



Appeal Decision

Site visit made on 27 April 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2021

Appeal Ref: APP/Q5300/W/20/3261879
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 Ms Betul Cankurt against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/01565/FUL, dated 22 May 2020, was refused by notice dated 17 July 2020.
 - The development proposed is Change of use from a single residential dwelling into a House of Multiple Occupation (C4 Class).
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Decision

1. The appeal is allowed, and planning permission is granted for Change of use from a single residential dwelling into a House in Multiple Occupation (C4 Class) at 452 Hertford Road, Edmonton N9 8AB in accordance with the terms of the application, Ref 20/01565/FUL, dated 22 May 2020, subject to the following conditions:
 - 1) Within 6 months of the date of this permission, the development hereby permitted shall be carried out in accordance with plan/drawing Refs ARCH-02; ARCH-10, ARCH-11; ARCH-12; ARCH-13; ARCH-14, submitted with application Ref 20/01565/FUL.
 - 2) Notwithstanding the submitted details, unless within 3 months of the date of this decision a scheme for the storage and collection of refuse and recycling, is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within 3 months of the Local Planning Authority's approval, the use hereby permitted shall cease until such time as a scheme is approved and implemented. If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site for a House in Multiple Occupation (C4) shall cease until such time as a scheme approved by the Local Planning Authority is implemented. Upon implementation, the approved scheme shall thereafter be maintained and used in accordance with the approved details.

Procedural Matters

2. The original application was made in the name of Betel Canker. However, it has been confirmed that the spelling of the applicant's name was incorrect on

the planning application form, and the appeal proceeds in the name of Ms Betul Cankurt, which is reflected in the banner heading above.

3. Based upon the application form, decision notice and my visit the development has commenced, and the appeal site is in use as a House in Multiple Occupation (HMO) (C4 Class), although the ground floor was laid out differently to the plans before me. I have considered the appeal on the basis the application is retrospective, and it is for the development described on the application form, decision notice and shown on the plans before me. I have made a minor change to the description of development to reflect the description of a C4 use class, by changing the word 'of' to 'in', in the description paragraph.
4. On 19 January 2021, the Government published the 2020 Housing Delivery Test (HDT) results, showing the Council has delivered 56% of its housing requirement over the latest 3-year period. On 2 March 2021 the London Plan (2021) was published, replacing the London Plan (2016). The Council and appellant have had an opportunity to comment on the implications of these matters.

Main Issues

5. The main issues are the effect of the development upon:

- the supply of family housing in the Borough; and,
- the character of the area.

Reasons

Family housing

6. The development converted a three bedroom house capable of providing a good standard of family accommodation into a HMO. Policy CP5 of the Enfield Plan Core Strategy (2010) (the CS) sets out the housing needs of the Borough, explaining the highest proportion of need for market housing is for three bedroom houses (45%), compared to 20% for one and two bedroom flats. However, this policy is now over 10 years old and the justification text suggests its evidence base is from 2008.
7. A table of annual housing market demand in the Strategic Housing Market Assessment (2015) (the SHMA) shows a shortfall for 1 bedroom/bed-sit accommodation at 232 and 3 bedroom accommodation at 335. I am also advised the SHMA highlights a growing trend of under occupation in family dwellings. The recommendations I have been provided with in section 14 are that provision should continue to be made for 1 bedroom units, and future policy guidance should aim for the delivery of 50% of market dwellings to be 1 and 2 bedroom units, and 50% to be 3 and 4 bedrooms. This development meets a need for one bedroom/bedsit units identified in the SHMA. Furthermore, I am advised the premises could be converted back to a C3 use under permitted development rights and this has not been challenged by the Council.
8. For the reasons set out above the development results in a reduction in the supply of family housing by a single dwelling, in conflict with Policy CP5 in so far as this identifies the greatest need is for three bedroom family houses.

However, paragraphs 8 and 59 of the National Planning Policy Framework (2019) (the Framework) seek to ensure a sufficient number and range of homes are provided to meet the housing requirements of present and future generations. Paragraph 30 of the Framework emphasises the importance of up-to-date evidence. Based upon the more recent evidence before me in the SHMA, there is also a significant need for smaller units including bedsit units, and so the conflict with Policy CP5 attracts limited weight.

9. The Council's second reason for refusal refers to Policy DMD5 of the Enfield Development Management Document (2014) (the DMD). I have considered the development in relation to the first part of that policy in relation to the main issue below, based upon the wording the appellant has provided of the policy. The second part of the policy requires conversion of existing family units into self-contained flats is compensated for by the provision of family accommodation. However, as this requirement is in relation to self-contained flats, it is not relevant to this HMO. Therefore, I do not find conflict with Policy DMD5 in relation to this main issue.

Character of the area

10. Policy DMD5 (b) of the DMD states the conversion of existing units into flats and HMOs will only be permitted if (amongst other things) they do not harm the residential character of the area or result in an excessive number or clustering of conversions, by not exceeding 20% of all properties along any road, and, only 1 out of a consecutive row of 5 units may be converted. Nos 442, 446 and 458 have previously undergone conversion. Therefore, the development would result in 2 conversions in a consecutive row of 5 units in either direction, conflicting with DMD5 in respect of the strategy for the concentration and clustering of converted properties.
11. It is alleged that this development would result in harm to the residential character of the immediate visual catchment area. However, specific aspects of alleged harm are not expressed by the Council in the evidence before me. I am advised the development is the only HMO on this section of Hertford Road and two of the properties nearby are dwellings above commercial units.
12. This part of Hertford Road was busy over the duration of my visit with a frequent flow of pedestrian and vehicular traffic. Given the proportion of business units along this part of the eastern side of Hertford Road it is of more of a mixed use area. The development does not result in exterior changes to the frontage, and it provides a good standard of accommodation. There is a small hard paved front garden requiring little maintenance and a side passage to allow for bin storage and cycle storage in the rear garden.
13. I note concerns raised by an interested party in respect of litter/refuse and vermin suggested to relate to the appeal site, and fly tipping in the wider area. The appeal site and the converted properties I have been made aware of in the vicinity were well maintained and tidy on the outside at my visit. There was no visible evidence of poor refuse storage, litter, vermin or maintenance issues at the appeal site or properties nearby, or fly tipping in the area. I am satisfied that a condition in respect of refuse and recycling storage and collection would ensure there would be no on-going adverse and associated effects in relation to vermin. Litter and detritus from the roof of the extension, such as cigarette ends, are not inherent in a use as a HMO and so are not a land use planning

matter, but more of a property management issue that should be pursued with the landlord.

14. The development might result in a modest increase in comings and goings. However, having regard to the character of the area and limited number of occupiers proposed, I see no reason why this development combination with other converted properties would result in any harmful effects. While my visit can only represent a brief snapshot in time, parking is not possible on this section of Hertford Road. However, parking was readily available on streets nearby, and I have no substantive evidence before me of parking stress in the area. I note the Inspector for appeal Ref. APP/Q5300/W/19/3242536 at this appeal site, found the effect of that development to be neutral in these regards.
15. For the reasons set out above there would be a conflict with Policy DMD5 (b) in respect of the Council's strategy for avoiding concentrations of converted dwellings. However, subject to the imposition of a condition in respect of refuse and recycling, this conversion in combination with the other conversions, would not result in harm to or undermine the established character of the area. In this regard it does not conflict with the other criteria of Policy DMD5. Therefore, the conflict with DMD5 (b) attracts limited weight. For the reasons set out above, based upon the evidence before me, the development does not conflict with Policies CP4, CP5 and CP30 of the CS, which amongst other things seek to ensure a high quality of development and that the character and quality of neighbourhoods and the area is respected.
16. Policy 3.8 of the London Plan (2016) is referred to in the Council's first reason for refusal. However, this plan has been replaced, and I have not been provided with any equivalent policy in the London Plan (2021) by the Council.

Planning Balance

17. An application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration.
18. The development would have a social benefit of contributing to the aspiration to increase the choice of units within the Borough and contribute to meeting an identified need for bedsits in a location with good accessibility to services and facilities. This benefit attracts moderate weight in favour of the scheme. Compliance with policies in respect of the character of the area and the standard of accommodation are neutral matters, attracting neutral weight.
19. The development would result in a conflict with Policy CP5 of the CS due to the loss of a 3 bedroom family house and a conflict with Policy DMD5 of the DMD in respect of the concentration of converted properties. However, for the reasons I have set out above, having considered the effect of the development on local character and more recent evidence in respect of housing needs, these conflicts attract limited weight against the scheme. Therefore, the adverse effects of the development do not outweigh the benefits, when assessed against the policies in the development plan and the Framework taken as a whole.

Conditions

20. I have not included the standard condition for commencement as the development has already commenced. As there are works to be undertaken to

comply with the proposed layout, a condition requiring the development is carried out in accordance with the approved plans is necessary. To ensure satisfactory storage and collection of refuse and recycling a condition requiring the submission and approval of a scheme is necessary in the interests of the character of the area and living conditions of appeal site and neighbouring occupiers. I have not been provided with any conditions by the Council, and based upon the evidence before me, no others are necessary.

Conclusion

21. The development conflicts with the Council's strategy in respect of family housing and the concentration of converted properties, resulting in a conflict with the development plan. However, there are material considerations including the policies of the Framework that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal is allowed, and planning permission is granted.

Dan Szymanski

INSPECTOR