

Appeal Decision

Site visit made on 5 January 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 01 March 2017

Appeal Ref: APP/Q5300/W/16/3159937

15 Pretoria Road North, Edmonton N18 1EU

- 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 Peter Sikopoulos against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/0311/FUL, dated 3 July 2016, was refused by notice dated 25 August 2016.
 - The development proposed is conversion from residential dwelling to 4 bedroom house of multiple occupation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) whether the development would result in an acceptable standard of accommodation for future occupiers with particular regard to available internal amenity space and ii) the effect of the development on the living conditions of nearby residents with particular regard to noise and disturbance.

Reasons

Living conditions – future occupiers

3. The Council's concern in this regard is primarily with the proposed limited provision of shared space for residents. In its view this would make the development self-contained bedsit accommodation rather than a house in multiple occupation (HMO). The development would consist of 4 relatively large bedrooms, each containing en-suite washing and toilet facilities. Shared internal accommodation would be limited to a relatively small kitchen. Nevertheless, it seems to me that the provision of shared accommodation, albeit limited in scale and notwithstanding the possibility of separate food storage being made available in individual rooms, would justify the proposal continuing to be regarded as an HMO rather than self-contained units. In any event it has not been brought to my attention that the principle of the relatively independent nature of the accommodation would be in conflict with the development plan.
 4. From 1 October 2015 local policies on internal spaces should be interpreted by reference to the nearest new national technical standards (NTS) introduced
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under a Written Ministerial Statement in March 2015. I have not been provided with any information that would lead me to conclude that the proposal would be in conflict with the NTS.

5. The proposed layout would not incorporate a communal living room / relaxation space, however the relatively large size of bedrooms proposed would compensate for this deficiency. Notwithstanding this, the shared kitchen area would be very restricted in size. From the information provided and my visit, the space would not be so confined as to prevent a small number of residents utilising the room for food preparation. However, whilst I acknowledge that the appellant proposes to incorporate dining space within the kitchen, I am not persuaded that this would be conducive to a practical and enjoyable dining area for residents, given the very limited residual space and proximity to cooking and washing areas. I consider this would encourage residents to dine within their respective bedroom areas which would be potentially inconvenient and would lead to undesirable food odours. Accordingly, even if there was no breach of the NTS, this would still result in unacceptable living conditions for future occupiers.
6. Access to the rear of the property including a storage shed for cycles would only be available via the small communal kitchen. However this would not give rise to such frequent comings and goings that it would result in any significant inconvenience to users of the kitchen.
7. Part of the proposal involves the construction of a small boiler room immediately to the rear of the building. This structure would however, be very limited in scale, height and projection and would not result in any significant harm to outlook for occupiers of the adjacent ground floor bedroom.
8. There would be scope for cycle storage within the garden at the rear of the property and the storage of refuse bins at the front would be in keeping with typical arrangements elsewhere in the street. Details of these provisions could be secured through planning conditions.
9. However these positive factors, together with the appellant's management plans which I have had regard to, do not overcome the issue I have identified above in respect of inadequate dining facilities. On this basis I conclude that the proposal would result in unacceptable living conditions for future occupiers. It would therefore conflict with Policy 3.5 of the London Plan 2015; Policy CP4 of the Enfield Core Strategy 2010 and Policy DMD 5 of the Enfield Development Management Document 2014 (DMD) insofar as they seek to achieve high quality accommodation.

Living conditions – existing residents

10. The Council is secondly concerned that the bedrooms are of a scale that would result in higher levels of occupancy and over-intensive use of the property. The appeal site is close to numerous residential properties in what is a high density traditional terraced street. I consider that the comings and goings of residents involved in conversations and interactions possibly at unsociable times during the late evening or night, when background noise levels would be lower, would be at risk of causing noise and disturbance to neighbouring residents. Accordingly I sympathise with the Council's concern that a potentially large number of occupiers may harm the living conditions of nearby residents in this regard.

11. However, the appellant has confirmed that he would accept a planning condition restricting the occupation of the dwelling to one resident per bedroom. In this scenario the patterns of comings and goings of residents would be unlikely to differ greatly to that associated with the occupation of the property by a single household.
12. I therefore conclude, with the imposition of such a condition, that the proposal would not result in harm to the living conditions of existing residents. It would not therefore conflict with Policies DMD 5, DMD 8, and DMD 68 of the DMD insofar as they seek to protect the living conditions of existing residents including with specific regard to noise and disturbance.

Conclusion

13. I have not found harm with respect to the living conditions of existing residents. However this does not overcome my negative findings with respect to the living conditions of future occupiers having specific regard to dining arrangements. Consequently, having had regard to all other matters raised, it is concluded that the appeal should not succeed.

Roy Merrett

INSPECTOR