



Appeal Decision

Site visit made on 29 September 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2020

Appeal Ref: APP/N5090/W/20/3254397

176 Golders Green Road, Golders Green, London NW11 8BB

- 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 Neil Goodman against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/0518/FUL, dated 2 February 2020, was refused by notice dated 9 April 2020.
 - The development proposed is described as 'change of use of the property from a self-contained flat (class C3), to 3 bed house in multiple occupancy (HMO) (C4) for 6 people.
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Decision

1. The appeal is allowed and planning permission granted for the change of use of the property from a self-contained flat (class C3), to 3 bed house in multiple occupancy (HMO) (C4) for 6 people at 176 Golders Green Road, Golders Green, London NW11 8BB, in accordance with the terms of the application Ref 20/0518/FUL, dated 2 February 2020, and the plans submitted with it, 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: HD1051/5000, HD1051/5001, HD1051/5002, HD1051/5003, HD1051/5004, HD1051/5005, HD1051/5006, Ordnance Survey Map.
 - 3) The areas for the storage of the recycling containers and wheeled refuse bins or other refuse storage containers where applicable, shall be retained in perpetuity.
 - 4) The cycle parking spaces shall not be used for any purpose other than parking of cycles in connection with the approved development.
 - 5) The vehicle parking spaces shall not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

Procedural Matter

2. I have used the description of development provided by the appellant in the appeal form rather than the application form, as it more accurately describes the development proposed.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposed House in Multiple Occupation (HMO) on the residential character and amenity of the area, with particular regard to noise and disturbance; and
 - highway safety, with particular regard to the provision of parking.

Reasons

Residential character and amenity

4. The appeal property is a 3 storey semi-detached dwelling on Golders Green Road. The property was previously given planning permission¹ for the conversion of the upper levels to a HMO use for up to 6 people, whilst the ground floor was for one self-contained flat (C3 use). The site is located in close proximity to Golders Green Town Centre and there are a variety of uses in the surrounding area. including residential, hotels and a health centre. The site has a Public Transport Accessibility Level (PTAL) rating of 3, which is reflected by the proximity of regular bus routes and stops and Golders Green underground and coach station near to the site.
5. The appeal proposal is for the conversion of the ground floor of the property to a HMO, which would replace the two bedroom/four person flat. The proposal would have 3 double bedrooms for up to six people. This would be in addition to the previously approved six bedroom/six person HMO at first and second floor levels.
6. The principle of a HMO on the site was accepted by the Council in the previous approval on the site in terms its effect on the local character and residential amenity of the area. Given the variety of uses in the surrounding area, which includes hotels, as well as the existing HMO on the upper levels of the property, the introduction of a HMO at the ground floor level would not appear out of place in the local area.
7. Whilst this proposal would increase the number of residents on the site, it would only increase by up to 2 additional residents, as the scheme would only add one additional bedroom. The conversion would be undertaken without significant changes to the external appearance of the property, and as the site is already in use as a HMO, the change of use would not have a noticeable effect on the street scene or the residential amenity of the area.
8. I note that the Council has stated that the proposal would reduce the available communal space to a small kitchen-diner and a small garden. Nevertheless, it has also outlined that the floor layout and room sizes are acceptable and would comply with the relevant HMO licensing standards. Therefore, I do not consider

¹ 18/3970/FUL

that it would provide cramped accommodation or be an overdevelopment of the site.

9. In terms of noise and disturbance, there is no substantive evidence before me to suggest that the existing arrangements on the site have caused harm in this respect. Consequently, as the proposal would only increase the number of residents by up to 2 people, it would be unlikely to significantly increase the levels of activity beyond what already exists on the site.
10. Accordingly, the proposal would have an acceptable effect on the residential character and amenity of the area, with particular regard to noise and disturbance. Therefore, it would accord with policies DM01, DM02 and DM09 of the Barnet Development Management Policies (DMP) (2012), policies CS4 and CS5 of the Barnet Core Strategy (CS) (2012) and Policy 3.4 of the London Plan (LP) (2016). These policies, amongst other things, require development to respect the local context and that HMOs should not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO.

Highway safety

11. The Council states that the proposal would have a parking requirement of 0-6 spaces and that the proposed parking layout, which shows 4 spaces, is unworkable as the spaces are not capable of independent use. It also states that the required number of spaces for the proposed number of bedrooms would not be met.
12. However, Policy DM17 of the DMP does not specify a residential maximum parking standard for HMOs, nor does it set out how parking provision should be arranged. I also note that the parking figures are maximum figures, rather than minimum figures. The previous approval on the site only provided 2 parking spaces for both the HMO and the self-contained flat, which was deemed acceptable given the high PTAL score for the site.
13. The road outside the property is subject to parking restrictions, as well as marked bays for permit holders only. However, there is no substantive evidence before me to suggest that the existing parking arrangements on the site has caused any issues of highway safety through illegal or inconsiderate parking. The proposed layout would be similar to other driveways in the surrounding area. The existing driveway does not have designated parking bays and could reasonably accommodate 4 vehicles already. Therefore, the proposed arrangements would not be too dissimilar to the existing arrangements. Furthermore, I am also mindful that the site provides secure cycle storage, and that it has good accessibility to public transport, as well as only being a short distance from Golders Green Town Centre. As such, I do not consider that it is necessary for the proposal to provide the maximum of 6 spaces.
14. Accordingly, the site would not have a harmful effect on highway safety, with particular regard to the provision of parking. Therefore, it would accord with Policy CS9 of the CS and Policy DM17 of the DMP. These policies, amongst other things require development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards apply.

Conditions

15. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. The standard time limit is required and a condition specifying the approved plans is necessary in the interests of certainty. In the interests of ensuring that there is provision made for the parking of vehicles and cycles, conditions are necessary to ensure these areas are not used for other purposes. It is also necessary to retain the areas for refuse and recycling storage to ensure a satisfactory appearance of the site and for accessibility purposes.
16. I have not imposed a condition controlling the maximum number of occupants as this is unnecessary as the permission already specifies the number of occupants. Further details on refuse storage and cycle and parking spaces are not necessary, as the details are already provided and set out on the submitted plans.

Conclusion

17. For the reasons set out above, the appeal is allowed.

D Peppitt

INSPECTOR