
Appeal Decision

Site visit made on 15 December 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/N5090/W/20/3257251
12 Wroughton Terrace, London NW4 4LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Robert Dyan against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/5941/RCU, dated 16 December 2019, was approved on 10 February 2020 and planning permission was granted subject to conditions.
 - The development permitted is change of use of the property from a single family dwelling (Class C3) to a 3 bed house in Multiple Occupation (HMO) (Class C4) (Retrospective Application).
 - The condition in dispute is No 3 which states that: *The House of Multiple Occupation hereby approved must be occupied by no more than 3 persons at any time.*
 - The reasons given for the condition is: *To protect the amenities of future and neighbouring occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).*
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Decision

1. The appeal is allowed and planning permission 19/5941/RCU for a change of use of the property from a single family dwelling (Class C3) to a 3 bed house in Multiple Occupation (HMO) (Class C4) (Retrospective Application) at 12 Wroughton Terrace, London NW4 4LE is varied by deleting Condition 3.

Background

2. In February 2020 planning permission was granted for the retrospective change of use of a dwelling to a House in Multiple Occupation (HMO) subject to a series of conditions. In doing so the Council imposed a condition limiting the number of residents to no more than 3 people.

Main Issue

3. The main issue is whether Condition 3 is necessary and reasonable having regard to the living conditions of existing and future occupiers, including neighbours.

Reasons

4. The appeal site comprises a mid terrace property located within a residential street which includes single family dwellings and HMOs. The wider area contains a mix of commercial uses and the University of Middlesex campus.

5. During the course of the appeal I note that a Certificate of Lawful Development¹ has been granted for the use of the property as an HMO for up to 6 people falling within Use Class C4.
6. Taking into account the character of the area I find that the varying behaviours of further residents and their comings and goings would not unduly harm the living conditions of neighbouring and future occupiers. Furthermore, up to 6 people could lawfully occupy the property. As such, I find that the condition is not necessary or reasonable.

Conclusion

7. For these reasons, the appeal is allowed and the planning permission is varied by deleting Condition 3.

B Thandi

INSPECTOR

¹ Application Reference 20/3606/191