



Appeal Decision

Site visit made on 15 February 2022

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2022

Appeal Ref: APP/Q5300/W/21/3281419

11 Queensland Avenue, Edmonton N18 1AT

- 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 Mrs Mona Larijani (KIKS Group Ltd) against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/02054/FUL, dated 25 May 2021, was refused by notice dated 26 July 2021.
 - The development proposed is change of use from a dwelling (C3 use) to an 8 bedroom 8 person HMO (Sui Generis) including two storey side to rear extension, hip to gable roof extension and rear dormer.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mrs Mona Larijani (KIKS Group Ltd) against the Council. This application is the subject of a separate decision.

Procedural Matters

3. The decision notice and officer's report refer to the 2019 version of the National Planning Policy Framework (Framework). This had been replaced by a version from 2021 by the time the decision was made. However, the appellant has provided comments on the current version of the Framework for the appeal. Moreover, there are limited differences between the 2 versions of the Framework in respect of the specific issues in contention, and so it has not been necessary to seek further views from the parties regarding this matter.
4. The appellant seeks permission for a House in Multiple Occupation (HMO) that would be occupied by 8 people. However, the Council has suggested that it could be occupied by a greater number of people. I have considered the appeal based on an 8 person HMO as sought by the appellant.
5. Whilst the Council's decision notice did not include a refusal reason relating to the effect of the proposal on the living conditions of the occupiers of 9 and 13 Queensland Avenue, its concerns about this are clear from the officer's report and the appellant has provided comments in respect of this matter. I have thus considered it as an issue below.

Main Issues

6. The main issues are:

- the effect of the proposal on the character and appearance of the area;
- the effect of the proposal on the living conditions of the occupiers of Nos 9 and 13 Queensland Avenue;
- whether the proposal would provide an appropriate standard of accommodation for future occupiers in respect of internal space; and
- the effect of the proposal on the mix of housing in the area.

Reasons

Character and appearance

7. The site relates to an end of terrace house. The property features front and rear gardens and space to its side. Beyond the rear garden are allotments. The house has a hipped roof and features a first floor bay window and a small oriel-style window which are above a front projection with a monopitched roof. The space to the side of the house is readily apparent from the highway because of a curve in its alignment to the front of the site. Although an outbuilding is located near to the site's side boundary, the space nonetheless forms a gap between the house and the adjacent one at No 9 that provides for views of the sky and glimpses of landscaping beyond them. The gap provides this part of Queensland Avenue with a sense of spaciousness.
8. The houses in the terrace have similar features to the one at No 11. The other end of terrace property also features a hipped roof. Queensland Avenue is defined principally by semi-detached and terraced properties that have similar features albeit some alterations to houses are evident. Overall, there is limited variation in the appearance of the properties along Queensland Avenue which give it a cohesive character.
9. The proposed 2 storey side and rear extension would be set back significantly from the front wall of the existing house. However, it would be substantial in size and very similar in height to the house and it would not appear as a subordinate addition. Although it would be located a minimum of 1 metre from the site's side boundary, the front corner of the house at No 9 is located on the boundary. As a result of the extension's size and siting, and the position of the adjacent house, the extension would erode the spaciousness provided by the gap and have a terracing effect with No 9 when viewed from the highway.
10. The 2 storey extension and roof dormer would be visible from the allotments. From there the 2 storey extension would appear to project substantially from the house and the terrace's rear building lines and occupy an unusual offset position. It would appear as a large and incongruous addition to both the house and the wider area. Although roof dormers are visible from the allotments and can often be undertaken via permitted development rights, the one proposed would require the creation of a hip-to-gable roof extension. Moreover, it would not be set down from the ridge of the existing house but appear cramped and awkward above the flat roof and gabled side wall of the 2 storey extension.
11. The proposed hip-to-gable extension would not reflect the predominantly hipped roofs of the properties in Queensland Avenue. It would also further infill

the gap between the house and No 9. I have not been referred to any specific directly comparable developments in the vicinity and this site is unlike many others due to its position near the curve in the highway. Additionally, I have not been referred to substantive evidence indicating that a hip-to-gable extension could or would be carried out at the site via permitted development rights and I note that it would adjoin the side and rear extension, which is not claimed to be permitted development. The matters raised thus have little bearing on my assessment.

12. The appellant highlights that No 9 has undergone significant side and rear extensions. However, these do not have directly comparable designs to the extensions subject to this appeal. I have also been provided with information pertaining to an approved scheme at 72 Norfolk Avenue¹. However, that scheme is in a different part of the borough and also features a design which is not directly comparable to the appeal scheme. As such, these matters do not set a compelling precedent for the proposal. Whilst a planning condition could be imposed to secure the use of materials that would be compatible with the existing house, this would not overcome the issues identified.
13. The proposal would harm the character and appearance of the area. It conflicts with Policies DMD6, DMD8, DMD11, DMD13, DMD14 and DMD37 of the Council's Development Management Document (DMD), Policies CP4 and CP30 of the Council's Core Strategy (CS) and Policy D4 of the London Plan (LP). In combination, these policies seek to ensure that development maintains and improves the quality of the built environment and promotes high standards of design. Additionally, it is contrary to Chapter 12 of the Framework which, amongst other things, sets out that development should be sympathetic to local character.

Living conditions of adjacent occupiers

14. There are no habitable rooms in the side elevations of No 9 facing the site and the proposed extensions would be set away from its rear garden because of the shape of its plot. Consequently, there would not be unacceptable adverse impacts on the living conditions of the occupiers of that property.
15. The existing house at No 11 features a conservatory that projects beyond the rear wall of No 13. The proposal would offer similar views to existing windows to the rear of No 11 and thus have little impact on the neighbours' privacy levels. However, the proposed single storey extension would be slightly taller than the existing conservatory. Furthermore, part of the 2 storey extension would be located near the boundary with No 13. It has not been disputed that parts of the single and 2 storey extensions would respectively exceed lines taken at 45 and 30 degrees from the mid-point of the nearest original windows of No 13, in conflict with DMD Policy DMD11.
16. The appellant highlights that the nearest part of the 2 storey extension would have a flat roof and much of it would be set away from the boundary. Nevertheless, the rear extensions would have a greater impact on the neighbouring occupiers than the existing house and be sufficiently large and close to the boundary so as to result in loss of light to and outlook from the nearest ground floor rear opening of No 13.

¹ Council reference: 21/02192/FUL

17. The proposal would have an unacceptably harmful impact on the living conditions of the occupiers of No 13. It conflicts with DMD Policies DMD8 and DMD11 which seek to preserve amenity and set requirements for rear extensions. The Council also refers to DMD Policies DMD5 and DMD6 regarding this matter; however, I find no conflict with them in respect of this issue as they relate to residential conversions and character and not specifically to issues relevant to light and outlook.

Standard of accommodation for future occupiers

18. The Council has produced guidance on standards of accommodation for HMOs². It defines different types of HMO accommodation. In this case, as there would be some exclusive use of the property but shared use of a kitchen, its definition of 'letting rooms' appears to be most relevant. The appellant states that the development is not intended as a 'shared house'. The definition for this relates to where occupiers live more like a single household and are comfortable using shared communal space and do not have little interaction with each other.
19. The guidance sets out that kitchens for 6 to 10 occupiers should be at least 12.5m² in size. In this case the kitchen would be around 15m². Although the guidance provides standards for other shared facilities such as living rooms, the Council has not referred to any specific parts of the guidance or planning policies which suggest that living rooms must be provided in the particular circumstances of this case.
20. The Council has not raised concerns with the size or quality of the bedrooms. Having regard to the intended nature and the proposed number of occupiers of the HMO, some socialising could occur in the bedrooms. There would also be a small amount of space for socialising in the kitchen as it exceeds the Council's size standard. The occupiers would also be able to make use of and socialise in the rear garden.
21. In respect of this main issue, the proposal complies with DMD Policies DMD3, DMD5, DMD6, DMD8 and DMD37, CS Policy CP4 and LP Policy D6, which set out qualitative and quantitative standards for accommodation. In addition, I find no conflict with the Framework regarding this matter, which sets out that development should provide high standards of amenity for future users at paragraph 130. I also find no conflict with CS Policies CP5 and CP30 and LP Policy H10 regarding this issue, which relate to housing mix and built environment matters and are not directly relevant to living standards.

Mix of housing

22. DMD Policy DMD5 sets out that HMOs must not harm the residential character of areas or result in an excessive number or clustering of conversions to HMOs or self-contained flats. Specifically, it states that the number of conversions must not exceed 20 percent of all properties along any road and that only one out of a consecutive row of 5 units may be converted.
23. The officer's report states that the Council's records show that No 13 has been converted into 2 self-contained flats and thus the proposal would result in more than 2 units being converted within a consecutive row of 5 properties. Additionally, it is highlighted that a partially retrospective planning application

² HMO Standards for bedsit/ letting rooms and shared house accommodation

was approved for the conversion and building work³. However, the appellant has provided Valuation Office Agency records with the appeal which suggest that No 13 is currently a single dwellinghouse and there were no obvious signs to the contrary when I visited the site. I have no compelling reasons to doubt that the appellant's evidence is not up to date.

24. The Council has not referred to any other conversions in the immediate vicinity. Furthermore, even if there were, the supporting text to DMD Policy DMD5 indicates that its purpose is to prevent unacceptable changes in the character of residential areas by creating imbalances in the mix of housing. Whilst I have found the various proposed extensions to No 11 to be harmful to the character and appearance of the area, as set out above, the Council has not raised noise, disturbance, parking or refuse concerns that might lead to an imbalance in the area's character in respect of the use of properties or housing mix.
25. Based on the evidence provided, I find that the proposal accords with DMD Policy DMD5, CS Policies CP4, CP5 and CP30 and LP Policies D6 and H10 in respect of this main issue, the purposes of which I have already identified.

Other Matters

26. The land to the rear of the site is designated as Metropolitan Open Land (MOL), which is afforded similar protection to the Green Belt by DMD Policy DMD71 and LP Policy G3. The Council contends that the proposal would be harmful to the MOL. Notwithstanding the harm already identified in respect of the first main issue, as the proposal would not be located on the MOL there would be no direct effect on it for the purposes of the DMD and LP policies.
27. It has been put forward that the extension would make efficient use of the site and boost housing supply. However, the site would not be used efficiently as a result of the harm identified and there would be no net increase in the number of residential properties on site. It has also been raised that the proposal would be in an accessible location and contribute to the range of accommodation choices in the vicinity. However, these matters do not outweigh the harm identified.

Conclusion

28. For the above reasons, the proposal conflicts with the development plan as a whole. Material considerations do not outweigh the proposal's conflict with the development plan. Even if I had not reached a finding on the effect of the proposal on the living conditions of the occupiers of Nos 9 and 13 Queensland Avenue, I would have reached the same conclusion because of the harm that the proposal would have on the character and appearance of the area.
29. The appeal should therefore be dismissed.

Mark Philpott

INSPECTOR

³ Council reference: TP/08/0731