



Officer Report

Application Number:	HGY/2023/3246
Application Type:	Change of use
Address:	11 Rutland Gardens, Tottenham, London, N4 1JN
Proposal:	Change of use from a single dwelling (C3) to a large-scale HMO for up to seven residents (Sui Generis), including alterations to the ground floor side elevation including the enlargement of the existing high level window and removal of door/reduction of window.
Case Officer:	Mercy Oruwari
Valid Date:	05/12/2023
Applicant:	Ms Gina Constantinou
Agent:	Mr Jon Pyle

RECOMMENDATION

Approve with Conditions

1. SITE LOCATION

The application site comprises a two-storey, mid-terrace dwelling located on Rutland Gardens. The surrounding area is predominantly residential in nature, characterised by long terraces of dwelling houses.

The property is not located within a conservation area. 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 retrospective application proposes the change of use of this property from a single-family dwelling (C3) to a large House in Multiple Occupation (HMO) (Sui-Generis) for five bedrooms for up to seven people. The property has already been converted into a large HMO for eight people but the capacity would be reduced to seven people only in response to requirements by the HMO team in relation to an application (see enforcement case HMO/2021/00014).

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

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

- HGY/2020/0582 - Certificate of lawfulness: proposed formation of rear dormer and outrigger dormer with insertion of two roof lights. Withdrawn

- HMO/2021/00014 – Unauthorised Change of Use - House in Multiple Occupation.

4. INTERNAL & STATUTORY CONSULTATION

The following were consulted regarding the application: 0

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: 7

Objecting: 7

The following comments were raised in the representations received:

The preference is for responsible homeowners rather than absentee landlords
Floorspace potentially less than the required 120m2 minimum for conversions

- Proposal will increase stress on local services, amenities, traffic congestion, parking, management of rubbish/street cleaning, sewage etc.
- Converting houses HMOs ruins the character of the area
- It takes away from the existing housing stock
- Overconcentration of HMOs in the immediate area
- Existing overcrowding problem in the area.
- No sense of ownership or communal care with high turnover of residents.
- No positive contribution to the area.
- Houses should be saved for growing families or someone's permanent home.
- 7 bedrooms capable of accommodating 14 people will impact neighbours from noise level, car-parking pressure and use of external amenity.
- Increase in rubbish. The arrangements for this have not been shown.
- Potential noise disturbance or fire risks.
- Absentee landlords.
- Potentially property is under the required 120m2.

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:

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

Comment: Upon measurement of the original un-extended floor space, it falls just under at 119.7m². However, an identically sized property on the same street was accepted in principle by the Inspector on a recent appeal (APP/Y5420/W/21/3268532). Furthermore the current application site has significant existing extensions. While it is acknowledged that the 120sqm policy requirement refers to the original, un-extended floor area, given the very minor short fall of just 0.3 sqm, or less than 0.25% of the required minimum, the difference is considered to be within the margin for error that can be accurately calculated by measuring the standard of 1:50 or 1:100 floor plans typically submitted with planning applications. As such the proposal is considered to comply with this element of DM17.

- 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: As extended, the property is a large house it is therefore considered as acceptable for conversion. While there are a large number of HMO licences within Rutland Road (41 licenced HMOs, or approximately 27% of the total residential properties in the road including flat conversions), the application property is close to Green lanes, a busy commercial street and heavily trafficked road. As such the proposal is not considered likely to increase noise and disturbance significantly above that of existing background activity at this end of Rutland Gardens.

- 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) 4 which is deemed to be good access. There are 3 different bus services accessible within 2 to 3 minutes' walk of the site. The site is also within walking distance of Haringey Green Lanes station and therefore overall the site is considered to have an acceptable level of access to public transport.

A condition is being placed on the consent here asking for specific details for the cycle storage of 6 secure/sheltered bike spaces. This is in line with Policy T5 of the London Plan 2021. No occupancy of the site would be allowed until these details are approved in writing by the Local Authority.

- 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 ground floor. It is required by the Council's HMO Licensing team that the ratio of rooms to kitchens is 3 to 1. Where this has not been provided it is acceptable to install two 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 the HMO licencing standards. The scheme is also acceptable in terms of the room sizes and the number of residents (3x rooms for single occupants and 2x rooms for 2x occupants). The Councils HMO Licencing Team provides further safeguards to ensure the accommodation is suitable and kept to an acceptable safe standard.

With regard to the stacking there may be some transfer of noise from the kitchens to the rooms above, 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 frontage of the site has sufficient space for the storage of refuse bins. A condition is being placed on the consent here asking for details for the storage and screening of refuse bins.

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 HMO's 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 suitably laid out with enough space for multiple occupants to use the kitchen at the any one time. In this case a large kitchen and dining area has been provided on the ground floor. This single kitchen has enough floor space to accommodate 2x sinks and cooking facilities. As this has been provided, the arrangement is considered to comply 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 mainly internal reconfigurations to both the ground and first floors. The reconfiguration would include the change to remove a ground floor rear room as requested by the Council's HMO Licensing team. The rear ground floor space would become a communal area accommodating a large kitchen and dining room. As a result of these works a door from the current room 3 which would form part of the kitchen would be blocked up and replaced with a small window. This would not be visible from any public vantage point. As the external works to the property would be minimal, 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. Three of the five rooms would accommodate 1x single occupants per room only (The larger rooms would be able to accommodate 2x occupants per room only. Three of the rooms are located on the first floor and two are located on the ground floor along with the kitchen/dinning room. The kitchen would be fitted with 2x sets of kitchen facilities (2x cookers/ 2x sinks) to accommodate for all 5-7 occupants.

Internal adjustments have been made to the layout of the existing HMO (the existing change from a single family dwelling had no formal planning permission) to convert it from an 8x room to a 5x room (7x person) accommodation with a kitchen and dining area. Part of the adjustments to the layout includes removing three of the rooms on the ground floor to accommodate the new kitchen/dining area plus allow for the creation of an en-suite for letting 2. As a part of these works a door from the current room 3 which would form part of the kitchen would be blocked up and replaced with a small window. On the first floor the only alteration would be for the enclosing of the shared WC, which would become a private en-suite for the current letting room 7 which would become room 4. The adjustments and alterations allow for the property to have a dedicated communal space whilst providing individual private en-suite toilets/showers.

All five rooms are generously sized and meet the required floor space for the number of occupants proposed both on the ground floor (Room 1 11.4m² for 1x occupant; Room 2 10.3m² for 1x occupant) and first floor (Room 3 16.2m² for 2x occupants; Room 4 10.6m² for 1x occupant; Room 5 15.5m² for 2x occupants). Rooms 1, 3, 4 and 5 have access to a full window allowing adequate access to light and ventilation. Room 2 has access to double doors that lead to a private enclosed courtyard. All the internal works and altered layout would provide acceptable living conditions for all 5-7 occupants.

The property benefits for a rear garden which would be accessible through the shared kitchen/dining area.

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 7 person HMO is not significant in planning terms. The comings and goings would remain similar to the existing use as a large single residential house. 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 7x 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 large house the additional activity from the increase to a 7x bed HMO is likely to be of a small degree. Therefore, the impact on neighbouring amenity would not be notable for the neighbouring sites to a materially significant

degree. Any unacceptable noise, anti-social behaviour, or environmental/cleanliness issues would be able to be addressed with the relevant noise and nuisance team or other related authorities.

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 4, so it has good access to public transport links. There are 3 different bus services accessible within 2 to 3 minutes' walk of the site. The site is also within walking distance of Haringey Green Lanes station and therefore overall the site is considered to have an acceptable level of access to public transport.

A condition is being placed on the consent here asking for specific details for the cycle storage of 6 secure/sheltered bike spaces. This is in line with Policy T5 of the London Plan 2021. No occupancy of the site would be allowed until these details are approved in writing by the Local Authority.

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 as a single family dwelling. 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 is 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.

The frontage of the site has sufficient space for the storage of refuse bins. A condition is being placed on the consent here asking for details for the storage and screening of refuse bins.

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

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.

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 No development shall not take place until details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.

Following the above the development shall not be occupied until a minimum of 6 cycle parking spaces for users of the development, have been installed in accordance with those approved details. Such spaces 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 storage area as set out on plan number REAL-2022-082/03-103 shall be provided prior to the occupation of the use/development hereby permitted and retained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of The Development Management DPD 2017 and Policies SI 7 and SI 8 of the London

Plan 2021.

- 5 The House of Multiple Occupation hereby approved shall be occupied by no more than 7 persons (Rooms 3 and 5 2x occupants maximum; Rooms 1/2/4 1x occupants only) 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: 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.