Officer Report

Application Number:	**HGY/2024/0448**
Application Type:	**Full planning permission**
Address:	4 Mafeking Road, Tottenham, London, N17 9BG
Proposal:	Change of use from Class C3 to a Class C4 HMO for a 5 bedroom, 6 tenant dwelling
Case Officer:	Emily Whittredge
Valid Date:	21/02/2024
Applicant:	Ms Tinting Xu
Agent:	Mr Richard Domenech

RECOMMENDATION

Refuse

1. Site location

The subject contains a two-storey mid-terrace dwelling (with roof accommodation) located on the southern side of Mafeking Road in Bruce Grove. The surrounding uses are residential. The site does not contain a listed building and is not located in a conservation area. 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.

2. Description of Proposal

The proposal seeks planning permission for change of use of the site from Class C3 to a Class C4 HMO for a 5 bedroom, 6 tenant dwelling.

3. Relevant Planning and Enforcement history

Planning history

HGY/2014/2215 Erection of outbuilding in rear garden - Refuse
HGY/2014/0762 Certificate of lawfulness for enlargement of rear dormer and insertion of front rooflights Lawful development: Proposed use - Approved

Planning enforcement history

ENF/2023/0527 Change of Use - House in Multiple Occupation - In progress
DEP/2014/00476 Departure from Approved Drawings/Plan - Closed

HMO Licence information

The property benefits from a HMO licence for 5 households for a maximum of 6 persons.

4. Internal & Statutory Consultation

The following were consulted regarding the application:

LBH Private Sector Housing: The Private Sector Housing team provided the following comment:

This is already licenced for 6 people in 5 households so we support the application.

LBH Transportation:

The proposal site has a PTAL rating of 6a, indicating that its access to public transport is excellent when compared to London as a whole, suggesting that there are opportunities for some trips to be made to and from the site by modes other than the private car. The site is located within the Hale CPZ, which restricts parking to permit holders only Monday to Friday between 08:30 – 18:30, with extended times and days during event days and bank holiday.

Because this development will see the total number of dwellings within the development increase to 6, LBH Transport Planning will require the development to become permit-free, this includes all existing dwellings at the same address. Residential developments without car parking provision are only likely to be viable where there are alternative and accessible means of transport are available, in particular a good level of public transport accessibility (PTAL rating of 4 or above) and where a Controlled Parking Zone (CPZ) is in existence or planned within the timescale of the proposed development. Furthermore, the Council requires S.106 agreement for all new car-free developments of more than 4 residential dwellings. Therefore, the applicant/developer will need to pay £4000 for the TMO to be changed as a consequence of the development becoming permit-free and enter into a S106 agreement with the Council.

The only information pertaining to cycle parking is within the Design and Access Statement, which state that 2 would be provided at the front of the development. However, these cannot be found within the attached proposed ground floor plans. Furthermore, the provision of only 2 cycle spaces would not be within accordance with the London Plan 2021 T5 Cycle, as it requires them to provide 1 space per 1 bedroom. Therefore, this development is not accordance with the Published London Plan 2021 Policy T5 Cycle. They will need to submit plans to LBH Transport Planning showing accessible; sheltered, and secure cycle parking for 6 long-stay for approval. REASON to be in accordance with the published London Plan 2021 Policy T5 Cycle, and the cycle parking must be in line with the London Cycle Design Standards (LCDS).

Details and plans of the refuse storage will need to be sent to LBH Transport Planning for approval.

5. Local Representations

The proposal subject to public consultation through letters sent to neighbouring properties. No representations were received from neighbours in response to notification and publicity of the application.

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:

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

Comment: The original un-extended floor space of the property measures approximately 85.2m2, which is substantially below the minimum requirement.

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: This is a small property with minimal space within the front garden to accommodate waste/recycling storage for use as an HMO. There are 12 other properties listed on Mafeking Road as being registered Houses in Multiple Occupation, out of a total of 52 dwellings. The amounts to approximately 23% of the dwellings in Mafeking Road. The proposal would result in 25% of the dwellings being HMOs. As such, the change of use of property to an HMO would result in a large concentration of HMO accommodation in the locality, although there is no acceptable percentage defined in the policy.

They are accessible by public transport, cycling and walking;

Comment: The site is located within an area with the highest level of public transport accessibility (PTAL) of 6a.

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.

The Haringey HMO standards require the following floorspace provisions:

- 13m2 for a one-person bedsit room including kitchen / 10m2 where there is a separate kitchen
- 20m2 for a 2-person bedsit room including kitchen / 15m2 with there is a separate kitchen.

The floorspace measurements must not include corridors or toilets.

The property already benefits from a HMO licence which permits the property to be used to provide living accommodation for 6 people in 5 households.

Rooms are generally of a spacious size that meet the required HMO standards, that would allow occupants sufficient space for storage; however, the kitchen area does not indicate the provision of

multiple appliances or storage/work spaces for the proposed number of households, and it is unclear whether these, if provided, would fit alongside a dining table. There is only one communal kitchen on the ground floor, and no kitchens in bedrooms, so not all bed spaces have access to a kitchen a maximum of one floor away.Furthermore, the room labelled 'living room' is laid out the same as the bedrooms with its own ensuite, suggesting that this room is likely to be let to an additional occupier or household.

The property has a small rear garden amenity area, with approximately 2/3 of the original garden taken up by a large outbuilding and rear extension, and half of the remainder of the garden covered by a fixed canopy. Overall, the outdoor space is cramped and enclosed, with limited area receiving sunlight, which does not provide a high quality amenity space for the proposed number of households. There is limited space within the small front garden to accommodate waste/recycling storage.

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.

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.

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.

Design and appearance

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 development does not propose any alterations by way of external changes or extensions to the host building.

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.

As outlined above in the principle of development section, the original dwelling is signficantly smaller than the required 120m2 minimum for use as an HMO, the kitchen facilities are inadequate and a poor outdoor amenity space would be provided. As such, the standard of accommodation is considered substandard and does not comply with the requirements of Policy DM17.

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 acknowledged that the use of the premises as a HMO can result in increased comings and goings in comparison to use by a single household, and a general intensification of the residential use of the premises to a certain extent, including use of the amenity space. However, given that there is not a specified percentage in the policy defining an over-concentration of HMO accommodation, and currently a quarter of the properties in Mafeking Road are licensed HMOs, it is not considered that the use as a HMO could be resisted solely on amenity impact grounds. Matters of alleged noise disturbance, or matters such as dumped rubbish/detritus can be investigated by colleagues within the Environmental Health Team/Planning Enforcement, were they to arise.

The proposed number of occupants is 6, which for a property of this size, is not considered to be excessive. The proposal is therefore considered to be acceptable with regards to amenity impact considerations.

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'.

HMO accommodation is more likely to have occupancy by individuals that do not own their own car in comparison to larger self-contained accommodation, and the site does benefit from excellent access to public transport in the locality which reduces the need for private car ownership. While car-free agreements are required for new dwellings, the HMO would not provide any additional self-contained residential units. A condition to ensure secure cycle storage is provided for the beneficial use of future occupation of this HMO could be imposed, along with a condition requiring

details of refuse storage. On this basis it is not considered that the development would result in any unacceptable impacts on highway safety or local parking conditions.

Conclusion

The proposed conversion of the premises to a 5 household 6-person HMO is considered unacceptable by reason of the floorspace of the original dwelling, inadequate kitchen and dining facilities, and insufficient amenity space that would overall not provide an acceptably high standard of accommodation for future occupiers.

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

There would be no increase in internal floor area and no creation of a new unit, and therefore the proposal is not liable for Mayoral or Haringey's CIL charge.

8. Recommendation

The application is recommended for refusal for the following reasons:

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 would 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).