
Appeal Decision

Site visit made on 6 December 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th December 2016

Appeal Ref: APP/Q5300/W/16/3157109

3 Lovell Road, Enfield, EN1 4RE

- 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 Imam Arslan against the decision of London Borough of Enfield.
 - The application Ref 16/02605/FUL, dated 24 March 2016, was refused by notice dated 5 August 2016.
 - The development proposed is the conversion of the existing dwelling to HMO use for 5 bed/6 person.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing dwelling to HMO use for 5 bed/6 person at 3 Lovell Road, Enfield, EN1 4RE in accordance with the terms of the application, Ref 16/02605/FUL, dated 24 March 2016, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposal upon housing mix.

Reasons

3. The appeal property is located in a predominantly residential area of post war terraced housing, with a range of local services and facilities within walking distance.
 4. Policy CP5 of the Enfield Core Strategy 2010 (CS) states that the Council will seek to ensure that new developments offer a range of housing sizes to meet housing need. Although no copy is provided, it is understood that underpinning this policy was a Strategic Housing Market Assessment (SHMA) 2010. The supporting text to the policy makes reference to a 2008 Housing Market Assessment and identifies that there is a shortfall in larger dwellings and that addressing this need is a priority. In 2013 a Borough-wide Article 4 Direction was implemented which restricts development that seeks the change of use between a dwelling and Housing in Multiple Occupation (HMO). The purpose of this is to safeguard existing family housing, based on this recognised shortage.
 5. Policy DMD5 of the Enfield Development Management Document 2014 (DMD) sets out a number of criteria which applications for change of use to a HMO must meet. One such criterion specifies that proposals should not result in an excessive number or clustering of HMOs. The number of conversions must not exceed 20% of properties along any road and only 1 out of a consecutive row of 5 units may be converted. Other criteria relate to living conditions and character and appearance.
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6. Paragraph 50 of the National Planning Policy Framework (the Framework) recognises that local planning authorities should deliver a wide choice of high quality homes and should plan for a mix of housing based on current and future market trends.
7. The Council's Officer Report notes that out of the 14 dwellings on Lovell Road, none have been converted to flats or HMOs and the proposal would therefore be compliant with DMD Policy DMD5. No other harms in respect of the policy criteria are identified. However, in spite of this, the Council contend that the proposal would exacerbate a shortfall in larger family homes, contrary to the 2010 SHMA. Reference is also made to a 2005 Housing Needs Survey and a 'Size Matters' report by the London Assembly, again copies have not been provided, and the date and status of the latter document is unclear.
8. While I fully recognise the need to establish a balanced approach to housing mix, in order to create sustainable, inclusive and mixed communities and that an overconcentration of HMO's can cause harm, the Council's concern appears to be of a generalised nature, and are based on evidence which is of a considerable age which pre-dates both the Framework and adopted policies in the DMD. Furthermore, CS Policy CP5 plans for a mix of housing and does not specifically preclude HMOs.
9. I saw that the area is predominantly formed of residential dwellings and there were also some flatted accommodation blocks in the vicinity of the appeal site. There is no evidence to suggest that a single HMO would be materially detrimental to the housing mix in this locality and I find that the development would not conflict with any of the adopted development plan policies which relate to housing mix.
10. Furthermore, while the Decision Notice also makes reference to Policies 3.5, 7.4 and 7.6 of the London Plan, 2011 (LP), these relate to quality, local character and architecture. In their submissions, the Council are clear that there would be no impact upon residential amenity, or character and appearance. From my inspection of the area, I find no reason to disagree with this stance and as such I find no conflict with these policies.
11. The Council have also sought to rely on a recent Appeal Decision, whereby the Inspector notes that the demand for HMO housing cannot outweigh the demand for family housing and that in an area which has an identified problem which has necessitated the introduction of an Article 4 direction, this would not be appropriate.
12. However, a copy of this decision has not been provided and I am unable to assess whether the circumstances would be comparable to those which apply in this appeal in respect of concentration of such uses. Moreover, the presence of an Article 4 Direction in itself does not justify the refusal of consent, particularly given that there is no conflict with development plan policies and particularly DMD Policy DMD5 which postdates the Article 4 Direction. I have, in any case, reached my own conclusions on the proposals on the basis of the information before me.
13. I therefore conclude that, without any evidence to the contrary, the proposed change of use to a HMO would not adversely affect housing mix. Accordingly, I find no conflict with CS Policy CP5 and DMD Policy DMD5.

Conditions

14. I have had regard to the various planning conditions that have been suggested by the Council. In addition to the standard condition which limits the lifespan of the planning permission, I have specified the approved plans as this provides certainty. Conditions relating to maximum occupancy and provision of independent facilities are necessary to protect the character of the area, however I have amended the wording provided as the conversion to self-contained units would require separate consent.
15. The approved plans illustrate the location of both cycle and refuse storage facilities, and therefore I do not consider that conditions in respect of providing details of these items are necessary. As an alternative, I have imposed conditions relating to the implementation of these in accordance with the drawings, and requiring that these are retained thereafter. These are necessary in the interests of local amenity and to secure sustainable transport.
16. I do not, however, consider it to be reasonable or necessary to impose conditions in respect of Energy Statements and Energy Performance Certification. Such conditions would be onerous given the nature of the proposals and some elements would be covered by other regulatory requirements.

Conclusion

17. For the reasons given above, taking into account all other matters raised, I conclude that the appeal should be allowed.

C Searson
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: IMA-03-PL02, IMA-05-PL02, IMA-05-PL03.
- 3) The dwelling shall not be occupied as a HMO until space has been laid out within the site in accordance with drawing no. IMA-05-PL03 for 6 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 4) The dwelling shall not be occupied as a HMO until space has been laid out within the site in accordance with drawing no. IMA-05-PL03 for refuse storage facilities and that space shall thereafter be kept available for those purposes.
- 5) The use of the property as a House of Multiple Occupation hereby approved shall be occupied by a maximum of 6 people at any one time.
- 6) No independent cooking or laundry facilities shall be installed in any of the respective bedrooms and the communal lounge / diner, shall be retained in perpetuity.