



Appeal Decision

Site visit made on 5 April 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2022

Appeal Ref: APP/Y5420/W/21/3277700

708 Lordship Lane, Wood Green, London N22 5JN

- 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 Mona Larijani of KIKS Group Ltd against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/1143, dated 13 April 2021, was refused by notice dated 9 June 2021.
 - The development proposed is change of use from a dwelling (C3 use) to a 7 bedroom 9 person HMO (Sui Generis) including single-storey rear extension, hip to gable roof extension, rear dormer and installation of three rooflights in front roof slope.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Mona Larijani of KIKS Group Ltd against the Council of the London Borough of Haringey. That application is the subject of a separate Decision.

Preliminary matters

3. The Council raise no objection to the single-storey rear extension, the hip to gable roof extension, the rear dormer or the three rooflights in the front roof slope. I have no reason to disagree and hence my decision focusses on the change of use.

Main Issues

4. The main issues are:
 - i) the effect of the development on the living conditions of neighbouring occupiers with respect to noise and disturbance;
 - ii) whether the development would provide satisfactory living conditions for its future occupiers with regard to their outlook, internal living space and cycle and waste storage; and
 - iii) the effect of the proposal on the character of the area.

Reasons

Living conditions – neighbouring occupants

5. Although the development is described as being for nine persons, I agree with the Council that the three larger rooms, Nos. 1, 3 and 7, are large enough to accommodate two people each. Indeed, from the plans, all three rooms exceed

15m² which, in the Council's Standards for Houses of Multiple Occupation document (the 'HMO Standards'), is the minimum size for a two person letting where there is a separate kitchen. As such it is appropriate to consider that the development would accommodate 10 persons. In this regard it differs from the two other examples elsewhere in Haringey, referred to by the appellant, which accommodated nine people.

6. The property currently has four bedrooms and could accommodate a modest sized family with children. The increase in the number of occupants would be significant, possibly double. Moreover, it is likely that 10 adults in seven separate units living, most likely, different lifestyles, would generate more comings and goings than a single family unit for whom many comings and goings would be together as a family.
7. The area is fairly commercial and Lordship Lane is a busy road. Nonetheless in their houses, and in the rear gardens, neighbouring residents can expect a degree of peace. The use of the property as seven separate units would markedly increase the likelihood of noise and disturbance being caused that would be unacceptably disturbing to neighbouring residents.
8. The Council would have powers under different legislation to tackle persistent noise, and I understand the appellant would vet occupiers of the development and be willing to provide a Management Plan. However, I do not consider these factors would satisfactorily address the potential for noise and disturbance such that the development would be acceptable in this regard.
9. As such the proposal would be likely to cause noise and disturbance to neighbouring occupiers such that their living conditions would be unacceptably harmed. In this respect the development would not accord with policy DM17 of the Development Management Development Plan Document (2017) (the 'DMDPD') which states that the change of use of houses to HMOs must not give rise to adverse amenity impacts on the surrounding neighbourhood. It would also conflict with DMDPD policy DM12 which seeks to ensure that development takes account of the amenity of neighbouring uses.

Living condition – future occupants

10. At present, room 2 is served by a window which faces into a utility room which itself has a window and glazed door facing onto the rear garden. At my site visit this room was dark and the outlook from the room was restricted by the utility room.
11. The appellant has stated that the utility room would be part of room 2, and I noted, at the site visit, that there was writing on the wall next to the window which said "create arch opening". However, the plans do not indicate that the existing window to room 2 would be altered and I must base my considerations primarily on the drawings before me. In any case, even if an arch was inserted, much of the room would remain dark and without an outlook as the window to the garden would be in a separate part of the room.
12. Kitchens would be provided at ground and second floor levels. The ground floor kitchen is shown on the plans as having two separate sets of cooking and washing facilities and so would most likely act as the kitchen for the occupiers of the ground and first floor rooms. This spacious kitchen would be adequate to serve the occupiers of those five rooms.

13. The second floor kitchen would be significantly smaller, but would only be likely to serve the two second floor rooms, and the parties agree there is no minimum size for a kitchen. The Council suggests there would be insufficient room for food storage or a work surface, as required by the HMO Standards. However, notwithstanding the layout shown on the plans, I believe a layout could readily be achieved which would meet these requirements. In addition, the provision of two, south facing, rooflights would enable the room to be sufficiently lit and ventilated. Overall, this kitchen would not be cramped and would be adequate to serve the occupiers of the second floor rooms.
14. The submitted plans show that there would be room for four bins in the front garden of the property. Although the Council consider this to be insufficient, there is room in the front garden for additional bins. It would be possible, were planning permission to be granted, for a condition to be imposed requiring full details of bin storage to be provided, and the Council recognise that in their officer's report.
15. Similarly, the Council suggest the six cycle spaces shown on the plans would be insufficient. However, they accept, in the officer's report, that further details of cycle parking, showing provision to meet their requirements, could be secured by a planning condition. Based on the size of the rear garden and the side alleyway access to it, I agree that sufficient cycle parking could be provided on site and that details of it could be subject of a planning condition.
16. In summary on this issue, the development would provide a satisfactorily sized second floor kitchen, bin storage and cycle storage, but would fail to provide a sufficient outlook for the occupiers of room 2. As such, overall, it would fail to provide its future occupiers with acceptable living conditions.
17. It would therefore fail to accord with policy DM12 which aims to ensure development is generally of high-quality design, DM17 which requires HMOs to provide high quality accommodation, and policy D6 of The London Plan (2021) which aims to ensure development provides appropriate daylight.

Character

18. The site is positioned in a row of houses on the edge of Wood Green commercial centre. The houses are large, terraced properties, a number of which have been subdivided into flats. The area is covered by an Article 4 Direction which removes permitted development rights allowing a change of use from a dwelling (Class C3) to a small HMO (Class C4).
19. Policy DM17 states that the change of use of houses to HMOs must not give rise to adverse amenity impacts on the surrounding neighbourhood including cumulative impacts arising from an overconcentration of HMOs within an area. The explanatory text goes on to say that a concentration of HMOs could harm local character and reduce the availability of family housing.
20. Both parties have provided evidence of other HMOs in the local area in the form of the Council's HMO license register. The appellant's version dates from November 2020 and shows 22 HMOs on Lordship Lane. The Council's version dates from September 2021 and, on it, I counted 23 HMOs on Lordship Lane. Both lists identify the appeal site as one of the registered HMOs, even though at my site visit the property was vacant and unfurnished. The Council have also confirmed that in addition, as of December 2021, a further HMO was licensed

at 25 Lordship Lane, and that there are a further eight licensed HMOs on a new system, though it is not stated where on Lordship Lane these eight are. Also, applications for licenses at Nos. 638, 582, 554, 88, 86, 29A, 24 and 22 are being processed.

21. Lordship Lane is a long road. Indeed, from the details on the register and the additional information provided by the Council, the only other HMO on Lordship Lane that I would consider to be within the same area as the appeal site is that at No. 696 with the others all being significantly further east, beyond the Crown Court and Driving Test Centre. I recognise that the HMO register records only licensed HMOs and there may be others which operate unlicensed. Nonetheless, from the substantive evidence before me, there is not a high concentration of HMOs near to the appeal site.
22. From my site visit I did note that a number of other houses near to the site have been converted into flats, demonstrated by multiple doorbells, including at No. 710. However, this would not necessarily preclude them from being family homes. Also, whilst it is acknowledged that the aim of the Article 4 Direction is to prevent indiscriminate losses of Class C3 houses, the Direction does not prevent the loss of C3 uses. In any case there is no substantive evidence to suggest there has been a significant loss of family homes in the surrounding area such that the proposal should be dismissed on that basis.
23. As the proposal would not result in a concentration of HMOs, and there is little evidence of a loss of family homes nearby, the character of the area would not be unacceptably harmed. In this respect therefore the development would accord with policy DM17, as set out above. It would also accord with DMDPD policy DM10 which seeks to resist a loss of housing unless it would be replaced by residential accommodation of an equivalent floorspace. Also, it would not conflict with policy SP2 of the Haringey Local Plan (2013) which seeks to maximise the supply of additional housing.

Other Matters

24. The Council accepts its delivery of housing over the past three years is substantially below its target. Paragraph 11 (d) ii. of the National Planning Policy Framework (the 'Framework') therefore applies. This states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
25. The adverse impacts are set out above. Set against that is the benefit of providing seven units of accommodation. However, this is partly mitigated by the fact that the development would result in the loss of the existing unit. Overall, this benefit carries modest weight.
26. The Framework advises, in paragraph 130, that developments should provide a high standard of amenity for existing and future users. As such, even taking account of the Framework's objective of significantly boosting the supply of housing and the Council's housing land supply position, the failure to provide satisfactory living conditions for the occupiers of one of its rooms and the harmful impact on the living conditions of neighbouring occupiers, significantly and demonstrably outweighs the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

27. Although the development would not harm the character of the area, its impact on neighbouring occupiers and its failure to provide satisfactory light and outlook for the occupier of room 2, means that it conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which would support a decision other than in accordance with the development plan.
28. Therefore, for the reasons given, and having had regard to all other matters, the appeal is dismissed.

Andrew Owen

INSPECTOR