



Appeal Decision

Site visit made on 19 November 2024

by **L Clark BA(HONS) DIPTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/N5090/W/24/3346625

31 Woodstock Road, Golders Green, Barnet, London NW11 8ES

- 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 Mustafa Cakir of Cakir Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/3627/FUL.
 - The development proposed is described as reduction of 9 unit, 16 person HMO + self-contained annexe to 7 unit, 10 person HMO. Self-contained annexe to cease use as a residential unit.
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. The National Planning Policy Framework was revised in December 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comment.
3. It was evident at my site visit that a House of Multiple Occupation (HMO) was operating from the appeal site (No 31). The Council contends that the current use as a 16 person HMO is not lawful and the planning history for No 31 states application 23/0498/RCU was refused, after which application 23/2481/FUL was withdrawn. Both of these applications sought planning permission for the use of No 31 to a 16 person HMO. The appellant has not disputed this. As such, notwithstanding the appellant's description of the development, as set out in the banner heading above, it does not appear that the appeal proposal would amount to a change from any existing lawful HMO use. I consider that the appeal proposal would be more accurately described as a material change of use to a 7 unit, 10 person HMO.
4. The information before me does not clearly establish the current lawful use of the property. However, the appellant's Pre-Existing (Plans Ref: 202308/31WR/HMO/01) shows a layout that is consistent with use as a family dwellinghouse, and it appears probable that the property was previously used in accordance with that plan. I have approached the appeal with that in mind.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the established character of the area,

- the effect of the development on the living conditions of neighbouring occupants including 29 and 33 Woodstock Road (Nos 29 & 33) with regard to noise and disturbance; and
- the effects of the development on parking, road safety and the flow of traffic.

Reasons

Established character

6. No 31 is a large semi-detached property which currently has seven bedrooms over three floors. It is located approximately midway along Woodstock Road and within an area characterised by residential properties of various styles and sizes. Despite its proximity to Golders Green Road, its location is within a quiet residential street, which is an important aspect of the character of the locality.
7. Policy DM09 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP) states, amongst other matters, that proposals for new HMOs will be encouraged provided that it can be demonstrated that they would not have a harmful impact on the character of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMOs. Policy DM01 of the DMP states that the loss of houses in roads characterised by houses will not normally be appropriate.
8. The Council have undertaken an analysis of the planning history and Council Tax records of the immediate area. This identifies the prevailing character of Woodstock Road comprises of single-family dwellinghouses and flat conversions. The appellant does not dispute the residential character or mix of properties. My observations during my visit confirm this, visually at least.
9. The proposed HMO would accommodate up to 10 people who would share communal facilities including two kitchens. I acknowledge that No 31 could be used to accommodate a large extended family however, unlike a single household, each occupier of the HMO would be likely to have different schedules, visitors and deliveries. This would likely result in significantly higher levels of comings and goings and increased general activity at the site at different times of the day compared to a larger single dwelling. In my judgement, the resulting activity level would be of a noticeably greater intensity than that associated with the surrounding properties. Its use as an HMO for up to 10 people, would therefore lead to uncharacteristic noise and disturbance that would be detrimental to the existing quiet character of Woodstock Road.
10. The appellant has drawn my attention to a number of properties within Woodstock Road which they claim have either been subdivided or are awaiting the outcome of planning permission to be subdivided into flats. These examples relate to flats and support the established character of the area. Furthermore, I have no compelling evidence to suggest the number of occupants within each building would be similar to that proposed by No 31. As such the examples are not directly comparable to the appeal before me which relates to a large HMO. Moreover, the appellant clarifies that there are no HMOs within Woodstock Road. This reinforces my conclusion that the appeal proposal would be out of character with its location.

11. Even if the proposed HMO would not include any external alterations its use would, for the reasons given above, erode the established quiet character of the area.
12. I conclude that the proposed development would adversely affect the character of the area contrary to Policies D3 and D14 of the London Plan (2021), Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (Core Strategy) and Policies DM01, DM04 and DM09 of DMP which, amongst other matters, seek to ensure that development preserves the character of a locality.
13. The Council contend that the proposal would be contrary to the guidance in two Supplementary Planning Documents (SPDs). However, these relate to design aspects of residential developments and technical requirements for environmental design and construction management. As the main area of dispute subject to this appeal relates to the established character of the area, these SPDs are not applicable to this main issue.

Living conditions

14. As I have found above, the activity generated by 10 persons living independent lives, along with their visitors, and their comings and goings would lead to a marked increase in the concentration of activity on the site that could be reasonably expected to be associated with a single house, even one occupied by a large family.
15. No 33 adjoins the appeal premises. Given the position of the main door next to No 31, and irrespective of whether there is habitable accommodation within the roof space, this additional level of activity would give rise to a level of general noise and disturbance throughout the day at an intensity that would be disruptive, particularly when occupants are trying to sleep or work from home.
16. No 29 is positioned to the opposite side of No 31, with accommodation over three floors and its front door and window facing toward the appeal property. Given that No 31 also has a gate between the properties which permits access to its garden, it is likely that significant levels of noise and disturbance from the comings and goings and use of this gate would materially harm the living conditions of occupants within the ground, first and second floor.
17. Given the above, I consider that the comings and goings associated with the number of individual occupants at the property would result in a significant increase in the level of activity at the appeal property. This would lead to noise and disturbance that would be detrimental to the living conditions of neighbouring occupants.
18. I conclude that the proposed development would have a harmful effect on the living conditions of neighbouring residents. I therefore find conflict with Policies D3 and D14 of the London Plan, Policies CS1 and CS5 of the Core Strategy and Policies DM01, DM04 and DM09 of DMP. These policies require development, amongst other things, to safeguard the character and amenity of areas and respect local context.
19. The Council contend that the proposal would be contrary to the guidance in two Supplementary Planning Documents (SPDs). However, these relate to design aspects of residential developments and technical requirements for environmental design and construction management. As the main area of dispute subject to this appeal relates to the established character of the area, these SPDs are not applicable to this main issue.

Parking, road safety and flow of traffic

20. Policy T6, criterion D of the London Plan, states that development should meet the maximum car parking standards set out in Policy T6 .1. Policy T6.1 states amongst other matters that, new residential development should not exceed the maximum parking standards set out in Table 10.3. The appellant contends that the site is located within Public Transport Accessibility Level (PTAL) 6a and based on the evidence, I have no reason to take a different view. Policy T6.1 states that all areas located in PTAL 5-6 should be car-free.
21. The site is also within a Controlled Parking Zone (CPZ), which restricts parking to permit holders between certain hours. Policy DM17 of the DMP indicates amongst other matters, that development may be acceptable with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity of on-street parking and there is a legal agreement to restrict future occupiers from obtaining on-street parking permits.
22. Whilst the Council's Highway section raised no objection on parking grounds to the proposed development, I am mindful that this was assessed based on a de-intensification of the site and subject to the CPZ permit restrictions.
23. Given I have no parking survey from either main party to demonstrate the existing parking situation or traffic-flow, the impact upon parking, road safety and traffic comes down to planning judgement.
24. I saw that a significant proportion of properties along Woodstock Road, including the appeal premises, have provision for off-street parking with access protection markings (H-bars) in place on the road. Given the extent of H-bars, I saw that the level of on-street capacity within the immediate area appeared to be limited.
25. At the time of my visit (early afternoon on a weekday), there were two cars parked to the front of No 31 off-street, and the majority of on-street parking was being utilised. This was a snapshot in time, and I would expect that the situation may be different in the evenings and overnight. At these times on-street parking is likely to be higher, which would put greater pressure on the existing on-street parking capacity.
26. The lack of a S106 agreement to prevent occupants from seeking a parking permit leads me to the view that there is a conflict with Policy DM17. However, the Council have not provided me with any substantive evidence to demonstrate that if future occupants of No 31 were issued with parking permits it would lead to an increase in on-street parking which would comprise road safety and the free-flow of traffic and lead to unsafe conditions for road users or pedestrians.
27. In light of the above, I am satisfied that the proposed development would be acceptable with regard to road safety and traffic flows. It follows that there would be no conflict with Policies T4, T6 and T6.1 of the London Plan or Policy CS9 of the Core Strategy, which collectively seek safe, effective and efficient travel and the mitigation of development impacts.

Planning Balance and Conclusion

28. Whilst I acknowledge that HMO provision forms an important part of the housing supply in the Borough, and it has not been shown that the proposed development would lead to a road safety issue, I have found that there would be harm to the established

character of the area and the living conditions of nearby occupants. The benefits of its sustainable location do not outweigh the harm.

29. Overall, I find that the proposal conflicts with the development plan taken as a whole, and the material considerations do not indicate that the decision should be made other than in accordance with it.

30. For the reasons given above, the appeal is dismissed.

L Clark

INSPECTOR