
Appeal Decision

Site visit made on 1 December 2020

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/Q5300/W/19/3242213

1 Hadleigh Road, Edmonton N9 7BU

- 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 Andy O'Brien against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/02424/FUL, dated 4 July 2019, was refused by notice dated 5 September 2019.
 - The development proposed is retention of house as a small HMO for 6 persons (Class C4).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit the proposed development had been implemented. Whilst the development generally appeared to be in accordance with the plans before me, for the avoidance of doubt, I have determined this appeal on the basis of the submitted plans.
3. There is some dispute between the parties as to the previous lawful use of the appeal property. Whilst the appellant states that the property was previously occupied as two flats, an application made for a certificate of lawful use relating to the flats was refused by the Council on the basis of a lack of information. Therefore, for the purposes of this appeal and on the basis of the evidence before me, I consider the proposed development to be the change of use of the property from a single dwelling house to a house in multiple occupation (HMO) for 6 people.

Main Issues

4. The main issues are:
 - whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to internal recreation and bedroom space; and
 - the effect of the proposal on local housing need.

Reasons

Living conditions

5. The appeal property, 1 Hadleigh Road, is a two storey semi-detached house located in a residential area. The proposal is to convert the building into a six person HMO. The proposed HMO would be set over two floors; three bedrooms, a small kitchen and a shower room would occupy the ground floor and, at first floor level, there would be a further three bedrooms, a second kitchen and a bathroom.
6. Policy DMD 5 of the Enfield Council Development Management Document, November 2014 (DMD) sets out that development involving the conversion of existing units into self contained flats and HMOs will only be permitted where certain criteria are met. Criterion a states that all development must provide a high quality of accommodation which meets internal floor space standards in the London Plan. However, I have not been provided with the standards as set out in the London Plan as part of this appeal.
7. Nevertheless, guidance on the implementation of the London Plan has been produced in the Housing Supplementary Planning Guidance, March 2016 (SPG). Standard 24 of the SPG states that all new dwellings should meet the Nationally Described Space Standards (NDSS).
8. Each of the six bedrooms within the HMO would be single occupancy. The NDSS states that a single occupancy bedroom should be at least 2.15m wide with a gross internal area (GIA) of 7.5 sq. metres. The width of proposed bedroom three would be approximately 1.8m with a GIA of around 6.82 sq. metres. Bedroom six would have a width of around 1.8m and a GIA of circa 7.97 sq. metres. Though bedroom six would exceed the GIA requirement, both of these rooms would be small and narrow and would fail to meet the standards set out within the NDSS in respect of their width. I consider that these bedrooms would provide a poor quality living environment for the occupants.
9. I note the appellant's statement that the majority of the bedrooms exceed the requirements of the NDSS and, indeed, I observed that some of the rooms had space for a double bed and a small table and chairs during my site visit. However, the additional space provided in some of the rooms would not compensate for the shortage in others.
10. A very small communal kitchen would be provided on the ground floor of the property; this room would not provide any 'living' space. A slightly larger communal kitchen/dining/living area would be situated on the first floor and, I observed on my site visit, would provide space for a small kitchen table with two chairs, a small armchair and a television. Nevertheless, the space is extremely limited with the furniture packed tightly together in such a way so as to make practical use of it difficult. As the only internal 'living' area, in my view, it would not be of an adequate size for six people. Neither would it represent high quality accommodation which is functional and fit for purpose.
11. I acknowledge that the property benefits from a fairly large rear garden area to which all occupants would have access. I also recognise that, as set out above, some of the bedrooms would exceed the required space standards and accommodate some additional furniture such as a table and chairs. However, these considerations would not be sufficient to mitigate the substantial shortfall in the amount of living, dining and kitchen space which would be provided.

For the reasons set out above, the proposal would fail to provide satisfactory living conditions for future occupiers with particular regard to internal recreation and bedroom space. Consequently, the proposal would fail to accord with DMD Policy DMD 5 insofar as it relates to the requirement for development to provide a high quality form of accommodation.

Local housing need

12. Irrespective of whether or not the property has most recently been in use as two flats; prior to any conversion, I consider that as a single dwelling, the property would have been of a size that could reasonably be described as a family dwelling. The appellant does not dispute this.
13. Core Policy 5 (CP5) of the Enfield Plan Core Strategy 2010 – 2025, adopted November 2010 (CS) requires new development to offer a range of housing sizes to meet housing needs. Whilst the policy is clear that the aim is to provide a mix which provides a greater proportion (around 45% of market housing) of three bed houses, it does not prohibit the conversion of a family dwelling into an HMO.
14. The Council also refer to the Enfield Strategic Housing Market Assessment, 2015 (SHMA), however, the SHMA itself does not form part of the adopted development plan for the area. In any event, from my reading, similarly to CS Policy CP5, the SHMA does not preclude the conversion of family dwelling houses into HMOs; it would appear to seek to ensure that future new development provides a mix of housing types and sizes to meet the needs of all households.
15. In addition to the criteria set out within Policy DMD 5 of the DMD explored above, a further criterion (b) states that proposed development must not harm the residential character of the area or result in an excessive number or clustering of conversions. The Policy states that the number of conversions must not exceed 20% of all properties along any road and only one out of a consecutive row of five units may be converted. I have not been provided with substantive evidence to set out that the proposed conversion would breach this criterion.
16. In the absence of sufficient substantive evidence to the contrary, for the reasons set out above, I do not consider that the proposal would have an adverse effect on local housing need. As such, the proposal would not conflict with Policy CP5 of the CS and criterion b of Policy DMD 5 of the DMD in this respect.

Other Matters

17. I acknowledge that HMOs can provide an affordable solution for those wishing to live independently. I also recognise that the proposal would provide some, limited, benefits for example the economic benefits of the occupiers of the proposed HMO utilising local facilities. These benefits are, however, limited by the small scale of the proposal and, in my view, would not be sufficient to outweigh the harm I have identified.
18. I have noted a number of other issues raised; including the effect on the living conditions of other nearby residents. However, as this proposal is going to be dismissed for other reasons and the other concerns expressed do not have a

direct bearing on the main issues, it is not necessary for these to be explored further as part of this appeal.

Conclusion

19. The proposed development would fail to accord with the development plan taken as a whole. Therefore, for the reasons given above I conclude that the appeal should fail.

L J O'Brien
INSPECTOR