

## Appeal Decision

Site visit made on 6 February 2017

**by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI**

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

**Decision date: 24<sup>th</sup> February 2017**

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**Appeal Ref: APP/Y5420/W/16/3163530**

**39 Peshurst Road, Tottenham, London N17 8BT**

- 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 Mr Kyriacos Michael against the decision of the Council of the London Borough of Haringey.
  - The application Ref HGY/2016/3299, dated 14 September 2016, was refused by notice dated 31 October 2016.
  - The development proposed is for the use of property as HMO for 5 persons (retrospective).
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The application form indicated that the conversion of the appeal property into a HMO for 5 persons had already been completed. I saw at my site visit that this is the case, and that the separate parts of the property appeared to be occupied by persons who share certain facilities in common. Although the description of the application refers to retrospective development, retrospective acts do not amount to development. However I have considered the appeal on the basis that the works of conversion have been implemented.

### Main Issues

3. The main issues in this appeal are firstly, the effect of the appeal scheme on the Borough's housing mix; and secondly, whether the scheme would provide satisfactory living conditions for future occupiers.

### Reasons

#### *Housing mix*

4. The appeal property comprises a semi-detached two storey property on the corner of two streets in a mature suburban setting where family dwellings are generally the norm.
  5. The Council has introduced an Article 4 Direction which removes the ability of householders to change the use of a single dwelling house to a house in multiple occupation (HMO) without the need for planning permission. Saved Policy HSG6 of the Haringey Unitary Development Plan (UDP) identifies areas where restrictions preventing changes of use to HMOs should apply. This is to
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prevent intensification of HMOs within areas where considerable pressure exists that undermine efforts to retain family housing provision. The Draft Development Management Development Plan Document (DPD) at policy DM17 in support of the Council's Local Plan strategic housing policy SP2 identifies that clusters of such housing can have significant deleterious impacts on local character and amenity whilst leading to a reduction in the availability of smaller family housing, for which there is a significant need.

6. I have been supplied with no substantive evidence to suggest that the evidence base that supports these policies is out of date; indeed the evidence suggests that this problem is increasing. Furthermore, these policies are consistent with paragraph 50 of the National Planning Policy Framework, which states that "local planning authorities should plan for a mix of housing based on... the needs of different groups in the community", including but not limited to, families with children.
7. The appeal scheme has removed a family dwelling from the local housing supply and within an area that is sensitive to such changes. The resultant accommodation albeit that it satisfies a demand, does not offset the loss of family housing that the Council's policies and Article 4 Direction seeks to safeguard. Consequently, the appeal scheme clearly conflicts with such policies in this regard. Similarly, the modest increase in the amount of housing in the Borough created by the appeal scheme is a limited benefit that is clearly outweighed by its reduction in the availability of family housing.
8. Accordingly, as the appeal scheme removes a family-sized dwelling from the local supply and in an identified sensitive area, it has a harmful effect on the Borough's housing mix and conflicts with UDP Policy HSG6, Local Plan Policy SP2 and Draft DPD Policy DM17. The development would also be in direct conflict with the objectives set out in the Framework in relation to providing a mix of housing based on demographic trends and identified sizes of housing to meet the needs within the Borough.

#### *Living conditions*

9. Saved UDP Policy HSG6 and emerging Policy DM17 of the Draft DPD seek to ensure that single family dwellings converted to HMOs are of sufficient size to accommodate occupiers; a minimum 120 sqm is required. The London Plan sets out minimum standards for bedrooms. The appellant's floor plans indicate that the bedrooms would be occupied by single people. Whilst this is not disputed by the Council, I would agree that this would be difficult to control in practice.
10. From 1 October 2015 local policies on internal spaces should be interpreted by reference to the nearest new national technical standards introduced under a Written Ministerial Statement in March 2015. Decision takers should only require compliance with the new technical standards where there is a relevant development plan policy.
11. However, it is clear that at least two of the bedrooms fall significantly short of the minimum floor space standard for single bedrooms set by the London Plan, which complies with the Space Standards<sup>1</sup>. Moreover Bedroom 3 would also be

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<sup>1</sup> Technical housing standards – nationally described space standard – Department for Communities and Local Government, March 2015.

likely to be attractive as a two person unit and would if occupied as such also fall below the standard.

12. Consequently, the existing property having all the characteristics of a small family dwelling is precisely the reason why the Article 4 Direction was introduced. I am therefore satisfied that the proposal would conflict with the London Plan standard and Saved UDP Policy HSG6 and emerging Policy DM17 of the Draft DPD

### **Conclusions**

13. For the above reasons and having regard to all other matters raised, this appeal is dismissed.

*Gareth W Thomas*

INSPECTOR