
Appeal Decision

Site visit made on 27 July 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 18 August 2017

Appeal Ref: APP/Q5300/W/17/3175091

102 Scotland Green Road North, Enfield EN3 7AT

- 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 Andreas Andreou against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/00171/FUL, dated 13 January 2017, was refused by notice dated 6 April 2017.
 - The development is the change of use from a dwelling house (Class C3) to a house in multiple occupation for up to five persons (Class C4).
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. The application form does not clearly identify the applicant. However, the agent has confirmed this was an error and that the appellant, identified in my second bullet, was the applicant. The Council is aware of this error and has not raised any issue.
3. I have adopted the Council's description of the proposed development as this is more precise and the appellant also used this description in the appeal form.
4. In its decision notice the Council indicated that the scheme had been implemented and that the application was retrospective and I have determined the appeal on that basis. However, the implementation of the development has had no effect on my decision.
5. In its reasons for refusal the Council states that the development does not meet the statutory criteria for a house in multiple occupation (HMO) for two reasons. First, there are lavatories, washing facilities and cooking facilities in each room identified as a bedroom, meaning they should be considered as a self-contained flats pursuant to section 254 of the Housing Act 2004. Secondly, because of room sizes, full occupation capacity would be ten persons, which exceeds the maximum permissible for HMOs in Class C4 of the Town and Country Planning (Use Classes) Order 1987. Nevertheless, the Council appears to have accepted the validity of the application and I have considered this matter on that basis.

Main Issues

6. The main issues are whether the development provides an appropriate housing mix; the effect of the development on the living conditions of future occupiers

of the host dwelling; and, the effect of the development on on-street parking congestion in the area and the consequent impact this would have on the living conditions of the occupiers of neighbouring properties.

Reasons

7. The appeal site is a two-storey end-of-terrace dwelling and was previously extended. The building is currently being used as a *sui generis* HMO but was formerly a three-bedroom family home. Drawing CE16-01 shows the property has been divided into six bedrooms, although the fifth and sixth bedrooms appear as one unit connected by a spiral staircase between the first floor and the attic space. Each unit has an en-suite bathroom or shower with a lavatory and there are no shared lavatories or washing facilities in the building.
8. On the ground floor is a kitchen cum living/dining room, which is the only shared area in the building apart from communal corridors and stairways. However, the Council states that there are cooking facilities in each room and the appellant does not dispute this. There is an enclosed amenity space to the side and rear of the property, and a small area to the front. Drawing CE16-13 does not show the location of a wall and gate to the area at the front of the property, but suggests that the space is used for bin storage.
9. Policy CP30 of the Enfield Plan Core Strategy 2010 (the Core Strategy) and Policies 7.4 and 7.6 of the London Plan 2016 seek to ensure that developments do not cause unacceptable harm to the character and appearance of an area. The development has not resulted in any external alterations to the appeal property and the Council has not raised any issue with design. Therefore, in relation to the main issues in this appeal these policies are not relevant.

Housing Mix

10. The development has removed a three-bedroom family dwelling from the available housing stock in the borough and replaced it with an HMO. The appellant states that there is a high demand for single rooms but provides no evidence to support this claim. The Council relies on its Strategic Housing Market Assessment 2010, which identified the need for family homes with three or more bedrooms as a high priority in the borough. By contrast the Council's assessment identified an over-supply of smaller, single-person accommodation.
11. Therefore, I conclude that the development is detrimental to the available housing mix and is contrary to Policies CP4 and CP5 of the Core Strategy which seek to ensure that there is an adequate range of housing available and also seeks to avoid the loss of family homes.

Living Conditions of Future Occupiers

12. The Council calculates that the floor area of the kitchen cum living/dining room on the ground floor is approximately 20 square metres. The appellant does not contest this measurement and states that this should be accepted as adequate space.
13. Policy CP4 of the Core Strategy and Policies DMD5 and DMD8 of the Enfield Design Guide and Development Management Document 2014 (the Development Policies) together seek to ensure that developments provide adequate space and meet minimum space standards. Policy 3.5 of the London

Plan 2016 seeks to ensure that developments have adequately sized rooms and meet minimum standards for overall floor space.

14. Policies CP4 and DMD8 refer to space standards in the London Housing Design Guide (the Design Guide) which provided that a kitchen cum living/dining room in a five-bedroom dwelling should have a minimum area of 29 square metres. However, since the Core Strategy and the Development Policies were adopted the Government has issued the Technical Housing Standards – Nationally Described Space Standard (the Technical Standard) which supersedes local policy minimum requirements for internal space.
15. The Council estimates the gross internal floor area (GIA) of the appeal site to be 95 square metres, which appears to derive from a simple addition of the approximate room sizes given on drawing CE16-01 plus the approximately 20 square metres of the kitchen cum living/dining room. However, although this calculation would not take account of stairwells and communal corridors, the appeal site would likely fall well short of the minimum GIA requirement in the Technical Standard of 110 square metres for a two-storey, five-bedroom property.
16. If the additional room in the attic is included in the calculation it would add approximately 13 square metres to the GIA but would also require the property to meet the Technical Standard for a three-storey, six-bedroom property. I consider it likely that the property would still fall well short of the minimum requirement of 129 square metres for such a property.
17. I also consider the size of the kitchen cum living/dining room and the facilities for cooking, food storage and washing clothing and cooking/eating equipment are not adequate for five people who are living separately in the HMO. Therefore, I conclude that the development would cause significant harm to the living conditions of future occupiers of the appeal property by reason of inadequate space. Therefore the proposed development is not in accordance with Policy 3.5 of the London Plan, Policy CP4 of the Core Strategy and Policies DMD5 and DMD8 of the Development Policies.

On-Street Parking

18. Scotland Green Road North is a relatively narrow cul-de-sac in a largely residential part of the borough. The Council's Highways Department provided an assessment that identifies the appeal site as being in an area with poor access to public transport.
19. My site visit occurred mid-morning, after peak time for commuting, but there were numerous cars parked in the street and few spaces available. The situation at the time of my site visit represents just a snapshot and it would be reasonable to assume that the pressure on parking spaces would be greater in the evening when residents of the street have returned from work.
20. There is nothing in the application plans to show any parking provision on site and the appellant has suggested that occupiers would be contracted not to park cars. It is unclear how the appellant would enforce such a clause in any agreement but this would be a private matter between the landlord and the occupier and not enforceable by the Council.
21. Paragraph 206 of the National Planning Policy Framework sets out the criteria for imposing planning conditions. Conditions should only be imposed where

they are necessary, relevant to planning and to the development, enforceable, precise and reasonable in all other respects. It would not be appropriate to impose a planning condition to restrict parking because the often transient nature of occupation of HMOs would make such a condition difficult to enforce. In any event, given the poor access to public transport in the area, I consider that it would not be reasonable to restrict occupants' access to alternative forms of transport.

22. I consider that the pressure on parking that could arise from full occupation of the appeal property would be likely to have a detrimental effect on the living conditions of the occupiers of neighbouring properties. Therefore, I conclude that the development is not in accordance with Policies DMD5 and DMD9 of the Development Policies which seek to ensure that development provides adequate parking places for occupiers of dwellings.

Other Matters

23. Although it did not form part of the reasons for refusal, the Council does refer to the need for developments to provide good quality amenity space in accordance with Policy DMD9 of the Development Policies. The Council states that the only access to the rear garden is through one of the bedrooms and therefore this would be unacceptable. However, the plans show that the larger side garden can be accessed from the front of the appeal site and there is a narrow access through to the rear garden.
24. The application plans do not show any space for the secure storage of bicycles or adequate storage for refuse. Although the Council does refer to these issues in its decision notice, there is adequate room for the provision of secure cycle storage and refuse storage within the curtilage of the appeal property and this could be secured by way of planning conditions. However, such conditions would not address the potential parking issue and would not be sufficient to overcome the unacceptable detrimental impact on the housing mix in the borough and on the living conditions of future occupiers of the appeal property.

Conclusion

25. For the reasons given above, and taking into account all other matters, I therefore conclude that the appeal should be dismissed.

D Guiver

INSPECTOR