



Appeal Decision

Site visit made on 26 June 2024

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/N5090/W/24/3336988

15 Glebe Crescent, Hendon, Barnet, London NW4 1BT

- 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 L Golding against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/3056/FUL.
 - The development is a change of use from C3 to C1 (Bed and Breakfast).
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Decision

The appeal is dismissed.

Preliminary Matters

1. The appeal site is already being used as a bed and breakfast. I have therefore determined the appeal on the basis that the development has already occurred.
2. Although a House in Multiple Occupation (HMO) licence was first granted for the appeal site in 2016, there is no evidence that planning consent was obtained for the change of use from C3 to C4. Due to an Article 4 Direction, full planning permission is required for such a change. As such, the last lawful use of the appeal site remains as a single-family dwelling (C3). This correlates with the description used by the appellant in the application form.

Main Issues

3. The main issues are:
 - the effect of the development on the stock of family housing in the borough;
 - the effect of the development on the character of the surrounding area;
 - the effect of the development on the living conditions of neighbouring occupiers, with regard to noise and disturbance; and
 - whether a planning obligation is necessary to make the development acceptable, with particular reference to the provision of car parking and highways safety.

Reasons

Housing Stock

4. Policy DM07 of the DMP¹ states that the loss of residential accommodation in Barnet will not be permitted, subject to a number of exceptions. These exceptions include: a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and; b. where need can be demonstrated and; c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies. There is no evidence before me that the other exceptions, d. and e., are applicable to the development.
5. The lawful use of the appeal site is C3 residential accommodation. Even if it was previously used as a C4 HMO, the site would still be classified as residential accommodation, and its loss would not typically be permitted. Regarding the exceptions, there is no evidence before me to suggest that the use of the appeal site as a bed and breakfast will be analogous to a local facility, as it does not pertain to a children's nursery, educational, or health use. This consideration stands irrespective of whether there will be any detriment to residential amenity. Additionally, there is limited information regarding the need for the proposed use or whether the demand could be met elsewhere. Nonetheless, since the proposed use does not relate to a local facility, it will fail to comply with this policy. The supporting text at section 8.1.2 of this policy highlights that the loss of residential housing is generally not acceptable, underscoring the significance of a 6-bedroom dwelling like the appeal site in meeting local housing need. Given the high demand for housing within the borough, the development will result in a harmful reduction in the current stock of residential units.
6. In reaching this view, I have considered that Policy E10 of the LP² requires the maintenance of a sufficient supply of serviced accommodation. The appellant aims to provide short-term, affordable accommodation for Brent Cross Town, and a bed and breakfast will suit this purpose. Although the letter from Laports Estate Agents highlights significant demand for this type of accommodation due to the need for personnel working on the Brent Cross regeneration project, I am not persuaded that this reflects ongoing need because that project is temporary in nature. Nevertheless, I recognise that there is an ongoing need for moderately priced accommodation, which has been constrained by the loss of Airbnb-type options and the limited number of similar bed and breakfasts in the area. However, even if there were a significant shortage of similar accommodation, it does not justify the conversion of a large unit categorised as priority housing in a residential area into a bed and breakfast.
7. In conclusion, the development will have an adverse impact on the stock of family housing in the borough. It will result in an unjustifiable loss of residential accommodation, contrary to Policy DM07 of the DMP. Additionally, it will not ensure the most appropriate land use of the site, contrary to Policy D3 of the LP. Consequently, the development fails to comply with local plan policies, specifically Policy CS NPPF of the CS³.

¹ Barnet's Local Plan (Development Management Policies) Development Plan Document 2012

² London Plan 2021

³ Barnet's Local Plan Core Strategy Development Plan Document September 2012

8. The Council also cites conflict with policies CS1 of the CS, DM01, DM08, DM09 and DM11 of the DMP and E10 of the LP. However, these are not relevant to the main issue as they instead relate to high level place shaping, specialist housing, character and amenity of Barnet, new homes, development within town centres and visitor infrastructure. Moreover, I have not been drawn to any wording in these policies that relate to this main issue. Accordingly, they have not been referred to in my conclusion.

Character

9. The appeal site is a two-story, semi-detached dwelling with a large roof extension, a single-story rear extension, and a sizeable outbuilding at the rear. Although it is close to Middlesex university, comments from interested parties indicate that most of the other dwellings on the street are single family homes. This accords with my observations during the site visit and there is no evidence before me to suggest otherwise. I also observed a high level of on-road parking along Glebe Crescent and various parking restrictions nearby. These restrictions and limited on-street parking indicate high local demand and competition for unrestricted spaces.
10. The property currently has six bedrooms, but the plans indicate that one will be converted into an ensuite toilet, reducing the total to five bedrooms for the bed and breakfast. It also includes a TV room, kitchen, dining room, and bathrooms. Furthermore, there is a large outbuilding in the rear garden that contains an additional bathroom and shower.
11. The use of the appeal site as a bed and breakfast significantly alters the pattern of habitation. Firstly, there will likely be an increase in transient visitors, resulting in a higher turnover of occupants. This can undermine the sense of community and stability typically fostered in residential neighbourhoods, as long-term relationships and neighbourhood cohesion are replaced by a constant flow of short-term guests. Secondly, the increase in visitor traffic, particularly those arriving by motor vehicle, will likely lead to congestion and parking issues in an area already experiencing significant parking pressure. Thirdly, guests are likely to arrive and depart at differing times, often outside typical hours associated with residential dwellings. This irregular timing will disturb the peace and quiet that nearby residents expect, particularly during early mornings and late evenings when noise is generally minimal.
12. Given the moderate level of activity in this residential area, the irregular and unpredictable timings of a bed and breakfast's guest arrivals and departures will significantly disrupt the community's daily rhythms and tranquillity. There is no evidence before me to suggest that this development will result in substantially fewer comings and goings compared to a single-family dwelling. Moreover, bed and breakfast guests are unlikely to have direct relationships with one another, leading to widely varying patterns of behaviour. This contrasts with the more predictable patterns of activity typically associated with permanent residents.
13. In conclusion, the development will harm the character of the surrounding area. It does not respond to the existing character of the locality, thereby conflicting with Policies D3 of the LP, CS5 of CS, and DM01 of the DMP. Additionally, it contravenes the principles of good design outlined in the Residential Design Guidance Supplementary Planning Document 2016.

Consequently, the development fails to comply with local plan policies, specifically Policy CS NPPF of the CS.

14. The Council's refusal reasons also refer to conflict with policies E10 of the LP, CS1 of the CS and DM07, DM08, DM09 and DM11 of the DMP. However, these are not relevant to the main issue as they relate to visitor infrastructure, high level place shaping, the protection of residential accommodation, the provision of new homes, specialist housing and development within town centres. Moreover, I have not been drawn to any wording in these policies that relate to this main issue. Accordingly, they have not been referred to in my conclusion.

Living Conditions – neighbouring occupiers

15. The operation of the bed and breakfast will require extra activities for cleaning, servicing, and management. However, the evidence does not specify how these operational activities will be managed, leaving the exact nature of the additional movements and their impact unclear. Additionally, the development results in a marked change in function to allow up to 10 guests at any one time. This is likely to exacerbate existing traffic congestion in an area already under high parking pressure. The increase in residents and the associated comings and goings of guests, staff, and service vehicles will contribute to heightened traffic levels. This is particularly concerning given the absence of any suggested traffic restrictions or management plans to mitigate the impact. Consequently, the development is expected to significantly strain the local infrastructure, leading to further parking and traffic challenges for the community.
16. The property's last known lawful use was as a single-family dwelling (C3). Therefore, references to its use as an HMO are irrelevant when considering changes in disturbance levels. The proposed bed and breakfast, accommodating up to 10 individuals in five independent guest rooms, represents a significant increase in occupancy compared to the typical single-family home, which generally experiences more predictable comings and goings. This substantial increase is expected to result in higher levels of activity and external movement, potentially occurring at unsociable hours due to the nature of short-term stays. This will likely lead to greater noise and disruption for neighbouring residents nearby, especially given the transient nature of the accommodation.
17. In reaching this view, I recognise that regular cleaning will occur at the development. However, this will primarily affect the interior of the property and will not lead to a marked improvement on the external environment. I have also considered that there has not been any operational development to the property, and that the rooms will continue to share a wall with the adjoining property. However, this does not negate the potential increase in noise and disturbance for properties in the wider area.
18. The suggested conditions would not control the number of vehicle movements to the appeal site. Although one of the conditions requires the submission of a Pre-Completion Sound Insulation Test Certificate, it will not address external disturbances related to the bed and breakfast. I have considered the use of a planning condition to increase insulation, which may reduce noise through the shared wall, thereby making unacceptable development acceptable through the

use of conditions⁴. Similarly, a condition could be imposed to restrict general noise levels, particularly during quiet hours. However, there is no information provided about these specific hours, how noise could be reduced, or any proposed wording for such a condition. Accordingly, I am not persuaded that these conditions would be precise, enforceable and reasonable in all other respects, as it would not address the impact on the wider environment.

19. Although it is identified within the Site Plan, the other submitted plans do not specify how the outbuilding at the rear will be used. Although the appellant asserts that it is not part of the change of use, it remains unclear how its continuing use could be classified, given the overall change of the site from a C3 residential dwelling to a bed and breakfast. From a use class perspective, the outbuilding's use as a C3 building will be disconnected from the main house. Nonetheless, despite the lack of clarity regarding the outbuilding, I have found sufficient harm in other respects, such as the increased activity and noise associated with the bed and breakfast operation. On this basis I have not found it necessary to consider the suggested condition relating to the outbuilding.
20. In conclusion, the appeal scheme harms the living conditions of neighbouring occupiers, with regard to noise and disturbance. It will not achieve a secure and inclusive environment which mitigates the impact of noise, contrary to Policy D3 of the LP, Policy CS1 of the CS and Policy DM04 of the DMP. It will not avoid significant adverse noise impacts, contrary to Policy D14 of the LP and the Sustainable Design and Construction Supplementary Design Document 2016.
21. The Council also cites conflict with policies CS1 of the CS and DM01, DM09 of the DMP. However, these are not relevant to the main issue as they instead relate to high level place shaping, specialist housing, character and amenity of Barnet. Moreover, I have not been drawn to any wording in these policies that relate to this main issue. Accordingly, they have not been referred to in my conclusion.

Highway Safety – legal agreement

22. The appeal site's PTAL level of 2, indicates that there is poor public transport access. During my weekday afternoon site visit, I noted a high level of on-road parking along Glebe Crescent. The site itself has no on-site parking spaces. I observed several parking restrictions in the vicinity, including double yellow lines, a short-stay 1-hour parking area, and a resident permit holders-only zone. In light of this, due to the prevalence of parking restrictions and subsequently limited on-street parking opportunities available around the appeal site, it is evident that there is a high level of local demand and competition for unrestricted car parking spaces.
23. Given the nature of the bed and breakfast, it will likely attract more short stay visitors. Given the poor PTAL rating, it is likely that some of these visitors will seek to use private motor vehicles to arrive at the appeal site. This could have a significant impact on local parking conditions, which could lead to the displacement of parking, which will result in ongoing issues as drivers seek to find alternative car parking spaces in an area where there is already limited provision. There is also a significant risk that drivers may park illegally during

⁴ Paragraph 55 - National Planning Policy Framework

busy periods, using whatever available spaces they can find, resulting in cars being parked in hazardous or inappropriate locations. Accordingly, the evidence before me is that the effect of additional car parking in this area will be inappropriate and have a detrimental effect on highway safety due to the scarcity of viable parking options.

24. The Council has determined that the use of a Section 106 could limit the opportunity for visitors of the bed and breakfast to apply for parking permits within the locality, thereby reducing the likelihood that the development will result in significant parking problems. I recognise that the appellant has stated that they willing to enter into such an agreement. However, no completed planning obligation has been submitted which would secure the above restriction, nor has an indicative draft been submitted with this appeal, contrary to the appropriate appeal guidance⁵. Thus, it will not be possible for the Council to secure this restriction. I am therefore unable to take such a planning obligation into account in determining this appeal or attribute any weight to it.
25. In conclusion, a planning obligation is necessary to make the development acceptable, with particular reference to the provision of car parking and highways safety. Adverse transport impacts will not be sufficiently mitigated, and parking will not be adequately restricted, contrary to Policies T4 and T6 of the LP. However, it will comply with Policy 6.1 of the LP, insofar as it will not exceed the maximum parking standards. Nonetheless, it will not ensure the safety of all road users, contrary to Policy DM17 of the DMP.
26. The Council also cites conflict with policy CS9 of the CS. However, this is not relevant to the main issue as it relates to the high-level delivery of transport infrastructure. Moreover, I have not been drawn to any wording in this policy that relates to this main issue. Accordingly, it has not been referred to in my conclusion.

Other Matters

27. A bed and breakfast will provide some economic benefits by increasing footfall in the area. It may also reduce the number of journeys for visitors to the immediate area who may otherwise stay in more distant locations, which will have a minor environmental benefit. However, after taking these factors into account and considering the scale and nature of the proposed development, I find that the benefits are relatively limited. Therefore, they do not outweigh the harm I have identified or the conflict with the development plan.
28. Community feedback is an important aspect of the planning process and while there are supportive comments from neighbours, there are also objections. The presence of supportive responses do not, on their own, justify the development.
29. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The Act sets out the relevant protected characteristics which includes religion and race. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act. I acknowledge the negative impacts of

⁵ Planning obligations: good practice advice

dismissing the appeal, as it would result in the loss of shabbat-friendly accommodation in Hendon for Jewish people. Having due regard to this consideration and my findings of harm, my conclusions would be proportionate and legitimate having regard to the well-established policy aims in the adopted DP to protect local character, living conditions, the Borough's housing stock and highway safety. Taken alongside the other considerations forwarded by the appellant, the PSED considerations would not outweigh the harm I have identified.

Conclusion

30. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR