



Appeal Decision

Site visit made on 19 December 2023

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2024

Appeal Ref: APP/N5090/W/23/3328726

11A Long Lane, Finchley, Barnet, London N3 2PR

- 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 Aron Baum against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/1108/FUL, dated 1 March 2022, was refused by notice dated 2 March 2023.
 - The development proposed is the conversion of existing 4 bed maisonette to create 6 room House in Multiple Occupation for up to 6 people (C4).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by the appellant and is the subject of a separate decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.
4. A completed Section 106 Planning Obligation has been submitted in support of this Appeal, to restrict the occupants of the proposed development from applying for a parking permit within the Controlled Parking Zone.
5. A site visit was arranged between 10.45 and 12.45 on 19th December 2023 for access to be provided to the site. However, there was no answer at the property when the I attended. Subsequently a letter was sent to the appellant, stating that further site visit to arrange access into the building was not required.

Main Issue

6. The main issue is the effect of the development on the supply of family housing.

Reasons

Family housing

7. The appeal building is a four bedroom maisonette over two floors with the ground floor of the building in commercial use. The proposal is for the change

of use of the maisonette to a six person House in Multiple Occupancy (HMO). Three en-suite bedrooms and a kitchen would be provided on each floor. No external changes are proposed, and the building would continue to be accessed at the rear of the building.

8. Within criteria 'a' of Policy DM09 Barnet's Local Plan (Development Management Policies) Development Management Policies (2012) (DMP) the Council identifies the instances where a new HMO would be encouraged. As detailed above no external changes are proposed as part of the change of use. Also, the application site is within an area with a PTAL rating of 4 and within short walking distance of bus routes and shops and services. As such the proposal meets some of the requirements listed within this criterion. While the London Plan gives general support for a variety of housing types, under criteria 'a' the Council state that new HMOs 'must meet an identified need'. A letter from a local estate agent states that the use of the HMO would 'better cater to the current market demand.' This letter refers to a high demand for bedsits, but this view is not supported by any substantive evidence.
9. Within Policy DM08 of DMP the Council identifies 4 bedroom properties as the highest priority for market housing. Further, the later Authorities Monitoring Report 9AMR) used to inform the emerging plan continues to support this position. There is no substantive evidence before me to demonstrate that the proposed HMO would be linked to a clearly identified need and that the requirement for HMO properties outweighs the Council's prioritisation for four bedroom market housing.
10. The appellant states that the continued use of the maisonette as a four bedroomed dwelling is no longer feasible, primarily due to a lack of garden space and a rear entrance. While these may be desirable features for family housing there is no compelling evidence to show that they are essential in this case. Indeed, I note that the appeal property has been used as a four bedroom dwelling over an extended period and several other properties in the area have no private garden and a similar form of rear entry. As such, I give this consideration limited weight.
11. My attention has been drawn to other properties in the area that have been converted into small HMOs including at 7a and 9a Long Lane. However, I do not have full details of when these conversions took place or the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of the size of the original property, if they met an identified need and development plan policy at the time of determination.
12. It has not been demonstrated that the proposed change of use of the property to an HMO meets an identified need as required within Policy DM09 of the DMP. There is also no substantive evidence before me to support a material consideration of sufficient weight to justify the loss of a four bedroom family house; the provision of which is identified as a priority by within Policy DM08 of the DMP. Therefore, the development would have a harmful effect on the supply of family housing. These policies are consistent with the Framework in seeking to provide a variety of high quality housing types to meet the needs of the community. Although Policies CS1, CS4 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (CS), Policy DM01 of DMP and Policy H10 of the London Plan (2021) are cited in the reason for refusal,

they are not directly related to family housing matters and are of limited assistance in my consideration of this issue.

Other Matters

13. It is acknowledged that the proposed HMO would meet internal space standards and would provide low cost housing in an accessible area. However, these benefits do not outweigh the harm I have identified.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

C Livingstone

INSPECTOR