



Appeal Decision

Site visit made on 26 June 2024

by K L Robbie (BA Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2024

Appeal Ref: APP/Q5300/W/23/3334677

129 Cuckoo Hall Lane, Edmonton N9 8DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Ms N Demir against the decision of the Council of the London Borough of Enfield.
- The application reference is 23/03042/FUL.
- The development proposed is the retention of HMO use, removal of existing side door and proposed new door to front elevation.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2023. This does not materially change the planning policy context in respect of the main issues, and I have determined the appeal accordingly.
3. At the time of my visit the property appeared to be laid out in a manner broadly consistent with the plans before me. However, 'retention' as referred to in the application form and decision notice does not constitute an act of development. I have therefore dealt with the appeal on the basis that planning permission is sought for the development in accordance with the drawings submitted.

Main Issues

4. The main issues are:
 - Whether the proposal would provide adequate living conditions for future occupiers of the House in Multiple Occupation (HMO) with particular regard to the provision of internal space provision, provision of external amenity space and privacy; and
 - The effect of the development on the living conditions of existing occupiers of the 129 Cuckoo Hall Road with particular regard to privacy

Reasons

Living Conditions – Internal Space Provision

5. The proposed HMO would be created through the subdivision of the appeal property. It would have three bedrooms, two of which would be in the roof space. London Plan (LP) Policy D6 sets out acceptable requirements for housing to be comfortable and functional, of which internal space standards are set out in Table 3.1 as part of this policy. It states that dwellings with two bedspaces

or more must have at least a double (or twin) bedroom that is at least 2.75 metres wide. Double bedrooms should have a floor space of at least 11.5 square metres.

6. None of the bedrooms in the proposed dwelling would be large enough to be a double bedroom and two of the bedrooms would not reach the required floor space of 7.5 square metres to be appropriate for occupation as a single bedroom. Therefore, the lack of internal floorspace would result in an oppressively confined form of accommodation for its future occupants.
7. Consequently, the proposed development would not provide adequate living conditions for future occupiers with regard to the standards of the internal space. The proposal would therefore conflict with LP Policy D6 which, amongst other things, seeks to ensure that new development provides a good standard of accommodation for its occupiers. There would also be conflict with Enfield's Development Management Document (EDMD) Policies DMD5 and DMD8 which support the provision of high-quality accommodation. However, I find no conflict with Enfield Core Strategy (ECS) Policy CP4 which is concerned with the delivery of a range of housing types. The reason for refusal also refers to the Technical Housing Standard – Nationally Described Space Standard upon which the space standards in the LP are based.

Living Conditions – External Amenity Space

8. External amenity space accessible by occupiers of the HMO would be to an area of hardstanding located to the front and side of the property. No direct access would be provided to amenity space at the rear of the property which is only accessible through the living accommodation at 129 Cuckoo Hall Road (No. 129).
9. Whilst the external space to the front would be private in terms of ownership it would offer little in the way of privacy and would not provide the occupiers with meaningful space for sitting out or the drying of laundry and would be unlikely to be used for amenity purposes. The configuration and orientation of the space would therefore result in an inadequate level and quality of amenity space which should be expected for the size and type of dwelling proposed.
10. I recognise that there is green space close by which could be utilised by occupiers of the dwelling for some recreational purposes. However, that fulfils a different function to private amenity space and is not a reason not to provide adequate private outdoor space as part of the development appropriate to its context.
11. For the above reasons, the proposed development would fail to provide adequate living conditions for future occupiers with regard to the provision of quality external amenity space. There would be conflict with LP Policy D6 and EDMD Policy DMD8 which require the provision of high-quality amenity space which is both practical and useable.

Living Conditions – Privacy

12. Users of amenity space at the rear of No. 129 would be able to see directly into the window serving the kitchen of the HMO and vice versa. Nevertheless, installation of obscured glazing on the lower portion of the window would mean that the intervisibility would be greatly reduced and the sense of overlooking

would be overcome as a result. The installation of obscured glazing could be reasonably controlled by condition had I been minded to allow the appeal.

13. I therefore find that there would be no harm to the living conditions of the existing occupiers of 129 Cuckoo Hall Road with regard to privacy. The proposal would also provide adequate living conditions for future occupiers of the HMO with regard to privacy. There would be no conflict with LP Policies D3(7) and D6, EDMD Policies DMD5 and DMD8 which all require development to be of high quality with appropriate levels of privacy. However, I find no conflict with Enfield Core Strategy (ECS) Policy CP4 which is concerned with the delivery of a range of housing types.

Other Matters

14. I acknowledge that there may be a demand for this type of accommodation, and I do not doubt that HMOs offer a form of low-cost housing. However, I have not been provided with evidence that this cannot be provided elsewhere. Irrespective of the location of the site near to public transport links and local parks, I am not satisfied that the evidence before me adequately demonstrates a need for the proposed HMO. These are not factors which weigh in favour of allowing the appeal and do not diminish the harm that I have found on the main issues.

Conclusion

15. Although I have found that there would be no harm to the living conditions of existing occupiers of 129 Cuckoo Hall Road and the future occupiers of the proposed HMO with regard to privacy, the proposal would not provide adequate living conditions for future occupiers of the proposed HMO with regard to both internal and external space provision. Therefore, for the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

K L Robbie

INSPECTOR