



Appeal Decision

Site visit made on 23 September 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2019

Appeal Ref: APP/Q5300/W/19/3230515

119 Mandeville Road, Enfield, EN3 6SH

- 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 Andy O'Brien against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/00239/FUL, dated 18 January 2019, was refused by notice dated 29 March 2019.
 - The development proposed is change of use to small HMO for 6 persons.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues for consideration in this appeal are as follows:
 - The effect of the proposal on housing provision and need in the Borough;
 - Whether the proposal would provide acceptable living conditions for future residents of the appeal site, with particular regard to provision of internal living space;
 - The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and general disturbance; and
 - The effect of the proposal on on-street parking levels, and any resultant effects on the character and appearance of the streetscene.

Reasons for the recommendation

Housing types and need

4. The appeal site comprises a mid-terrace, two-storey dwelling set within Mandeville Road. To the rear is a garden, while the front contains a paved area. I understand the property has been used for the last 3 years as a House in Multiple Occupation (HMO) for 6 people without planning permission. An Article 4 Direction made in 2013 prevents the change of use from class C3 to C4 in the Borough without the need for planning permission. It is understood the

dwelling was previously a 4-bedroom property before its use changed. The proposal seeks to regularise the use and whilst I have noted the Council's argument that one of the rooms could accommodate two people, I have determined that appeal on the basis that the property would continue to be occupied by 6 people, as specified in the application form.

5. Core Policy (CP) 5 of the Enfield Plan Core Strategy (CS) and DMD 3 of the Development Management Document (DMD) seek to ensure developments offer a range of housing sizes to meet housing need. The explanatory text under paragraph 5.41 of the CS indicates that Enfield's Strategic Housing Market Assessment (SHMA 2010) showed a shortage for larger family dwelling types. Family accommodation itself is specifically defined as a property with three or more bedrooms by Policy DMD 3 and would therefore include this property. However, the evidence before me on this matter is limited. The information in the above paragraph has not been updated or expanded on in the context of this appeal. Moreover, neither Policy CP5 nor Policy DMD 3 prevent the loss of an existing family house.
6. Policy DMD 4 seeks to avoid the loss of existing residential units, particularly family homes, except in certain circumstances including where there would be no net loss of residential floorspace as a result of the development. It is debatable whether this policy applies to the proposal as it appears to relate to the provision of non-residential uses. However even if were relevant, there would be no net loss of residential floorspace as a result of the proposal. As such the proposal would comply with Policy DMD 4.
7. The Council recognises that residential conversions play an important role in increasing housing supply. Conversions to HMO's are not specifically ruled out in favour of family housing. Rather, Policy DMD 5 sets out criteria against which development involving the conversion of existing units into self-contained flats and houses and multiple occupation is determined. That criteria includes the need to avoid an excessive number or clustering of conversions, to protect the character of established residential areas. The Council accept that in this instance there is only one other conversion along Mandeville Road. Consequently, on that basis, the proposal would not result in an overconcentration of HMO units or significant loss of family housing in the area.
8. Planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Whilst I have taken into account the need for family sized units in the Borough, on the basis of the limited evidence before me, I am unconvinced that the proposal would have a significant effect on local housing need or provision.
9. However, Policy DMD 5 also requires that HMO development provides a high-quality form of development in terms of internal floor spaces, does not lead to an unacceptable level of noise and disturbance for occupiers and adjoining properties and provides adequate parking and refuse storage that does not adversely affect the street scene. It is to these matters that I now turn.

Living conditions of prospective tenants of the appeal site

10. My attention is drawn to both Table 3.3 of the London Plan (LP) and the Nationally Described Space Standards (NDSS) which offer guidance on the minimum floor space in developments such as the appeal site. Bedroom 4 is

described as below the minimum size advised by the NDSS, measured at 6.8m² against the required 7.5m^m. However, the Council's HMO Standards Document only requires 6.51m², which bedroom 4 does meet. The other bedrooms meet the minimum standards set out in both documents. On that basis I am satisfied that the bedrooms have adequate, if limited, floorspace.

11. However, the total floor space required for this size of house, set out in the NDSS, is 123m², to which the appeal site falls short by 8.3m². This shortfall is significant when considering the size of the communal areas, particularly the living room, which at only around 8.8 sqm is smaller than that required by the HMO Standards document which requires an area of 12.5m². It seems to me that this is inadequate for 6 residents and their guests. Given the limited space within bedroom 4 and limited communal space, residents could find this level of containment to be oppressive and overbearing. If the house were in use as a family dwelling other ground floor living rooms are likely to have been available. Access to a common garden area would not provide an acceptable alternative, especially in inclement weather. In addition, the lack of objection from the Council Housing Enforcement Officer does alter my view given I have no specific evidence regarding their assessment of the proposal.
12. To conclude on this main issue, the conversion would not be a high-quality form of accommodation, contrary to DMD 5 and DMD 8 of the DMD and the requirements of policy 3.5 of the LP. The proposal would also be contrary to CP4 of the CS and the Framework, which both seek to ensure a high standard of amenity for existing and future users.
13. The Council has referred to Policy CP30 of the CS. However, this policy relates to the quality of the built environment and design principles. Accordingly, as no external changes are proposed, this policy is not directly relevant to this issue.

Living conditions of neighbouring occupants

14. Policy DMD 8 states that all development must preserve amenity in terms of daylight, sunlight, outlook, privacy, overlooking, noise and disturbance. The Council is primarily concerned about the proposal's effect from noise and disturbance on nearby occupants. Based on the evidence before me I have nothing to indicate there would be an increase in noise as a result of the change of use to an HMO. It would be unreasonable to assume people residing in accommodation such as this would create excessive noise or disturbances while going about their daily routines. Moreover, there is no evidence before me that activity associated with the use would be significantly more intense than if it were occupied as a 4 bed family home.
15. As such, in this regard, the proposal is considered to be in accordance with Policies DMD 8 and DMD 37 of the DMD, LP Policy 3.5, CP30 of the CS and the National Planning Policy Framework (the Framework) as it would preserve amenity in terms of noise and disturbance having regard to the site's context.

On-street parking and effects on the streetscene

16. The current layout of the site includes a paved area to the front which has, I understand been used as a parking space although there is some dispute about whether this is authorised. Policy DMD 45 of the DMD states parking requirements should be considered against the scale and nature of the development, the public transport accessibility level (PTAL) of the site, current

parking pressures locally and accessibility to local amenities and requirements of future occupiers.

17. The area has a moderate PTAL score of 3. Properties in the area typically have off-street parking to the front with space for either one or two vehicles meaning parking in front of these spaces is not possible. Although on-street parking is largely unrestricted aside from double-yellow lines at the junction with Forrest Road, I witnessed on the site visit the high level of parking pressure in the area and there were few spaces to park even at midday. However, amenities are within walking distance, such as shops and services on Hertford Road. Conversely, the LP seeks to strike a balance between excessive levels of private parking and maintaining public transport use. Table 6.2 of the parking addendum referred to by Policy 6.13 of the LP stipulates a maximum level of parking, rather than a minimum. In this case, 2 spaces maximum should be provided for a dwelling of this scale.
18. The appellant asserts that car ownership is generally lower among occupants of HMOs. Be that as it may, even if no car parking provision was available at this site and all residents had to park on-street, whilst this would increase pressure for spaces, there is no evidence that this would result in a danger to highway safety and indeed this does not form part of the reason for refusal.
19. Policy DMD 8 of the DMD seeks to provide adequate parking while not adversely affecting the streetscene. Given the requirement for a limited number of off-street spaces, I am not persuaded that the proposal would result in significant levels of on-street parking such that the streetscene would be adversely affected. On-street parking already occurs and the presence of cars lining the street is not unusual, particularly in a densely populated urban environment.
20. To conclude on this issue, the proposal would not have an adverse effect on the character and appearance of the streetscene. Accordingly, in this respect it would be in accordance with to Policies DMD 5, DMD 45 and DMD 8 of the DMD

Recommendation

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR