



Appeal Decision

Site visit made on 14 February 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/Y5420/W/21/3283825

165 Broad Lane, Tottenham, London N15 4QT

- 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 Grimay Gebreyesus against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/0558, dated 11 February 2021, was refused by notice dated 30 March 2021.
 - The development proposed is change of use of existing dwelling into HMO.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposed development would result in an unacceptable loss of family housing;
 - Whether or not the proposed development would provide satisfactory cycle, refuse and recycling storage; and
 - The effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties, having regard to noise and disturbance.

Reasons

Loss of family housing

3. The appeal site is located within an area covered by an Article 4 Direction and therefore Policy DM17 of the Council's Development Management DPD (2017) (DPD) is relevant. The appellant has carried out an examination of planning applications in the local area. They assert that the area does not suffer from conversion stress and the availability of family housing is abundant. However, the appeal site is located within a Family Housing Protection Zone. This seeks to maintain sufficient supply of small family homes in order to offer a broad housing choice and to retain economically active families within the Borough. The Council has provided evidence to demonstrate that there are HMOs nearby.
4. The Council states that the gross original internal floor space of the dwelling, prior to being extended, was approximately 80sqm which is below the 120sqm requirement of Policy DM17. This is uncontested by the appellant.

Consequently, the dwelling is not of a sufficient size to be considered suitable for conversion and the development would result in an unacceptable loss of family housing, for which there is an identified need.

5. Accordingly, the proposed development would be contrary to Policy SP2 of the Haringey's Local Plan: Strategic Policies 2013 – 2026 (consolidated 2017) (LP) and Policy DM17 of the DPD. These policies seek, amongst other matters, to ensure that the Council provides homes which meet its housing needs.

Cycle, refuse and recycling storage

6. The drawings do not clearly show where bikes, refuse and recycling would be stored. On my site visit I observed that there was a refuse bin to the front of the building which was overflowing. Cycle parking should be provided for each HMO bedroom, and this should be secure, sheltered and accessible. No 165 is a mid-terrace so it would not be practical to store such facilities to the rear. The appellant asserts that they would be stored to the front and would accept planning conditions relating to these matters.
7. However, given the number of HMO occupiers and because the area to the front of No 165 is small, I am not satisfied that a condition would adequately address this matter, or that it would not result in harm in other respects, for example the character and appearance of the area. It has not been clearly demonstrated that there would be adequate space to store bikes, refuse and recycling to the front. Consequently, the proposal would not provide high quality accommodation.
8. For these reasons, the proposed development would not provide satisfactory cycle, refuse and recycling storage. Accordingly, it would conflict with Policy DM17 of the DPD which seeks to ensure HMOs provide high quality accommodation which provide adequate and convenient refuse storage and is accessible by cycling.

Living conditions

9. The existing drawings show that No 165 previously had 3 bedrooms. However, I recognise that the rear dormer window and rooflights do not form part of this application and relate to a granted certificate of lawfulness application. Thus, the appeal only relates to the change of use.
10. No 165 could lawfully be occupied by a similar number of occupiers to the proposed HMO use. Although the occupiers of the HMO would be unrelated, there is no robust evidence before me to demonstrate that the proposed development would significantly increase the level of activity, noise and disturbance which would be detrimental to the occupiers of neighbouring residential properties. Furthermore, whilst I recognise that there are HMOs within the local area, based on the information submitted, the proposed development would not result in an overconcentration of HMOs which would significantly adversely affect neighbouring residential amenity.
11. For these reasons, the proposed development would not have an unacceptable effect on the living conditions of the occupiers of neighbouring residential properties, having regard to noise and disturbance. Therefore, in this regard, it would not conflict with Policies DM12 and DM17 of the DPD which seek, amongst other matters, to ensure HMOs do not give rise to any significant adverse amenity impacts on the surrounding neighbourhood.

12. The reason for refusal relating to this main issue refers to Policy SP2 of the LP, Policy D6 of The London Plan (2021) and the Mayor of London Housing Supplementary Planning Guidance (2016). Based on the evidence submitted, I do not consider that these are relevant to this matter, and the scheme would not conflict with them in this regard.

Other matters

13. HMOs play an important role in meeting particular housing needs. However, the need to provide a sufficient supply of small family homes is a priority for the Council. Accordingly, the benefits associated with an additional HMO would not outweigh the harm identified above.
14. The Council state that the proposal would not provide a suitable standard of accommodation for future occupiers in relation to the bedrooms, kitchen/dining area and shower rooms. However, these concerns have not been reflected in the reasons for refusal. As I am dismissing the appeal for other reasons, it is not necessary for me to consider these matters, as any findings in this respect would not change the appeal outcome.

Planning Balance and Conclusion

15. The Council's evidence states that paragraph 11d) of the National Planning Policy Framework (the Framework) is engaged because the Housing Delivery Test Results indicate that delivery was substantially below the housing requirement over the previous three years. I have no reason to take an alternative view.
16. Nonetheless, weight may still be afforded to policies depending on their consistency with the Framework. The most relevant policies are consistent with the aims of the Framework regarding the need to deliver a sufficient supply of homes needed for different groups in the community, achieving good design and promoting sustainable transport. There is nothing within the Framework to suggest that those requirements should be lessened on account of the lack of a five-year supply. In that context, I attach significant weight to the conflict with the development plan.
17. Paragraph 11(d)(ii) of the Framework is engaged, and I must determine whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. For the reasons given above, although the proposed development would not have an unacceptable effect on the living conditions of the occupiers of neighbouring residential properties, it would result in an unacceptable loss of family housing and would not provide satisfactory cycle, refuse and recycling storage. In those respects, the proposal is contrary to the Framework regarding the need to deliver a sufficient supply of homes needed for different groups in the community, good design and promoting sustainable transport. The benefits associated with the appeal scheme would be very limited. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
19. The proposal would be contrary to Policy SP2 of the LP and Policy DM17 of the DPD, and I afford this conflict with the relevant policies of the development plan significant weight.

20. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L M Wilson

INSPECTOR