



Officer Report

Application Number:	HGY/2023/3400
Application Type:	Householder planning permission
Address:	First Floor Flat, 321 West Green Road, Tottenham, London, N15 3PA
Proposal:	Conversion of the existing flat into a C4 HMO for 5 people. AMENDED DESCRIPTION
Case Officer:	Mercy Oruwari
Valid Date:	27/12/2023
Applicant:	Mr Alter
Agent:	Mr Sruli Lieberman

RECOMMENDATION

Approve with Conditions

1. SITE LOCATION

The application site is a mid-terraced property with commercial on the ground floor and residential above. It is located on the southern side of West Green Road in a parade of shops. The site is not located in a Conservation Area, nor does it 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 a HMO (Use Class C4).

2. DESCRIPTION OF PROPOSAL

The application proposes the change of use of the 4 bedroom upper floor flat above the commercial unit into a House of Multiple Occupation (HMO) (Class C4) for 5 people. There would be some internal reconfiguration of the layout of all the rooms to create a better flow and use of space.

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

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

First Floor Flat 321 West Green Road

- HGY/2021/ 2586 Subdivision of the existing flat into a 1x2 bed on the first floor and 1x1 bed on the second floor. Refused
- HGY/2021/1401 Subdivision of the upper floor flat into a 1x2 bed on the first floor and 1x1 bed on the second floor. Refused

Shop 321 West Green Road

- HGY/2021/1740 An application to determine if prior approval is required for a proposed Change of use from retail/takeaway (Class A1) to residential use (Class C3): conversion of rear of shop to a separate flat, addition of 2 windows to the side elevation. Prior Approval Refused (Appeal Allowed)
- HGY/2021/1215 An application to determine if prior approval is required for a proposed Change of use from retail/takeaway (Class A1) to residential use (Class C3) Prior Approval Refused
- HGY/2021/1214 An application to determine if prior approval is required for a proposed Change of use from retail/takeaway (Class A1) to residential use (Class C3) Prior Approval Refused

4. INTERNAL & STATUTORY CONSULTATION

The following were consulted regarding the application:

LBH Transportation Group: Provision for secured storage of 5x bikes and storage for refuse/recycling.

5. LOCAL REPRESENTATIONS

No representations received from neighbours, local groups, etc 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 sets 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: This rule does not apply as the property was built as a flat over a commercial unit. Therefore, the building has never been a single family dwelling.

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: Although the host dwelling is a residential unit above a commercial unit, it is a large 4x bedroom flat spread over two floors. The flat would be suitable for use as a C4 HMO, The proposal would also 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 have a moderate level of access. There are 4 different frequent bus routes accessible within 1 to 4 minutes' walk of the site. However, the site is not within a close walking distance of Underground stations with Turnpike Lane Underground station being the closest (14 mins) and Seven Sisters station (17 mins). The various bus routes do provide direct access to either or both stations.

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 only have one large kitchen located on the second floor. It is required by HMO Licensing that the ratio of rooms to kitchens is 3 to 1. Where this has not been provided it is acceptable to install 2 sets of kitchen facilities (sink/cooker) in the one kitchen as long as there is adequate allowance for multiple occupants to use the space at the same time. This approach has been implemented at this site and complies with HMO licensing standards. The scheme is also acceptable in terms of the room sizes and the number of residents (5x rooms for 5x single occupants). The Council's HMO licensing regime provides for further safeguards to ensure the accommodation is suitable and kept to an acceptable and safe standard.

With regard to the stacking there may be some transfer of noise from the kitchens to the surrounding rooms, however, in a HMO where there is shared space residents cannot reasonably be protected from noise to the same extent as might be possible in self-contained accommodation.

The existing refuse arrangements for the flat will be retained for the new HMO arrangement. There are two refuse/recycling collections per day as outlined on the Haringey website. The tenants bring down the bins daily and will continue to do this. A condition will be placed on the approval of the application that this must be retained.

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

Comment: As mentioned above the Haringey standards for HMOs require that one kitchen is shared per three room lettings. However, where appropriate a single kitchen which contains two sets of cooking/sink facilities would be acceptable, if suitability laid out with enough space for multiple occupants to use the kitchen at any one time. In this case it would not be possible to create two kitchens but the single kitchen has enough floorspace to accommodate 2 cookers and 2 sinks. As this has been provided the arrangements would be in compliance with the 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 only works to be carried out would be internal reconfigurations to the first and second floors. There would be no external works to the flat, therefore, the local character and visual amenity of the area would be protected.

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 includes 5x rooms with en-suite toilets/showers. Each room would accommodate 1x single occupant per room. Three of the rooms are located on the first floor and two are located on the second floor along with the kitchen. The kitchen would be fitted with 2x sets of kitchen facilities (2x cookers/ 2x sinks) to accommodate for all 5x occupants. Internal adjustments have been made to the layout. Part of the adjustments to the layout includes removing some internal walls and erecting new ones where needed. Some of the internal doors have also been relocated. The first floor living room would be turned into Room 1. The rear second floor bedroom would become the communal kitchen. The adjustments and alterations would improve the flow around the property and allow for all the five rooms to have the private en-suite toilets/showers.

Although there is no communal seated area, all five single occupancy rooms are generously sized (Room 1 14.8/12m²; Room 2 14.4/11.8m²; Room 3 17.4/15.1; Room 4 13.7/11.8m²; Room 5 19.4/14.8m²). Each room has access to a full window allowing adequate access to light and ventilation. All the internal works and altered layout would provide acceptable living conditions for all five occupants.

There is a small open area at the rear where the site is accessed, however, this is quite an enclosed and modestly sized space. Although the occupants do not have access to private or a large, shared amenity space, there are two parks that are within 5 minutes walking distance of the site (Downhills Park and Chestnuts Park).

Overall, the standard of accommodation is considered satisfactory and would comply with HMO licencing requirements, and therefore the proposed conversion is 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.

As there are no alterations to the exterior of the flat there would be no adverse effects on the amenity of neighbouring occupiers.

In terms of the use, the change to a 5 person HMO is not significant in planning terms. The comings and goings would remain similar to the existing use as a large single residential flat. 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 proposed HMO for 5x people, consisting of occupants forming different households, may generate additional activity potentially from noise levels and any other general disturbances. However, taking into account that the property is already a 4x bed flat, the additional activity from the relatively low increase to a 5x bed HMO is likely to be of a small degree. Therefore the impact on neighbouring amenity would not be notable for the neighbouring sites or No 1 Etherley Road.

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 site has a PTAL score of 3, so it has moderate access to public transport links. There is, however, close access to 4 regular buses. These buses lead directly to one or both of the nearest stations, Turnpike Lane Underground train station to the north and to the south Seven Sisters Underground train station. The bus stops are less than 6 minutes' walk from the main access at the rear. To walk to the stations, it would be between 14-17 minutes' walk. Regarding cycle arrangements the enclosed rear yard would provide 5x secure cycle storage spaces.

The use of this flat as a HMO is not considered to have any greater impact on parking conditions over and above the existing extant use as a single residential flat. A condition to ensure the secure cycle storage is provided for the beneficial use of future occupation of this HMO will be imposed. This arrangement must be both provided and retained. On this basis it considered that the development would not result in any unacceptable impacts on highway safety or local parking conditions.

A 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 a HMO would lead to more vehicle

ownership and demand for on-street parking greater than that associated with any other large residential flat.

Waste & Recycling

DM DPD Policy DM4 requires proposals to sustainably manage waste that arises from development during the design, construction and occupation phases. All proposals should make on-site provision for general waste, the separation of recyclable materials and organic material. Adequate internal and external storage space should be provided to manage the volume of waste arising from the site. Accessible and safe access to on-site storage facilities both for occupiers and collection operatives should be supplied.

It has been confirmed that the existing refuse/recycle arrangements for the flat will be retained for the new HMO. There are two refuse/recycling collections per day as outlined on the Haringey website. The tenants bring down the bins daily and will continue to do this. A condition will be placed on the approval of the application that this arrangement must be retained.

Conclusion

The proposed conversion to a 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.

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 The proposed five secure and covered cycle parking spaces as set out on plan number WGR.321.PR.CP shall be provided prior to the occupation of the use hereby permitted

and shall be retained thereafter for this use only.

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 The proposed waste and recycling arrangements as confirmed in the submitted note entitled 'Haringey Waste Collection West Green Road' shall be fully implemented prior to first occupation of the HMO and thereafter permanently retained.

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.

- 5 The House of Multiple Occupation hereby approved shall be occupied by no more than 5 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 their ownership.