
Appeal Decision

Site visit made on 4 January 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 January 2017

Appeal Ref: APP/Y5420/W/16/3159542
62 Downhills Way, London N17 6BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Titti Mantino against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/0661, dated 21 February 2016, was refused by notice dated 18 April 2016.
 - The development proposed is change of use from single family dwelling (use class C3) to HMO for up to 6 persons (use class C4).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from single family dwelling (use class C3) to HMO for up to 6 persons (use class C4) at 62 Downhills Way, London N17 6BB in accordance with the application Ref HGY/2016/0661, dated 21 February 2016 and subject to the conditions below:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01 Rev P1; 101 Rev P5.

Procedural Matter

2. I have modified the description of development to that given on the Council's decision notice and the appellant's appeal form.

Main Issues

3. The main issues are the effect of the development on i) the availability of family accommodation in the locality and ii) the living conditions of future occupiers in terms of available internal and external space.

Reasons

Family accommodation

4. The proposed change of use would allow for the creation of a small House in Multiple Occupation (HMO) for up to 6 residents. This type of change of use would normally be permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 without the need for planning
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permission. However the Council has introduced an Article 4 Direction to remove this permitted development right in response to what it regards as the many problems associated with poor quality HMOs within the Borough.

5. The Council seeks to exercise control of HMO proposals through the requirements set out in Saved Policy HSG6 of the Haringey Unitary Development Plan 2006 (UDP) and emerging Policy DM17 of the Development Management Development Plan Document 2015 (DPD).
6. In terms of the representation of HMO developments within the locality, Saved Policy HSG6 of the UDP requires not more than 20 per cent of houses in the street to be in such use. Policy DM17 of the emerging DPD is less prescriptive seeking to avoid cumulative impacts as a result of an over-concentration of HMOs within an area.
7. Though concerned about the loss of family accommodation, in this case the Council has failed to provide evidence that the proposal would breach the aforementioned threshold or would lead to an over-concentration of HMO development. Furthermore there is no information before me to suggest that the appeal site falls within an area where HMOs would be unacceptable in principle. Accordingly I conclude that there is no sound basis to find that the development would result in harm from the loss of family sized accommodation or that it would conflict with Saved Policy HSG6 of the UDP and Policy DM17 of the emerging DPD in this regard. Policy SP2 of the Haringey Local Plan 2013 is concerned with the density and design quality of new housing and there is no information before me to clarify how this is specifically relevant to the proposal.

Living Conditions

8. In terms of available floorspace, Saved Policy HSG6 of the UDP requires that the property should be more than 120 square metres. Policy DM17 of the emerging DPD is more restrictive stating that the minimum gross internal floorspace of 120 square metres should relate to the original dwelling.
9. Whilst the Council do not dispute that the available floorspace would exceed the above minimum quantitative threshold, it is concerned that this relates to the dwelling as extended rather than its original form. However the appellant has questioned the rationale for the minimum space needing to relate to the original dwelling. I am sympathetic to this viewpoint, as there is no indication in the information before me to justify the strict position set out in the emerging policy.
10. From the information provided and from my visit, I am satisfied that there would be sufficient internal and external amenity space to ensure that the living conditions of future occupiers of the property would be safeguarded. I conclude that no harm would arise in this respect and that accordingly the development would be in keeping with Policy HSG6 of the UDP which requires property to be of an appropriate size to be converted to an HMO. Whilst the development would not accord with the corresponding criterion in Policy DM17 of the emerging DPD, I consider that the circumstances of this specific case justify an exception being made.

Other Matters

11. A number of objections to the development have been raised by the adjoining neighbour. In terms of the behaviour of future occupiers, there is no evidence

before me to suggest noise and disturbance issues would arise or that the cleanliness of the property would not be safeguarded. My view is strengthened by the consideration that the HMO would be relatively small and similar in effect to the potential use by and comings and goings of a large single household family. It is implied that occupation of the HMO will be transient in nature, however there is no information to suggest that residents would not occupy the property for longer periods, becoming integrated within the local community. I note that the Council has not raised concerns with regard to the potential for overcrowding within the property.

Conditions and Conclusion

12. For the above reasons, and having considered all other points raised, I conclude that the appeal should succeed and planning permission be granted.
13. A condition specifying the plans is needed for the avoidance of doubt.

Roy Merrett

INSPECTOR