



Appeal Decision

Site Visit made on 9 September 2021

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2022

Appeal Ref: APP/N5090/W/20/3266026

19 Ranelagh Drive, EDGWARE, HA8 8HJ

- 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 Marius Solovastru against the decision of London Borough of Barnet.
 - The application Ref 20/5038/RCU, dated 28 October 2020, was refused by notice dated 18 December 2020.
 - The development proposed is Retrospective - Change of Use from Residential C3 to HMO use for more than 6 people (Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit the proposed development had been undertaken. Whilst the development generally appeared to have been constructed in accordance with the plans before me, for the avoidance of doubt, I have determined this appeal on the basis of the submitted plans.

Main Issues

3. The main issues are:
 - The effect of the proposal on housing provision within the area; and
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance; and
 - whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to relevant housing standards and noise and disturbance.

Reasons

4. The appeal property is a large, previously extended, semi-detached property on Ranelagh Drive. The property is set back from the road behind a driveway. The proposal is for the change of use of the property to a house in multiple occupation (HMO).

Housing provision

5. Policy DM09 of Barnet's Local Plan (Development Management Policies) Development Plan Document, September 2012 (LP) sets out the Council's approach to HMOs. The Policy is clear that proposals for new HMOs will be encouraged provided that they meet an identified need, do not have a harmful effect on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking, and meet the relevant housing standards for an HMO.
6. In terms of need, the Council indicate that the current housing trends in the area are such that the delivery of properties has been dominated by smaller flatted developments. The Council are clear that it is their intention to ensure that a choice of homes is available in the borough to provide for a growing and diverse population and state that the priority is for properties with 3 and 4 bedrooms. The Council state that this aim is supported by the adopted development plan for the area. The Council also advise that this approach is to be carried through into the emerging Local Plan. Though, given that the plan is not yet adopted, the emerging Local Plan carries limited weight in my assessment of the scheme before me it gives a useful indication as to the Council's proposed direction of travel with respect to housing mix.
7. The evidence before me is not clear in respect of how many bedrooms were present at the property prior to the works to facilitate the conversion to an HMO which have already occurred. However, the Council suggest that it had three bedrooms and, given the size of the property, it is clear to me that it would certainly fall within the broad scope of the definition of a family home. As such, the proposal would result in the loss of a single family dwelling and would be at odds with the Council's approach to housing mix in this respect.
8. The appellant has provided a letter from Hamilton Estates, an agent specialising in letting, sales and property management, as evidence of a demonstrated need for HMOs. I also note that the HMO was fully let at the time of my site visit. However, in my view, this limited evidence does not provide sufficient quantitative objective analysis of housing supply and demand in the area to persuade me that there is an identified need for an HMO in the proposed location. As such, on the basis of the evidence before me, I consider that the proposal would cause harm to housing provision in the area and I am not persuaded that it has been demonstrated that the proposed HMO would meet an identified need as required by Policy DM09 of the LP. Consequently, the proposal would conflict with LP Policy DM09 in this instance.

Character and appearance

9. Ranelagh Drive is a residential road characterised by reasonably large dwellings, largely within semi-detached pairs. The dwellings appear to be broadly in use as single dwellings.
10. The proposal before me would not include any significant external alterations to the building itself to facilitate the change of use to an HMO. As such, the property would retain its current appearance in the street scene.
11. The property would also retain a residential character. I note concerns that the use of the property as an HMO would result in additional comings and goings and an intensification of activity and would thereby change the established

character of the area. However, the appeal property is substantial and could be used as a dwelling to accommodate a large extended family. As such, the dwelling could generate considerable activity associated with the day to day lives of those occupying the property; such as travel to work and for leisure and shopping purposes. In my view, given the reasonably small scale of the HMO, there is unlikely to be a significant difference between the movement patterns of individuals within one large household and those of the occupants of the proposed HMO.

12. In my view, the use of the property as an HMO would not result in an imbalance in the mix of housing types or intrinsically change the residential character of the area. I consider that the proposal would not cause harm to the character and appearance of the area. Consequently, the proposal would comply with the aims of Policy DM01 and DM09 of the LP and Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document, September 2012 (CS) in this respect. Amongst other things, these policies seek to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design and state that proposals for new HMOs will be encouraged provided that they do not have a harmful effect on the character of the surrounding area.

Living conditions of neighbouring occupiers

13. As set out above, in the circumstances of this appeal I consider that the proposal would not be likely to result in significant additional comings and goings from the building than could be generated were the property in use by a single, large family.
14. I acknowledge the representations from neighbouring residents which set out that they have, indeed, experienced noise and disturbance as a result of the HMO. However, such issues can occur in association with any residential property in a setting such as this and there is no inherent reason why a well-managed HMO should materially affect the living conditions of nearby residents. Furthermore, as the HMO would be registered, it would be subject to management and monitoring and un-neighbourly conduct could be dealt with effectively through this mechanism.
15. Thus, I consider that the proposal would not cause harm to the living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance. The proposal would, therefore, accord with this aspect of Policies DM04 and DM09 of the LP which, amongst other things, state that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted and that proposals for new HMOs will be encouraged provided that they do not have a harmful effect on the amenities of the surrounding area. The proposal would also accord with Policy D14 of the London Plan 2021 which states that development should avoid significant adverse noise impacts on health and quality of life.

Living conditions of future occupiers

16. The rooms within the HMO have been completed to a high standard and meet or exceed the relevant minimum space standards. The communal areas are reasonably sized and the space and layout are acceptable. Indeed, I believe

that the property is licensed as an HMO and would appear to meet the relevant housing standards in this respect.

17. The loft room is served by a number of roof lights and concern has been expressed with respect to the outlook these windows provide. The loft room is large and light and the roof lights are of a significant size and set low within the roof so it is possible to look out. As such, I consider that this room provides an acceptable outlook.
18. I note that the Council state that their Residential Design Guidance (the Design Guidance) states that *"each household shall, where practicable, have its own kitchen separate from and being not more than one floor distant from the sleeping room or within the unit of accommodation"*. The kitchen serving the HMO is situated on the Ground Floor and would be more than one floor away from the room within the roof space. However, the accommodation within the roof space contains a dining/storage/laundry room with worktop space and, whilst this is not a substitute for a full kitchen, this space provides facilities, including a sink and washing machine, in close proximity to the loft room. Furthermore, the Design Guidance includes the caveat *"where practicable"* and is simply guidance with the aim of ensuring that properties provide acceptable living conditions for residents. In this case, the circumstances are such that the proposal would provide an acceptable standard of amenity and the aims of the Design Guidance would be met in this respect.
19. I acknowledge the Council's concerns regarding the absence of details of sound insulation between units and the lack of certainty that adequate measures to protect against intrusive noise have been installed and therefore that the amenity of occupiers is suitably protected. However, I consider that these details could be secured through the use of a suitably worded planning condition.
20. For the reasons set out above, I consider that the proposal would provide satisfactory living conditions for future occupiers with particular regard to relevant housing standards and noise and disturbance. The proposal would, therefore, comply with Policy CS5 of the CS and Policy DM04 and DM09 of the LP which seek a high standard of design which meets the relevant housing standards for an HMO. The proposal would also accord with Policy D3 and D14 of the London Plan 2021 which seeks development which delivers appropriate outlook, privacy and amenity and avoids significant adverse noise impacts on health and quality of life.

Other Matters

21. I acknowledge that the HMO would be in a location well served by existing facilities and infrastructure. I also recognise that the proposal would provide some, limited, benefits for example by providing additional, affordable accommodation. I also acknowledge the economic benefits of the occupiers of the proposal utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context.
22. I have noted a number of other issues raised; including parking and highway safety. However, the Highways Department were consulted during the course of the application and considered that the parking arrangements would be acceptable in this case and the Council raised no objection on highways grounds. On the basis of the evidence before me, I do not consider that any

significant highways issues have been demonstrated so as to lead me to conclude otherwise than in accordance with the views expressed by the Highways Department and the Council. I therefore consider that the proposal would not cause harm in respect of parking or highway safety.

23. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have set out above.

Conclusion

24. The proposal would not accord with the development plan when it is considered as a whole and I have not identified any material considerations which indicate that the appeal should be allowed. For the reasons given above I conclude that the appeal should be dismissed

L J O'Brien

INSPECTOR