



Appeal Decision

Site visit made on 18 February 2020

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/Q5300/W/19/3242536
452 Hertford Road, Edmonton N9 8AB

- 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 Betul Cankurt against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/03128/FUL, dated 05 September 2019, was refused by notice dated 12 November 2019.
 - The development proposed is a change of use from a single residential dwelling into a House in Multiple Occupation (HMO).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The property had already undergone a change of use from a single dwelling house to a house of multiple occupation (HMO) comprising of 4 bedrooms. The application is therefore retrospective and I have determined the appeal on the same basis.

Main Issues

3. The main issues are:
 - (a) Whether the development would result in the loss of a family dwelling; and
 - (b) the effect on the living conditions of the future occupants with regard to internal space, and on the occupants of the neighbouring properties in respect to noise, disturbance and visual amenity of the streetscene; and
 - (c) whether the development would lead to an increase in demand for on-street parking.

Reasons

Loss of a family dwelling

4. The development has converted the property from a 3-bedroom semi-detached family dwelling house into a 4-bedroom HMO. Core Policy 5 of The Enfield Plan Core Strategy 2010-2025, adopted 2010 (the CS), identifies housing needs in the Borough of Enfield. It recognises that the greatest requirement is for 3 bed

dwellings, which represent 45% of the market. One and 2 bed flats only account for 20% of the housing need. This property would no longer provide 3-bedroom family accommodation and I have seen nothing to demonstrate that there is an overriding need for a HMO in this locality.

5. The neighbouring properties at Nos 442, 446 and 458 Hertford Road have previously undergone conversion from family dwelling units into flats. Policy DMD 5 of Enfield Council, Enfield's Development Management Document adopted 2014 (the DMD), states that only 1 out of a consecutive row of 5 units may be converted into HMO. Consequently, the conversion of No 452 has led to a clustering of conversions on the eastern side of Hertford Road between St Alphege Road and Causeyware Road. I consider that the houses from Nos 442 to 458, on this side of the road, form a consecutive row and therefore the development does not comply with policy DMD 5.
6. The appellant has referenced safety, pollution, limited parking and the close proximity of a tire replacement yard as reasons why the property is not suitable for families with children. However, I can give this little weight as no substantive evidence has been provided to demonstrate that families chose not to live in this locality for these reasons.
7. The development has led to the loss of a family dwelling and is contrary to policy CP 5 of the CS and policy DMD5 of the DMD. Together these require that development meets the Borough's housing need and does not result in a clustering of conversions.

Living Conditions

8. The Proposed Ground Floor Plan (ARCH-10) shows that the rear ground floor bedroom of this appeal property has an internal floor space of approximately 7.2m². The Department for Communities and Local Government, Technical housing standards - nationally described space standard, March 2015 (the Space Standards), require that a single bedroom has a minimum floor area of at least 7.5m². Consequently, this rear ground floor bedroom does not meet these requirements.
9. The Mayor's London Plan, The Spatial Development Strategy For London Consolidated With Alterations Since 2011, (2016) (the London Plan) has adopted the Space Standards. Policy DMD 5 of the DMD, requires that all development must meet the internal floor space standards in the London Plan. It is evident that this development would fail to comply with this policy.
10. I am aware that the appellant obtained a HMO licence for this property on 15 October 2019. However, this carries little weight in this appeal as the granting of a HMO licence is pursuant to a different branch of legislation from the town and country planning process. A HMO licence does not negate the need to have regard to the planning merits in this appeal. The letter submitted by the appellant relating to this licence makes it clear that the granting of this licence will not have any bearing on the matter should the planning department consider it necessary to pursue any formal action.
11. The Council considers that the occupants of a HMO would be likely to generate more noise and disturbance due to their activities than family occupation. I am not persuaded that this would necessarily be the case. The HMO licence allows a maximum occupancy of 7 adults. The original dwelling house had the

potential to accommodate up to 6 persons within its 3 bedrooms. Therefore, a house of this size could be occupied by a household of adults with different activity patterns or include several children of various ages. I judge that the movement patterns of a large family may not be vastly different from the residents within the HMO.

12. Furthermore, the property is on a main road in a busy and vibrant area containing a diverse mix of uses. Taken in this context, the additional activity associated with this property is unlikely to be noticeable. Given the range of commercial and residential properties in the area, the proposal would have a neutral impact on the existing function and character of the street.
13. The appeal proposal has failed to demonstrate adequate provision of waste facilities on the appeal site. The Council considers that this would be detrimental to the visual amenity of the area and its residents.
14. It is evident from the plans and the information submitted that no provision has been made for waste storage and facilities. However, it was clear from my site visit that this property had a side gate leading to the rear garden where bins and waste facilities could be located in between collections. I therefore consider that if I had been minded to allow this appeal that a condition could have been imposed which would have been adequate to resolve this matter.
15. I have taken into consideration that a complaint was received in relation to waste. However, I understand that this was when tenants were first moving into the property and these issues have been resolved. Therefore, I give this little weight in the consideration of this appeal.
16. I find that this development does have a detrimental effect on the living conditions of the future occupants with regard to internal space. Therefore, the proposal is contrary to policy DMD 5 of the DMD. However, I consider the development does not have an adverse effect on the occupants of the neighbouring properties in respect to noise, disturbance and visual amenity of the streetscene. Consequently, it complies with policies 7.4 and 7.15 of the London Plan, CP 30 and CP 32 of the CS and DMD 5, DMD 8 and DMD 37 of the DMD. Together these require that development minimises noise and disturbance and has a regard to its surroundings.

Parking

17. The appeal property provides little parking provision and is situated in an area with limited on street parking and a low Public Transport Accessibility Level (PTAL) rating of 2, which identifies that it has poor access to public transport. The appellant has not provided a Transport Statement or Parking Survey to demonstrate that this development will not have a detrimental impact on the parking provision within the area.
18. The Council have given an increase in parking demand as one of their reasons for refusal. However, the professional advice from their Traffic and Transportation section was that the proposal is unlikely to give rise to an unacceptable parking demand. They considered that as the property was already an HMO any additional demands for parking would have been absorbed.
19. I have no evidence to doubt this professional advice and therefore concur with their findings. I have also taken into account that if the property had remained

as a single family dwelling, there could have been at least one or two cars used by the family.

20. I have also given weight to the fact that there is a cycle path to the front of the property and bus stops along Hertford Road, which could be used by the occupiers of the appeal property which would limit private motor vehicle use.

21. I conclude that the development does not lead to an increase in demand for on-street parking. The proposal therefore complies with the policies 6.13 of the London Plan, CP24 and CP25 of the CS and DMD45 and DMD48 of the DMD. These policies require that development is considered against existing parking pressures in the locality and establish the transport implications of the development.

Conclusion

22. Although I have not upheld all the Council's reasons for refusal detailed above, I conclude the appeal should be dismissed.

D Hilton-Brown

INSPECTOR