



Appeal Decision

Site visit made on 9 July 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 27 August 2024

Appeal Ref: APP/N5090/W/24/3340448

83 Princes Park Avenue, Golders Green, Barnet, London NW11 0JS

- 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 Noah Fatemi against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/4399/FUL.
 - The development proposed is partially change of use of a residential semi-detached house (use Class C3) to an HMO (Use Class C4). No internal or external alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is that found on the application form. However, the term 'partially' has been removed from the description on the Council's decision notice and on the appeal form. It is on this basis that I have determined the appeal.
3. The Council has included policies from Barnet's Draft Local Plan (DLP) within its reasons for refusal. These include Policies HOU02, HOU04 and ECC02. The Council has stated that following examination, Main Modifications to the Local Plan are out to public consultation. As I have insufficient information as to whether these policies are subject to any unresolved objections, I afford them only limited weight.
4. Refusal Reason 3 included the absence of a parking survey. This was submitted with the appeal and the Council has commented on this in their statement. Therefore, I consider there would be no prejudice to any party from taking this into account when reaching my decision.
5. The site is within an area where there is an Article 4 direction requiring planning permission to be sought for conversions from a dwelling house, Use Class C3 to a House in Multiple Occupation, (HMO), Use Class C4. At the time of my visit two of the bedrooms on the 1st floor were occupied.

Main Issues

6. The main issues are:
 - Whether or not the appeal property is in an appropriate location for a house in multiple occupation, with particular regard to need and the supply of family housing;

- The effect of the development on the living conditions of the occupiers of neighbouring properties in terms of noise and disturbance; and
- Whether the proposal would provide satisfactory parking arrangements and effect highway safety.

Reasons

Need and provision of family housing

7. The appeal site is a semi-detached dwelling located in a residential area. It has 3 bedrooms on the 1st floor and 3 bedrooms are shown on the proposed ground floor plans. The development proposal is to use the house as a 6-bedroom HMO.
8. Policy DM08 of Barnet's Local Plan Development Management Policies, 2012, (DMP) states that there should be a mix of dwelling types and sizes, with 3- and 4-bedroom housing being the highest priority within the borough. DMP Policy DM09 encourages new HMOs if there is an identified need and it would not have a harmful impact on the character and amenities of the area, as well as being accessible by public transport, cycling and walking and meeting the relevant housing standards for an HMO.
9. The appellant refers to the site being close to the proposed Brent Cross regeneration area, which is forecast to create over 20,000 new jobs. This, they consider, requires a mix of suitable housing, including HMOs, to reduce commuting and pressure on transport, and would be easily accessible by cycling and walking from the appeal site. However, the regeneration area is a long-term project and does not provide a current need for housing.
10. The Council's forecast, 2014-2031, is that the largest population growth would be in areas, such as Golders Green where the appeal site is located. The London Borough of Barnet Strategic Housing Market Assessment Update, 2018, (SHMA) shows an increase of 25% in the number of multi-adult households. Whilst it is acknowledged that a range of housing types are required across the borough, there is little substantive evidence that there is a local need for this property becoming an HMO.
11. The property is in a suburban residential area characterised by family housing. Whilst the appellant has listed several HMOs within the area¹, no substantiated evidence has been provided as to the circumstances behind these properties becoming HMOs and whether they are comparable to the appeal site. Notwithstanding these examples, the proposal would result in the loss of a family sized house.
12. There would be no external changes to the building resulting from the proposed development, and, subject to a condition for screening and enclosure of refuse containers, the change to an HMO would not appear, physically at least, any different to other houses in the road.
13. Despite this, I conclude that the appeal site would not meet an identified need and would result in the loss of a family sized house which is the highest priority for housing within the borough.

¹ 1 Alba Gardens, 59, 93A and 123 Leaside Crescent, 60 Brookside Road

14. The proposal would conflict with Policies CS1 and CS5 of Barnet's Local Plan Core Strategy, 2012, (CS) and Policies DM01 and DM08 of the DMP. Collectively these policies provide the priority for housing within the borough, only allowing new HMOs where there is an identified need, as well as requiring the development to not having a harmful effect on the character of the area. It would also conflict with the Residential Design Guidance Supplementary Planning Document, 2016, (RDSPD) which states that HMOs are likely to be resisted in areas of low-density housing mostly occupied by single family houses.
15. The proposal would also conflict with Policies HOU02 and HOU04 of the DLP. Together these policies seek to protect existing housing stock, with 3-bedroom houses having the highest priority for both sale and rent, and HMOs supported where there is an identified need. The policies also require the proposal to not have a harmful impact on the character and amenities of the surrounding area.

Living conditions

16. Princes Park Avenue is within a residential area of mainly detached and semi-detached housing of a similar design. It has a suburban characteristic with street trees and front gardens, some of which have been paved for parking, like the appeal site. From what I could see, the houses are liable to be occupied by single family groups.
17. The proposed development would result in six individuals living in the property. These would have differing patterns of work and occupation of the premises to a family, even a large one, living in the house. This would result in more comings and goings to the property, including by delivery vehicles. If residents owned cars, vehicle movements would be more frequent than that expected by a single family.
18. There is a modest garden to the rear, separated by fencing from the adjoining properties. Whilst this provides a degree of privacy, the gardens are close. Although it is unlikely that all occupiers of No 83 would be using the garden at any one time, there is the potential that the use of the garden by the occupiers would generate more noise than if a family was living there.
19. Whilst increased noise and disturbance would be a likely outcome from any property which is used as an HMO, the appeal site is in a residential area of family homes. The RDSPD states that conversions generate extra movement of people and vehicles and are likely to be resisted in areas of low-density housing mostly occupied by single family houses.
20. There are no other HMOs along Princes Park Avenue, and apart from some movement of vehicles and pedestrians up and down the street when I visited, it was quiet. Whilst the appellant considers that the proposed development would be positive to the neighbourhood, there is little substantive evidence to support this.
21. Therefore, to conclude, the proposed development would harm the living conditions of the occupiers of neighbouring properties in terms of noise and disturbance. It would conflict with CS Policies CS1 and CS5, DMP Policies DM01, DM04 and DM09, which collectively seek to ensure that proposals would not have a harmful effect on the character and amenities of the surrounding area, including through unacceptable noise levels. It would also conflict with

the RDSPD and the Sustainable Design and Construction Supplementary Planning Document, 2016, with regards to minimising the impact on the amenity of neighbouring properties.

22. The proposal would also conflict with DLP Policy ECC02 which expects development proposals to avoid generation of unacceptable noise levels, and DLP Policy HOU04 which includes not having a harmful impact on the character and amenities of the surrounding area.

Parking and highway safety

23. Policy DM09 of the DMP does, amongst other things, encourage new HMOs if they are accessible by public transport, cycling and walking. There is a dispute between the parties as to the Public Transport Accessibility Level (PTAL) of the site. However, using the address, as opposed to the postcode in the Transport for London checker, produces a PTAL 2 score. This is low. The site is not easily accessible by public transport, requiring a walk of some distance to the nearest bus stops.
24. The RDSPD requires where a single-family home is converted into a HMO, that there should be adequate space for off-street parking to meet the standards in DMP Policy DM17, which in turn requires development to provide parking in accordance with London Plan standards. In this case the Council has stated 5 car parking spaces are required. Policy DM17 does also state that the development may be acceptable with limited or no parking outside a Controlled Parking Zone (CPZ), but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
25. A parking survey² was undertaken after the Council's planning decision. Princes Park Avenue has no on-street parking restrictions and, as I saw, most properties park off-street. The survey identified that there was 35% parking availability within two minutes walking distance of the site during the busiest time of the survey.
26. The site has two parking spaces to the front. Whilst the appellant contends that those living in HMOs have more modest incomes and therefore would not own cars, there is little substantiated evidence to support this. However, even if all the residents had a car, the level of availability on the street would unlikely lead to parking problems and effect the highway safety of road users and pedestrians.
27. Cycle storage for six cycles is shown in the rear garden area of the proposed ground floor plan. This would be safe and secure, and the layout of the ground floor and the rear access would enable cycles to be wheeled through the house. However, this is less accessible than provision at the front, and may deter occupiers from using cycles. The appellant has agreed that there is sufficient space at the front of the property for cycle storage and so a suitably worded condition could be used to ensure that an appropriate cycle storage facility would be constructed in the front garden.
28. I therefore conclude that the development proposal would provide adequate parking which would not have an unacceptable effect on highway safety. It would accord with the parking requirements of DMP Policy DM17 and CS Policies CS9 and CS15 which supports the provision of safe, effective and

² Sands Civil Engineering Consultancy Ltd, March 2024

efficient travel, including parking management measures generated by development.

Other Matters

29. Works to the building in 2023³ included the conversion of the garage and a side and rear extension which has been subject to building regulations. I saw that the proposed development had high quality internal fittings providing suitable living accommodation, including a sizeable bathroom on each floor and a large, shared kitchen and living area. There is no dispute between the main parties that the property would not be well managed and appropriately regulated.
30. Whilst the proposed development is for six people, and the house has six bedrooms, some of the bedrooms are double. However, a suitably worded condition could ensure that a maximum of six residents occupy the property. However, as I am dismissing the appeal on other matters, I do not need to consider this further.
31. Some appeal decisions⁴ were submitted by the Council which similarly were for a change from a dwelling house, Use Class C3, to an HMO, Use Class C4. Whilst these decisions were within the borough of Barnet and are comparable to the appeal case with regards to the type of development, each case must be considered on its' own merits.

Conclusion

32. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
33. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR

³ Ref 20/5713/HSE

⁴ APP/N5090/W/22/3308922; APP/N5090/C/21/3286114 and APP/N5090/W/21/3283616