



Officer Report

Application Number:	HGY/2024/0462
Application Type:	Change of use
Address:	17 Falkland Road, Hornsey, London, N8 0NU
Proposal:	Change of use from single dwellinghouse (Class C3) to small HMO with 6 bedrooms for 8 tenants (Class C4). (Retrospective) (AMENDED DESCRIPTION)
Case Officer:	Mark Chan
Valid Date:	22/02/2024
Applicant:	Mr & Ms S Vardoulakis and Ms K Laachir
Agent:	Mr Peter Kyte

RECOMMENDATION

Approve with Conditions

1. Site location

The site is a two-storey terraced house located on the western side of Falkland Road. The house has an original two storey rear outrigger with a non-original dormer extension. The site is not located within a conservation area. However, it is located within the Family Housing Protection Zone and subject to an Article 4 Direction for HMO 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 retrospective change of use of this property from a single-family dwelling (C3) to a small House in Multiple Occupation (HMO) (Class C4) with 6no. bedrooms and 8no. tenants.

3. Relevant Planning and Enforcement history

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

PRE/2023/0157 – The continued use of the property as 6 HMO rooms, for 8 persons. Pre-application advice issued 02/11/2023.

HGY/2021/3320 – Proposed use of the property as 7 room HMO rooms for 11 residents (retrospective application). Refused permission 13/06/2023.

HGY/2014/3541 – Certificate of lawfulness for rear dormer roof extension. Granted certificate 10/02/2015.

4. Internal & Statutory Consultation

The following were consulted regarding the application:

LBH Transportation Group: Objection raised for the reason that the location of the cycle storage is in the rear garden. Each bicycle should be independently accessible by the occupiers of the property.

LBH Private Sector Housing Officer: No objection.

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: 0

Objecting: 0

Supporting: 0

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:

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

Comment: The original un-extended floor space of the property is estimated at approximately 124 sqm. The site is sufficient to meet the requirements of the policy and is considered suitable for the proposed use a small scale HMO for up to six occupants within the C4 use class.

1. 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: Whilst the property is considered a single family dwellinghouse (Class C3) in planning terms, it has been used as a large HMO with 7 bedrooms and licenced for 9 people since February 2021. The proposal would result in the reduction of 1 bedroom and the number of occupants reduced to 8. New refuse and recycling bins, cycle storage as well as a new extra kitchen would be installed. Given its existing HMO use, the decrease in occupants, within an unchanged floorspace, it is unlikely to result in an unacceptable impact on the character of the area, in terms of refuse and recycling storage, comings and goings and increased pressure on parking.

It is noted from the previously refused application that there was concern in relation to the number of HMOs in this area as well as the concerns about the inconsistency with policies DM16 and DM17. It is accepted that an over concentration of HMOs can affect the character of the area and harm the need to support mixed and balanced communities. In making a decision on this application, Officers are mindful that the property has been in HMO use for some time.

1. They are accessible by public transport, cycling and walking;

Comment: The site is located within an area with a Public Transport Accessibility Level (PTAL) 4 which is deemed to be good access. The site is within walking distance of a number of bus routes along Green Lanes, Hornsey and Haringay rail stations and Turnpike Lane underground. Therefore, the site is considered to have an acceptable levels of access to public transport.

1. 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: Following the previous refusal, the applicant has amended the layout and added a new communal kitchen on the loft floor. As a result, the number of occupants has reduced to 8 and would share 2 kitchens 4 WCs. Due to the reduction in the number occupants, the forecourt is now considered sufficient for storage of refuse bins. Therefore, the proposal is satisfactory and provides sufficient amenity space for other occupants which would not harm living conditions within the HMO.

1. 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, 2 kitchens have been 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.

No external alterations or extensions have been proposed and the appearance of the property would remain unchanged. As such, the design and appearance of the property is considered acceptable.

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 number of rooms has been reduced since the previous refusal and the current proposal now has 6 rooms, that is 2no. double bedrooms and 4no. single bedrooms capable of accommodating 8 people. The layout of the HMO is such that two communal kitchens would be provided, and the occupants share 4 WCs with 3 showers. The future occupiers would also have access to a communal rear garden via the ground floor kitchen. 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.

As no external alterations and extensions are proposed, it is not considered there would be any impact on residential amenities of the occupiers of neighbouring properties in terms over privacy, outlook and daylight/sunlight.

In terms of use, the change to an 8 person HMO is not significant in planning terms. Given that the existing property is already used as a 9 person HMO, the comings and goings would remain similar to the existing use. 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 maximum of occupants at the HMO has been reduced to 8. Whilst the occupants forming different households may generate additional activity, such as the general coming and going of people and their visitors, and in the use of the rear outdoor space, there is unlikely to be an increase in activity from the proposal due to the reduction in the number of occupants and therefore would not impact neighbouring properties to a detrimental level. The noise levels and levels of general disturbance are unlikely to increase from reduced occupancy 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 objection to this application due to 3no. cycle parking spaces would be in the rear garden and would require the occupants to walk through the property to access their bicycles. Whilst the access to the rear garden is mostly step-free, it is accepted that this is not an ideal arrangement. However, the small size of the forecourt cannot accommodate all 6no. cycle parking spaces. As such, only 3no. cycle parking spaces would be installed in the forecourt and this arrangement is considered acceptable on balance.

The use of this property as a HMO is not considered to have any greater impact on parking conditions over and above the existing extant use of the property. 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 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 a dwelling house.

Conclusion

The retrospective 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

The increase in internal floor area would not exceed 100 sq.m. and therefore the proposal is not liable for Mayoral or Haringey's CIL charge.

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, Drawing Nos: 221104H/E1/REVA, Planning Statement, Building Control Final Certificate dated 04/07/2016 by Building Control Service (Approved Inspectors) Ltd, 221104H/E2, 221104H/LOFT, 160111H/P1, 221104H/BP, 221104H/LP, 221104H/E1, 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 8 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: 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.

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.