The Planning Inspectorate

Appeal Decision

Site visit made on 25 February 2021

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2021.

Appeal Ref: APP/Q5300/D/20/3261391
63 Gordon Road, Edmonton, London N9 0LX

- 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 Daniel Cheifetz, William Carter Limited against the decision of the Council of the London Borough of Enfield.
  The application Ref 20/02531/FUL, dated 9 August 2020, was refused by notice dated 7 October 2020.
- The development proposed is described as the creation of a new rear extension at first floor level, together with alterations to the rear elevation, and the creation of an additional bedroom to form a 7 room HMO (Sui Generis).

Decision

1. The appeal is allowed and planning permission is granted for the creation of a new rear extension at first floor level, together with alterations to the rear elevation, and the creation of an additional bedroom to form a 7 room HMO (Sui Generis) at 63 Gordon Road, Edmonton, London N9 0LX in accordance with the terms of the application, 20/02531/FUL, dated 9 August 2020, and the plans submitted with it, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block Plan, 3GR/FP/P1: Rev A, 63GR/FP/P2: Rev A (insofar as it relates to the internal floorplan), 63GR/FP/P3: Rev A, 63GR/FP/P4: Rev A, 63GR/FP/P5: Rev A, 63GR/FP/P6: Rev A, and 63GR/FP/P7: Rev A.

   3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mr Daniel Cheifetz, William Carter Limited against the Council of the London Borough of Enfield. This application is the subject of a separate Decision.

Procedural Matter

3. There is disagreement between parties with regard to the existing use, however I understand from a 2015[1] (the 2015 permission) decision notice issued by the Council that planning permission was approved for use of the property as a 6 x room HMO (Sui Generis). There are no restrictions on the 2015 permission relating to the number of residents which can occupy the property and I note from the Council that the bedrooms were all classified as double bedrooms. I understand that the 2015 permission was implemented and based on the evidence before me the property is a HMO (Sui Generis) comprising 6 double bedrooms.

4. The Council altered the description of development during the determination of the application, I understand that the Appellant did not agree to the change in description. The proposed development does not involve a change of use and accordingly I have adopted the description of development as set out on the application form.

5. Submitted plan number 63GR/FP/P2: Rev A detailing the proposed floor plan of floor two omits the roof plan of the proposed extension, notwithstanding this error the other plans detailing elevations, floor plans, 3D image are clear. No party has been prejudiced or caused any injustice by me proceeding with the appeal in light of this omission.

6. Since the submission of the appeal the London Plan 2021 has been published. The Council's reasons for refusal includes policies within the London Plan 2016. The London Plan 2021 does not diverge significantly from the previous plan in terms of seeking to achieve adequate living accommodation, protecting residential areas and ensuring good design in developments. No party has been prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

7. The main issues in this case are the effect of the proposed development on:

   (i) the character and appearance of the area;

   (ii) the living conditions of future occupants of the proposed development; and

   (iii) the living conditions of occupiers of neighbouring properties.

Reasons

Character and Appearance

8. The appeal site is an end terraced property within a predominantly residential area the property has been substantially extended and altered. The rear elevation of the row of properties which the appeal site adjoins has a regular form which has a harmonious appearance with particular regard to the first floor rear projections. Whilst the existing first floor at the appeal site marries with the adjacent property in terms of architectural rhythm, the overall appearance differs significantly from that of the surrounding properties due to the extensions and alterations to the property.

9. The proposed extension would add bulk to the property however when viewed in the context of the existing extensions and alterations the proposed first floor

[1] Planning Application reference: 15/00737/FUL

extension would add balance to the built form, and as the property is at the end of a terrace the proposed extension would not appear incongruous or disproportionate in the overall setting.

10. I conclude that the proposed development would not harm the character and appearance of the area. There is no conflict with Policies CP4 and CP30 of the Enfield Plan, Core Strategy 2010-2025 (2010) (the Core Strategy), Policies DMD6, DMD8, DMD11 and DMD37 of the Enfield Development Management Document (2014) (the DMD), and the London Plan which amongst other things seek to promote high quality design which is appropriate to its setting.

11. The proposed development would not be contrary to the National Planning Policy Framework (2019) (the Framework) which seeks to secure good design which adds to the overall quality of an area.

Living conditions future occupiers

12. The configuration and use of the existing rooms has been established through the 2015 permission which has been implemented, the application relates to an extension, alterations and provision of an additional room within the HMO.

13. The Enfield Council HMO Standards, for bedsit/letting rooms and shared house accommodation (the HMO Standards Guidance) has been referenced bu both parties, with particular emphasis on the size of communal areas. As already set out in the procedural matters the permitted use of the property is already a 6 double bedroom HMO without communal living/dining space. The existing layout has access to shared personal hygiene spaces, laundry facilities and outdoor space, other than this there is no communal areas.

14. The HMO Standards Guidance sets out the types of accommodation defined as HMO which includes 'Letting room/self-contained room' where there is some exclusive occupation with or without sharing of amenities such as a kitchen/bathroom.

15. The proposed development would not reduce the amount of shared facilities within the property, although it is acknowledged that room 5 would be reconfigured to allow for one of the first floor bathrooms to be relocated. Notwithstanding this reduction in bedroom space, the reconfigured room (18.2 sqm) would still exceed the requirements set out in the HMO Standards Guidance which requires a self-contained double room containing its own kitchen area to have a minimum floor space of 13.9sqm.

16. The HMO Standards Guidance identifies that where bathroom/shower and toilet facilities cannot be provided in individual rooms one bathroom/shower room and one toilet and wash basin should be provided for every 5 occupants. The proposed development retains 4 bathrooms each with toilets and wash basins, 2 on both the ground and first floors.

17. The Council contend that the proposed development would not provide adequate communal areas, including kitchen, living and dining areas. However, I note that the property is currently licensed as a HMO for a maximum of 7 persons from 6 households in an arrangement where only personal hygiene, laundry and outside space is communal.

18. The issuing of the licence suggests that the existing HMO would meet the accommodation standards that the Council is applying in its role as the

licencing authority under the provisions of the Housing Act 2004. On the evidence available to me I am therefore not persuaded that the accommodation, i.e. the bedrooms and limited shared spaces, that would be available to the occupiers of the existing HMO would be inadequate such as to warrant a finding that the addition of one further bedroom, without the loss of existing shared facilities would be an unduly intense form of accommodation for occupiers of the development.

19. The Council have drawn my attention to an appeal at 9 Shoreham Road, Brighton[2] which they consider to be similar to the appeal proposal. I do not agree with the Council, the appeal decision at 9 Shoreham Road relates to the change of use from dwelling house (C3) to large HMO (Sui Generis), the appeal proposal before me is the addition of 1 bedroom to an existing HMO (Sui Generis). I also note that the referenced appeal is within a different administrative area where different planning policies apply. I have therefore determined the appeal before me on the basis of the merits of the proposal.

20. I conclude that the space standards within the development are acceptable and would not harm the living conditions of the future occupants of the proposed development. There is no conflict with Policies CP4, CP5 and CP30 of the Core Strategy, Policies DMD3, DMD5, DMD6, DMD8 and DMD9 of the DMD, and the London Plan which amongst other things seek to protect the living conditions of residents.

21. There is no conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Living conditions neighbours

22. A large HMO would be likely to generate comings and goings in excess of the single family occupied dwellings in the area, however, the existing use is as a HMO (Sui Generis). I also note that the Council's Internal Consultees, Housing Enforcement and Environmental Health raise no objection to the proposed development. Housing Enforcement confirm that there have been no complaints received or concerns regarding the property/management.

23. On the basis of the evidence available to me I am not persuaded that the proposed additional bedroom capable of accommodating a further 2 occupants would be likely to generate a level of noise associated with the comings and goings that would be disturbing for the occupiers of neighbouring properties and detract from the residential character.

24. I conclude that the proposed development would not harm the living conditions of the occupiers of neighbouring proeprties. There is no conflict with Policies DMD5, DMD6 and DMD8 of the DMD, and the London Plan which amongst other things seek to protect the living conditions of neighbouring residents and protect the residential character of an area.

25. There is no conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Other Issues

[2] APP/Q1445/W/17/3179993

26. A third party has raised issues of parking of motorbikes, fly tipping/refuse and vermin the Council considered these issues in the determination of the application and did not raise concern, I have no substantive reason to disagree with them on these points.

27. Reference has also been made to the potential for scaffolding erected on a neighbouring land to facilitate the development. That is not a land use planning consideration and is therefore a matter that I cannot take into account.

Conclusion

28. The Council have not submitted a list of conditions should the appeal be allowed. I have had regard to the national policy and guidance and apart from the standard time limit condition, I find it necessary that the development should be implemented to accord with the submitted plans for certainty.

29. In the interest of safeguarding the character and appearance of the area I have imposed conditions relating to the external materials.

30. In the Officer Report the Council confirm that the site has good transport links and that there are cycle and refuse storage at the site, which are shown on the plans conditioned as outlined above. Whilst the Council suggest that additional facilities could be conditioned no substantive details are before me to confirm if the amount of facilities shown would not be adequate for the proposed development. It would be unreasonable to request additional cycle/refuse storage on this basis.

31. In terms of the provision of measures to help reduce carbon emissions and adopt more energy efficient measures, the Council suggest in the Officer Report that retrofitting measures to justify the loss of a family sized dwelling could be conditioned. I disagree, the proposed development is not a change of use nor the loss of a family sized dwelling, no substantive evidence has been provided to demonstrate there is a requirement to condition such improvements.

32. For the reasons given above I conclude that the appeal should be allowed.

C Pipe

INSPECTOR