



Appeal Decision

Site visit made on 29 January 2024

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

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/Q5300/W/23/3326606

191 Church Street, Enfield, Edmonton N9 9HL

- 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 Elia of Workflair Limited against the decision of the Council of the London Borough of Enfield.
 - The application Ref 23/01147/FUL, dated 6 April 2023, was refused by notice dated 1 June 2023.
 - The development proposed is the conversion of existing dwelling house (C3) into 6 room (10 Person) HMO (Sui-Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.

Main Issues

3. The main issues are:
 - Whether the proposal would lead to an unacceptable concentration of dwelling house conversions on Church Street;
 - the effect of the proposal on highway safety and the free flow of traffic with regard to parking provision.

Reasons

Conversion of dwellinghouse

4. The appeal is located in a predominantly residential area and relates to a three storey, mid-terrace, five bedroom property. Although not shown on the submitted block plan, the property has a detached garage and car parking space that are served by a shared access off Church Street.
5. The proposal is for the conversion of the property into a House of Multiple Occupation (HMO) which would comprise of six ensuite bedrooms and a communal kitchen, living room and utility/laundry room. The appellant has indicated that four of the bedrooms would accommodate two people, therefore up to ten people would live in the HMO.

6. Enfield's Characterisation Study (2011) found that high numbers of residential conversions can have a negative impact on the character and residential amenity of established residential areas. In order to regulate the number of conversions in the Borough, an Article 4 direction was put in place in 2013. This requires that the conversion of dwellings to HMOs are subject to planning permission. The Council will only permit the conversion of existing units into flats or HMOs when they accord with a number of criteria listed within Policy DMD5 of the Improving Enfield Development Management Document (DMD) 2014 (DMD). Criterion 'b' stipulates that *"the number of conversions: must not exceed 20% of all properties along any road; and only 1 out of a consecutive row of 5 units may be converted."*
7. The Council have confirmed that, according to their records, more than one out of a consecutive row of five units either side of 191 Church Street have been converted and in the region of 70% of dwellings, within the post code N9 9HL, on Church Street have been converted to flats or HMOs. I have no reason to disagree with information provided by the Council which demonstrates that the proposal would fail to accord with criterion 'b' of Policy DMD5 of the DMD.
8. Within their grounds of appeal, the Appellant states that there is a proliferation of conversions on Church Street as existing, to the extent that they establish a defining characteristic of the area. Therefore, they argue that the appeal should be allowed on this basis. Following my site visit, and based on the evidence before me, I note that there are a high number of conversions, including HMOs, on Church Street. However, I give the Appellants argument limited weight as it directly contradicts the aims of Policy DMD5 of the DMD which seeks to achieve a suitable mix of housing types and avoid the over concentration of conversions.
9. The proposed development would result in the further loss of family housing and would have a harmful impact on the mix of housing types in the area. The exacerbation of the existing over concentration of conversions would also have a harmful impact on the residential character of the area.
10. For the reasons detailed above the proposal would lead to an unacceptable concentration of dwellinghouse conversions on Church Street. Therefore, the proposal is contrary to Policy which seeks to and prevent the over concentration of dwelling house conversions in residential areas. Policy DMD37 of the DMD is an overarching policy relating to achieving design led development and is not relevant to my assessment of the conversion of an existing dwellinghouse.

Highway safety

11. The application site is located in an area with a PTAL rating of 2, there are several bus routes in the area and Edmonton Green Station is around a 15 walk from the property. While not clearly indicated on the submitted plans, there is existing parking provision for two cars to the rear of the building. The Council have stated that they are now satisfied that there is sufficient parking provision within the site.
12. If the proposal was acceptable in all other respects, full details and retention of parking spaces as part of the proposal could be controlled via condition.

13. As such the proposed development would not have a harmful impact on highway safety and the free flow of traffic with regard to parking provision. The proposal is therefore in accordance with Section 9 of the Framework, Policies T2, T4, T6 and T6.1 of the London Plan (2021), The Enfield Plan Core Strategy 2010-2025 Policies CP24 and CP25 and DMD Policies DMD8, DMD45, DMD47 and DMD48. These policies seek to ensure highway safety and the free flow of traffic and encourage development in accessible locations where transport impacts are mitigated, sustainable transport choices are available; and accordance with car parking standards and design requirements.

Other Matters

14. The Appellant has drawn my attention to a recent appeal (APP/Q5300/W/21/3299104) that was allowed for the conversion of a similar property on Church Street to 7 self-contained flats. However, I note that this property had previously been converted in to three separate flats. As this appeal did not relate to the conversion of an unconverted single dwellinghouse it does not form a direct comparison to the appeal proposal.
15. The proposal would make a positive contribution to the housing supply and would provide acceptable living conditions for future occupants in terms of both internal space standards, amenity provision, cycle and refuse storage. However, these benefits do not outweigh the harm I have identified.

Conclusion

16. The proposed conversion of the dwellinghouse into an HMO is contrary to Policy as there are an over concentration of existing conversions in the area. While I have found that no harm in relation to highway safety and the free flow of traffic in relation to parking, this is a neutral consideration in my determination of the appeal.
17. For the reasons given above I conclude that the appeal should be dismissed.

C Livingstone

INSPECTOR

