



Appeal Decision

Site Visit made on 6 July 2021

by Mr James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 20 July 2021

Appeal Ref: APP/Q5300/W/21/3268804

51 Beatrice Road, Edmonton, London N9 8AP

- 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 Bahar Kahveci against the decision of London Borough of Enfield.
 - The application Ref 20/01754/FUL, dated 5 July 2020, was refused by notice dated 13 August 2020.
 - The development proposed is the change of use from single family dwelling (Class C3) to House in Multiple Occupation (Sui Generis) together with associated parking and timber trellis to rear (part retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice, as this amended description was specifically agreed between the parties during the course of the application.
3. It was apparent from my site visit that the property was already being used as an HMO, and not as a single-family dwelling. The change of use has therefore already taken place, so references to this element of the development relate to development already carried out.
4. Since the determination of the planning application, the 2016 iteration of the London Plan has been superseded. The parties' evidence does refer to policies D6 and T6.1 of the updated plan¹ (London Plan 2021), which are both relevant to the main issues of the appeal. As both parties have had sufficient opportunity to consider the implications of these policies with regard to the development, I have determined this appeal against these policies, rather than those in the 2016 Plan which they have replaced (and specifically the superseded space standards set out in Policy 3.5 of the 2016 Plan).
5. Whilst other policies of the 2016 Plan are also referenced in the Council's decision notice (specifically policies 3.4, 3.8, 6.9, 6.10, 6.13, 7.1 and 7.2), only the appellant has provided comments on the implications of the updated plan with regard to these. Nonetheless, insofar as these policies are relevant to the main issues, I am satisfied that I can rely on the Council's adopted Core Strategy² (Core Strategy) and the Council's Development Management Document (2014) (DMD) without prejudice to the parties, as the content of

¹ The London Plan: The Spatial Development Strategy for Greater London (March 2021)

² The Enfield Plan, Core Strategy 2010 – 2025 (2010)

these documents broadly aligns with the strategic objectives of these particular London Plan policies.

6. I note the Council has made reference to “*draft London Plan Policy D4 (Housing Quality and Standards)*” at paragraph 6.2.1 of its officer report. However, the policy content which follows this text is taken from Policy D6 of the London Plan 2021. I have therefore understood this reference to refer to Policy D6 of the London Plan 2021 and not Policy D4.

Main Issues

7. The main issues are:

- the effect of the proposed development on the living conditions of the future occupiers of the proposed House in Multiple Occupation (HMO), with particular regard to space standards, outlook and natural light; and
- the effect of the proposed development on highway safety, with particular regard to parking provision.

Reasons

Living conditions

8. The development comprises a change of use from a single-family dwelling to an HMO comprising 7 bedrooms, with a proposed occupancy of 8 persons. Policy DMD5 of the DMD is explicit that “*development involving the conversion of existing units into self-contained flats and houses of multiple occupation (HMO) will only be permitted if the following criteria are met: All development must: (a) provide a high quality form of accommodation which meets internal floor space standards in the London Plan [...]*”. Table 3.1 of Policy D6 of the London Plan 2021 prescribes minimum internal space standards for new dwellings (which are equivalent to those set out in the Nationally Described Space Standard (NDSS)). Whilst I acknowledge the development is an HMO and not a new dwelling, no separate space standards are prescribed for HMOs. Given the explicit wording of Policy DMD5, it follows that the space standard which corresponds most closely with the development should be adhered to. This would be the space standard for a 2-storey 6-bedroom 8-person dwelling, which prescribes a minimum floor space of 132sqm.
9. The floorspace of the development is approximately 108sqm, so falls short of this minimum requirement by a significant margin. Given the development comprises 7 bedrooms and not 6, I consider that this minimum space standard should at least be met, if not exceeded, before the level of floorspace could even be considered adequate for the proposed rate of occupancy. Given the shortfall from these minimum standards, the living accommodation would invariably be substandard and cramped, which would cause substantial harm to the living conditions of its occupiers.
10. Notwithstanding the space standards prescribed by the London Plan 2021 and the NDSS, the Council’s HMO Standards³ (HMO Standards) also prescribe minimum space standards for shared communal spaces such as kitchens, dining areas and living rooms. For a 6–10 person HMO, a minimum 12.5sqm of living/dining space is required in addition to a kitchen. Where a kitchen is

³ HMO Standards for Bedsit/Letting Rooms and Shared House Accommodation (Revised March 2021)

provided separately, this should have a minimum floorspace of 11sqm. As per the HMO Standards, this would equate to a requirement of 23.5sqm of communal living space. In this instance, the kitchen and dining space combined measures approximately 16.4sqm, with no additional shared living space proposed. As above, this is a significant shortfall from the HMO Standards, and would lead to cramped and inadequate shared communal space, which would again be harmful to the living conditions of its occupiers.

11. Notwithstanding the above, in terms of the proposed outdoor privacy screen to the rear of bedrooms 3 and 4, I agree with the appellant that the trellis design would ensure adequate levels of natural light are retained in these rooms, whilst still protecting them from an unacceptable level of overlooking from the communal garden space. On the basis that the screen would be sited approximately 2m from these rear windows and would still allow natural light to flow through into these rooms, I am satisfied the screen would not lead to any unacceptable feeling of enclosure. In terms of the patio door into the kitchen, I was satisfied from my site visit that this provided adequate levels of natural light and ventilation into the communal living space. However, these factors do not outweigh the substantial harm to the living conditions that I have identified due to the inadequate levels of floorspace for the proposed level of occupancy.
12. For these reasons, the development would harm the living conditions of future occupants of the HMO, and would therefore conflict with policies DMD3, DMD5, DMD6 and DMD8 of the DMD, policies CP4 and CP5 of the Core Strategy, policy DM6 of the London Plan 2021 and the NDSS. Taken together, these policies and guidance require new development to achieve a high standard of accommodation which meets minimum internal space standards to ensure acceptable living conditions for occupiers. Similarly, the development would conflict with the overarching objectives of the National Planning Policy Framework, which again seek to ensure development achieves quality living conditions for its occupiers.

Highway safety

13. Policy DMD45 of the DMD provides that parking proposals in connection with new development will be considered against standards set out in the London Plan, public transport accessibility for the site (PTAL), existing parking pressures in the locality and access to local amenities. Whilst Policy T6.1 of the London Plan 2021 does prescribe maximum numbers of parking spaces for residential dwellings, it is not clear how these should be applied in respect of HMOs. Nonetheless, where no particular standards exist, Policy DMD45 goes on to say that parking should be provided to ensure that *"operational needs are adequately met, having regard to the need to maximise use of sustainable modes of transport"*.
14. The development makes provision for 2 on-site parking spaces. On the basis that the HMO has a proposed occupancy of 8, where occupants are likely to live independently from one another and not as one household, I consider that demand for on-site parking spaces is likely to be greater than 2. This is a particular concern given the appeal sites' PTAL of 2, which equates to a low accessibility to public transport. This means occupants are more likely to be reliant on private vehicles to access local services, than in areas with a higher PTAL rating.

15. Where demand for parking spaces does exceed the onsite provision of 2 spaces, this will invariably lead to overspill parking along the road. It was apparent on my site visit that Beatrice Road (and surrounding roads) were already congested due to the existing level of on-street parking. Any additional overspill parking within the area could therefore exacerbate the existing congestion issues, which in turn could compromise highway safety due to inconsiderate or obstructive parking, which could hinder pedestrian and cyclist movements or adversely affect visibility.
16. For these reasons, I consider that the development would harm highway safety, and would therefore conflict with policies DMD8, DMD45 and DMD47 of the DMD, policies CP24 and CP25 of the Core Strategy and Policy T6.1 of the London Plan 2021. Together, these policies require new development to make adequate provision for access and parking, to ensure there is no adverse impact on highway safety.

Other Matters

17. The appellant has cited a number of HMO properties in the Council's borough which it alleges are similar to the development proposed in this instance, where 4 parking spaces have not been required. I have no further details of these cases, so cannot properly consider whether they are directly comparable to the appeal scheme. In terms of officer comments made in relation to the HMO at 300 Hertford Road, once again, I do not have full details of this case, so cannot determine any direct comparisons between these properties. However, I note the PTAL for 300 Hertford Road is 3, which means this property has better access to local transport which in turn may mean occupiers are less reliant on private vehicle use. I also note the appellant's suggested condition for a requirement to submit a parking scheme with a view to achieving additional on-site provision, however without any evidence to the contrary, I do not consider than more than 2 vehicles could conceivably be parked on the appeal site due to its current constraints.
18. The appellant has referenced the content of Policy H9 of the London Plan 2021 in its evidence, which highlights the contribution that HMOs make to meeting the Council's strategic housing needs. Whilst I accept HMOs do make an important contribution to the Council's housing stock, the harm that would be caused by the development to the living conditions of the future occupiers of the HMO would not be outweighed by any such benefit in this instance.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

James Blackwell

INSPECTOR