

Application Number:	HGY/2024/0645
Application Type:	Full planning permission
Address:	Ground Floor Flat, 28 Alexandra Road, Wood Green, London, N8 0PP
Proposal:	Change of use of existing 3-bedroom flat (Class C3 Use) to a 3-bed HMO for up to 5 occupants (Class C4 Use).
Case Officer:	Neil McClellan
Valid Date:	26/03/2024
Applicant:	4 Yiannis Vasos
Agent:	Aryan Horoufi

RECOMMENDATION

Refuse

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

Retrospective application for the change of use of existing 3-bedroom flat (Class C3 Use) to a 3-bed HMO for up to 5 occupants (Class C4 Use).

Site and Surroundings

Semi-detached 2-storey house with an additional floor of accommodation in the converted loft, located in Alexandra Road, not far from its junction with Turnpike Lane.

The property has been converted into three separate self-contained flats. This application relates to the ground floor three-bedroom flat.

The site has a high public transport accessibility level (PTAL) of 6a. Turnpike Lane underground station and Hornsey mainline station are both a short walk away and numerous bus routes run along the High Road and Turnpike Lane, both a short distance from the site.

The site is within Haringey's Family Housing Protection Zone and the area of borough covered by an article 4 direction removing permitted development rights for changes of use from C3 to C4.

The amenities of the Woodgreen District Town Centre are close by.

The site is not in conservation area and there are no adjacent Listed Buildings.

Relevant Planning and Enforcement History

HGY/2008/0971: Planning permission granted for the construction of wooden access ramp to front of property.

HGY/2006/2494: Certificate of lawfulness granted for the use of the property as 3 x self-contained flats.

HGY/1990/1201: Consent granted for the erection of a full width rear dormer.

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 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 120sqm.

Comment: The existing ground floor flat has a floor area of approximately of the original un-altered house is estimated to have been approximately 95sqm, significantly below the minimum 120 sqm required by this apt of the policy. The existing three bedroom dwelling currently meets the definition of a family sized dwelling as set out in the development plan. It currently meets the London Plan and national guidance's minimum gross internal floor area standard for a three bedroom six-person dwelling. It also has the use of a large rear garden and so is currently considered to provide an acceptable quality of accommodation as a family dwelling by current adopted standards.

The proposed development is considered contrary to this element of the policy.

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: Several recent planning appeals against decisions by the LPA to refuse HMO conversions due to concerns of overconcentration have been allowed with Inspector's citing the lack of a definition within the policy of what constitutes 'overconcentration'. Haringey's recently published draft replacement Development Plan proposes introducing a quite stringent definition of overconcentration when it comes to HMOs. The draft policy proposes 5% or more of dwellings in a ward or 10% or more of dwellings in a street with a property licence as an HMO would be considered an overconcentration. While the draft replacement Development Plan is on its first consultation and carries little or no weight in the consideration of planning applications, it does indicate a direction of travel for the Council's approach towards HMO policy and is helpful in filling in a gap in the existing policy.

The current policy takes a local or neighbourhood approach to what might be considered an overconcentration, so it would not be appropriate at this stage in the plan cycle to apply the more strategic ward level definition. However, the 10% limit for an individual provides a useful measure for what might be considered an overconcentration at a more local level. Particularly as the draft policy is based upon up-to-date data.

No analysis of the number of existing HMOs in the area has been provided by the applicant. Based on the Council's own records there are 91 addresses within the same postcode as the application property of which 38 are on Haringey's landlord licence public register. However, the majority of these licences do not fall within the planning definition of an HMO, as they apply to flats within less than three occupants.

Within the four postcodes covering the application property and the opposite side of the street, there are 63 housing units (with houses converted into flats being counted as 1 unit for the purposes of assessing the concentration of HMOs in this locality). 19 of these, including the application property, have HMO licences covering all or part of the unit. This means that just over 30% of the original housing stock within the vicinity of the application have some form of HMO licence covering all or part of the building. This is considered an overconcentration of HMOs for this locality and contrary to part (b) of DM17, and significantly over what would be considered an overconcentration in emerging policy, as discussed above.

c. They are accessible by public transport, cycling and walking.

Comment: Based on TfL's current assessment, the site has a high public transport accessibility level (PTAL) of 6a. Turnpike Lane underground station and Hornsey mainline station are both a short walk away and numerous bus routes run along the High Road and Turnpike Lane, both a short distance from the site.

The site is therefore considered to have very good access to public transport and to local amenities.

Cycle storage is proposed in the shared rear garden providing 5 spaces for the use of the ground floor flat/proposed HMO. There is access down the side of the property to the rear garden and this is considered an acceptable solution. A condition is recommended requiring this be installed prior to HMO use commencing.

The proposal is considered to meet the requirements of part c of Policy DM17.

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 HMO includes 3 large bedrooms, one with an en-suite bathroom, a shared bathroom, shared laundry room, a modestly sized shared kitchen/dining room. A communal living room of 7sqm is proposed, which while small does provide some additional communal living space. All residents would also have access to the large rear garden. All the proposed bedrooms exceed the required HMO licensing standard in terms of their size. The flat is dual aspect and all habitable rooms are considered to have good outlook and to receive sufficient daylight/sunlight.

The Council's HMO Licensing Team provides further safeguards to ensure the accommodation is suitable and kept to an acceptable safe standard. It is noted that the property has already received its HMO licence for use as a 3-bedroom 5-person HMO.

The frontage of the site has sufficient space for the storage of refuse bins for both the proposed HMO and two existing upper floor flats. If the application were to be approved, a condition would be recommended asking for details for the storage and screening of refuse bins for the proposed HMO and the two flats above.

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, which this proposal provides. This 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.

No external changes are being proposed to the building. The additional refuse storage required as a result of the change of use will be accommodated within the property's forecourt. A condition requiring further details for the storage and screening of bins is recommended. The cycle hanger proposed in the rear garden is modest in size and comparable to a domestic shed/structure typical of rear gardens.

The proposal will not impact negatively on local character or visual amenities.

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 Mayor's Housing SPG describes the management of noise impacts as 'another important aspect of retreat and privacy in a dwelling...noise from the street and adjoining properties can cause stress, sleep disturbance and friction between neighbours as recognised in the NPPF' (2.3.42)"

Concerns have already been raised above regarding the impact on the general amenity of the area from what is considered to be an existing over concentration of HMOs.

The nature of the proposal, being the conversion of part of what would originally have been a 2-storey house that has already been converted into 3 separate dwellings, will further exacerbate the impact of the proposal on neighbouring amenity, particularly for the occupiers of the flats above the HMO. The comings and goings from the site of five adults and their visitors and the higher intensity of use of the site would have the potential to generate noise and disturbance impacts for occupiers of existing properties, to the detriment of their residential amenity, contrary to the above policies.

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'.

As stated above, the site is considered to have good access to public transport and to local amenities and cycle parking in line with Policy T5 of the London Plan is proposed.

The use of this property as an 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 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.

An 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 proposal for conversion of the ground floor flat to an HMO's results in the loss of a small to medium sized family dwelling for which there is an identified need; would result in an overconcentration of HMOs within the locality; and would result in increased noise and general disturbance to the detriment of neighbouring residential amenity.

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

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

That planning permission be REFUSED for the reasons set out below:

Refusal Reasons:

The change of use of the existing dwelling in to an HMO (Class C4 Use) would represent a loss of a small family dwellinghouses within an area of the Family Housing Protection Zone and in the locality/street, where there is already an established overconcentration, resulting in an adverse impact on the amenities of the current and future occupiers within the area, contrary to Policies DM1 and DM17 of the Haringey Development Management Development Plan Document 2017, and Policy SP2 of the Haringey's Local Plan 2017.

The change of use of the flat into an HMO is considered an over intensive use of the property, resulting in an increase in levels of activity, noise and disturbance that would be detrimental to neighbouring residential amenity, particularly on the amenity of the occupiers of the flats above the application property. As such, the development is contrary to the objectives of Policy DM1 'Delivering High-Quality Design', DM14 'Noise', DM17 'HMOs' of Haringey Council's Development Management DPD, Policy D6 of the London Plan 2021 and the Mayor's Housing SPG 2016.