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## Appeal Decision

Site visit made on 12 November 2019

**by N Holdsworth MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 December 2019**

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### **Appeal Ref: APP/Q5300/W/19/3235428 25 Leeds Street, Edmonton, N18 2AB**

- 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 Pawel Chmiest against the decision of the Council of the London Borough of Enfield.
  - The application Ref 19/01852/FUL dated 17 May 2019, was refused by notice dated 11 July 2019.
  - The development proposed is change of use from single family dwelling (Class C3) to house in multiple occupation accommodating up to 6 people (Class C4)
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### **Decision**

1. The appeal is allowed and planning permission is granted for change of use from single family dwelling (Class C3) to house in multiple occupation accommodating up to 6 people (Class C4) at 25 Leeds Street, Edmonton, N18 2AB in accordance with the application Ref 19/01852/FUL dated 17 May 2019 but subject to the following 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: Location Plan 121/01; Drawing entitled HMO Plans 121/40.

### **Preliminary Matter**

2. I have used the description of development from the Council's decision notice as it clarifies that the proposed HMO would fall within the C4 use class. This is also the description of development used by the appellant on the appeal form.

### **Main Issues**

3. The main issues are:
  - i) The effect on the living conditions of existing and future residents, with particular regard to noise and disturbance;
  - ii) The effect on parking provision in the locality; and
  - iii) The effect on the character and appearance of the area, with particular regard to waste storage.

## Reasons

4. The appellant maintains that the number of occupants in this House of Multiple Occupation ("HMO") would be 6. This is reflected in the original description of development and is the maximum number that can be accommodated within the C4 use class, as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended). It is on this basis the appeal proposal should be considered. Planning permission would be required, were the number of residents to increase above 6.

### *Living Conditions*

5. This terraced property is set within a row in north London. The surrounding properties are predominantly single-family dwellings. Such properties could potentially house multiple related adult occupants that live independent lives, leading to regular comings and goings.
6. The HMO would be occupied by up to 6 adults. The bedrooms would be large, and provision made for functional internal and external amenity space and communal facilities. The number of proposed occupants is proportionate to the size and scale of the building. The density of development is therefore acceptable, and the overall standard of accommodation is good.
7. In such circumstances the noise and disturbance, including comings and goings and other activity, would not be significantly greater to that which may arise were the property to continue to be used as a single dwelling. Furthermore, the Council acknowledges in the officer report that the proposal would not lead to an overconcentration of HMO's within Leeds Street, and in this respect the proposal would not conflict with the relevant criteria in policy DMD 5 of the Enfield Council Development Management Document 2014 ("DMD"). This requires that the number of conversions must not exceed 20% of all properties along the road, and only 1 unit within any row of 5 units may be converted to uses including HMO's.
8. In consequence, the proposal would not, alone or in combination with other development, materially change the prevailing residential character of this road. Given the modest scale of the development, there would be no unacceptable harm to the living conditions of existing or future residential occupants through noise and disturbance. The proposal complies with policies DMD 5, DMD 37 and DMD 68 of the DMD, together with Core Policies 30 and 32 of the Enfield Core Strategy (2010) ("Core Strategy") and policies 7.1, 7.4 and 7.15 of the London Plan (2016) which seek, amongst other things, to ensure that conversions do not harm the residential character of the area.

### *Parking*

9. The property does not benefit from off-street vehicular parking. However, it is located very close to public transport links and within easy walking distance of services and facilities. This significantly reduces the likelihood that individual residents of this HMO would choose to own a car.
10. No transport assessment or parking survey was provided in support of the proposal. However, given the site has an existing residential use which could also generate demand for vehicular parking, the risk that this conversion would lead to a material increase in parking demand resulting in harm to highway

safety or the living conditions of residents in this part of the Borough is negligible.

11. Accordingly, the effect on parking provision in the surrounding area is acceptable and there is no conflict with policy 6.13 of the London Plan (2016), nor DMD 5, DMD 45 nor DMD 48 of the DMD or Core Policies 24 and 25 of the Core Strategy which require, amongst other things, that new developments involving car free housing must not adversely affect traffic flows, road safety or the amenity of local residents.

#### *Waste Storage*

12. Bins would be stored in the small patio to the front of the property. This would reflect the arrangement adopted by other properties along the road. As previously noted, the number of residents would be 6. The waste generated by the HMO would not therefore be significantly greater to that of a single-family dwelling and could be stored in the 3 bins shown. Accordingly, enough space would be provided for waste storage and there is no unacceptable risk of dumping or littering, given the current collection regime.
13. The proposed arrangement would therefore accord with the prevailing character and appearance of the area and there is no conflict with policies DMD 5, DMD 8 and DMD 37 of the DMD, nor Core Policy 30 of the Core Strategy or policy 7.4 of the London Plan which seek, amongst other things, to ensure adequate waste storage is provided where new development is proposed.

#### **Other Matters and Conclusion**

14. As noted previously, a residential use already exists on the site. The change in the way the property is occupied would not result in unacceptable overlooking or a loss of privacy. There would be no harm to the living conditions of existing residents in any respect.
15. This would comprise a modest scale, 3 storey HMO of which there are many existing examples across London. Control of fire risk would be the responsibility of future owners, in accordance with legislation. Compliance with building regulations is also a matter that falls outside the scope of this decision. Considering the existing residential use there is no unacceptable risk of pollution, environmental harm, or additional demands on infrastructure arising from this development.
16. The area around the site appears to have experienced issues with crime and anti-social behaviour. However, as noted previously, at present there is no clustering of HMO's on Leeds Street. The evidence before me does not conclusively demonstrate that there is a link between HMO's and reported crime at this location. The accommodation provided would clearly meet a housing demand, including from key workers who often live in shared housing. Planning permission should not be withheld on the grounds of a fear of crime.
17. Overall, the proposal complies with the development plan and there is no conflict with the National Planning Policy Framework which, amongst other things, seeks to achieve well-designed places with a high standard of amenity, whilst providing housing which meets the needs of groups with specific housing requirements.

18. The appeal should therefore be allowed subject to conditions necessary in the interests of certainty and for legal reasons. No further conditions are necessary to make the proposed development acceptable in planning terms.

*Neil Holdsworth*

INSPECTOR