



Appeal Decision

Site visit made on 30 November 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/Q5300/W/22/3294016
452 Hertford Road, Edmonton N9 8AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Betul Cankurt against the Council of the London Borough of Enfield.
 - The application Ref 21/02415/FUL, is dated 18 June 2021.
 - The development proposed is a change of use from a House in Multiple Occupation (C4 Class) to a four bedroom (seven person) House in Multiple Occupation (use class Sui Generis).
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Decision

1. The appeal is dismissed and planning permission for a change of use from a House in Multiple Occupation (C4 Class) to a four bedroom (seven person) House in Multiple Occupation (use class Sui Generis) is refused.

Preliminary Matters and Main Issue

2. The proposed development is described on the application form as a change of use from dwelling to four bedroom (seven person) house in multiple occupation (use class Sui Generis). At the time of the application, the previous appeal allowing the change of use to a Class C4 house in multiple occupation (HMO) had been issued. The Inspector dealing with that appeal noted that the HMO use had already commenced and considered the appeal on the basis of the proposal being retrospective. I have no substantive basis to conclude that the property reverted back to a Class C3 use in the interim. I have therefore amended the description in the banner heading to better reflect the situation. I have also changed the word 'of' to 'in', in the description.
3. Furthermore, from my site visit I noted that the layout of the property has been altered to largely reflect the new 'proposed' layout, with the additional single room now being occupied. I have therefore considered the appeal on the basis that the application is retrospective.
4. The Council failed to determine the application within the prescribed period. No appeal statement or putative reasons for refusal have been provided.
5. Given my reasoning above on the lawful HMO use of the property, the proposal does not result in the loss of a family home. I note that the proposal does not entail any external alterations to the property. Therefore, having regard to the evidence before me, I consider that the main issue is the effect of the proposal on the living conditions of future occupants of the property.

Reasons

6. Core Policy CP4 of the Enfield Core Strategy (CS) supports quality housing of all types. Policy DMD5 of the Enfield Development Management Document (DMD) appears to relate to conversions from dwellinghouses, rather than changes from Class C4 to Sui Generis HMO. Whilst the policy does not directly address the change which is before me, it seeks to ensure that HMO accommodation needs to be of a high standard. To my mind, it would be inconceivable if this objective were not to apply to the current proposal.
7. Policy D6 of the London Plan (LP) requires housing development to provide adequately sized rooms with comfortable and functional layouts which are fit for purpose. This policy also 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, it provides a useful guide with which to assess the proposal.
8. I have been referred to the Council's HMO Housing Standards although these appear to be for licencing purposes rather than for planning purposes. I am not aware that they form part of the development plan.
9. The application form indicates the gross internal floorspace of the house to be some 80m². I note that the NDSS for a 2-storey 4-bedroom 7-person dwelling, prescribes a minimum floor space of 115m². The existing permission for 6 persons also fell short of the NDSS requirement for a 3-bed/6 person dwelling (102m²). Whilst there was no objection to living conditions from the Council on the previous proposal, the current scheme compounds the intensity of the living arrangements.
10. All the double bedrooms exceed the minimum space standards for this type of room. I also noted that all of these rooms are en-suite.
11. The single bedroom falls slightly below the space standard. However, it is of a regular shape with a door and window at each end of the room, and so its use is not compromised by its layout or arrangement. The adjacent bathroom is within a separate corridor which also serves the single bedroom (the extra door creating this corridor is not shown on the submitted plans). As such, it would operate as a de facto ensuite for the single room. In combination this creates an acceptable standard of accommodation.
12. On the ground floor, what is described on the drawings as a communal 'kitchen/dining/living' area is provided. I noted that whilst this area contained a small sofa, it is positioned directly opposite a worksurface and kitchen cabinets. As such it would not provide any practicable 'living' space or a place where occupants could comfortably socialise.
13. Whilst I accept that not all occupants would necessarily want to socialise or eat together, the communal space has a long, linear shape. Given the need to maintain access through to the kitchen facilities and to the rear garden beyond, this limits the number of people who could sit at the dining table and/or use the kitchen facilities at any one time.
14. Whilst the kitchen area appeared well equipped and accessible to all occupants, given the number of individuals who would occupy the property, I consider occupants are unlikely to spend much time in the communal area. Occupants

may even avoid entering while others are using it due to the limited space and its arrangement. Consequently, occupants of the property are likely to choose to spend much of their time in their respective rooms. Given the limited space within the property, together with the modest size of the rooms, three of which would have multiple occupancy, I consider that the proposal would be harmful to overall living conditions.

15. Whilst the proposal may meet the licencing requirements, the planning system has different and wider responsibilities. An assessment for planning purposes can, in my opinion, consider qualitative factors and should not just be a numerical exercise. Thus, factors such as the shape of the communal space, its usability and how it would be likely to function all contribute to ensuring that a good standard of accommodation is provided for occupants through the lifetime of the development.
16. My overall finding is therefore that the proposal would result in harm to the living conditions of the occupiers of the property. In this respect the proposal is contrary to Policy CP4 of the CS, Policy DMD5 of the DMD and Policy D6 of the LP that collectively, amongst other matters, seek to ensure that occupants of residential properties, including HMOs, have appropriate living conditions.
17. Similarly, the development would conflict with the overarching objectives of the National Planning Policy Framework, which seek to ensure development achieves quality living conditions for its occupiers.

Other Matters

18. The occupiers of the HMO are likely to lead independent lives from one another. Taking account of the size of the appeal property, the activity generated by seven persons living independently, with separate routines, the proposal would result in a level of activity that would be more than would reasonably be expected from a single house. However, considering the lawful level of occupancy and layout of the property, any increase in the level and amount of disturbance arising from the proposal, would likely to be minimal, and would not cause significant harm to surrounding residents.
19. The property is well located for public transport and access to local services and facilities. There is a rear garden area, and the site can provide adequate refuse storage.
20. However, these factors would represent a lack of harm which would accordingly be neutral in any balance. Furthermore, they would not diminish the harm I have identified.

Conclusion

21. The proposal would harm the living conditions of occupants and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR