



Appeal Decision

Site visit made on 22 October 2025

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2025

Appeal Ref: APP/Y5420/W/25/3369249

46 Ellenborough Road, Wood Green, London N22 5EY

- 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 Mario Marrese against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2024/2821.
 - The development proposed is the change of use from C3 (dwellinghouse) to C4 (HMO) for up to 6 persons.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has identified that the property has been licensed by the Council as a House in Multiple Occupation (HMO) for some time and has been occupied by five tenants for over two and half years. I have therefore dealt with the proposal on a retrospective basis.

Main Issues

3. The main issues are:
 - the effect of the development on the availability of smaller family housing within the borough; and
 - the effect of the proposal on the living conditions of the occupiers, with particular regard to communal space.

Reasons

Smaller family housing

4. The appeal site comprises a mid-terraced two-storey property and its garden. It is located within a residential area. The Council advise the site is located within an area covered by an Article 4 direction which restricts the conversion of single family dwellinghouses into small HMOs. It also advises it falls within a Family Housing Protection Zone (FHPZ) which seeks to safeguard the Borough's stock of smaller family-sized dwellings for which there is an identified need.
5. Policy DM17 of the Haringey Development Management Development Plan Document (DPD) adopted 2017 sets out criteria for the conversions resulting in HMOs in such locations. The supporting text to Policy DM17 explains that HMO accommodation plays an important role in meeting particular housing needs,

especially for low-income residents, young people and those needing temporary accommodation. However, it goes on to say that many HMOs in Haringey provide sub-standard living conditions, are clustered in areas resulting in adverse impacts on local character and also reduce the availability of smaller family housing.

6. Criterion a) of Policy DM17 therefore states that proposals for HMOs will only be permitted where the original dwelling has a gross internal floor area exceeding 120m². Although the Council has not disputed the appellant's revised floor area calculation of 116.13m², nevertheless this is still below the requisite threshold. How the calculations were derived have not been clearly shown and contradict the plans and measurements provided with the appeal document. However, Policy DM17 does not provide any exceptions to this threshold. The property is of a size that Policy DM17 seeks to retain as smaller family accommodation. Given its size and configuration, and location within the FHPZ it would be suitable for families.
7. I acknowledge that HMO accommodation plays an important role in meeting housing need for certain groups. The National Planning Policy Framework (the Framework) is also focussed on delivering homes for different groups and maximizing land use efficiency. However, embedded within the Framework within the context of housing supply is the importance of considering local needs. As such, Policy DM17 accords with the Framework which indicates that planning policies should reflect the housing needs of different groups, this includes families with children.
8. The development results in a net reduction in smaller family housing for which Policy DM17 confirms there is a significant need, furthermore the site is within a FHPZ, where it is of particular importance. It has also not been demonstrated that the need for smaller homes does not now exist, with the Haringey Strategic Housing Market Assessment showing the largest need for 3-bedroom properties. Whilst the loss of a single dwelling on its own is unlikely to be harmful, if often repeated it would undermine the Council's housing strategy. As such I see no reason to disapply the threshold in this case.
9. I conclude that the development harms the availability of smaller family housing within the borough. It therefore is contrary to Policy DM17 of the DPD, which seeks to protect small family homes, and states that the Council will aim to provide homes to meet Haringey's housing needs.

Living conditions

10. The Council states that the Haringey Standards for HMOs sets out amongst other things requirements for the provision of kitchen facilities. In circumstances where some or all of the units of accommodation do not have exclusive kitchen facilities, shared facilities are to be provided at a ratio of one set to a maximum of three lettings. The HMO Standards also state that where more than one set of shared kitchen facilities are required, these may be provided within one room but must be arranged in distinct areas for the convenience of the occupiers.
11. The kitchen facilities are arranged next to each other, but in distinct areas. However, one kitchen area is narrow, and situated en-route to the main kitchen and external door. A downstairs bathroom is also directly accessed from it. The dining space within the main part of the kitchen is also very constrained. Although occupiers would be unlikely to use these spaces all at the same time, the kitchen areas and bathroom are spaces that are likely to be in high demand in a house

capable of occupation by six individuals particularly at peak meal times such as breakfast and dinner. There is no evidence that an alternative reconfiguration could not address this matter. Overall, notwithstanding bedroom sizes, natural light and the size of the rear garden, residents will be using bathrooms and kitchens. The arrangement is cramped and the nature of it serving as a corridor would be inconvenient to use. This would make residing in such accommodation less pleasant as a result.

12. There is only a limited amount of space at the front of the property, would need to accommodate waste and recycling storage bins. Therefore, whilst I have had regard to whether the details of cycle storage could be secured by condition, it has not been demonstrated that there is sufficient space available within the front garden to accommodate the number of cycles required without compromising the provision of adequate waste storage. As the appeal property is a mid-terraced property, it would not be practical for cycle storage for this number of occupants to be located in the rear garden, which would in turn affect the communal and circulation space further, as access would be required to through the kitchen areas.
13. I therefore conclude that the accommodation would not provide adequate living conditions for its occupiers, with particular regard to the provision of communal facilities. Thus, it would be contrary to Policy DM17 of the DMDPD which states that the conversion of larger homes to HMOs will only be permitted where they provide high quality accommodation.

Other Matters

14. Dismissing the appeal may put at risk the occupation of the appeal property by the current five tenants. The appellant suggests the tenants would be made homeless, particularly as there is not a supply of similar facilities. This would represent an interference with their rights under Article 8 of the European Convention on Human Rights (right to respect for private and family life) as incorporated by the Human Rights Act 1998. These rights are not unfettered and can be interfered with by a public authority in accordance with law in a number of circumstances.
15. There is a legitimate and established planning policy aim to ensure users of property have good acceptable living conditions, and the aims of protecting family sized homes to ensure the housing stock accommodates housing needs. No particular case has been made that the personal circumstances of the existing occupants require them to remain at the property and the evidence fails to show that there is no suitable alternative accommodation. As such, I attach greater weight to the public interest. Dismissal of the appeal is proportionate and so it does not violate the residents' human rights. Whether the existing tenants would need to leave the property as a result of this appeal would be a decision for the Council, when considering any such enforcement action, as would any timescale.
16. I acknowledge the Council approved a HMO where the floor area was below the threshold in Policy DM17 a). However, the shortfall in the St Paul's Road¹ case was smaller than the appeal proposal before me. There is also no reference that the living environment was not acceptable. The officer report for St Paul's Road

¹ Council Ref: HGY/2020/1441

also refers to appeal decisions at Willingdon Road² and Alexandra Road³ however these did not lead to a net loss of family sized units. The appellant has referred to development at 48-54 Ellenborough Road, but the relevance of this case has not been fully clarified. I have also considered the appeal decision at Oxford Road⁴. However, there is no evidence that this decision, in a different local authority area, was subject to the same policy requirement to retain family homes. These examples would also have been determined with other evidence that is not before me in this appeal and are therefore not sufficiently similar to alter my decision, particularly as each appeal is assessed on its own merits.

17. The site is in a residential area, with good access to services, facilities and public transport links. There are no external alterations proposed and the site is not within a conservation area or close to a listed building. There is no evidence the proposal would result in harmful effects on neighbouring residents or highway safety. The above aspects and the absence of an overconcentration of HMOs in the immediate area does not overcome the conflict with Policy DM17, which seeks to protect smaller family housing irrespective of the number of HMOs nearby. Therefore, although the proposal would provide HMO accommodation, this and other factors are of insufficient weight to justify allowing the appeal contrary to the development plan.

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. For the reasons given above, I conclude the appeal should be dismissed.

K Williams

INSPECTOR

² Appeal Ref: APP/Y5420/W/18/3192546

³ Appeal Ref: APP/Y5420/W/17/3172817

⁴ Appeal Ref: APP/Q5300/W/22/3306709