



Appeal Decision

Site visit made on 11 July 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal Ref: APP/Y5420/W/23/3317096

349 Wightman Road, Hornsey, Haringey, London N8 0NA

- 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 Shloime Stern against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2022/2328, dated 22 August 2022, was refused by notice dated 19 October 2022.
- The development proposed is internal alterations, together with enlargement of existing rear dormer and ground floor side extension (as approved under application HGY/2022/1597), to increase the existing Sui Generis HMO from 7 rooms to 8 rooms (up to 8 people). Provision of cycle and refuse storage.

Decision

1. The appeal is allowed and planning permission is granted for internal alterations, together with enlargement of existing rear dormer and ground floor side extension (as approved under application HGY/2022/1597), to increase the existing Sui Generis HMO from 7 rooms to 8 rooms (up to 8 people). Provision of cycle and refuse storage at 349 Wightman Road, Hornsey, Haringey, London N8 0NA in accordance with the terms of the application, Ref HGY/2022/2328, dated 22 August 2022, and the plans submitted with it, subject to conditions in the attached schedule.

Preliminary Matters

2. Planning permission¹ has been granted for the enlargement of the existing rear dormer and ground floor side extension. It is therefore considered that these elements of the scheme are acceptable, and this existing scheme is unaffected regardless of the outcome of this appeal.

Main Issues

3. The main issues of the appeal are:
 - Whether or not the proposed development would provide adequate living conditions for future occupiers with particular regard to internal accommodation standards and provision of external amenity space; and
 - The effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

¹ Planning Application Ref: HGY/2022/1597

Reasons

4. The appeal site comprises a two storey mid-terrace property, currently in use as a House of Multiple Occupation (HMO) for up to 7 occupants. The use of the property as a HMO was established in 2010, following an appeal decision² and is currently occupied. It is understood that the property has operated in this way for a number of years and is currently licensed by the Council for a maximum of 8 occupants. The surrounding area is mixed in character with both residential and commercial uses close by.

Living Conditions – Future Occupiers

5. Policy DM17 of the Development Management Development Plan Document 2017 (DPD) is concerned with proposals to convert houses to HMOs but is largely silent in relation to extensions or increasing occupancy of an existing HMO. Nevertheless, my attention has been drawn to the Haringey Environmental Health HMO Licensing Standards (HMO Standards), which provide guidance on the minimum standards which are expected for proposals relating to HMO accommodation.
6. The proposed development would create 8 single occupancy, letting bedrooms, each with their own private bathroom facilities. The floorspace for each of these bedrooms, where shared kitchen facilities are to be provided, exceeds the minimum floorspace requirement of 10m² contained within the HMO Standards.
7. The primary difference between the appeal proposal and the previous approval is the increase in the number of occupants from 7 to 8. This would be achieved by reconfiguring the internal layout, together with a ground floor side extension and the enlargement of the existing rear dormer.
8. The Council's HMO Standards states that shared kitchen facilities should be provided at a ratio of one set of facilities for every 3 letting rooms. The potential future occupiers of the 8 letting rooms would share two kitchens, providing a total of three sets of cooking facilities. In the larger kitchen on the ground floor, two sets of facilities would be provided and a further set of facilities would be provided in the first-floor kitchen.
9. The Council is concerned that the kitchen which is located on the first floor would be too small to serve the number of occupants residing on the upper floors of the property. They have reached the view that all of the occupiers of the first floor and second-floor bedrooms would use the smaller kitchen located on the first floor, which due to its size would not be practical.
10. I acknowledge that the first-floor kitchen is small, and therefore probably only suitable for 1 or possibly 2 persons at any one time. However, the ground-floor kitchen is much larger and could be used by multiple occupants at the same time.
11. The appellant indicates that the HMO would be managed by a suitable agency or company, and all occupants would be allocated a designated kitchen space, with their own lockable storage cupboard for food storage. They have indicated that the ground-floor kitchen would be allocated to the occupants of the ground floor and first-floor bedrooms, with the occupants of the second-floor bedrooms allocated use of the first-floor kitchen. Based on the evidence before me, I am

² Appeal Ref: APP/Y5420/A/2126822

satisfied that these arrangements would comply with the required ratio of kitchen facilities to number of occupants set out in the HMO Standards and that no occupants would be required to go down more than one flight of stairs to access kitchen facilities.

12. The recent planning approval³ for the property in which the same provision of kitchen facilities was applied for and found to be acceptable, was for the use of 7 occupants. As such, I am not persuaded that the increase in the number of occupants from 7 to 8 would give rise to increased demand for kitchen facilities to such a degree that it would be harmful to the living conditions of the future occupiers. Accordingly, I therefore find that the proposed development would provide adequate kitchen facilities in accordance with the guidance contained within the HMO Standards.
13. In relation to the provision of external amenity space, I've not been directed to any specific policy or guidance which establishes a minimum requirement of external amenity space for a HMO. However, Policy D6 of the London Plan requires 5m² plus an additional 1m² for each additional occupant to be provided. This would equate to a minimum required provision of 11m² for the appeal site. Whilst the garden is of a modest size, it would be accessible to all occupiers from the ground floor kitchen. Whilst it currently contains some existing storage sheds/buildings, I have not been presented with any evidence that this minimum requirement would not be met.
14. Furthermore, the external amenity space provision was also found to be acceptable in the previous application⁴, which included the same cycle storage provision in the rear garden. The appellant has drawn my attention to the availability of green spaces in the local area, including Ducketts Common (5-min walk). There are also larger public areas of open space including Finsbury Park and Alexandra Park in the surrounding area. Whilst these areas would not provide private amenity space, this provision would be in addition to the private garden that is located to the rear of the property. On this basis, I am not persuaded that the increased occupancy of the property would lead to unacceptable living conditions for future occupiers with regards to private amenity space.
15. I have had regard to the position of the Council in relation to the quality of accommodation to be provided and adherence to their standard. However, based on the information provided, I have not identified any conflict with any policies or the Council's HMO Standards.
16. Consequently, I therefore find that the proposed development would provide adequate living conditions for future occupiers with particular regard to internal accommodation standards and provision of external amenity space. The proposed development would not therefore conflict with Policy SP2 of Haringey Council's Local Plan (Strategic Policies) 2017 (LP), Policies DM12 and DM17 of the DPD, and Policy D6 of the London Plan, which seek to ensure adequate living conditions are provided for future occupiers.

³ Planning Application Ref: HGY/2022/1597

⁴ Planning Application Ref: HGY/2022/1597

Living Conditions – Neighbouring Properties

17. The extant permission⁵, has confirmed the acceptability of the existing use of the property as a HMO. However, the Council considers that the increase in number of occupants from 7 to 8 would have a significant impact in terms of noise and disturbance.
18. Whilst I accept that the increase in occupancy would increase the potential number of comings and goings from the site, this increase would be small in the context of the existing use and character of the surrounding area. I have had regard to the Council's statement in relation to the use of a planning condition to restrict occupancy to a maximum of 8 occupants and agree that a planning condition is not necessary, as a mechanism, in this case the existing HMO License is already in place.
19. Furthermore, the submitted floorplans indicate that none of the rooms would provide the required minimum amount of floorspace for double occupancy, with all of the bedrooms falling below the minimum requirement of 15m², as set out in the HMO Standards. Therefore, I am satisfied that the number of occupants would be limited to a maximum of 8, as per the current license issued by the Council.
20. I acknowledge the existence of other similar uses within the street and surrounding area. I also observed that Wightman Road was busy at the time of my site visit. However, I do not agree that an additional occupant of this established HMO would lead to a detrimental impact on the living conditions of neighbouring occupiers in terms of increased noise and disturbance.
21. Consequently, I therefore conclude that the proposed development would not lead to an unacceptable effect on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance. This would therefore accord with Policies DM12 and DM17 of DPD, Policy SP2 of the LP and Policy D6 of the London Plan 2021 which seek, amongst other matters, to ensure HMOs do not give rise to any significant adverse amenity impacts on the surrounding neighbourhood.

Other Matters

22. The Council raised concerns about the adequacy of the proposed bin storage, with only 5 refuse bins shown on the submitted plans. The Council has not provided me with any evidence as to the level of storage that would be required. Nevertheless, it is considered that these concerns could be addressed via an appropriately worded planning condition to require submission of further details.
23. The appeal site is located in a Controlled Parking Zone and has a PTAL rating of 4. The Council's transportation team commented on the proposed cycle storage arrangements and raised concerns in relation to the storage being inaccessible. The Council noted in their Officer report that should the scheme be allowed; this could be addressed by way of planning condition. I see no reason to disagree with this conclusion.

⁵ Planning Application Ref: HGY/2022/1597

Conditions

24. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the Framework and the advice in the Planning Practice Guidance (PPG). I have made minor amendments, where necessary, to ensure the conditions comply with these documents.
25. I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2). It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
26. I have imposed two further conditions requiring the submission of details regarding cycle storage provision (3) and refuse storage provision to be submitted, approved, and implemented prior to the occupation of the 8th bedroom so as to make the development acceptable in planning terms. The Council had requested that these be imposed as pre-commencement conditions; however, having regard to the PPG and the existing use of the site, I do not consider that it is necessary for these to be prior to commencement.

Conclusion

27. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

K Lancaster

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location and Block Plan
 - P01 – Proposed Floor Plans (Ground Floor and First Floor)
 - P02 – Proposed Loft and Roof Plans
 - P03 – Proposed Elevations (Front and Rear Elevations)
 - P04 – Proposed Elevations (Side)
 - P05 – Proposed Elevations (Side)
 - P06 – Proposed Section (A-A)

- 3) Prior to the occupation of the 8th Bedroom, details of the type and location of secure and covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority.

The 8th bedroom shall not be occupied until a minimum of 8 cycle parking spaces for users of the development, have been installed in accordance with the approved details.

Such spaces shall be retained thereafter for this use only.

- 4) Prior to the occupation of the 8th Bedroom, a detailed scheme for the provision of refuse and waste storage and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority.

The 8th bedroom shall not be occupied until the refuse and waste storage and recycling facilities, have been installed in accordance with the approved details.

Such a scheme as approved shall be implemented and permanently retained thereafter.