



Appeal Decision

Site visit made on 28 March 2023

by K Lancaster BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2023

Appeal Ref: APP/N5090/W/22/3308922

25 Prayle Grove, Cricklewood, London NW2 1BA

- 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 Mrs Nina Sadet against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/2600/FUL, dated 16 May 2022, was refused by notice dated 13 July 2022.
 - The development proposed is the change of use from a dwelling (C3 Use) to a 4-bedroom 4 person HMO (C4 Use) including construction of porch, part single, part two storey side and rear extensions following demolition of existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site was the subject of a recent appeal decision¹, which was dismissed. The primary difference between the proposal and the previous scheme is the proposed reduction in the number of occupants from 6 to 4. The appeal decision is a material consideration in the determination of this appeal.
3. The Council has referred to policies within the Emerging Barnet Local Plan (EBLP), and specifically to policies HOU02 and HOU03. I have insufficient information to determine the stage of preparation of the EBLP or whether the referenced policies are the subject of any unresolved objections. As such, I afford the policies of the emerging plan limited weight in the determination of this appeal.

Main Issues

4. The main issues of the appeal are:
 - Whether or not the appeal property is in an appropriate location for a house of multiple occupation, with particular regard to identified need and the supply of family housing; and
 - The effect of the proposed development on the character of the surrounding area.

Reasons

5. The appeal site, 25 Prayle Grove relates to a 3-bedroom, semi-detached dwelling situated on a corner plot. The existing property is two-storey with a

¹ APP/N5090/W/22/3284369

pitched roof and single storey garage attached to the side. The immediate surrounding area is predominantly residential.

6. The proposed development comprises the change of use of a dwelling to a small House of Multiple Occupation (HMO), for a maximum of 4 occupants. The proposal also involves the construction of a porch and a part single, part two-storey extension to the dwelling following demolition of the existing garage.
7. The Council has implemented an Article 4 Direction across the Borough requiring planning permission for any change of use from buildings used as dwelling houses (Class C3) to buildings used as small houses in multiple occupation (Class C4).

Identified Need and Provision of Family Housing

8. The proposal would result in the loss of a 3-bedroom dwelling, which is recognised in Policy DM08 of the Barnet Local Plan Development Management Policies (DMP) as being the second highest priority type of accommodation within the Borough. This is further reflected in Policy HOU02 of the EBLP, which stipulates that this size of accommodation should be the highest priority for the Borough, with 4-bedroom accommodation a medium priority. As such, there is clear evidence to support the need for 3-bedroom family housing, and the emerging Local Plan indicates that this need is increasing.
9. Policy DM09 of the DMP states that proposals for HMOs will be supported where, amongst other things, they will meet an identified need. My attention has also been drawn to Policy H9 of the London Plan which requires Boroughs to take into account the role that HMOs play in meeting housing needs.
10. It is not disputed that there is a need to provide a range of housing sizes, types, and tenures to meet the needs of the growing population of Barnet and I recognise the role of HMOs in providing low-cost accommodation which is attractive to students, those on low incomes and temporary workers. Some evidence has been supplied by the appellant, prepared by local property experts, which indicates that there is a level of demand for HMOs, within the area. However, whilst this evidence indicates a level of demand, this is not the same as demonstrating that there is an identified need as is required by Policy DM09. No clear evidence has been provided which indicates an identified need for HMO accommodation in this location.
11. Although the reduction in supply of 3-bedroom dwellings would be small, I am not persuaded that there is compelling evidence of an identified need for HMO accommodation in this location to comply with the requirements of Policy DM09. Furthermore, I am not persuaded that HMO accommodation within the Borough could not be provided in alternative locations, which would protect the supply of 3-bedroom family homes, in accordance with Policy DM08 and emerging Policy HOU2.
12. The Council states that no planning permissions have been granted for HMO accommodation within Prayle Grove; however, the evidence provided by the appellant indicates that there are currently 6 licensed HMO premises within Prayle Grove and a further 2 within Wallcote Avenue, the neighbouring street. There is no evidence before me to confirm whether planning approval was required, or indeed has been granted for these properties. However, the

Council's position is clear in establishing the Article 4 direction, that they wish to manage loss of family housing to HMO accommodation.

13. My attention has been drawn to recent appeal decisions² within the Borough, in which it was accepted by the Inspector that there is a need for HMO accommodation. From the limited information provided, I find little by way of comparison between these proposals and the appeal site. In any case, I have considered the appeal on its own individual merits.
14. I therefore conclude that the appeal site would not meet an identified need and would lead to a reduction, albeit modest, to the supply of 3-bedroom housing. Consequently, the appeal site is not an appropriate location for a HMO. The proposal would be in conflict with Policies DM08 and DM09 of the DMP, which amongst other things seeks to prioritise the supply of 4-bedroom and 3-bedroom homes and will only support the provision of HMO accommodation where there is an identified need.
15. The proposal would also conflict with emerging Policy HOU2, which states that 3-bedroom homes are the highest priority for the Borough.

Effect on the Character of the Area

16. During my site visit, I observed a quiet, pleasant residential area to be mainly comprised of single-family dwellings. Whilst I acknowledge that the use of the property as a small HMO for a maximum of four occupants would result in four households operating independently of each other, this level of occupation including comings and goings, would not be materially different to that of a family dwelling. As such, this would not result in an unacceptable level of harm to the quieter residential character of the appeal property and its surroundings.
17. The Council considered the reduction from 6 to 4 proposed occupants to address their previous concerns relating to the effect on the living conditions of neighbouring occupiers with regard to noise and disturbance. The previous appeal decision concluded that the development would not cause adverse impacts in terms of additional parking stress within the locality. Given these would not be materially different to that of a family dwelling I see no reason to disagree with these assessments.
18. I therefore conclude that the occupation of the appeal property as an HMO would not result in the introduction of an incongruous use to an area which is characterised by single family dwelling houses. It would not be detrimental to the character and amenity of the area. Accordingly, this would not result in conflict with Policies CS1 and CS5 of the CS and Policies DM01 and DM09 of the DMP, which seek amongst other things to ensure this type of development will not have a harmful impact on the character of the surrounding area.
19. The Council's Residential Design Guidance Supplementary Planning Document 2016 (SPD) details the circumstances in which the conversion of existing dwellings to HMO can be appropriate and setting out the considerations against which proposals should be assessed. I have not found any conflict with the guidance contained within this document.
20. The proposal would also not be in conflict with emerging Policy HOU3, which states that conversion of dwellings will only be supported where the

² APP/N5090/W/18/3204546 and APP/Z5060/A/11/2167184

development is not located in a road that is largely characterised by large houses and that no significant loss of character or amenity occurs to the area.

Other Matters

21. The proposal would accord with the objectives of the Local Plan National Planning Policy Framework (the Framework) in so far as it would make an effective use of the site to provide relatively low-cost accommodation within a location which has very good access to services and public transport. The area is also identified as a focus for growth and housing delivery. I have also had regard to the objective to significantly boost the supply of housing in the Framework which requires that housing applications be considered in the context of the presumption in favour of sustainable development. However, any benefits of the proposal would be modest given the small scale of development and would not outweigh the adverse impacts of the development and the conflict with the development plan.
22. There is no dispute between the main parties in relation to the proposed extensions and alterations to the property. In 2017, planning permission was granted at appeal³ for these works. Whilst this permission has since lapsed, the Council confirms acceptability of the proposed extensions and I see no reason to disagree with this assessment. Furthermore, there has been no change in policy that would cause me to reach an alternative conclusion to the previous decision.

Conclusion

23. For the reasons set out above, having considered all the policies drawn to my attention, the conflict with Policies DM08 and DM09 of the DMP and Policy HOU2 of the EBLP leads me to conclude that there is conflict with the development plan taken as a whole. There are no material considerations which would outweigh that conflict. Therefore, the appeal is dismissed.

K Lancaster

INSPECTOR

³ APP/N5090/D/17/3180943