



Appeal Decision

Site visit made on 25 July 2022

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2022

Appeal Ref: APP/Y5420/W/22/3293625

31 Waldeck Road, Tottenham, London N15 3EL

- 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 M Larijani against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/0070, dated 10 December 2021, was refused by notice dated 8 February 2022.
 - The development proposed is the change of use of property from single dwellinghouse (Class C3) to an 8 bedroom HMO for up to 10 individual occupiers (Sui Generis).
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mrs M Larijani against the Council of the London Borough of Haringey. This application is the subject of a separate decision.

Background and Main Issue

3. There are two reasons for refusal, relating to the effects on the character and appearance of the area and living conditions. However, since the application was refused a Certificate of Lawfulness has been issued relating to the extension and the Council has confirmed that the appeal scheme would be no more harmful than which could otherwise be built. Following this, no substantive evidence has been provided in respect of character and appearance and I have no reason to find harm in this regard. As such, the main issue is the effect on the living conditions of future occupiers.

Reasons

4. The ground floor middle bedroom would be served by a rooflight towards the rear of the bedroom adjacent to the bathroom and a window that looks out onto an enclosed alleyway. While this may provide adequate daylight/sunlight and sufficient privacy the room would have a poor outlook, leading to unacceptable living conditions for the future occupiers.
5. The proposal includes a ground floor and second floor kitchen, and as such accords with the Council's standards for HMOs in this regard as no unit of accommodation would be more than one floor distant from a kitchen. It is also noted that the Council's HMO team have no objection to the proposal if the larger of the kitchens has two sets of facilities. While the Appellant submits that the kitchens at both ground and second floors will ensure there are adequate

and sufficient facilities, the plans before me do not illustrate a layout for either kitchen. I note the example given by the Appellant of a nearby proposal which has been granted permission. This has similar sized kitchens and illustrations on the plans to show a layout to demonstrate how facilities can be provided. While the kitchen sizes are similar, the shape of them is different and the appeal proposal has reduced wallspace owing to the rear wall showing a double door providing access to the garden.

6. From my site visit I saw that the top floor kitchen would be limited in size and it is difficult to see how a dining area can be provided in this space. It has no window provision and while I note that a mechanical solution can be provided to increase ventilation, owing to this, the small size of the top floor kitchen, and the lack of any seating, there would likely be an increased use of the ground floor kitchen. Furthermore, the ground floor kitchen provides the only means of access to the rear garden and as such circulation space will be required. Therefore, I cannot be certain that overall, appropriate kitchen facilities can be provided in a comfortable and functional layout to ensure satisfactory living conditions for future occupiers on a day to day basis.
7. While there may be no explicit policy requirement for communal facilities to be provided and that occupiers of HMOs more often live independently, Policy DM17 of the Development Management DPD (2017) requires that accommodation is of a high quality. I note there is a rear garden which would be available to the occupiers and that it is reasonable to expect that occupiers of an HMO, living independently of one another, to choose to spend more time in their private space. Nevertheless, the lack of communal internal space highlights the importance of securing a high quality of accommodation to ensure satisfactory living conditions for the occupiers of the HMO in their private rooms. This is not currently achieved in the ground floor middle bedroom.
8. I note that the permission has previously been granted for the change of use of the property to a 6 bed HMO for 9 occupants. However, the details of this permission are different, with a communal living room, plans to show the layout of the kitchen facilities and satisfactory outlook from the bedrooms. As such, the current proposal would create more harmful living conditions for future occupiers.
9. For the reasons set out above, the proposal would result in unsatisfactory living conditions for the future occupiers. This is in conflict with Policy D6 of the London Plan (2021), Policy SP2 of Haringey's Local Plan Strategic Policies (2017) and policies DM12 and DM17 of the Development Management DPD (2017). These policies, amongst other things require housing to be of a high quality design and development to have a high standard of amenity for its users.

Other Matters

10. It may well be that HMOs are an important part of London's housing offer and the proposal would represent intensification in an accessible location, which would be a clear benefit of the proposal. The appellant has also indicated the Council's delivery of housing is below its housing target. However, even if paragraph 11(d) of the National Planning Policy Framework (2021) fell to be considered for this, or any other reason, the adverse impacts associated with the substandard living conditions would significantly and demonstrably

outweigh the benefits of the limited increase in supply in housing options that would result. Therefore, the proposal would not benefit from the presumption in favour of sustainable development set out in the Framework.

Conclusion

11. My above findings bring the proposals into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

F Harrison

INSPECTOR