

Appeal Decision

Site visit made on 21 August 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2024

Appeal Ref: APP/N5090/W/24/3341712

2A Western Avenue, Golders Green, Barnet, London NW11 9HH

- 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 Menachem Vogel against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/5478/FUL.
 - The development proposed is the change of use of the property from a single-family dwelling (Class C3) to a House in Multiple Occupation (HMO)(Class C4) for 4 people. Provision of off-street parking, together with cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reason for refusal refers to Policy HOU04 of the Draft Local Plan. I have no evidence as to whether there are any unresolved objections to that policy, or whether the policy is to be subject to modification, and as such have afforded it limited weight.

Main Issues

3. The main issue is whether there is an identified need for the proposed use and, if so, whether it would harm the character of the area.

Reasons

4. The appeal site comprises a four-bedroom bungalow at the junction of Western Avenue and the A406 North Circular. The area is subject to an Article 4 Direction removing permitted development rights for the conversion of residential dwellings (Use Class C3) into small HMOs (Use Class C4). The removal of permitted development rights does not indicate that HMOs are inappropriate, simply that proposals should be assessed against the development plan and other material considerations.
5. Policy DM08 of the Local Plan Development Management Policies DPD 2012 seeks a mix of dwelling types and sizes and identifies four-bedroom homes as the highest priority within new market housing, whilst Policy DM01 states the loss of houses in roads characterised by houses will not normally be appropriate. Nevertheless, Policy DM09 states, without restrictions on which

types of property may be converted, that new HMOs will be encouraged subject to a list of further, detailed requirements.

6. In respect of detailed requirements, Policy DM09 encourages HMOs when they meet an identified need, will not harm the character and amenities of the surrounding area, are easily accessible, and meet relevant housing standards. Policy HOU04 of the LB Barnet (Draft) Local Plan (Regulation 24 Stage - 2022) adds that proposed new HMOs must not create a harmful concentration in the local area.
7. The Supplementary Planning Document 'Residential Design Guidance' (The SPD) supports and expands upon the above adopted policies, summarising that the conversions of houses into HMOs in roads characterised by houses will not normally be appropriate, and that conversions that harm local character due to the cumulative impacts of such developments will be refused. It is set out that even in highly accessible locations, HMOs can harm the character of areas by increasing activity, including greater pedestrian and vehicle movements, more refuse bins, and more deliveries.
8. In the absence of a defined formal approach, the evidence, including a supporting letter from a local estate agent, a series of planning applications and appeals, and reference to the HMO register, is sufficient to identify need for HMOs in the wider area. The Council has accepted that the appeal site is easily accessible by public transport, cycling and walking, and, based on the proximity of tube, rail, bus, shopping and leisure facilities, I concur. The plans demonstrate appropriate room sizes and internal facilities and I have no evidence that the proposal would fail to meet relevant housing standards.
9. Notwithstanding the above, the local area is residential, and overwhelmingly suburban. There is no evident distinction in the fundamental character of the different streets near the appeal site which, informally bordered by the busy A406, A502 and A41, form a recognisable residential neighbourhood of detached and semi-detached houses. In contrast to the more varied built environment along Golders Green Road where mixed-use developments and large blocks of flats can be found, the appeal site is part of a suburban hinterland in which the housing stock is inherently designed for, and suited to, families.
10. In this context, the appeal proposals would introduce a form of accommodation at odds with, and harmfully erosive to, the character of the area. Whilst no substantial external alterations are proposed, the presence of additional bins, the comings and goings of four unrelated individuals living independently to one another, and the associated increase in deliveries and visits would all indicate the absence of a settled family. This would be felt keenly at this end of Western Avenue, where the A406 prevents casual pedestrian movement beyond, containing and focusing informal social interaction to a small number of neighbouring homes.
11. I recognise there are some HMOs in the wider local area, but Brentmead Place, where two HMOs are identified, is on the other side of the A406, separated from Western Avenue by a dual carriageway and accessible only via two footbridges a reasonable walk away. Those HMOs are in an identifiably different neighbourhood to the appeal site. In addition, those sites, as with those at Brentfield Gardens, are on the edge of their

neighbourhoods, facing outwards directly onto a major road. They are not oriented inwards to a suburban, residential neighbourhood in the way the appeal site is, and the effects of those properties being converted to an HMO would be less impactful in those circumstances.

12. The cited HMOs on Dallas Road, Riverside, Layfield Road, Sturgess Avenue, and Brent Park are all close to one another on the far side of Brent Cross shopping centre, in a different neighbourhood to the appeal site. They do not affect the character of the area around the appeal site, and therefore do not act as precedents in this appeal. I note that 27 and 46 Western Avenue are said to be on the Council HMO register, as are properties on Sinclair Grove and Highfield Avenue. Even if that indicates they are HMOs as defined by planning regulations rather than housing or licensing regulations, and even if both are lawful, these HMOs are too few in comparison to the number of houses to alter the character of the neighbourhood, as described above.
13. Notwithstanding the above, the appeal proposal would result in a concentration of HMOs in the same part of a neighbourhood otherwise characterised by family houses. The cumulative effect, particularly in Western Avenue, would be invasive to its suburban character as described above. The cumulative effect of a harmful concentration of HMOs is addressed in Policy HOU04 of the Draft Local Plan and in the SPD. As neither are adopted policies, I attach limited weight to that concentration. Nevertheless, the conflict with the draft policy and SPD is material and, moreover, the concentration of HMOs would further contribute to the harm caused to the character of the area. As such, it is a factor in my decision.
14. I acknowledge that HMOs increase the range of housing options, offering lower cost and greater flexibility, but this does not mitigate the harm to the character of the area described above. I appreciate that there are some flats in the neighbourhood but, based on my visit and in the absence of further evidence, they are in the significant minority compared to houses and generally consist of no more than two in a converted house. They are not as visible as an HMO therefore and, in any event, can comprise family and/or longer-term accommodation and, as such, do not have the same effects.
15. I recognise that the appeal site is close to the very busy A406 but there are many nearby homes equally close to the main road, and I have no evidence that it materially reduces the viability of the appeal site as a family home. The design of the appeal property gives it a locally unusual appearance, but it adheres to the main building line in Western Avenue and is readily identifiable as a dwelling in the street. I see no reason why its appearance should generate expectations of HMO use, therefore, or that it would mitigate the harm identified.
16. I appreciate that the appeal site would not be altered externally and would remain in residential use. The absence of external alterations to the building would not prevent the presence of visual indicators of the use, as described above and, even if the proposed use may accurately be termed use as a dwelling, the proposal requires planning permission and, as such, must be assessed against the development plan, as above.
17. The proposed development would erode the established residential character of the area, and as such conflict with Policies D3, D14 and H10 of the London

Plan (2021), Policies CS1, CS4 and CS5 of the Local Plan Core Strategy DPD (2012), and Policies DM01, DM08 and DM09 of the Local Plan Development Management Policies DPD (2012) where they require that development does not harm the character and amenities of the surrounding area. In addition, the proposed development conflicts with the Residential Design Guidance SPD (2016) and Policy HOU04 of the (Draft) Local Plan (2022) where they seek to prevent harmful concentrations of HMOs.

Conclusion

18. 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. The appeal is dismissed.

A Knight

INSPECTOR