
Appeal Decision

Site visit made on 20 November 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 14th December 2017

Appeal Ref: APP/N5090/W/17/3181666

78 Crewys Road, Cricklewood, London NW2 2AD

- 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 Tango Properties Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/2300/FUL, dated 7 April 2017, was refused by notice dated 27 July 2017.
 - The development proposed is described in the application form as 'extension to existing 6no bedroom HMO to 7no bedroom HMO. Roof extension involving rear dormer window, 3no. rooflights to front elevation to facilitate a loft conversion'.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of 6no bedroom HMO to provide 7no bedroom HMO following extension to roof to include 1no rear dormer window, 3no rooflights to front elevation at 78 Crewys Road, Cricklewood, London NW2 2AD in accordance with the terms of the application, Ref 17/2300/FUL, dated 7 April 2017, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the decision above was taken from the Council's decision notice and appellant's appeal form. I consider this to be a more accurate description of development than that above in the banner heading which was taken from the application form.

Application for costs

3. An application for costs was made by Tango Properties Ltd against the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbouring residents.

Reasons

Character and appearance

5. The appeal property is a two storey, mid terrace building which is currently in use as a small house of multiple occupation (HMO). The proposal comprises the conversion of the loft space, to include a rear dormer window and three velux rooflights to the front roof slope, to allow for an additional bedroom and kitchen area. The Council has not raised any objections to the rear dormer or front rooflights and from the information before me and my observations on site, I have no reason to take a different view.
6. The surrounding area is predominantly residential comprising in the main of houses in single family occupation. The Council is concerned that use of the property by a large number of separate households is likely to change the character of the street and to undermine the more permanent residential nature afforded by single houses. The Council now has an Article 4 Direction in force, which removes permitted development rights for changes of use from C3 (dwellinghouse) to C4 (small HMO). While not specifically associated with this case, the Direction is indicative of the strength of the Council's concerns in relation to the proliferation of or enlargement to HMOs.
7. Policy DM01 of the Barnet Local Plan Development Plan Document (2012) (DPD) seeks to resist the loss of houses to flats or HMOs in order to protect the character of the street and to prevent the erosion of established character. Policy DM09 requires HMOs to be located in town centres or close to transport nodes.
8. Whilst I am mindful of the above policies, in this case, No 78 is already established as an HMO and even if the appeal scheme were to go ahead it would remain an HMO, albeit with an increased occupancy of one. The overall range of housing being provided would therefore remain unchanged if the development were to go ahead as would the number and proportion of HMOs in the locality.
9. The additional activity associated with one more occupant, even if representing a different pattern of behaviour to a typical occupant of a family dwelling, is unlikely to be perceptible in the context of the character of Crewys Road or the wider locality. Accordingly, the effect of this marginal increase would not be significant in terms of the overall character, mix and balance of the local community.
10. For the aforementioned reasons I conclude that the proposed development would not materially harm the character and appearance of the area and I find no conflict with Policies DM01 and DM09 of the DPD in this regard.

Living conditions

11. The proposal would increase the number of separate households within the property to seven. I acknowledge that this would bring about a small increase in comings and goings. However, given the scale of the intensification, I do not consider that this would result in an increase in noise and disturbance that would be unduly harmful, particularly given the additional rooms would have no access to the rear garden. Furthermore, satisfactory sound insulation between properties is required by building regulations and can be secured through a planning condition.

12. I therefore conclude that an additional bedroom provided at No 78 would not result in a material increase in noise and disturbance experienced by neighbouring residents and find no conflict with Policy DM01 and DM09 of the DPD which seek, in this regard, to ensure development does not have an adverse impact on residential amenity.

Other Matters

13. I have had regard to the numerous letters of representation received. I note that neighbouring residents have raised a number of issues and concerns resulting from the existing HMO. However, according to the Council this use is lawful and is not the subject of this appeal. I can only determine the appeal on the basis of what is being applied for which in this instance would result in an increase in the number of bedrooms within the HMO from 6 to 7. Any concerns with respect to the arrangement of the existing HMO such as overcrowding or the vetting of tenants would be a matter for the Council to investigate.
14. The occupation of HMOs may generally be more transient and I note those concerns in relation to antisocial behaviour and crime. However, antisocial behaviour and crime are controlled by separate legislation. There is no compelling evidence that burglaries or fly tipping in the locality is linked the use of the property as an HMO. Whilst I appreciate that my visit was just a snapshot in time, although the road was busy, I was able to locate an unrestricted parking space. I appreciate that in the evenings, on street parking is likely to increase. However, given the scale of the development over and above the existing situation, I am not persuaded that any increase in parking or deliveries to the property would be noticeable. I accept that an additional household would lead to a small increase in waste and note residents' concerns in relation to bins and rubbish at the property. At the time of my site visit, the property appeared tidy, and well managed and maintained. Nonetheless, details of enclosures and screens for refuse containers can be secured by condition.
15. I note concerns in relation to precedent. However, the Council now has an Article 4 Direction in force, which means that planning permission must be sought for such developments. Each application and appeal must be determined on its own individual merits and a generalised concern of this nature does not justify withholding permission in this case.

Conditions and Conclusion

16. Having regard to the National Planning Policy Framework I have considered those conditions suggested by the Council. I have attached a condition requiring the development is built in accordance with the approved plans in order to provide certainty. Those relating to materials and refuse are necessary in order to ensure a satisfactory appearance. Those relating to sound insulation and the occupancy of the HMO are necessary in order to protect neighbour amenity. I have not attached a condition preventing the use of the rooms as a self-contained flat as this would require a separate planning application.
17. For the reasons given above and taking all matters raised into account, I conclude that the appeal should be allowed.

Caroline Jones 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: PL-000 Rev A, PL-001 Rev A, PL-002 Rev B, PL-003 Rev B, Site Location Plan.
- 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Before the development hereby permitted is first occupied, details of additional enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation and retained as such thereafter.
- 5) Before the development hereby permitted is first occupied, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force during the lifetime of the development).
- 6) The HMO shall not be occupied by more than 7 people at any one time.