



Appeal Decision

Site visit made on 8 January 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/Q5300/W/19/3236249
275 Green Lanes, London, N13 4XE.

- 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 TCI Properties Ltd. against the decision of London Borough of Enfield.
 - The application Ref. 19/01762/FUL, dated 13 May 2019, was refused by notice dated 8 July 2019.
 - The development proposed is the change of use from use Class C3 (dwelling house) to Use Class C4 house in multiple occupation (HMO).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from use Class C3 (dwelling house) to Use Class C4 house in multiple occupation (HMO) at 275 Green Lanes, London, N13 4XE, in accordance with the terms of planning application 19/01762/FUL submitted on the 8 July 2018, and Class 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 parking area shown on the submitted plan (drawing No. GLC 01-01) shall be kept available for the parking of vehicles for the occupiers of the residential units in the HMO for so long as this use continues.
 - 3) The residential units in the HMO hereby approved shall not be occupied until the cycle parking and waste bin storage has been provided as shown on drawing GLC 04.01 and these facilities shall be retained thereafter.

Main Issues

2. The main issues are:
 - The effect on the residential character of the area, including the visual effect of refuse provision and storage;
 - The effect on living conditions, including those of future residential occupiers; and
 - The effect on parking provision locally.

Reasons

Background

3. The appeal site includes a three storey semi-detached property which lies in a frontage of similar properties where the ground floor is in commercial use and there appears to be residential accommodation above. The ground floor of the adjoining unit is a sales office for cars displayed on the forecourt. There is a joint access to the side of the property which leads to land to the rear which is included in the appeal site and which is hard surfaced and used for car parking.
4. It is proposed to convert the property to a six bedroom HMO. Each of the bedrooms would have a small ensuite with toilet and shower and there would also be a communal living room and kitchen on the ground floor. The appellant also refers to the previous use of the property as three flats allowed on appeal.
5. The appellant advises that such a change of use from Class C3 to Class C4 is normally 'permitted development' but this general permission has been removed across the whole borough with the Council's Article 4 Direction made in 2013.

Effect on the residential character of the area

6. The Council has not submitted specific representations on the appeal therefore I shall consider the officer's report as the Council's case. Under the issue of 'Impact on Residential Amenity - Noise and Disturbance' – the officer says that there is concern that a 6 (double) bedroom HMO would result in a marked increase in 'comings and goings' which would be 'detrimental to the amenity of surrounding properties. However, there is no assessment of the difference between the previously permitted use as three large flats or how such scale of activity would harm the character of the area.
7. The reason for refusal refers to Core Policy 32 and Development Management Document (DMD) Policy DMD68 on Noise but it has not been shown that the character of the area around the appeal site is noise sensitive or that it already suffers from a particular noise problem that would be made worse. The Council describes the area as an 'established residential area' but it appeared to me at my site visit that the area has a mixed character derived from residential and commercial units on the fringe of a district centre and that a fair degree of activity and movement can already be reasonably expected in the area.
8. In terms of the visual effects of refuse bin storage, the officer says that where these are proposed to be located would be viewable from the street scene. However, I saw at my visit that this location at the far end of the building along the shared access and to the rear of the proposed cycle storage lockers is well away from the public realm and the bin facility would not be harmful to the appearance of the street scene.
9. I conclude on this issue that the proposed HMO use has not been shown to be materially harmful to the character or appearance of the area or conflict with Policies 7.1, 7.4 or 7.15 of the London Plan, Core Strategy Policies CP 30 or CP 32, or DMD Policies DMD37 or DMD 68.

Living conditions

10. The first reason for refusal refers to the likely disturbance from the increased activity in the building detracting from the amenities of future residential occupiers. I take this to mean the occupiers of the proposed HMO as I am not aware of any other new properties locally that would have future occupiers, or that existing occupiers in neighbouring properties would be affected by the scale of activity.
11. The Council accepts that the proposal would provide an acceptable standard of accommodation for an HMO and that all of the bedrooms would exceed the National Described Space Standards (DCLG 2015). I am satisfied that the overall size of the property is large enough to accommodate the six bedrooms, of a size above recognised standards, and that there would be separate facilities for cooking, eating and socialising. There is no evidence submitted to indicate that the level of activity within the building itself would be harmful to these occupants and, in any event, I would expect the private management of the HMO to have its own regulations to ensure the residents would have peaceful co-existence.
12. Overall on this issue I find that the proposed conversion scheme would be likely to provide reasonable and adequate living conditions for the intended occupiers.

Parking provision

13. The Council takes issue with the lack of off-street parking, but the appeal site, defined by the red line of the application site, shows 14 parking spaces and I noted the existing spaces in this location at my visit. On the site plan the degree of manoeuvring space in front of each parking space appears inadequate but I noted that the access and turning space is shared with the similar facility of the adjoining property at No.273. Consequently, vehicles are able to enter and leave in a forward gear.
14. Given the off-street parking provision for the development and the site's public transport accessibility (PTAL) rating of 3, indicating moderate access to public transport services, I am satisfied that the proposed HMO use would not be harmful to parking availability or highway safety. I find no conflict with Policy 6.13 of the London Plan, Core Strategy Policies CP24 and CP25, or DMD Policies DMD45 or DMD48.

Planning balance

15. On the main issues I have found that it has not been demonstrated that the proposed HMO use would have a materially harmful effect on the character of the area or that the location of the proposed bin storage area would visually spoil the appearance of the public realm. Neither would the residential activity associated with the use be harmful to the living conditions of present or future residential occupiers, nor would the proposal be harmful to parking availability or highway safety. I have found that the proposal would not conflict with the policies in the development plan that I have referred to above.
16. I find that the proposal generally meets the specific requirements set out in Policy DMD 5 in respect of 'residential conversions' and should also be considered in the context of Policy 3.4 of the London Plan which seeks to optimise housing output for different types of locations and I am satisfied that

the scale of development put forward in this case is appropriate for the size of the host building and the nature and location of the site.

17. Overall, I conclude that the proposal accords with the development plan when this is read as a whole and there are no other considerations which outweigh this. I will therefore allow the appeal.
18. In terms of conditions the Council has not recommended any that need to be imposed. Given that I have taken account of the scale of parking shown on the submitted plan this needs to be provided for the occupiers of the HMO units and retained afterwards, as well as the proposed cycle bin stores. I will impose conditions that achieve this.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR