



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: 19th May 2021

Appeal Ref: APP/Q5300/W/20/3263837
57 Kingsway, Enfield EN3 4HT

- 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 Rishi Marley against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/02701/FUL, dated 24 August 2020, was refused by notice dated 17 November 2020.
 - The development proposed is described as HMO.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use of single family dwelling house to House in Multiple Occupation at 57 Kingsway, Enfield EN3 4HT in accordance with the terms of the application, Ref 20/02701/FUL, dated 24 August 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 Ref 2131 A1 (Proposed Layout).
 - 2) Notwithstanding the approved plans, from the date of this permission the use of the property as a House in Multiple Occupation hereby permitted shall be occupied by a maximum of 4 people and the rooms shall not be subdivided or occupied as self-contained units.
 - 3) No independent cooking or laundry facilities shall be installed in any of the respective bedrooms and the communal lounge/diner, kitchen, and communal space on plan/drawing Ref 2131 A1 shall be retained in perpetuity.
 - 4) Notwithstanding the submitted details, unless within 3 months of the date of this decision schemes for the storage and collection of refuse and recycling, and 4 secure/covered cycle parking spaces are submitted in writing to the Local Planning Authority for approval, and unless the approved schemes are implemented within 3 months of the Local Planning Authority's approval, the use hereby permitted shall cease until such time as both schemes are approved and implemented. If both schemes in accordance with this condition are not approved within 6 months of the date of this decision, the use of the site for a House in Multiple Occupation shall cease until such time as both schemes approved by the Local Planning Authority are

implemented. Upon implementation, the approved schemes shall thereafter be maintained and used in accordance with the approved details.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. This differs from the decision notice and appeal form where it is described as 'change of use of single family dwelling house to House in Multiple Occupation (HMO) for up to 5 people'. As this is set out in both the appeal form and decision notice I have taken this description to have been agreed by the parties. I have considered the appeal on this basis with the omission of '(HMO) for up to 5 people' as this is not an act of development, which is reflected in the decision paragraph above.
3. In the final comments submission, the appellant has advised the development is for a '4 bed 4 p' unit. Based upon the appellant's evidence, I have taken this to mean the development would be occupied by 4 persons. As this change is not an act of development it does not change the description. However, having regard to the Council's suggested planning conditions the number of occupiers could be the subject of a condition. I will address this matter further below.
4. There are no plans accompanying the application of the external elevations. The Council has considered the application on the basis there are no external physical works and the development is for a change of use only. I have considered the appeal on this basis.
5. Based upon the evidence before me and what I saw at my visit, the development has commenced, and the house is in use as a House in Multiple Occupation (HMO). I have had regard to this in determining this appeal.
6. On 19 January 2021, the Government published the 2020 Housing Delivery Test (HDT) results, showing the Council 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 Issue

7. The main issue is the effect of the development upon the living conditions of the occupiers of the development with particular reference to internal space provision.

Reasons

8. The appeal site comprises a mid-terrace two storey dwelling within a terrace of similar properties. On the ground floor is a kitchen, toilet, bathroom, lounge/dining area, a further communal room, and one bedroom. It is proposed to merge two bedroom spaces on the first floor, resulting in 3 bedrooms and one further bathroom.
9. Policy DMD5 of the Enfield Development Management Document (2014) (the DMD) requires conversions to HMOs provide a high quality form of accommodation which meets internal floor space standards in the London Plan. A similar requirement is set out in Policy DMD8. The justification text refers to Appendix 4, which set out overall floorspace standards based upon the 2011

- version of the London Plan, but not numerical standards for bedroom or storage space, so in this regard high quality bedroom space is not defined in the policy. Policy D6 of the London Plan (2021) (the LP) expects housing development should be of a high quality design providing comfortable and functional layouts with adequately-sized rooms. Criteria f) expects all residential accommodation that is self-contained to provide a single bedroom of 7.5 square metres (sqm) and 2.15m wide. The 7.5 sqm standard is referred to in the Nationally Described Space Standard (2015) (NDSS) for new dwellings.
10. Based upon the evidence before me as this development is not for self-contained residential accommodation and not for a new dwelling, the 7.5sqm size requirement is not determinative. However, it is indicative of a reasonable bedroom size, as is the Council's published HMO Standards which are specific to HMO accommodation. Bedroom 2 would provide a single bedroom measuring approximately 6.55 sqm based upon the HMO License and be above the above the minimum requirements in the Council's HMO Standards. Although the Council as planning authority suggests it is less, based upon my visit and the plans, the HMO Licence measurements are representative of the floorspace.
 11. The room was as per the plan, providing good levels of light, ventilation, ceiling height, and it is clear there was adequate circulation space with sufficient furniture present. The Council's HMO Standards are based upon statutory provisions and is guidance applied in its licensing function to ensure satisfactory living conditions of occupiers in HMOs. I am of the view the room provides a good functional and comfortable level and quality of accommodation. Furthermore, the occupier of Room 2 would not be restricted to their bedroom and the accommodation provides two internal communal spaces that are of a good useable size.
 12. There are no numerical standards before me in Appendix 4, the NDSS or Policy D6 for 4 bedroom 4 person dwellings. However, based upon the evidence before me the development meets the Council's HMO Licensing requirements. At approximately 85sqm it is above the minimum 84sqm for a 3 bedroom 4 person dwelling having regard to the NDSS as a guideline, but below the 87 sqm in Appendix 4 of the DMD. I am of the view the accommodation provides adequate space for 4 occupiers, and I see no reason why occupiers could not spend time together comfortably in the two communal rooms, and the garden when weather permits.
 13. There is no numerical storage standard in Appendix 4 or the HMO Standards. The NDSS expects new dwellings to provide built-in storage of 2.5 sqm. Some internal storage could be provided within the communal areas were it to be deemed necessary. However, I see no reason why the absence of built-in internal storage in this HMO would result in harmful living conditions to the occupiers. There is no evidence before me the location of one of the downstairs toilets is contrary to HMO standards and the Council has not provided a relevant standard or advanced a condition in this regard.
 14. The development provides an overall good level of accommodation and would not result in harmful living conditions for occupiers in respect of the floorspace in bedroom 2, overall floorspace, or from an absence of storage space, and I do not share the view it would feel oppressive or overbearing. I do not find conflict with Policies DMD5 and DMD8 of the DMD, Policies CP4 and CP30 of the

Enfield Core Strategy (2010) or Policy D6 of the LP, insofar as these policies require development provides a high quality form of development and accommodation with adequately sized internal space and rooms.

15. The Council's reason for refusal refers to Policy 3.5 of the London Plan (2016). However, my understanding is that this has been replaced.

Other Matters

16. In its delegated report the Council referred to a parking survey, although no condition has been put to me. While my visit can only represent a brief snapshot in time the site is not within a Controlled Parking Zone. There was no shortage of available parking spaces nearby, or substantive evidence by the Council to the contrary. I am advised the site is within a PTAL 3 (moderate) rating with bus services and Southbury Station within walking distance. Together with cycle storage secured by a condition, it would not be necessary for occupiers to own a motor vehicle. Given the number of occupiers, it is highly unlikely the development would result in any harmful effects.
17. The Council's delegated report suggests it would find the provision of solar panels acceptable having regard to Policy DMD51 of the DMD. However, the Council has not developed its justification further and not sought a condition in this regard. Based upon the evidence that is before me, it is not demonstrated a condition is necessary in this regard.

Conditions

18. I have considered the Council's suggested conditions and where appropriate amended the wording to align with the Planning Practice Guidance more closely. The standard condition for commencement is not necessary as the development has commenced. As layout works are to be undertaken, a condition to require compliance with the approved layout is necessary. In the interests of the living conditions of occupiers and to reflect the development proposed, it is necessary to impose a condition in respect of the number of occupiers, ensure cooking and laundry facilities are not stationed in bedrooms, and ensure communal rooms are retained as such.
19. In the interests of sustainable waste management, a condition is necessary to require the submission and approval of a satisfactory means of refuse and recycling storage. I have omitted reference to EN20/V2 as the Council can apply the appropriate standard in considering the submission. To ensure the development contributes to meeting sustainable transport objectives it is necessary to require the submission and approval of 4 cycle parking spaces.

Conclusion

20. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Dan Szymanski

INSPECTOR