



Appeal Decision

Site visit made on 9 November 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Appeal Ref: APP/Q5300/W/22/3302982
81 Hedge Lane, Enfield, Southgate N13 5SZ

- 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 Arjan Terziu (Right Choice Service Ltd) against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/01317/FUL dated 26 April 2022 was refused by notice dated 22 June 2022.
 - The development proposed is the Change of use from (Use Class C3) dwelling house to (Use Class C4) house in multiple occupation (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, which more accurately describes the development than that provided on the application form.

Main Issues

3. The main issues are the effect of the proposal on: (i) the living conditions of neighbouring occupiers, with regard to noise and disturbance; (ii) the living conditions of future occupiers, with regard to provision of internal floorspace; (iii) the distribution of converted properties within the area; (iv) highway safety, with regard to car parking; and (v) whether the proposal would make adequate provision for cycle and waste storage.

Reasons

Neighbouring Occupiers

4. The site is a two storey mid-terrace property, surrounded primarily by other residential uses. It forms part of a small terrace of four properties, experienced in the wider context of similar terraced groups that line both sides of Hedge Lane. The proposal seeks to change the lawful use of the property to a 5 bed, 6 person house in multiple occupation (HMO). I observed on my visit that use of the property as a HMO has commenced.
5. While I have no substantive evidence on the current occupation levels at the appeal property, it is capable of occupation by six individuals. Although a dwelling of this size could accommodate a large family, it is unlikely that a single household would generate the same level of activity as six separate adults. While a family unit would likely spend more time together, the

proposal has the potential to result in numerous daily routines and separate activities in each of the bedrooms.

6. As such, it is reasonable to assume that the levels of activity taking place both inside and outside of the property would be over and above that normally expected in relation to a single family dwelling. There would be an increase in the number of comings, goings and associated activities of occupiers of the proposal which would significantly increase the noise generated from sources such as general movement, the opening and closing of doors, and multiple media sources operating at one time.
7. Given the nature of the site as a terraced dwelling, in an area where conversions to HMO are not commonplace, the increased occupation and intensity of residential use would be out of place. While I acknowledge the steps taken with regard to property management, noise associated with the increased activity would be noticeable to occupiers of surrounding dwellings and, in the context of the residential area, would have a significant impact in terms of noise and disturbance. This would be to the detriment of the living conditions of neighbouring occupiers, and I have had regard to the comments of interested parties on this matter. In addition, even if a condition to require the implementation of a management plans was imposed, I consider that such a plan would be unlikely to adequately mitigate the identified harmful effects in this case.
8. For the reasons given the proposal would have a significant adverse effect on the living conditions of neighbouring occupiers with regards to noise and disturbance. In this regard it would fail to accord with Policy CP32 of the CS, Policies DMD5 and DMD8 of the DMD and Policy D14 of the London Plan insofar as the seek to ensure noise is minimised and amenity is preserved. It would also fail to comply with provisions of the National Planning Policy Framework (the Framework) which seek to ensure high standards of amenity and development that takes account of living conditions.
9. While reference is made to Policies CP4 and CP30 of the CS, Policy DMD37 of the DMD and Policy D6 of the London Plan, these primarily relate to housing quality and design, rather than living conditions.

Future Occupiers

10. Policies DMD5 and DMD8 of the DMD state that residential development must meet the minimum space standards of the London Plan. These are set out in Policy D6, which states a one bedspace single bedroom must have a floor area of at least 7.5sqm. Many of the bedrooms at the property exceed this requirement and a suitable amount of communal space has been provided. Nevertheless the front first floor bedroom, with a floorspace of 6.5sqm, fails to comply with the London Plan space standards.
11. The appellant has provided the Council's HMO Standards. These standards are intended to assist in HMO licensing applications and I acknowledge that standards may vary between the housing and planning departments. These state that a room such as the front first floor bedroom of the proposal should have a minimum floor area of 6.51sqm. However, it is further stated that the room should be capable of containing all furniture required, which would normally consist of a bed, wardrobe and drawer unit, with space for circulation.

12. I observed the front first floor bedroom. While it contained additional elements of furniture beyond those listed by the HMO Standards, even without these it would provide extremely limited space for circulation. As such, despite having adequate outlook and light levels, it remains that this bedroom is cramped. This serves to significantly reduce the useability of the room and the enjoyment of the space by a prospective occupier. As such, even acknowledging the minimal shortfall in floorspace as suggested by the Council's HMO standards, it would not be suitable for use as a bedroom.
13. For the reasons given the proposal would have a significant adverse effect on living conditions of potential occupiers. In this regard it would fail to accord with Policy CP4 of the CS, Policies DMD5 and DMD8 of the DMD and Policy D6 of the London Plan insofar as they seek to ensure that residential development provides adequate levels of internal floorspace. It would also fail to comply with provisions of the Framework which seek to ensure high standards of amenity and development that takes account of living conditions. While reference has also been made by the Council to the Mayor of London Housing Supplementary Planning Guidance 2016, a copy of this has not been provided.

Converted Properties

14. Policy DMD5 of the Enfield Development Management Document 2014 (the DMD), allows for the conversion of existing family accommodation into self-contained flats or HMOs, provided, among other things, that the number of conversions: (i) must not exceed 20% of all properties along any road; and (ii) only 1 out of a consecutive row of 5 units may be converted.
15. The main parties acknowledge that No. 85 Hedge Lane has been converted into self-contained flats. While the appellant queries the wording of Policy DMD5, the addition of the proposal relative to No. 85 nevertheless results in more than one converted property within a consecutive row of five. However, this alone would not result in an unacceptable number of conversions.
16. In accordance with Policy DMD5, the number of conversions must also not exceed 20% of all properties along the road. During my site visit I did not observe any obvious conversions along Hedge Lane other than No. 85 and the appeal property. On this basis I have no reason to disagree with the appellant's assertion that these represent the only conversions on this road, and note that no substantive evidence has been provided by the Council that the total number of conversions on the street would exceed 20%.
17. Accordingly, the proposal does not conflict with this element of Policy DMD5. Combined with my observations of Hedge Lane and the lack of substantive evidence of further conversions on this road, this leads me to conclude that it does not give rise to an excessive number of conversions along Hedge Lane.
18. For the reasons given the proposal would not have a significant adverse effect on the distribution of converted properties within the area. In this regard it would accord with Policy DMD5 of the DMD and Policies H2 and H10 of the London Plan 2021 (the London Plan) and Policy CP5 of the Enfield Plan Core Strategy 2010-2025 (the CS), insofar as they seek to ensure an appropriate housing mix.

Highway Safety

19. Off-street parking is provided at the property in the paved area to the front, accessed from Hedge Lane via the dropped kerb. Although the Council does not have adopted parking standards, the main parties agree that this would provide space for two vehicles. Based on my observations, I have no reason to disagree.
20. The proposal would have the capacity to house six adults who would not be a single family unit, such that they would be likely to have different daily routines. While the appellant refers to a level of accessibility that would reduce reliance on private vehicles, no substantive evidence has been produced in this regard. I noted during my visit that the area is primarily made up of residential dwellings, with a bus stop and parade of shops located some distance from the site. Combined with the Council's reference to a Public Transport Accessibility Level (PTAL) of 1b, which indicates a low level of public transport connectivity, I consider that residents of the proposal would rely on private vehicles for day to day life, such that parking for more than two vehicles may reasonably be required.
21. However, the majority of surrounding properties are family dwellings with provision for off-street parking, and on-street parking along Hedge Lane and the surrounding streets is largely unrestricted. While this is somewhat limited by the presence of dropped kerb crossovers, I observed that ample parking spaces remained available within a convenient walking distance from the site. As such, any car parking required by residents of the proposal could be comfortably accommodated within the immediate area. Combined with the two off-street parking spaces at the site, I have no reason to conclude that the proposal would lead to or exacerbate problems of parking stress or congestion or unduly impact highway safety.
22. For the reasons given, the proposal would not have a significant adverse effect on highway safety, with regards to parking. In this regard it would comply with Policy DMD45 of the DMD, Policy CP24 of the CS and Policy T6 of the London Plan, insofar as they seek to ensure highway safety and adequate parking provision. It would also comply with provisions of the Framework which seek to ensure no unacceptable impact on highway safety.

Waste and Cycle Storage

23. Policy DMD45 of the DMD states that development should make provision for cyclists in accordance with the London Plan standards, which Policy T5 sets out as 2 cycle spaces for a use of this scale and nature. Although no information has been provided in this regard, I observed on my visit that the front and rear areas at the site would provide sufficient space at the premises for this level of cycle parking.
24. I further noted that within Hedge Lane bins are generally kept on the front yard areas, alongside parked cars. I do not consider that the level of waste produced by the proposal would be significantly greater than that of neighbouring dwellings such that any waste storage could also be comfortably accommodated to the front of the property. Even acknowledging that the communal bin would differ from those at other properties, given the general presence of bins along Hedge Lane, this does not detract from the character of the area.
25. Based on my observations of the site there is sufficient space at the property to accommodate cycle and waste storage in addition to the provision of two off-street parking spaces. Therefore, while specific details have not been provided on cycle and waste storage, these are matters of detail which could be conditioned.

26. For the reasons given, subject to the imposition of the conditions referred to above, I find that the development would have adequate provision for waste and cycle storage. As such, it would comply with Policies DMD5, DMD8, DMD37, DMD45 and DMD47 of the DMD, Policies CP24, CP25 and CP30 of the CS and Policies D4, T5 and T6 of the London Plan insofar as they seek to ensure adequate parking and refuse arrangements that would not harm the character of the area. It would also comply with provisions of the Framework in this regard.

Other Matters

27. I acknowledge that the proposal, as a HMO, would assist in meeting housing need targets, diversifying the housing stock and providing choice within the area by representing a flexible and affordable means of accommodation. However, given the limited scale of the proposal as a single HMO, the weight to be attached to this benefit is limited.

Planning Balance and Conclusion

28. I have found that the proposal would be acceptable in terms of its effect on the distribution of converted properties within the area, highway safety with regards to parking and the provision of waste and cycle storage at the site. I have also acknowledged that the proposal would provide additional housing and diversify the housing supply of the area, which attracts limited weight in support. Nevertheless, even taken together, I find that these do not outweigh the significant harm to the living conditions of neighbouring occupiers, with regards to noise and disturbance, and of potential occupiers, with regards to provision of internal floorspace.

29. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR