
Appeal Decision

Site visit made on 30 December 2020

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal Ref: APP/N5090/W/20/3256994
41 Long Lane, Finchley, London N3 2PS

- 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 Grace Sun against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/6097/FUL, dated 13 November 2019, was refused by notice dated 3 February 2020.
 - The development proposed is to convert the property use from C3 to C4.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Part 6 of the completed application form states that the current use of the appeal property is as a small House in Multiple Occupation (HMO) and that it was previously a single family dwelling, which is consistent with the Council's evidence. I have proceeded on that basis.

Main issues

3. The main issues are firstly, whether there is an identified need for the HMO; secondly, the effect of the use of the property as a HMO on the character of the local area and the living conditions of the occupiers of nearby residential properties with particular regard to noise and general disturbance; and thirdly, whether the development makes adequate provision for vehicle parking.

Reasons

Need

4. The proposal is to change the use of the appeal property from a single family dwelling to a HMO with 5 bedrooms and communal facilities. Policy DM09 of Barnet's Local Plan Development Management Policies (DMP) encourages such uses provided that they, amongst other things, meet an identified need.
5. The supporting text to DMP Policy DM09 acknowledges the important role that HMOs play in providing accommodation to low income people and key workers, which the appellant states are currently accommodated at No 41. Reference is also made to the Barnet Housing Strategy 2019-2024 and the recognition within it that there is a general need for HMOs across the Borough.

6. However, in this case, few details have been provided to explain exactly what specific need is or would be met by No 41 as a HMO by, for instance, reference to the availability, suitability and affordability of rented living accommodation in the local area. That the appeal property is currently occupied as a HMO is, to my mind, evidence of demand rather than need.
7. On the first main issue, I therefore conclude that it not been demonstrated that the development south meets an identified need for a HMO. On that basis, it conflicts with DMP Policy DM09.

Character and living conditions

8. The Council's concerns about the effect of HMOs on the character of the local area and its community has caused it to issue an Article 4 direction that would require planning permission the change of use from a dwelling to a HMO.
9. In my experience, HMOs can sometimes have a disruptive effect on a settled residential community and the character of an area largely because the lifestyle and values of some tenants can differ to those of other residents. The occupiers of HMOs are also more likely to be transient than others, with less interest in the well being of the area. Some of the resultant problems include poor refuse management, on-street parking pressure, litter, noise, anti-social behaviour and neglected gardens. From the many objections lodged, some local residents have experienced at least some of these problems.
10. In this case, ample space is available to the rear of No 41 to store waste and recycling, details of which could be covered by a condition. This arrangement would ensure that bins are not stored in the front garden that would otherwise detract from the appearance of the property, as I saw at the site visit. As no changes are proposed to the elevations of No 41, the building itself would not appear different to that of a single family dwelling when seen from the road.
11. Compared to a single household occupying No 41, the occupation of the HMO by up to 6 unrelated individuals could lead to some additional activity, such as the general coming and going of people and their visitors, to the site, including extra vehicle movements. The Council and others consider that such activities cause harm to the character of the area. However, there is no persuasive evidence before me to support these assertions. The additional noise and disturbance as a result of the HMO, the potential for anti-social behaviour or the prospect of untidy gardens, would not necessarily be greater than might occur if No 41 were to be occupied by, for instance, a large family.
12. The use of the HMO does not manifest itself significantly differently from the occupation of a property as a single family dwelling in terms its effect on the character of the local area and on the living conditions of others. The Council's evidence indicates that there is not a high concentration of HMOs in the local area. That would remain the case if the appeal scheme were to proceed. Therefore, I am unable to share the opinion of the Council and others that the appeal scheme is or would unduly disrupt the settled residential character of the local area within which single-family homes predominate.
13. On the second main issue, I conclude that the development sought is not out of character with the local area or detrimental to the living conditions of the occupiers of nearby residential properties. As such, it does not conflict with Policies CSNPPF and CS5 of the Local Plan Core Strategy (CS), DMP Policies

DM01 and DM09 or the Council's Supplementary Planning Documents entitled *Sustainable Design and Construction* and *Residential Design Guidance*. Together, these policies and guidance aim to ensure that local character is preserved and that residential amenity is safeguarded.

Parking

14. To meet its parking expectation for vehicles, the Council states that 2 to 3 off-street spaces would be required to serve a property with five, 1-bedroom flats. It is unclear what comparable standard is applied to HMOs. In my experience, the occupiers of self-contained residential accommodation are more likely to be car users than their counterparts within HMOs. On that basis, and given that 2 off-street parking spaces would be available in front of the appeal building I consider that the appeal scheme is capable of meeting the Council's standard albeit in relation to flats.
15. As the appeal property is within a controlled parking zone (CPZ), the Council and others are concerned that the proposal would cause or exacerbate local parking problems by significantly adding to on-street parking demand. While the proposal might do so, it is also relevant to point out that the use of the property as a single-family house has ceased and so the associated demand for on-street vehicle parking has been removed. No evidence has been presented to demonstrate that the use of the property as a HMO would generate extra demand for on street parking or traffic than that of a single-family house.
16. Even if the proposal did so, there is no convincing evidence before me that there is insufficient capacity to accommodate this demand or that drivers associated with the new HMO would park obstructively, inconsiderately or illegally on the road. During the mid day site visit, I saw no evidence of this type of behaviour. I did observe that Long Lane was well used for on street parking although there were no examples of vehicles parked along the kerb side impeding the flow of traffic or causing a hazard to highway users.
17. The Council states that a legal agreement would be required to restrict future occupiers from obtaining on street parking permits in a CPZ where there is insufficient parking capacity on street. In the absence of detailed evidence of on street parking capacity in the local area, I am unable to conclude whether or not it is sufficient to meet demand. Consequently, the absence of a parking survey, as referred to by DMP Policy DM17, or a legal agreement to restrict the issue of on street parking permits to occupiers of the HMO do not weigh against the appellant's case.
18. On the third main issue, I conclude that the development makes adequate parking provision for vehicles. Accordingly, I find no material conflict with CS Policy CS9 and DMP Policy DM17, which aim to ensure that road safety is taken into account when considering development proposals.

Other matters

19. That a HMO licence was recently issued for the property relates to a different regulatory regime than that of planning. It does not outweigh the harm that I have found in relation to the first main issue.
20. The Council has referred to other recent appeal decisions involving proposals to convert properties to HMOs elsewhere within the Borough. For the avoidance of any doubt, I have assessed the development sought on its own merits.

Conclusion

21. The development sought does not harm the character of the area or the living conditions of nearby residents. It makes adequate provision for vehicle parking. However, it has not been shown that the HMO meets an identified need and so the proposal conflicts with DMP Policy DM09. In this case, there are no material considerations of sufficient weight to indicate that the appeal should be determined other than in accordance with the development plan.
22. Overall, for the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR