



Appeal Decision

Site visit made on 3 October 2019

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 22 October 2019

Appeal Ref: APP/N5090/W/19/3223462

155 The Vale, London NW11 8TL

- 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 Mrs Perla Lagnado Agami Levy against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/6412/RCU, dated 4 September 2018, was refused by notice dated 2 January 2019.
 - The development proposed is a change of use domiciliary to HMO.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site visit was to have been undertaken on the basis of the appellant allowing access to the appeal property. However, the appellant was not present during the site visit and it was undertaken on an unaccompanied basis. The matters at issue between the parties could be seen from public viewpoints.
3. A reason for refusal is the quality of the drawings submitted by the appellant. However, the information provided is sufficiently clear for me to be able to assess the appeal scheme. The circumstances leading to the submission of the appeal application and how it was processed are not matters for determination as part of this appeal.
4. There is a minor discrepancy in the spelling of the appellant's name on the application and appeal forms. The name on the appeal form has been adopted. The description which has been adopted is specifically for the development proposed.

Main Issues

5. It is considered that the main issues are the effects of the proposed development on (a) the character of the surrounding area and (b) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

6. The proposed development is for a change of use of an bungalow from a dwelling house to a small House in Multiple Occupation (HMO). Planning permission is required because the normal permitted development rights for

such a change of use have been withdrawn by an Article 4 Direction. Policy DM09 of Barnet's Local Plan Development Management Policies Development Plan Document (DMP) identifies that, amongst other matters, proposals for new HMOs will be encouraged provided that they meet an identified need and they will not have a harmful impact on the character and amenities of the surrounding area. The Council's *Supplementary Planning Document: Residential Design Guidelines* (SPD) includes guidance on the conversion of single family homes into HMOs.

7. As identified by the appellant, the type of accommodation provided by HMOs can meet a particular housing need. Although a big demand for student accommodation is claimed by the appellant, no convincing evidence demonstrating such a demand for this type of accommodation within this area has been provided. Further, and although the claim of the appellant has been noted, there is no specific evidence to demonstrate that bungalows of a similar design along The Vale and other near-by roads are more attractive to be occupied as HMOs rather than family dwellings.
8. It is reasonable for the Council to characterise the residential area as being prevaillingly family dwellings. There are some properties fronting The Vale which were observed to be sub-divided into flats or in other forms of multiple occupancy. However, the number of such properties does not alter the predominant character that has been identified. For these reasons, the use of the property as a HMO would be significantly out of character with this predominantly family housing area.
9. Few details have been provided concerning the availability of public transport and other near-by facilities. Bus services were observed to be operating in the surrounding area which future occupiers could use. However, this matter does not alter the lack of evidence to support the need for the proposed HMO and the assessment of significant harm being caused to the character of the surrounding area. Reference has been made by the appellant to other HMOs but the full planning circumstances of these properties have not been provided and, for this reason, limited weight is given to them in the determination of this appeal.
10. For the reasons given, it is concluded that the proposed development would cause significant harm to the character of the surrounding area and, as such, it would conflict with CS Policy CS5 of Barnet's Local Plan Core Strategy (CS), DMP Policies DM01 and DM09 and the SPD. In addition to HMOs meeting an identified need and not having a harmful effect or impact on the amenity of the surrounding area, these policies also require development to respect local context. DMP Policy DM08 is not considered to be of specific relevance to the appeal scheme because it is directed at securing a variety of sizes of new homes rather than a change of use of an existing dwelling to a HMO.

Living Conditions

11. The Council's approach to residential conversions, as set out in DMP Policy DM01, is to minimise their impact on the local environment and to ensure that the occupiers of both new and existing units enjoy a high standard of amenity. This approach is reflected in the SPD and DMP Policy H09.
12. The drawings indicate that the property would be converted to a HMO for 5 people. Although as a dwelling the property could be occupied by a large

family, there is a difference in the nature and character of a property being occupied as a HMO. The pattern of movement of the occupiers living as separate households is likely to be more sporadic and has the potential for increased noise and disturbance when compared to family occupancy.

13. However, because of the noise and disturbance associated with traffic along both The Vale and near-by Hendon Way the property is not located within a quiet residential area. The level of occupancy proposed would not be excessive and the number of occupiers could be limited by condition. In such circumstances, I am satisfied that the concerns of the Council regarding noise and disturbance to the occupiers of 153 and 157 The Vale, which are detached properties, would be of such a level that they would cause unacceptable harm to their living conditions.
14. On this main issue it is concluded that the proposed use of the property as a HMO would not cause unacceptable harm to the living conditions of the occupiers of 153 and 157 The Vale and, as such, it would not conflict with DMP Policies DM01 and DM09 and the SPD. As part of this main issue, specific conflicts with CS Policy CS5 and DMP Policy DM02 concerning the character of the place and achieving defined development standards has not been identified. CS Policy CS1 is a general strategic policy rather than specifically identifying the effect of development on neighbouring occupiers.

Conclusion

15. Although the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 153 and 157 The Vale, this matter is demonstrably outweighed by the significant harm which would be caused to the character of the surrounding area. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR