



Appeal Decision

Site visit made on 25 March 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2025

Appeal Ref: APP/Y5420/W/24/3356803

133 Lordship Lane, Tottenham, Haringey, London N17 6XE

- 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 Mrs Ermelinda Shuka against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2024/2548.
 - The development proposed is a change of use from single dwelling house (Use Class C3) to (HMO) House in Multiple Occupation (Use Class C4) for up to 6 people, including bin store and bicycle store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Based on my observations during the site visit, although some elements of the building are still under construction, the appeal site appears to already be in use as a house of multiple occupation (HMO). As such, I have determined the appeal on the basis that this aspect of the proposed development is being sought retrospectively.
3. The appellant asserts that the proposed development would not cause any significant change in the character of activities on the site. As such, they submit that it would not result in a material change of use. However, in November 2013, the Council introduced an Article 4 Direction which removed the permitted development right to convert a single-family dwelling house (use class C3) to a HMO (Use class C4). The appeal site is located within the area covered by this direction. The evidence before me is that the lawful current use of the appeal site is as a single-family dwelling, which correlates with the description used by the appellant in the application form. Therefore, planning permission is required for the proposed change of use. Accordingly, the criteria set out in Policy DM17 Haringey's Development Management Development Plan Document 2017 (DPD) is relevant for this appeal.

Main Issues

4. The main issues are:
 - the effect of the development upon the supply of family housing in the borough; and
 - the effect of the development upon the living conditions of neighbouring occupiers, having particular regard to noise and disturbance.

Reasons

Family housing

5. The appeal site is a three storey mid-terraced house situated in the middle of a residential street of largely terraced houses of a character which is likely to include, and be suitable for, family occupation. It has been enlarged with a dormer extension. The proposal changes the use of the building to an HMO, with bedrooms on the ground, first and second floors along with a communal kitchen/dining area on the ground floor. It is located within a 'Family Housing Protection Zone'.
6. Policy DM17 part A) a) of the DPD states that proposals for the conversion of larger homes to HMO 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 need for HMO accommodation, highlights that many HMOs in Haringey reduce the availability of smaller family housing, for which there is significant need. This policy accords with paragraph 63 of the National Planning Policy Framework (the Framework), which advises that the size, type and tenure of housing needed for different groups in the community, including families with children, should be assessed and reflected in planning policies.
7. The DPD does not define what is meant by gross original internal floorspace. However, I interpret "original" as having the same meaning as in Article 2(1) of the GPDO¹ i.e., as existing on 1 July 1948 or if built after that date, as it was originally built. Otherwise, a smaller dwelling could be enlarged to above 120 m² through extensions prior to applying for planning permission for conversion to an HMO. This cannot be what the DPD intended, as it would circumvent the relevant criterion in Policy DM17 part A) a) which in part seeks to protect smaller family homes. Given that the later enlargements do not form part of the dwelling as it was originally built, they cannot be considered as part of its gross original internal floorspace. It is agreed between the Council and appellant that the dwelling had a gross original internal floorspace which is below 120 m². As such, it is agreed that the property does not meet the minimum size threshold for conversion to an HMO set out in DPD Policy DM17 part A) a). While buildings may be extended to increase floorspace, it is likely that the original floorspace remains relevant as it reflects the concentration of housing in the area and its compatibility with the surrounding properties.
8. The property is of a size that the DPD seeks to retain as smaller family accommodation. The property is located in an established residential area and the size and configuration of the house and garden mean that is suitable for family accommodation including those with young children. While HMO accommodation plays an important role in meeting housing need for certain groups, the use of the appeal site as an HMO still results in a net reduction in smaller family housing for which the DPD confirms there is a significant need. Accordingly, it would undermine, in part, the housing strategy of the Borough.
9. In reaching this view, I have considered the appellant's references to the Haringey Strategic Housing Market Assessment 2021 (SHMA), which they argue demonstrates a greater overall need for one-bedroom units rather than family-sized homes. They submit that HMO-type accommodation could help meet this demand.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015

However, while the SHMA identifies a greater overall need for one-bedroom units, this does not necessarily mean that HMO-type accommodation is an appropriate way to meet that demand. Purpose-built one-bedroom flats offer self-contained living arrangements, whereas HMOs typically provide shared facilities, which may not align with the housing needs identified in the SHMA.

10. Notably, the appeal site is located within a family housing protection zone, which indicates that it is in an area where there is already a high concentration of converted properties. Additionally, an article 4 direction is in place to restrict the further development of HMOs, highlighting concerns regarding their effect on local housing balance.
11. In conclusion, the development has had an adverse effect on the availability of smaller family housing in the borough by failing to accord with the relevant criterion in Policy DM17 of the DPD, which seeks, amongst other things, to resist the loss of family sized units.
12. The Council also cites conflict with Policy DM10 of the DPD, Policy H8 of the London Plan 2021 (LP) and Policy SP2 of the Haringey Local Plan (2017) (HLP). However, I have not been drawn to any wording in these policies that relates to this main issue. Notably, while the type of housing changes, there is no overall reduction in housing floorspace. Accordingly, these policies have not been referred to in my conclusion.

Living conditions

13. The plans indicate that the appeal site currently contains 6 bedrooms with a communal kitchen/dining, bathroom and shower room. The HMO proposal, accommodates up to 6 individuals in 6 independent bedrooms, represents a significant alteration in the form of occupancy compared to the typical single-family home, which generally experiences more predictable comings and goings.
14. While it is accepted that the existing five-bedroom property could accommodate a large family under C3 use, the key distinction lies not only in the number of residents, but in the nature of their occupation. A single household typically shares routines, transport, and communal space, resulting in more coordinated and contained patterns of activity.
15. Unlike a single-family dwelling, an HMO is likely to be occupied by unrelated, adult individuals with independent routines, social calendars and work patterns. This would lead to more frequent comings and goings, at varying times, including late at night or early morning. Each occupier may have separate visitors, increasing activity around entrances, the forecourt, and the rear garden, where shared amenity use would likely result in greater noise and disturbance. These changes, although potentially subtle in form, would materially alter how the property is used on a day-to-day basis. This would lead to greater noise and disruption for neighbouring residents nearby, especially given the transient nature of the accommodation.
16. While parking pressures may remain constrained due to local restrictions, the likelihood of multiple adults owning vehicles is higher in an HMO than in a single-family home. As a result, although vehicles would likely be displaced from the appeal site, it would still contribute to increased parking demand in the surrounding area.

17. In reaching this view, I note the appellant's assertions that the noise experienced at nearby properties falls below the World Health Organisation recommended levels. However, there is no evidence before me to substantiate this assertion. It is self-evident that the use of the appeal site changes as an HMO when compared to a large family house. I recognise that it is not a comparatively large HMO and that it serves professional residents. However, regardless of the number or occupation of residents, this does not negate the potential increase in noise and disturbance for properties in the wider area.
18. I have considered the use of a planning condition to restrict general noise levels through the submission of a management plan. However, there is no information provided about how such a plan would operate, the methodology as to how noise could be effectively reduced, or any proposed wording for such a condition. Accordingly, I am not persuaded that such a condition would be precise, enforceable and reasonable in all other respects, as it would not address the impact on the wider environment.
19. In conclusion, the appeal scheme harms the living conditions of neighbouring occupiers, having particular regard to noise and disturbance. It does not address noise issues that are likely to arise from the use and activities of the development, contrary to Policy DM1 of the DPD. As such, it gives rise to significant adverse amenity impacts on the surrounding neighbourhood, contrary to Policy DM17 of the DPD.

Other Matters

20. For the reasons outlined above, I am satisfied that the HMO use of the appeal site represents a material change of use from its previous use as a family home. The change would not result in *de minimis* outcomes. In reaching this conclusion, I have considered the case law² referenced by the appellant. However, these cases establish that a material change of use can occur when there is a change in the character of the use of land, even if the physical appearance of the property remains largely unchanged. I have determined that such a change in character is present in this case, resulting in a significant shift in the nature of activities compared to the previous use.
21. The proposal results in economic benefits through its construction and future support for local services and facilities by occupiers of the development. Nonetheless, these considerations do not overcome the harm identified under the main issues and the conflict with the development plan in this regard.
22. The parties disagree on whether the proposed HMO complies with the Haringey HMO standards³, with specific regard to the availability of kitchen facilities and the size of the fifth bedroom. However, these concerns were not cited in the Council's decision notice. As I have identified harm on other grounds and am dismissing this main issue, it has not been necessary to go into further detail on these points.

Conclusion

23. 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.

² n Richmond upon Thames LBC v SSETR [2001] JPL 84 and R (oao) Kensington and Chelsea RBC v SSCLG & Reis & Tong [2016] EWHC 1785 (Admin).

³ Haringey Standards for Houses in Multiple Occupation 2017

Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR