



Appeal Decision

Site visit made on 21 August 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2019

Appeal Ref: APP/Q5300/W/19/3231780
33 Mottingham Road, London N9 8EB

- 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 Hawa Makwana against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/01345/FUL, dated 5 April 2019, was refused by notice dated 3 June 2019.
 - The development proposed is a change of use from Use Class C3 (dwelling house) to Use Class C4 (house in multiple occupation)
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of the proposed development on the application form was for a 'change of use from a residential dwelling (Class C3) to an HMO for up to 5 individual tenants (Class C4). This description was changed during the course of the application to 'change of use from Use Class C3 (dwelling house) to Use Class C4 (house in multiple occupation)' (HMO). This revised description has been used by the appellant on the appeal form and therefore I have used it in the banner heading.

Main Issues

3. I consider that the main issues are:
 - The effects of the proposal upon the size and type of housing in the area;
 - The effect of the proposed development on the highway with reference to parking;
 - The effect of the development on the character and appearance of the area in terms of the arrangements for refuse provision; and
 - The effect of the proposal on the living conditions of neighbouring residents with reference to noise and disturbance.

Reasons

Size and Type of Housing

4. The proposal would result in the loss of this three bedroom family sized home from the available housing stock. I acknowledge that the appellant considers that the proposal would provide additional one bedroom accommodation. The Council however, relies on its Strategic Housing Market Assessment, first published in 2010, and which they state was further updated in 2015. Its recommendations are set out in the explanation to Policy CP5 which identifies that, in supply to needs terms, there is an acute shortage of larger market housing dwellings with three or more bedrooms (5-6 persons).
5. This shortfall is unlikely to be met through new build completions. This means that those requiring larger dwellings, have to wait longer for their needs to be met. Accordingly, the loss of this three bedroom family dwelling would further exacerbate the problem. Moreover, I have no evidence before me to support the appellant's view that there is a recognised and high demand for one bedroom accommodation in the Borough.
6. I conclude that the proposal would have a harmful effect upon the size and type of housing in the area. It would therefore conflict with Policies DMD 3 and DMD 4 of the Development Management Document (2014) (the DMD) and Policies CP 5 and CP 30 of The Enfield Plan Core Strategy 2010-2025 (2010) (the CS). These policies make it clear that the Council will seek to ensure that a range of housing is available to meet housing need and will resist the loss of existing family homes except in limited circumstances.

Highway Safety

7. I recognise that the existing dwelling could be occupied by a large family. However, it is much less likely for a family house to be fully occupied by adults than it would be for an HMO to contain all adults. Therefore, an HMO would, in all probability, contain more car owning occupants than a family house would. The occupation of the site by unrelated residents with individual lifestyles, is likely to result in a net increase in the number of vehicles parking at the site by residents and their respective visitors. Therefore, I consider that the proposal is likely to result in a net increase in the number of vehicles using and parking at the site.
8. The submitted plans indicate two cars parked within the frontage. I acknowledge the appellant's view that the frontage could potentially accommodate four parking bays whilst retaining pedestrian access to the front of the dwelling. This might provide some additional off street parking. However, given the scale of the proposal there is still likely to be a net increase which would not be accommodated on this modest sized site, giving rise to additional on-street parking pressure.
9. I have had regard to the PETL rating and whilst this is indicative of the accessibility to public transport, it is still necessary to consider the site in the context of the local area. Although only a snapshot in time, at the time of my mid-morning site visit, there was some on street parking available. I also recognise that there are shopping facilities in Enfield High Street which is some

0.5 miles from the site and Ponders End railway station is approximately 0.8 miles away. These are within walking distance from the site. The photographs provided in the appellant's statement show that the road had available on street parking at the time. Moreover, I have not been provided with evidence that there is parking pressure, such that the appeal should be dismissed in this regard.

10. For the above reasons, despite the location of the appeal site in terms of poor access to public transport, and lack of a parking survey, I consider that the potential increase in vehicles would not cause additional on-street parking pressure of such a magnitude, that it would prejudice the free flow and safety of traffic. I therefore find that the proposal would not harm highway safety with reference to parking. Accordingly, there would be no conflict with Policies DMD5 and DMD45 of the DMD, which seek to ensure that new development incorporates adequate parking to meet parking and manoeuvring standards.

Character and appearance.

11. The submitted plans show that refuse bins would be stored to the front of the property behind a low hedge. It was clear at my site visit that this was common practice in the road. The total number of residents would be limited to six, and to my mind this is similar in scale to the existing dwelling if fully occupied by a large family. I do however appreciate that the increase in individual households could result in a need for additional or large bin storage. Nonetheless, the appellant's have indicated their willingness to provide bin storage to the rear of the property. I consider that this could be secured by a suitably worded condition.
12. Accordingly, I find no harm to the character and appearance of the area and thus there would be no conflict with Policies DMD 37, DMD 47 and DMD 8 of the DMD.

Living conditions

13. In its reasons for refusal, the Council states that the proposal has the potential to cause harm to neighbouring residential amenity through, comings and goings and levels of noise and disturbance. However, their appeal statement and officer report indicate that the proposal, would not be detrimental in regard to noise and disturbance. It is not clear whether this is a typing error, but as they have included this in their reasons for refusal, I will also consider this.
14. The proposal does not involve any increase in the size of the existing dwelling and the description of the development makes it clear that the development sought is a change of use of the dwelling to an HMO (Class C4). It is clear from the evidence that there would be six bedrooms and the appellant's have confirmed that the total number of tenants would be six, rather than the nine referred to by the Council. The Council's Licence¹, for the property restricts occupation to a maximum of 6 people, although I accept that a further application could be made to increase this at a later date. Moreover, there are both licencing and planning controls that could be enforced if more than 6 people occupied the property. I have therefore considered the appeal on the basis of six residents.

¹ Under the housing Act 2004

15. The use of the dwelling by a large family would result in some noise and disturbance to neighbouring properties. This is to be expected when living in urban areas. Similarly, the use of the site for six unrelated individuals would result in some noise and disturbance, due to their comings and goings. However, I have no evidence before me to demonstrate that the proposal would result in an unacceptable increase in the level of noise and disturbance over and above that normally expected with a family dwelling.
16. I therefore conclude that the proposed development would not cause unacceptable harm to the living conditions of neighbouring residents when compared with that of a large family. The proposal would thus not be in conflict with Policy DM68 of the DMD and Policies CP9 and CP32 of the CS, which together seek to minimise noise pollution.

Conclusion

17. For the above reasons I conclude that, although the proposed development would not harm the character and appearance of the area, the free flow and safety of traffic, or the living conditions of neighbouring residents, it would cause significant harm to the available range of housing types. The appeal is therefore dismissed.

Hilary Orr

INSPECTOR