



Appeal Decision

Site visit made on 22 January 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th March 2025

Appeal Ref: APP/Y5420/W/24/3353981

52 Scales Road, Tottenham, Haringey, London N17 9EZ

- 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 Andrea Cirillo of Bright Letting LTD against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2024/2201.
 - The development proposed is this planning application is submitted in response to the Planning Contravention Notice (PCN) received, case reference ENF/2024/0441-A-10066. The London Borough of Haringey Council granted a House in Multiple Occupation (HMO) licence for the property at 52 Scales Road, Tottenham, London N17 9EZ, on June 11, 2024. In accordance with the notice received, we are now applying for a change of use to formally designate the property as an HMO, from C3 to C4. No changes of the layout are planned, and the existing and proposed plans and elevations will remain unchanged.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been substantially amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no interested parties have been prejudiced by taking this approach.
3. The above description of development is taken from the application form. However, the proposal would be more accurately described as 'change of use from single dwelling house to a House of Multiple Occupation (HMO)'. The Council used this wording on its decision notice, although I have removed reference to 'retrospective' as it does not form part of the description of development. I have dealt with the appeal on the basis of the revised description above and the submitted plans.
4. The Council's second reason for refusal refers to the lack of sufficient shared spaces internally, which is also referenced in the Council's Statement of Case. However, the Council's Officer Report concludes that the standard of accommodation is considered acceptable. I have not been presented with evidence that the proposal would not provide sufficient shared spaces internally and therefore have not considered this as a main issue.

Main Issues

5. The main issues are:

- whether or not the proposed conversion of the property to a HMO would result in the unacceptable loss of family housing;
- the effect of the proposal on the living conditions of neighbouring occupiers, with regards to noise and disturbance; and
- whether the proposal would provide adequate cycle and bin storage.

Reasons

Family housing

6. The appeal site is a two-storey, mid-terrace dwelling. The property has been extended to the rear by a two-storey outrigger which runs across the full width of the property at ground floor level, but only partially at the first floor. To the front of the property is a small, enclosed garden area. To the rear there is a small garden area with outbuilding. The surrounding area comprises a mix of terrace housing and flat developments. The appeal site has a Public Transport Accessibility Level (PTAL) of 5, which indicates that access to public transport is good.
7. The appeal site is designated in the Local Plan as a 'Family Protection Zone' which was established to restrict further residential conversions in areas identified as having a high concentration of converted properties. An Article 4 Direction is also in force which removes permitted development rights for the change of use from single family homes to smaller HMOs. The supporting text of Policy DM17 recognises that HMO accommodation plays an important role in meeting particular needs especially for low-income residents, young people and those needing temporary accommodation. Policy DM17 supports the conversion of larger homes to HMOs where a number of criteria are met. In particular, this includes the requirement for the gross original internal floorspace to be greater than 120sqm.
8. Policy DM17 emphasises reference to the original building. As defined in the glossary of the Framework the original building is as it existed in 1948. The original floorspace of the property is approximately 90sqm which falls well below the minimum threshold of 120sqm required by the policy. The host property is therefore not considered to be of an appropriate size to be converted to a HMO and would lead to the loss of a family home for which there is high demand in the local area.
9. I note that the HMO has been occupied for nearly a year and therefore it has not been in use as family housing during this time. While I recognise that HMOs provide an important role in meeting housing need, the Council has identified a particular need to protect family housing in the area in order to meet its overall housing needs. The proposal would result in the unacceptable loss of a family house which would undermine the Council's strategy to protect family housing stock.
10. For the reasons set out above the proposal would result in the unacceptable loss of family housing. The proposal thereby conflicts with Policy H8 of the London Plan (2021) (LDNP), Policy SP2 of the Haringey Local Plan (2017) and Policies DM10 and DM17 of Haringey's Development Management DPD (2017) (DM). Together

these policies seek, amongst other things, to provide homes to meet Haringey's housing needs and protect the supply of family housing.

Living conditions

11. The appellant contends that the smaller box room would be used for storage only and the HMO would accommodate a maximum of 4 households. However, the Council considers that it could accommodate 7 people. Even if the property were occupied by 7 people this level of use is not significantly different to its use as a single-family home with three bedrooms. Although the property would be occupied by separate households the comings and goings and deliveries would not be substantially different to the patterns of a larger single household. Therefore, in my view, the increased level of activity, would not be noticeably different to the established character of family housing.
12. Therefore, I conclude that the proposal would not cause unacceptable harm to the living conditions of neighbouring occupiers, with regards to noise and disturbance. The proposal therefore would not conflict with Policies DM1 and DM17 of the DM, which seek amongst other things to ensure high standards of amenity for the development's users and neighbours.

Cycle and bin storage

13. The application form states that there is provision of 6 cycle spaces, although this is not shown on the submitted plans. The appellant puts forward that the existing tenants' own cycles are stored in the garden area and photographs of this have been submitted as part of the appeal. I observed that there is a large outbuilding located in the rear garden of the property, which backs onto a footpath between the appeal site and the block of flats that front onto Tamar Way.
14. Whilst not specifically identified on the plans I have no evidence before me that it would not be possible to securely accommodate cycle storage in the rear garden. I have also taken into account the proximity of the site to Bruce Grove Underground station and Tottenham Hale train station. I therefore consider that appropriate cycle storage could be secured through a condition requiring those details to be submitted to and agreed by the Council.
15. The property has a small enclosed front amenity area, which I observed is currently used for the storage of 2 wheelie bins. I am therefore satisfied that the front of the property has sufficient space for the storage of bins and that this could be secured through an appropriately worded condition.
16. I therefore conclude that the proposal would provide adequate cycle and bin storage. Therefore, the proposal does not conflict with Policies D12, DM17 and DM35 of the DM, which amongst other things seek to ensure adequate and convenient bin and cycle storage.

Other Matters

17. The appellant has applied for a HMO licence from the Council and in response to the planning application they have not objected to the scheme, however this is a separate matter to the planning application.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
19. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR