



Appeal Decision

Site visit made on 12 April 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2022

Appeal Ref: APP/N5090/W/21/3285533

13 St. Albans Road, Barnet EN5 4LN

- 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 Anh Carrick against the decision of London Borough of Barnet.
 - The application Ref 21/2699/FUL, dated 13 May 2021, was refused by notice dated 29 July 2021.
 - The development proposed is described as “the change of use of your property from C3 to C4 use. The property currently has 6 rooms. I would like to apply it to be four double bedrooms and 1 en-suite for renting to 5 individual tenants. It currently already has the HMO license for renting each room to each tenant, so it has HMO for 5 individual tenants”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note from the Officer Report and the appellants documentation that the appeal is made retrospectively and is the subject of enforcement action by the Council. I have, however, dealt with the appeal on the basis of the plans before me.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The mix and balance of housing within the area; and
 - The character of the Monken Hadley Conservation Area.

Reasons

The Mix and Balance of Housing

4. The appeal relates to a semi-detached house on St Albans Road, close to Barnet High Street. The submitted plans show the property currently as a 5 bedroomed house, with 2 bedrooms on the ground floor and 3 on the first floor. The proposal would not increase the number of bedrooms but would be occupied as a House in Multiple Occupation (HMO) rather than a single-family dwelling. A borough-wide Article 4 direction requires planning permission for all changes of use to HMOs. Moreover, the Council recognises that single family dwellings are most in demand in the borough.
5. The appeal property is well located for access to public transport, cycling and walking. The standard of accommodation proposed complies with the required

standards for HMOs. However, I have not been provided with any evidence that there is an identified need for HMO accommodation in this particular location nor that the proposal would not adversely affect the character and amenities of the surrounding area in line with the requirements of Policy DM09 of Barnet's Local Plan Development Management Policies Development Plan Document (DMP) (2012).

6. I acknowledge that two local letting agents receive regular requests for this type of accommodation, however, this does not equate to an identified need for HMOs, nor conversely does it demonstrate that there is no demand for family homes in the area. Furthermore, I am mindful of the representations made from residents living in the locality regarding impact of the occupation of the property on the character of the area through reports of anti-social behaviour. Whilst I recognise that that this is an edge of town centre location which is close to amenities, the character of the area is predominantly residential at this point of the road.
7. Therefore, I conclude that the proposal would result in the loss of a family sized dwelling and would be harmful to the mix and balance of housing in the area and would adversely affect the character of the area contrary to DMP policies DM01, DM08 and DM09 which seeks to ensure that development preserves the character of a locality. However, I do not find any conflict with the Council's Residential Design Guidance Supplementary Planning Document (SPD) (2016) as the proposal would provide adequate living conditions and external amenity space for occupants to meet the SPD's requirements.

The Character of the Conservation Area

8. The appeal property is located within Monken Hadley Conservation Area (the CA). The CA is divided into sub-areas in the Monken Hadley Conservation Area Character Appraisal Statement (2007) (CAS). The Barnet High Street sub-area (Area Four), within which the appeal property belongs is characterised by its compact grain and commercial nature. Its significance is derived from Victorian development relating to the growth of the railway. The CAS recognises that this sub-area is subject to demand for change due to its high street location.
9. Section 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 places a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the CA.
10. The Council assert that the proposal would cause harm to the character of the CA, however, they are vague as what that harm would be. In my experience, the use of the property as an HMO would result in a level of noise and disturbance, for example from people conversing outside the property, multiple sources of music and televisions playing, general comings and goings, taxi engines idling and car doors shutting, which could be readily discernible from neighbouring properties. This level of noise and disturbance would likely be far greater than that generated by the occupation of the property by a single family where occupants are more likely to come and go together. The proposal would therefore have a harmful effect on the residential character of the neighbourhood and therefore by implication, the CA. The harm to the character of the CA, however, would be less than substantial.
11. Paragraph 202 of the National Planning Policy Framework (the 'Framework') states that where the harm is less than substantial, this harm should be

weighed against the public benefits of the proposal. The provision of low-cost accommodation in the form of an HMO does carry some weight as a public benefit. However, it would be largely a private benefit and would not outweigh the harm resulting from the proposed change of use.

12. I therefore find that the proposal would have an unacceptably harmful impact on the character of the appeal property and the neighbourhood and would therefore fail to preserve or enhance the character or appearance of the CA. As such it would be contrary to Barnet's Local Plan Core Strategy (2012) policies NPPF, CS1 and CS5 which seek to ensure that development is in accordance with the Framework and is of a high quality, conserving or enhancing heritage assets in the borough.

Other Matters

13. The appellants absence of knowledge of the Council's planning policies relating to HMOs and the occupation of the property currently by tenants who are currently employed by the National Health Service are not matters which I can consider in the determination of the appeal which is on its planning merits alone.

Conclusion

14. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR