



Appeal Decision

Site visit made on 21 October 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2024

Appeal Ref: APP/N5090/W/24/3347637

53 Riverside, Hendon, Barnet, London NW4 3TU

- 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 Walter against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/4244/FUL.
 - The development proposed is Change of use of the property from a single family dwelling (Class C3) to a 5 bed House in Multiple Occupation (HMO) (Class C4) Single storey rear extension. Associated refuse/recycling storage and cycle store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of development used in the decision notice which I note has also been used in the appeal form as this more accurately describes the development.
3. Policy HOU04 of the Barnet Emerging Local Plan (ELP) has been referenced on the decision notice. 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

4. The main issues are:
 - whether there is an identified need for the development;
 - the effect of the proposed development on the character of the area, and;
 - the effect of the proposed development on highway safety, with particular regard to parking.

Reasons

Identified need

5. Policy DM08 of the Barnet Local Plan Development Management Policies (2012) (DMP) seeks a mix of dwelling types and sizes and identifies three-bedroom homes as medium priority within new market housing. It does not prohibit Houses in Multiple Occupation (HMOs). Notwithstanding this, Policy DM09 of the DMP states that proposals for new HMOs will be encouraged where, amongst

other matters, they meet an identified need, can demonstrate that they will not have a harmful impact on the character of the area and are easily accessible by public transport, cycling and walking. Policy HOU04 of the ELP adopts a similar approach.

6. The appellant has stated the local area consistently shows demand for affordable housing solutions such as HMOs. They have drawn my attention to three allowed appeals and four approved planning applications for HMOs in streets close to the appeal site. They have also referred to the HMO register which indicates the presence of numerous HMOs in the vicinity. Based on this information and given that Policy DM09 does not set out the parameters to which an identified need should be considered, I find the submitted evidence does demonstrate a need for HMOs in the wider area. The fact that some of the examples are for retrospective permission does not alter my view.
7. The Council have drawn my attention to an appeal¹ where the Inspector concluded that the evidence submitted was not detailed or precise enough to demonstrate an identified need. From the limited information before me, it appears that the appellant in that case only cited the existence of one additional HMO. The circumstances are therefore not the same as the appeal before me. In any case, each appeal is determined on its own merits.
8. For the above reasons, the development would accord with Policy DM08 of the DMP in so far as it would add to the mix of housing, whilst it would result in the loss of a three bedroom home, no evidence has been submitted which would indicate that the loss would be detrimental to the overall mix of properties in the area. It would also accord with Policy DM09 of the DMP in so far as it demonstrates that the proposal meets an identified need.
9. Policy CS1 of the Barnet Local Plan Core Strategy (2012) (CS) has been cited in the reason for refusal on this main issue. As this policy relates to Barnet's overarching space shaping strategy it has not been determinative in relation to this main issue.

Character

10. Riverside is a quiet residential street characterised by predominantly two storey semi-detached and terraced family houses of similar design, reflective of surrounding streets.
11. I am mindful that there are no other properties in the street that have been converted to HMOs. Therefore, the addition of one HMO would not in my view harmfully alter the overriding character of the street and surrounding area, including its identity and sense of place.
12. The proposal includes a single storey rear extension; this would be small in scale and not visible from the street. The change of use would not result in any external alterations to the front of the property. Consequently, the proposal would have a very limited visual effect on the overall character and appearance of the street scene.
13. The occupants would be typically unrelated adults and as such there may be a slight increase in the number of comings and goings from differing daily schedules, deliveries and visitors to the property when compared to its use as a

¹ Reference: APP/N5090/C/21/3270211

single dwellinghouse. However, as the HMO would only be used by five people, the occupancy would be similar to its current use as a single dwellinghouse. Furthermore, based on these occupancy levels, the Council consider it would be unlikely to result in adverse amenity impacts. Based on the dense urban context and minimal change in occupancy levels over the existing situation, this is a conclusion with which I agree.

14. Taking the above points together, I do not consider that the proposed change of use would materially alter the residential character of the area. In this regard, it would accord with the Residential Design Guidance Supplementary Planning Document (2016) and the design requirements of Policy DM01 of the DMP and Policy D3 of the London Plan (2021) (LP) which amongst other matters, require proposals to preserve local character and respect the appearance and pattern of surrounding buildings and streets. It would also accord with Policy CS5 of the CS which requires development to respect the local context and character and would also comply with Policy DM09 of the DMP and Policy HOU04 of the ELP in so far as they require proposals to not have a harmful impact on the character of the area.
15. The Sustainable Design and Construction Supplementary Planning Document (2016) (SPD) has been cited in the reasons for refusal. However, given the SPD's focus, I have not found it to be determinative on this main issue.

Highway safety

16. The Council have indicated that the change of use would result in an increase in three off-street parking spaces, whilst the appellant suggests two. As no off-street parking is proposed, in either case it would result in the need to park on the street. The site lies within a Controlled Parking Zone and no information has been provided to indicate that the surrounding streets could accommodate an increase in parking demand. At the time of my visit, whilst only a snapshot in time, the streets had limited parking availability.
17. The site has a low PTAL rating of 2, but it is a short walk and cycle from Brent Cross shopping centre and bus interchange, Hendon Central tube station and Hendon railway station. Therefore, although the site has a low PTAL rating, future occupiers would have accessible transport alternatives which would likely temper demand for a private car. The appellant has indicated that they would be willing to enter into a legal agreement in order to remove the right of occupants of the property to apply for a parking permit. This is an approach which the Council have also suggested in order to overcome the shortfall in parking spaces. However, no such agreement has been provided in support of the appeal.
18. In the absence of a legal agreement, it has therefore not been demonstrated that the proposal would not result in an unacceptable increase in parking pressure and highway congestion to the detriment of highway and pedestrian safety. The proposal therefore fails to comply with the relevant parts of Policy CS9 of the CS which, amongst other criteria, requires parking management measures to reduce congestion. It would also conflict with Policy DM17 of the DMP which, amongst other matters, seeks to refuse development which unacceptably increases conflicting movements on the road network or increases the risk to vulnerable users. The proposal would also fail to comply with Policies T4, T6 and T6.1 of the LP which read together, seek to reduce the impact of new development on car parking.

Planning Balance and Conclusion

19. Whilst I have found that the proposed HMO would meet an identified need and would not harm the character of the area, in the absence of a legal agreement, I cannot be sure that the proposal would not result in harm to highway and pedestrian safety. Consequently, 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 therefore dismissed.

T Bennett

INSPECTOR