



Appeal Decision

Site Visit made on 29 June 2021

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/Y5420/W/20/3260433

44, Cobham Rd, Wood Green, London N22 6RP

- 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 Baz Abu against the decision of London Borough of Haringey.
 - The application Ref HGY/2020/1829, dated 16 July 2020, was refused by notice dated 1 September 2020.
 - The development proposed is use of the property as a House of Multiple Occupation (Use Class C4) for no more than six occupants.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have added the house number to the address as provided in the application form as this provides a clear identification of the site.
3. As well as this appeal I am also dealing with another at the same address, Planning Inspectorate Ref: APP/Y5420/W/20/3264995. This is the subject of a separate decision.
4. At the time of my site visit the 44 Cobham Road (No 44) was undergoing extensive building works, seemingly to renovate the property.
5. Since the appeal was lodged The London Plan (2021) (the New London Plan) has been published by the Mayor of London and is now part of the development plan. The policies within the London Plan (2016) are therefore no longer extant. The parties have had an opportunity to comment on the New London Plan in relation to the case during the appeal process.
6. I have taken this into account in my determination of the appeal. In so doing, I am satisfied that the appellant has had the opportunity to consider the relevant provisions of the New London Plan and no-one's case is prejudiced by my taking them into account.

Main Issues

7. The main issues are the effect of the proposal on the availability of family sized dwellings in the area, and whether the proposal would provide a suitable standard of accommodation for future occupiers, with particular regard to the provision of cycle parking.

Reasons

Effect on availability of family sized dwellings

8. No 44 is a two storey mid-terrace dwelling on the northern side of Cobham Road set in an established residential area. The house has a single storey rear extension. It lies within an area covered by an Article 4 Direction which removes permitted development rights for changes from Use Class C3 (Dwellinghouses) to C4 (Houses in multiple occupation)¹.
9. The proposal would change the use of the dwelling to a house in multiple occupation (HMO) for up to six persons. New London Plan Policy H8 seeks to retain housing at equivalent or higher densities. New London Plan Policy H9 seeks to ensure the best use of housing stock and acknowledges the role of HMOs in meeting housing need.
10. Policy SP2 of the Haringey Local Plan Strategic Policies 2013-2026 -2013, consolidated with alterations 2017- (the Local Plan) identifies housing targets and seeks to ensure that a mix of dwelling sizes is provided to meet Haringey's needs.
11. Policy DM10 of the Haringey Development Management DPD -2017- (the DMDPD) seeks, amongst other things, to resist the loss of all existing housing, including affordable housing and specialist forms of accommodation, unless the housing is replaced with at least equivalent new residential floorspace.
12. Although Policy DM10 is not explicitly listed in the Reasons for Refusal on the Decision Notice, it is referred to in the Planning Officer's Report, and has been provided by the Council within the policies within the development plan that are relevant to the case. The appellant has had the opportunity to comment on any implications of this policy during the course of the appeal. The proposal would retain the quantum of floorspace in residential use.
13. Policy DM 17 of the DMDPD restricts the conversion of larger homes to HMOs unless certain criteria are satisfied. Amongst other reasons, the Council justifies this in order to control their balance of accommodation, seeking to protect smaller family homes, for which they identify that there is a significant need, but also acknowledge that HMO accommodation plays an important role in meeting particular housing needs.
14. These criteria include the requirement that the gross original internal floor space of the existing dwelling is greater than 120m² and that they do not give rise to adverse amenity impact(s) on the surrounding neighbourhood, including cumulative impacts from an over-concentration of HMOs within an area.
15. There is dispute between the parties regarding the original floor space (which would exclude the extension). However, the difference in calculation is only about 1m² with the appellant of the opinion that it is just over 120m². The Council state that they have used their Geographic Information System (GIS) to calculate floor areas, whilst the appellant has used Computer Aided Design (CAD) technology. Under the circumstances it is likely that the CAD system is more able to calculate the internal area more accurately, and the minimum internal floor space criterion is fulfilled. In any case, even where I to accept the

¹ as defined in the the Town and Country Planning (Use Classes) Order 1987 (as amended).

Council's figure, the difference in floorspace is only marginally lower than that required.

16. The reasoned justification for the policy cites that many HMOs are clustered in areas resulting in adverse impacts on character and amenity, and also reduce the availability of smaller family units.
17. I have no evidence before me that there is already a significant cluster of HMOs in the immediate vicinity of the site or that there would be a material change to the character of the area or harm to residential amenity by virtue of increased disturbance resulting from any intensified use.
18. Bringing these matters together, the proposal would result in the loss of a family home. It would however provide accommodation for a number of residents without the loss of residential floor space and without fundamentally changing the character of the area or increasing disturbance to an unacceptable degree. The proposal would retain the amount of residential floorspace and, thus, would not be in tension with Policy DM10 of the DMDPD.
19. I therefore conclude that the proposal would reduce the number of houses in the area that could be suitable for a family to occupy. However it would accord with Policy DM17 of the DMDPD in as much as this policy requires that the dwelling is of suitable size for conversion. It would also accord with the aims of Policy SP2 of the Local Plan in that the site would still contribute towards the housing needs of the Borough. For similar reasons the proposal would accord with the aims of Policies H8 and H9 of the New London Plan.

Living conditions for future occupiers

20. Policy D6 of the New London Plan requires housing development to be of high quality including, amongst other things, that housing should be designed with adequate and easily accessible storage space that supports the separate collection of recyclables.
21. Policy DM 17 of the DMDPD requires, amongst its criteria for demonstrating that the dwelling is suitable for conversion to an HMO, that it is able to provide high quality accommodation that satisfies the relevant policies of the Local Plan. The Council's concerns relate to the lack of provision for cycle parking.
22. The proposal shows no provision for cycle parking. The house has no rear or side access. The proposal has access to a modest front garden which would provide an opportunity to provide secure on-site parking for cycles. I note the comments of the Council's Transportation Team which advises that site has a good public transport accessibility level (PTAL) of 4 and is located in a controlled parking zone (CPZ). The team further notes the possibility of attaching a suitable planning condition to provide 4 secure, weatherproof cycle parking spaces for the HMO and that, with such a condition, they would not object to the proposal.
23. However, the proposal indicates that the provision for refuse storage would be made in the front garden, indicating three bins. There is limited space available in this area. It has not been demonstrated within the evidence before me that a satisfactory layout could be provided to accommodate refuse collection, cycle parking and allow appropriate access to both facilities within this space. Thus future occupiers of the development would not have satisfactory access to cycling as a sustainable mode of transport.

24. Therefore, the proposal would not provide a suitable standard of accommodation for future occupiers and would therefore not satisfy the criteria of Policy DM17 of the DMPDP or Policy D6 of the New London Plan in regard to achieving a high quality of accommodation.

Other Matters

25. The site lies within a Controlled Parking Zone (CPZ) and provides no off-street parking provision for future residents. The Council's Transportation Section considers that there is a need for a planning obligation to deliver car-free development. No obligation has been provided. However, as I am dismissing this proposal on other grounds, I have not considered this matter further.
26. The 2020 Housing Delivery Test (HDT) results were published on 19 January 2021 and as a result the LPA is now a "presumption authority". Paragraph 11d of the National Planning Policy Framework -2019- (the Framework) is, therefore, engaged by virtue of footnote 7.
27. The Council's policies for the delivery of housing, including SP2 of the DMDPD and Policies DM10 and DM17 of the Local Plan are, therefore, deemed out-of-date for the determination of this appeal. These, together with Policies D6, H8 and H9 of the New London Plan are the most important policies with regard to the determination of this appeal. Policies H8 and H9 of the New London Plan, although very recently adopted and, whilst fully consistent with the aims of the Framework, are policies for the delivery of housing and thus deemed out of date. Taken as a whole I consider that, taken as a whole, the basket of most important policies is out-of-date.
28. The proposal would provide accommodation for a number of people to share the house and I note the part that this can play in providing a range of accommodation for different needs. It would also provide short-term work in the building industry and longer term support to local businesses. However, given the scale of the proposal these benefits carry limited weight.
29. The Framework seeks to achieve well-designed places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users and promote cycling to support sustainable transport.
30. The proposal would reduce the number of houses that could be suitable for a family to occupy, for which there is an identified, and ongoing need. Further, I have found that the proposal, through poor design would not make adequate provision for the needs of future occupiers in terms of refuse storage and/or bicycles (and thereby restricts access to sustainable transport modes). Taken together these are significant factors weighing against the proposal.
31. In conclusion the identified harm would significantly and demonstrably outweigh the limited benefits provided by the scheme when considered against the Framework when read as a whole.

Conclusion

32. The proposed development would be contrary to the development plan and there are no other considerations, including the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

I Dyer

INSPECTOR