

Officer Report

Application Number:	HGY/2024/0688
Application Type:	Full planning permission
Address:	89 Maryland Road, Wood Green, London, N22 5AR
Proposal:	Retrospective planning application for the continued use of the property as an HMO (Class C4), and a proposed loft conversion including rear dormer extension to provide additional accommodation within the HMO.
Case Officer:	Neil McClellan
Valid Date:	12/03/2024
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Applicant:	Mr & Mrs Stuart and Rumila Hilton
Agent:	Mr Idris Anjary

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

Retrospective planning application for the continued use of the property as an HMO (Class C4), and a proposed loft conversion including rear dormer extension to provide additional accommodation within the HMO, increasing it from a 4-bedroom/4-person HMO to a 5-bedroom/5 or 6-person HMO. The extended HMO would remain in the C4 Use Class.

Site and Surroundings

The application site comprises of a two storey mid-terraced dwelling house located on the north side of Maryland Road. The site is not located within a Conservation Area.

Relevant Planning and Enforcement History

HGY/2014/2918 – Planning permission granted for a single storey rear extension.

Other History

The property's current HMO Licence (Ref: HAR-162827-1) for use of the property as a 4 person HMO was issued 01/12/2020.

The application is accompanied by a statement from the owners of the property that it is has been in use as a 4-person HMO for the last 20 years. A tenant log covering the past 11 years has been provided along with a number of tenancy agreements going back as far 2012.

REPRESENTATIONS

No representations received from neighbours, local groups, etc in response to notification and publicity of the application.

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 120sqm.

Comment: The original un-extended floor space of the house is approximately 90sqm, well below the required minimum, and as such the application would normally be considered unacceptable in principle. However, this is a retrospective application and evidence has been submitted that confirms the property has been in use a small scale HMIO (Class C4 Use) for the at least the last 11-12 years, and probably for the last 20 years.

The evidence comprises:

- Current HMO Licence (Ref: HAR-162827-1) for use of the property as a 4 person HMO was issued 01/12/2020.
- The application is accompanied by a statement from the owners of the property that it is has been in use as a 4-person HMO for the last 20 years.
- A tenant log covering the past 11 years has been provided along with a number of tenancy agreements going back as far 2012.

This is not an application for a certificate of lawfulness; however, it is accepted that on the balance of probabilities, the use of the property as a small-scale HMO within the C4 Use Class has been going on for over ten years and would therefore be immune from enforcement action. With this full

back position in mind, and despite the significant shortfall in meeting the minimum 120 sqm requirement in DM17, the principle of the use of the property as a C4 HMO is established.

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: No analysis of the number of existing HMOs in the area has been provided by the applicant. Based on Council records there are currently 9 existing HMOs within the same postcode as the application property (including the application property, which is approximately 11% of the total (79 properties). By Haringey's standards this is considered a relatively level of HMO proportion within the area and is not considered an over concentration.

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 be moderate access. There are 5 different bus services accessible within 3 to 4 minutes' walk of the site. The site is also within 15-20 minutes' walk of Wood Green underground station and the amenities of Wood Green district centre.

A condition is being placed on the consent here asking for specific details for the provision of 5 secure/sheltered bicycle spaces, to be installed prior to the proposed extension being occupied. This will likely need to be in the property's rear garden given the modest size of the front garden area. While not ideal, this is an acceptable compromise given the site's constraints and an improvement on the existing situation.

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 extended HMO would have one large kitchen located on the ground floor along with a communal living room. Three communal bathrooms would be provided, one on each 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. An email from LB Haringey HMO Licensing has been submitted confirming the existing HMO and the proposed extended HMO will meet licensing requirements. The scheme is also acceptable in terms of the room sizes and the number of residents (4x rooms for single occupants and the proposed additional room capable of accommodating two people sharing).

The Council's HMO Licencing Team provides further safeguards to ensure the accommodation is suitable and kept to an acceptable safe standard.

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

A full width rear dormer extension is proposed. There are a number of similar proportioned dormer extensions along this stretch of Maryland Road and as such the proposal would not look out of place.

The proposal is considered proportionate and subordinate to the host building and is in keeping with the pattern of development in the area. It is therefore considered that the local character and visual amenity of the area will be protected.

It is noted that single dwellinghouses, whether within the C3 or C4 uses class, benefit from householder permitted development rights. The application property therefore enjoys permitted development rights for the extension and alteration of its roof under Classes B & C of Part 1, Schedule 2 of the Town & Country Planning (General permitted Development) (England) Order 2015 (as amended). As such the proposed dormer could be built without planning permission.

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.

The height and depth of the extension would not result in a material loss of sunlight or daylight or have an overbearing appearance to the neighbouring property.

The proposal is not considered to result in any material loss of privacy to neighbouring properties.

In terms of the use, the increase in occupancy from a 4-bedroom/4-person HMO to a 5-bedroom/5 to 6-person HMO would not result in a materially significant increases in activity. The comings and goings would remain similar to the existing use and the proposal is not considered likely to result in materially harmful increase in noise or disturbance.

The proposal is therefore considered acceptable in terms of its impact in neighbouring amenity.

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 previous 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. 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 an 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 retention and extension of the existing 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 sqm. 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 **CONDITION – Approved Plans**
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 external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building, unless otherwise stated on the plans hereby approved.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality consistent with Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 4 Prior to completion of the approved extension, a detailed scheme for the provision of refuse, waste storage and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the extension and permanently retained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of

- 5 Prior to the completion of the approved extension, details of the type and location of secure and covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority.

The extension shall not be occupied until a minimum of five cycle parking spaces for users of the HMO have been provided, in accordance with the London Cycling Design Standards. Once agreed, the details shall be implemented as approved and retained/maintained as such thereafter.

Reason: To promote travel by sustainable modes of transport and to comply with the London Plan 2021 minimum cycle parking standards and the London Cycling Design Standards, policy T5 of the London Plan 2021, Policy SP7 of the Haringey Local Plan 2017 and to maximise the accessibility of the development.

Informatives:

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.

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: 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.