



Appeal Decision

Site visit made on 19 June 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2024

Appeal Ref: APP/Q5300/W/23/3332820

21 Rydal Way, Enfield EN3 4PQ

- 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 Mr Ilir Gjyla against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/02080/FUL.
 - The development is change of use from C3 Dwelling to HMO (C4) including rear outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It was clear from my site visit that the main property and rear outbuilding were already in use as a House of Multiple Occupation (HMO) as set out in the plans, however, the rear outbuilding contained a kitchen. As both plans and statement submitted in support of the appeal confirm there would be no kitchen in the rear outbuilding, I have dealt with the appeal on that basis and planning permission is sought retrospectively for the change of use.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. Given the date the appeal was submitted, I am satisfied that the main parties were able to address any changes within their submissions.

Main Issues

4. The main issues are:
 - whether the HMO provides acceptable living conditions for its occupants, with regard to the quality and quantity of the communal space,
 - whether the rear outbuilding is a. suitable as habitable accommodation as part of the HMO, having regard to the development plan policy, and b. provides adequate living conditions for its occupants, with particular regard to outlook,
 - the effect on highway safety, with particular regard to vehicle parking; and
 - whether the development could make suitable provision for secure and sheltered cycle parking.

Reasons

Living accommodation

5. The appeal property (No 21) is a two-storey end-of-terrace dwelling with an outbuilding in the rear garden, located within a predominantly residential area. The plans indicate that it was previously laid out as a four-bedroom house with a generous reception and kitchen/diner on the ground floor to the rear.
6. The internal layout of the main dwelling which is No 21 has since been altered to provide two bedrooms and a kitchen/diner to the ground floor, and the smallest bedroom at the first floor for storage. The plans and statement submitted in support of the appeal show the communal space for occupants of the HMO to be a kitchen/diner on the ground floor and a storage area on the first floor within the main dwelling, and the living/dining area within the rear outbuilding.
7. The Council's HMO Standards for Bedsit/Letting rooms and Shared House Accommodation (2021) (HMO Standards) seeks to ensure that kitchen/diners for 6-10 occupants have a minimum space of 12.5 square metres. The kitchen/diner in the main dwelling is approximately 10 square metres and I observed that much of the floor area is needed as circulation space for the kitchen and to access the garden. Whilst the HMO Standards are under a separate regime, it is material insofar as to ensure occupants have adequate living accommodation. Even though this room was large enough to accommodate two stools at a raised bench for occupants to sit at, the room appeared cramped. The lack of seating arrangements and overall circulation space therefore prevents residents from comfortably dining and relaxing together. This was evident through my observations of the facilities which some of the occupants had in their bedrooms, which included amongst other things, kitchen sinks, fridges, microwaves and settees.
8. Whilst I have not been provided with the overall size of the storeroom to the first floor, I saw that the room was small. Given its function, it would not be reasonable for occupants to use this room to relax or socialise. As such in my view this room does not contribute towards available communal space available.
9. The living/dining area within the rear outbuilding would provide additional floor space to the ground floor, large enough to accommodate two x 2-seater settees and a folding dining table. However, occupants whose bedrooms are in the main dwelling would be required to walk to the rear outbuilding to comfortably relax and socialise together. This would in my opinion dissuade occupants of the main dwelling from using this area, especially in poor weather. As such, the living area within the rear outbuilding is more likely to be used by the occupant of the outbuilding than contribute towards the overall communal space available to all the occupants.
10. Social interaction is important for mental health and well-being. Despite bedrooms being an acceptable size, it is reasonable to expect that occupants of the HMO should have access to a good standard of communal accommodation in which to prepare food, dine and mix with fellow residents.
11. Given the deficiencies of the communal areas, I conclude that the HMO fails to provide an acceptable living environment for its occupants. Accordingly, there

is conflict with Policies D4 and D6 of the London Plan 2021, CP4 and CP30 of the Enfield Plan Core Strategy 2010-2025 (Core Strategy), and DMD5, DMD6, DMD8 and DMD37 of Enfield's Development Management Document 2014 (DMD) which collectively seek to ensure housing development to be of high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose. There is also conflict with chapter 12 of the Framework insofar as it seeks to ensure development creates places with a high standard of amenity for existing and future users.

Rear outbuilding

a. Development Plan Policy

12. The decision notice outlines several policies within the London Plan, DMD and Core Strategy. It is clear from the Council's officer report and statement that it relies upon Policy DMD12 of the DMD as a main refusal reason and contends that the rear outbuilding would no longer be ancillary to the main dwelling. However, this policy is clear, in that it relates to new proposed outbuildings and does not prevent those which exist from being used for other purposes. As the appellant is seeking to formalise its conversion for use as part of the overall HMO, I do not consider this policy to be applicable in this instance.
13. Whilst I note the Council's concerns relating to whether the outbuilding would remain ancillary to the main dwelling, I have not been presented with substantive evidence to demonstrate that it would not provide suitable habitable accommodation as part of the HMO to conflict with the development plan.

b. Living conditions

14. Even though elevational plans were not submitted with the appeal and floor plans did not indicate windows within the walls of the bedroom, I did see that there was a window to the side wall facing the pedestrian route from the garden to the rear. As such my assessment has been made on observations on site.
15. Despite the window being obscurely glazed and providing no outlook, the roof light did enable a view of the sky. Even if the bedroom is located to the rear, the level of natural light within the room was good at the time of my site visit, and at a level whereby the occupant could comfortably work or read without reliance on electric lighting.
16. The living area to the front has two further roof lights and two windows on either side of the French doors which provide an outlook across the garden to the main house. Given that lighting within this room was also acceptable, I do not consider the lack of outlook from the rear outbuilding to be as harmful as the Council contends.
17. I conclude that the rear outbuilding would provide acceptable living conditions for its occupants with particular regard to outlook. As such, there would be no conflict with Policies D6 of the London Plan, CP4 of the Core Strategy, DMD5, DMD6, DMD8 and DMD37 of the DMD, which collectively seek to ensure that the rear outbuilding is suitable for its intended function; and provide good quality housing which have adequately-sized rooms with comfortable and functional layouts which are fit for purpose. There would also be no conflict with chapter

12 of the Framework insofar as it seeks to ensure development creates places with a high standard of amenity for existing and future users.

Highway Safety

18. Rydal Way is a cul-de-sac containing terraced properties which has a turning circle to the end and is within a Public Transport Accessibility Level (PTAL) 2/3. The area to the front of No 21 is block paved and had one car present at the time of my site visit.
19. Policy DMD45 of the DMD states that car parking should be considered against the standards set out in the London Plan as well as the scale and nature of the development, PTAL of the site, existing parking pressures in the locality and accessibility to local amenities.
20. Policies T6 and T6.1 of the London Plan relate to parking standards, with Policy T6.1 specifying that parking for new residential development should not exceed the maximum parking standards set out in Table 10.3 for all areas of London. As No 21 is located within Outer London, within PTAL 2-3 and with 3+ beds, the maximum parking provision should be up to 1 space per dwelling.
21. I acknowledge the concerns raised by both the Council and residents regarding the overspilling of cars associated with the HMO. I observed that parking pressure was moderate, with spaces available to park on Rydal Way and Church Road. Whilst this is a snapshot in time, it is likely that during late afternoon and evening times, there may be more vehicles looking to park as people return from work. The area is not within a Controlled Parking Zone and there is no dispute that 1 car parking space can be provided. I also saw that the site is well served by amenities, such as a supermarket and shops on the High Street, within an approximate 10-minute walk.
22. The Council have not substantiated its concerns or provided me with evidence to demonstrate that additional on-street parking is not possible, or that it creates conditions detrimental to highway safety. Whilst cars were parked on the street and within the turning head within Rydal Way, there was parking available within the street and on Church Road. Whilst parking on Church Road is not directly in front of No 21 residents can park nearby without causing detriment to highway safety.
23. For the above reasons, I conclude that the development would be acceptable in terms of vehicle parking and would not lead to adverse effects on highway safety. There would be no conflict with Policies T2, T4, T6 or T6.1 of the London Plan, or Policy DMD45 of the DMD, which collectively seek to ensure that development proposals should not exceed the maximum parking standards. There would also be no conflict with chapter 9 of the Framework, which advises that development should have no unacceptable impact on highway safety.
24. The Council contends that the development is contrary to Policy T3 of the London Plan, Policy CP24 of the Core Strategy and DMD47 and DMD48 of the DMD. However, these appear to be broader transport-based policies relevant to larger schemes and less applicable to proposals regarding individual dwellings. It also contends that the development conflicts with its Revised Technical Standards for Footway Crossovers (2013). However, No 21 has an existing vehicle crossover and the Council has not substantiated its concerns with regard to this guidance.

Given that the primary consideration of the guidance is to ensure safe access to and egress from premises and facilitate safe passage and manoeuvre of vehicles, it is not considered applicable in this instance.

Cycle parking

25. Whilst submitted plans show the retention of six-cycle stands to the front of the property, there was no evidence of these at the time of my site visit. Even though the front area is large enough to accommodate the cycle stands, I do not have substantive evidence to demonstrate that these could be provided alongside the one parking space and provide sufficient room to allow the occupants to pass. Notwithstanding this, the rear garden is large enough to accommodate cycle stands. This matter could be addressed by a suitably worded condition if I were minded to allow the appeal. Subject to the imposition of such a condition, I am satisfied that the development could provide sufficient secure sheltered cycle parking which promotes sustainable modes of transport.
26. For the above reasons, I conclude that there would be no conflict with Policies T5 of the London Plan and DMD45 of the DMD which collectively seek, amongst other matters, for cycle parking to be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. There would also be no conflict with chapter 9 of the Framework, which advises that development should provide supporting facilities such as secure cycle parking.
27. The Council contends that the development is contrary to Policies CP24 and CP25 of the Core Strategy and DMD47 of the DMD. However, these appear to be broader transport-based policies relevant to larger schemes and less applicable to proposals regarding individual dwellings. As such, it is not considered applicable in this instance.

Other Matters

28. The appellant has drawn my attention to Policies H9, H1 and GG2 of the London Plan and claims that the policies actively encourage the supply of affordable housing, whilst bringing an underutilised property into use. Whilst I have not been provided with a full copy of the Policies to draw a conclusion, I acknowledge the Framework does promote effective use of land and the supply of affordable homes. However, even if all rooms within No 21 are being utilised and contributes to the number of affordable dwellings within the borough, I have nothing before me to ensure that this is secured in perpetuity. Furthermore, the benefit of providing one affordable accommodation in the form of an HMO does not outweigh the harm identified above.
29. The appellant has also drawn my attention to a number of planning applications and appeals. Whilst I have been provided with the decision notices, I do not have all the details of these cases before me or the circumstances which led to those decisions being taken. In any case, I have considered the appeal on its own merits.
30. With regards to 3 Lovell Road¹, whilst similar in nature to the appeal scheme, the main dispute is not. As there is no dispute with regard to the number of HMOs within the street, the circumstances of this appeal are sufficiently different and not comparable to the appeal before me.

¹ APP/Q5300/W/16/3157109

Planning Balance and Conclusion

31. HMO provision forms an important part of the housing supply in London. However, even if there are no harmful effects with particular regard to outlook, highway safety, or cycle parking, I have found that the lack of communal space creates harmful effects on the living conditions of existing occupiers.
32. On balance, I find that the proposal conflicts with the development plan taken as a whole, and material considerations do not indicate the decision should be made other than in accordance with the development plan.
33. For the reasons given above the appeal should be dismissed.

L Clark

INSPECTOR