



Appeal Decision

Site visit made on 23 January 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/Q5300/W/22/3306709

28 Oxford Road, Edmonton N9 0NA

- 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 Rick Garrison against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/00171/FUL, dated 1 March 2022, was refused by notice dated 22 April 2022.
 - The development is change of use from single family dwelling house (Class C3) to HMO (Class C4) for up to 5 residents.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from single family dwelling house (Class C3) to HMO (Class C4) for up to 5 residents, at 28 Oxford Road, Edmonton N9 0NA, in accordance with the terms of the application, Ref 22/00171/FUL, dated 1 March 2022, subject to the following condition:
 - 1) The HMO hereby approved shall be occupied by no more than 5 people at any one time.

Preliminary Matters

2. The description of development on the application form is "*change of use from single family dwelling house (Class C3) to HMO (Class C4) for up to 5 residents (retrospective). I propose there will be no more than 5 residents, so therefore there is single occupancy of each room only.*"
3. As the term retrospective is not an act of development, I have omitted this from the description. I have also removed the additional explanatory text, in the interests of conciseness.

Main Issue

4. The main issue is the standard of internal living space for occupiers of the house in multiple occupation (HMO).

Reasons

5. No.28 Oxford Road is a two-storey terraced house, comprising 5 bedrooms (one of which has an en-suite shower room), 2 further large shower rooms and a kitchen. It has storage cupboards under the stairs and on the landing, and a good size rear garden, with cycle parking facilities.
6. The reason for refusal refers to the dwelling failing to meet the gross internal floorspace requirement for a 5 bedroom, 7 person dwelling. However, it is

evident from the information submitted that the dwelling is only occupied by a maximum of 5 persons at any one time. This is controlled by the HMO licence and can also be controlled by a planning condition.

7. During my inspection of the property, I observed that although the kitchen is compact, it contains all necessary cooking and laundry facilities. It also contains a table and chairs, a wall mounted television and access to the rear garden. Although there is no separate lounge area, I saw that the bedrooms and bathrooms are all of a reasonable size, which is fit for their intended purpose and does not restrict their functionality.
8. At the time of my visit only 3 of the 5 occupants were present in the house. It is reasonable to assume that the occupiers of such properties will have different daily schedules and are unlikely to all want to, or need to, use the shared facilities at the same time.
9. Reference is made to the Nationally Described Space Standards (NDSS). Paragraph 2 of this document confirms that it is relevant only to new dwellings and it has no other statutory meaning or use. As this appeal does not relate to a new dwelling, I do not consider the NDSS to be relevant to its determination. Nevertheless, it is noteworthy that the NDSS states that a single bedroom should have a floor area of at least 7.5sqm and a width of at least 2.15m. The appeal property provides 5 single occupancy bedrooms all of which exceed this minimum standard. The NDSS does not set out any minimum space requirements for living and kitchen accommodation.
10. Criteria F and supporting paragraph 3.6.2 of Policy D6 of The London Plan (2021), clearly state that the internal space standards in this policy relate only to residential accommodation that is self-contained. Consequently, these space standards are not relevant to this HMO, in which the occupants have shared kitchen and bathroom facilities.
11. I am therefore satisfied that the standard of internal space within this HMO is adequate for up to 5 occupants and is in accordance with the relevant parts of Policy DMD5 of Enfield's Development Management Document (2014). This policy relates to the conversion of existing units into self-contained flats and HMOs. It requires, amongst other things, that such development provides a high-quality form of accommodation, which meets internal floor standards in The London Plan. However, as the internal floor standards in The London Plan relate only to self-contained accommodation, those standards would not apply to this HMO development.
12. I also find no conflict with the National Planning Policy Framework (2021), which seeks to promote health and well-being, with a high standard of amenity for existing and future users.
13. Policy H10 of The London Plan, Policies CP4 and CP5 of the Enfield Council Core Strategy (2010) and Policy DMD3 of Enfield's Development Management Document (2014) relate to new housing developments and are not relevant to this appeal.

Conditions

14. The Council has not suggested any conditions should the appeal be allowed. As the property has been a licenced HMO since August 2021, and no further alterations are proposed, it is not necessary to impose a time limit condition or

a list of approved drawings. I note that there is a consultation response from the Council's waste services department, suggesting that a commercial container may be required. To my mind a 5 person household would not normally generate a significant amount of waste. It would be open to the owner to purchase a larger container, should this become necessary in the future, and this is not a matter that needs to be controlled by a planning condition.

15. However, given the size of the property, I do consider it reasonable and necessary to restrict its maximum occupancy to 5 people, in the interests of ensuring that an appropriate standard of living conditions are maintained.

Conclusion

16. For the reasons given above, I conclude that the scheme complies with the development plan and the Framework taken as a whole. Accordingly, the appeal should be allowed.

R Bartlett

INSPECTOR