



Appeal Decision

Site visit made on 27 February 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2024

Appeal Ref: APP/Y5420/W/23/3324866

13 St Pauls Road, Tottenham, Haringey, London N17 0NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Barnard against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2022/4514.
 - The development proposed is change of use of property to a House in Multiple Occupation (HMO) for up to 6 occupants (Class C4 Use).
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Decision

1. The appeal is allowed, and planning permission is granted for change of use of property to a House in Multiple Occupation (HMO) for up to 6 occupants (Class C4 Use) at 13 St. Pauls Road, Tottenham, Haringey, London N17 0NB in accordance with the terms of the application, Ref HGY/2022/4514, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The evidence before me indicates that the appeal property is already in use as a House in Multiple Occupation (HMO). I have considered the appeal on the basis that planning permission is being sought retrospectively.
3. A revised National Planning Policy Framework (the Framework) came into force on 19 December 2023 with a further change published on 20 December 2023. The paragraphs most pertinent to this appeal are unchanged, other than their numbering. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

Main Issue

4. The main issue is the effect of the development on the character and amenity of the area, having regard to the development plan's approach to the provision of Houses in Multiple Occupation (HMOs), including the potential cumulative effects.

Reasons

5. No 13 St Pauls Road is a semi-detached dwelling located within a residential area. From the evidence before me the property has previously been extended, including a rear dormer to provide rooms within the roof space. The proposal is for a change of use to a six-bedroom HMO. However, the plans as existing are identical to the plans as proposed, there are no changes proposed to the building, externally or internally.

6. Policy DM17 of the Haringey London Development Management DPD, adopted July 2017 (DPD) and Policy SP2 of Haringey's Local Plan Strategic Policies 2013-2026 (SP), taken together, aim to maintain a mixed housing offer across the borough by protecting the existing stock of family housing. To achieve this, Part A of Policy DM17 advises that the conversion of larger homes to HMO use will only be permitted where, amongst other matters, the conversion does not give rise to any significant adverse effects on the surrounding neighbourhood, including cumulative effects, arising from an over-concentration of HMOs within the area.
7. The supporting text of Policy DM17 acknowledges that HMO accommodation plays an important role in meeting particular housing needs. However, it also refers to adverse effects from clustering of HMOs. The Council also introduced a Direction made under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, as amended. The Direction stipulates that planning permission is required for development consisting of a change of use of a building to a use falling within Class C4 (HMO) of the Town and Country (Use Classes) Order 1987, as amended, from a use falling within Class C3 (dwellinghouse) of that order. The appeal site lies within the area covered by the Direction.
8. From the evidence before me, there are nine licensed HMOs on St Pauls Road. This amounts to just over 10% of properties. Notwithstanding the consideration of cumulative effects in Policy DM17 of the DPD, I have not been directed to any development plan policy or local guidance that sets out what concentration of HMOs would be acceptable or unacceptable in any particular area. The Article 4 Direction does not define areas with existing over-concentrations. Therefore, whether or not there is an over-concentration of HMOs in the area is a matter of planning judgement.
9. The Council asserts that there may be other, unlicensed, HMOs in the area. They refer to research in 2020 which estimated that 75% of all HMOs in London are unregistered. However, there is no substantive evidence to identify the location of any such HMOs that may exist. Neither is there any evidence that such HMOs exist near to the appeal site, or to conclusively show that the number of HMOs in St Pauls Road is significantly higher than 10%, as asserted by the Ward Member.
10. From my observations, St Pauls Road and the surrounding streets are a residential area which include a mix of HMOs, flats, and single dwellings. I did not observe any evidence of harmful effects on the character or amenity of the area from the use of properties as HMOs.
11. I have made my decision on the established facts and the evidence before me. Licensed HMOs represent a minority of properties on the street. For these reasons, I am not convinced that there is an existing over-concentration of HMOs in the area. Moreover, the proposal would not lead to a harmful over-concentration of HMOs.
12. For the above reasons, I find that the proposed development would not have an adverse effect on the character and amenity of the area, having regard to the development plan's approach to the provision of HMOs, including the potential cumulative effects. Therefore, the proposal would not conflict with Policy DM17 of the DPD which seeks to ensure that change of use of larger homes to HMOs does not give rise to significant adverse amenity impacts on

the surrounding neighbourhood, including cumulative effects from the over-concentrations of HMOs.

Other Matters

13. A local Councillor raised concerns at the planning application stage about the loss of a family house and I acknowledge that the site is within a Family Housing Protection Zone. However, the Council did not raise any concerns in this regard. Moreover, the property exceeds 120 square metres in gross internal floor space and, therefore, Policy DM17 would not prevent the subdivision of the property.
14. The Council did not identify any harm arising to the living conditions of the occupants of the development due to the standard of internal accommodation, or the external amenity space, or any adverse effects on highways or parking. Based on the submitted evidence I have no reason to take a different view on these matters and the proposal would comply with Policies D6, T1 and T6 of the London Plan, The Spatial Development Strategy for Greater London, 2021 (LonP), Policies DM1, DM17, DM31 and DM32 of the DPD and Policies SP2 and SP7 in this regard.

Conditions

15. The Council has provided a list of conditions that it considers would be appropriate. I have considered these in light of the Framework and the Planning Practice Guidance.
16. As the development has already commenced, I have not included the standard time limit condition. For the same reason, it is not necessary to include a condition to detail the approved drawings.
17. However, I have no evidence that the development has been provided with appropriate bicycle parking facilities or waste and recycling storage facilities as required by Policy DM32 of the DPD, Policy SP7 of the SP and Policies D6, T1 and T5 of the LonP. Conditions to require the submission of these details are, therefore, necessary as these facilities are required to promote travel by sustainable modes and to ensure that the character and appearance of the area is not adversely affected by waste storage.
18. The conditions have strict timetables for compliance because planning permission is being granted for work that has already been carried out. As such it is not possible to use negatively worded conditions for this information to be provided before the development takes place or before it is first occupied. The wording of the conditions would ensure that the development can be enforced if the requirements are not met.

Conclusion

19. For the reasons given above the appeal should be allowed.

K Townsend

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Unless within one month of the date of this decision, details of bicycle parking facilities are submitted in writing to the local planning authority for approval, and unless the approved details are implemented within one month of the local planning authority's approval, the occupation of the development shall cease until such time as details are approved and implemented.

If no details in accordance with this condition are approved within four months of the date of this decision, the occupation of the development shall cease until such time as details approved by the local planning authority have been implemented.

Upon implementation, the approved bicycle parking facilities specified in this condition shall be permanently retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) Unless within one month of the date of this decision, a scheme for the provision of refuse and waste storage and recycling facilities is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within one month of the local planning authority's approval, the occupation of the development shall cease until such time a scheme is approved and implemented.

If no details in accordance with this condition are approved within four months of the date of this decision, the occupation of the development shall cease until such time as details approved by the local planning authority have been implemented.

Upon implementation, the approved refuse and waste storage and recycling facilities specified in this condition shall be permanently retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

*** END OF CONDITIONS ***