47 Whymark Avenue. This protrusion is estimated to be approximately 1.2 sq.m to 1.5 sq.m. The shower room shown on the proposed plans is approximately 4.0 sq.m. Therefore the original gross internal area of the property would be less than stated in the application, being approximately 116.5 sq.m, and would not meet the minimum 120 sq.m requirement of DPD Policy DM17.

4.9 Policy SP2 of the Haringey Local Plan Strategic Policies 2013-2026 (SLP) refers to providing homes to meet Haringey’s housing needs and this is a general policy rather than being specific to the Family Housing Protection Zone. This policy is consistent with paragraph 61 of the National Planning Policy Framework (the Framework) which required planning policies to assess and reflect the size, type and tenure of housing needed for different groups in the community, including, families with children. The existing property with its garden and rooms sizes is clearly suitable for use as family accommodation and there has been no evidence provided by the applicant to demonstrate that the property is unsuitable or no longer needed for use as a family dwelling and would meet a particular housing need for HMO accommodation in this locality.

4.10 While it is recognised that the development boosts the supply of housing within the Borough, and the comments provided in the submitted Application Letter are noted; however, the need to provide a sufficient supply of small to medium sized family homes is a priority for the Council. As such, and as reinforced by the Article 4 Direction restricting HMOs that applies to the site, the modest benefit of the additional housing provided by the conversion is outweighed by the unacceptable loss of a single-family dwelling house. Furthermore, the original size of the property fails to comply with the requirements as identified in Policy DM17 of the DPD.

4.11 This change of use would conflict with the Council’s adopted Policy DM17 which sets out its objectives to provide diversity and choice in the housing markets whilst seeking to achieve a sustainable, inclusive local community with a mix of household types.

4.12 Considering the points above, the previous reasons for refusal have not been overcome, and the proposal for this application is unacceptable in principle.

Design and appearance

4.13 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.

4.14 There are no physical changes to the exterior of the building. There would be no impact on the character and appearance of the area in this respect.

Standard and quality of residential accommodation

4.15 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.

4.16 The proposal comprises 4x bedrooms, served by 2 bathrooms, 1 kitchen/dining room and 1 living room. All room sizes appear to comply with the HMO standards.

Impact on neighbouring amenity

4.17 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.

4.18 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.

4.19 There are no proposed physical changes to the exterior of the building. Therefore, there would be no new amenity impacts to consider.

Transport considerations

4.20 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.

4.21 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'.

4.22 The Council's Transportation Team has been consulted and advises that the site has a Public Transport Accessibility Level (PTAL) of 6a, which indicates that access to public transport is excellent.

4.23 The Transport team note that the proposals include sheltered cycle parking for only two bicycles where four are required (i.e. 1 space per bedroom). The number of bicycle spaces provided

are therefore at odds with London Plan Policy T5, and based on the plans provided there is not sufficient space in the front garden for four spaces to be provided, along with refuse and recycling storage.

Waste management

4.25 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 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.

4.26 The proposal does provide provision for refuse and recycling within the front yard of the property, combined with cycle storage. The application has provided details relating to waste and refuse. Were the application otherwise found to be acceptable, these details could be secured by way of condition.

Conclusion

4.27 As outlined in the officers report for the previous refusal, and as discussed above, the gross original internal floor space of the existing dwelling house is below 120 sq.m and therefore considered too small for conversion and contrary to Policy DM17 of Haringey's Development Management DPD (2017).

4.28 The conversion of the single-family dwelling into a HMO will result in an unacceptable loss of family housing for which there is an identified need. As such the proposal would be Local Plan Policy SP2 (2017) of the Haringey Local Plan 2017 and Policy DM17 of Haringey's Development Management DPD (2017).

4.29 It has not been demonstrated that sufficient cycle storage can be provided on the site, and where additional stress on car parking in the area will occur as a result of the proposed HMO.

4.30 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.

5. CIL APPLICABLE

N/A

6. RECOMMENDATION

REFUSE PERMISSION for the following reason(s)

Refusal Reasons:

The gross original internal floor space of the existing dwelling house is below 120 sqm and therefore considered too small for conversion and contrary to Policy DM17 of Haringey's Development Management DPD (2017).

The conversion of the single-family dwelling into a HMO has resulted in an unacceptable loss of family housing for which there is an identified need. As such the proposal would be Local Plan

Policy SP2 (2017) of the Haringey Local Plan 2017 and Policy DM17 of Haringey's Development Management DPD (2017).