
Appeal Decision

Site visit made on 25 April 2023

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th May 2023

Appeal Ref: APP/Y5420/W/22/3310210

210 West Green Road, Tottenham, Haringey, London N15 5AN

- 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 Dilshad Ahmed against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/2403, dated 15 August 2022, was refused by notice dated 11 October 2022.
 - The development is a change of use from C3 (Dwelling House) to C4 (House of Multiple Occupation).
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Dilshan Ahmed against the Council of the London Borough of Haringey. This application is the subject of a separate Decision.

Preliminary Matters

3. It is agreed between the main parties that the change of use has already been carried out. Therefore, the appeal is considered on a retrospective basis.

Main Issues

4. The main issues are the effects of the change of use on the supply of smaller family housing in the area and on the living conditions of occupiers of neighbouring dwellings.

Reasons

Supply of Family Housing

5. The appeal site comprises an end-terrace property located on the corner of West Green Road and Mansfield Avenue. There are gardens to the front and rear, while the building has evidently been extended to the side, rear, and roof. The change of use involved the alteration of the property from a residential dwelling to a House in Multiple Occupation (HMO), comprising four en-suite double bedrooms and shared kitchen, living spaces and external areas.

6. Policy DM17 of the Haringey Development Management Development Plan Document (adopted July 2017) (DPD) states, among other things, that proposals for the conversion of larger homes to HMOs will only be permitted where the gross original internal floor space of the existing dwelling is greater than 120m². The supporting text for this policy, whilst recognising the important role of HMO accommodation, highlights that many HMOs in Haringey reduce the availability of smaller family housing, for which there is significant need.
7. The DPD does not define what is meant by gross original internal floorspace. The Council gives a date of 1948 for the definition of original which would align with that of Article 2(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as existing on 1 July 1948 or if built after that date, as it was originally built. The planning history of the appeal site indicates that the extensions to the property were built or approved from 2018 onwards. Were extensions to be included in the calculations of floor space this would circumvent the purposes of DM17 which is in part to safeguard the availability of smaller family homes in the area.
8. The 'original' floor space of the appeal property is given as 93m² which the appellant concurs is well below the threshold of policy DM17. The property is therefore of a size that the DPD seeks to retain as smaller family accommodation which, given its size and configuration, would make it suitable for families. The change of use is therefore contrary to this part of policy DM17.
9. I am presented with several appeal decisions, including elsewhere on West Green Road¹ as well as on Downhills Way² and Walpole Road³ whereby the interpretation of 'original' in the context of policy DM17 was considered to be flexible and includes any recent extensions in the floor space calculation. However, it is contingent on me to form my own view. The use of the word 'original' is key to understanding the aim of policy DM17 and to my mind, the change of use does not meet the requirements of DM17.
10. In conclusion, the development has had an adverse effect on the availability of smaller family housing in the Borough. This would be contrary to policies DM17 of the DPD and SP2 of the Haringey Local Plan Strategic Policies 2013 – 2026 (SP) (adopted March 2013), which seek, amongst other things, to resist the loss of family sized units in the borough.

Living Conditions

11. The submitted plans indicate that the HMO includes four double bedrooms for four individuals. There is nothing before me to indicate that up to 10 people would live at the property in the future. The property could legally be occupied by a family with children which could outnumber the four occupiers of the HMO. That being said, four unrelated residents occupying an HMO are likely to pursue lifestyles that would be uncoordinated compared to a family, which would be more likely to spend time together, and it is reasonable to assume this could lead to more comings and goings throughout the day and evening. However, there is no robust evidence before me to demonstrate that this increased level

¹ APP/Y5420/W/20/3244356

² APP/Y5420/W/16/3159542

³ APP/Y5420/W/18/3213394

of activity is detrimental to the occupiers of neighbouring residential properties or that people living in the HMO are or would be particularly noisy.

12. Further concerns relate to overflowing bins, although the submitted ground floor plan demonstrates how the required assortment of refuse storage containers should be laid out. There is no substantive evidence before me to demonstrate why overflowing bins would occur and as such, I see no reason that this has detrimentally harmed the living conditions of neighbouring occupiers.
13. To conclude, there is nothing substantive before me to demonstrate that the change of use has negatively impacted on the living conditions of neighbouring occupiers with reference to noise, disturbance or overflowing bins. This accords with policies DM12 and DM17 of the DPD, SP2 of the SP and D6 of the London Plan (LP) (adopted March 2021). These seek, among other things, to ensure HMOs do not give rise to any significant adverse amenity impacts on the surrounding neighbourhood.

Other Matters

14. The decision notice indicates a further reason for refusal with regards to inadequate provision of bicycle storage. However, the officer report instead discusses the impacts of increased numbers of residents on on-street parking. The Council were approached for clarification on this matter but did not respond. As such, it is unclear which matter is of concern and there is a lack of information submitted on either issue with the appeal.
15. From my observations, the proposed ground floor plan (Drawing No. A103) shows two secure and weatherproof roller shutter boxes for bicycles to the front and rear, giving four spaces in total for bikes. The Council advise on the requirement for one cycle parking space per occupant due to the Sui Generis use class, which I note is not disputed. The cycle parking is of standard design and there is nothing to indicate it would not be secure or fit for purpose. Were I minded to allow the appeal, further details could have been secured by condition.
16. Although the appellant has not provided a car parking survey, there is little explanation as to why on-street parking would be harmed as a result of the change of use. I observed that although on-street parking was moderate at the time of my visit, there were spaces available. I also note that the Council's own Transportation Team did not object to the proposal subject to conditions. Given I am dismissing the appeal on other matters I have not considered this issue further.

Conclusion

17. 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 is dismissed.

C McDonagh

INSPECTOR