



Appeal Decision

Site visit made on 12 November 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2025

Appeal Ref: APP/N5090/W/24/3346630

4 Southfields, Hendon, Barnet, London NW4 4ND

- 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 Shahin Kordrostami against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/4580/RCU.
 - The development is retrospective conversion of single residential dwellinghouse to 9 room, 16 person HMO
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference to “retrospective” in the description is not a form of development. The change of use to a 9 bed, 16 person HMO (House of Multiple Occupation) has been completed and I observed this to accord with the plans before me. I have considered the appeal on this basis.
3. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been substantially amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party’s have been prejudiced by taking this approach.
4. There is an emerging Local Plan (eLP) and the Council has received the Inspector’s Main Modifications. The plan is therefore at an advanced stage in its preparation. I have thereby given the relevant emerging policies with modifications significant weight. However, the Barnet Local Plan Core Strategy (2012) (CS) and the Local Plan Development Management Policies (2012) (LP) remain the statutory development plan until the replacement plan is adopted.
5. A parking stress survey undertaken by First Consulting Limited (June 2024) has been submitted as part of the appeal. I have considered the submitted survey with regard to the judgement of *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin). In terms of the substantive test, I find that the proposed amendments would be a minor change to the proposal. In terms of the procedural test, given that interested parties and consultees would not be aware of the additional information, I consider that they would be prejudiced if I determined this appeal on the basis of this new information. Consequently, I have not accepted this additional evidence as part of the appeal.

Main Issues

6. The main issues are:

- whether the site is suitable for use as a House of Multiple Occupation (HMO) having regard to development policies and the effect on the character of the area including the supply of family housing;
- the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to noise and disturbance; and
- whether appropriate levels of car parking provision are provided, having regard to the transport objectives of the development plan.

Reasons

Character of area

7. The appeal site is a detached dwelling, which has been substantially extended. It benefits from off street parking to the front and garden to the rear. It is located just off the busy A41 road and there are bus stops a short walk away. Nevertheless, it has a Public Transport Accessibility Level (PTAL) of 1b, which means there is poor accessibility to and from the site. Although there is a nursery on the corner of the road, the site is in a predominantly residential area characterised by semi-detached and detached dwellings with front driveways.
8. The development is for the change of use from a single residential dwelling to a nine-bedroom HMO for 16 people. No significant external changes are proposed to the host property as part of the proposal. Each of the rooms would have an ensuite, with shared kitchen facilities provided on the ground floor.
9. Policy DM09 of the LP states that proposals for new HMOs will be encouraged provided that they meet an identified need, can demonstrate that they will not have a harmful impact on the character of the surrounding area and should be easily accessible by public transport. Policy HOU04 of the eLP echoes support for new HMOs where it is demonstrated that they meet the requirements of the Council's HMO Licencing Schemes, meets an identified need and do not create an over concentration in the area. Furthermore, proposals should demonstrate that they will not have a harmful impact on the character and amenities of an area and should be easily accessible by public transport, cycling and walking.
10. The proposal could accommodate up to 16 people, in comparison to the existing family home, which could accommodate 9 people. It is therefore not unreasonable to assume that the development would be perceptibly different to its use as a single-family dwelling. Each occupier is likely to have different lifestyle patterns and as a result there would be increased comings and goings to and from the site, at different times. There would also be a greater number of visitors, deliveries and rubbish generation. In my view, the increased level of activity would be noticeably different to the established character of family housing.
11. The appellant contends that nos 1, 41, 49 and 83 Southfields benefit from HMO licences. There is some dispute as to whether these properties have lawful use for this purpose. Even if these properties were lawful HMOs, this would only

reinforce my view that the predominant character of Southfields is family houses.

12. Although there are bus stops on either side of the A41, the property is not close to a town or train station and categorised as an area of poor public transport accessibility. I acknowledge that HMOs provide an important form of low-cost housing, however it is important that future occupants have access to shops, services and employment which are accessible without reliance on a private vehicle. Therefore, the proposal is not within an area which is accessible by public transport, as required by DM09.
13. The appellant has not submitted any evidence which demonstrates that there is demand for the HMO. However, I acknowledge that the fact it is currently occupied, demonstrates that there is some demand. Although I recognise that HMOs can provide choice in the rental market, I note that the Council's greatest priority is for single family homes.
14. For the reasons set out above it has not been demonstrated that the site is suitable for use as a HMO having regard to the development policies, would harm the established character of the area and the supply of family housing. It would therefore conflict with policies CS NPPF, CS1 and CS5 of the CS, policies DM01, DM08 and DM09 of the LP. Together, these policies seek amongst other things to ensure that proposals for new HMOs do not have a harmful impact on the character of the surrounding area, meet identified need, prevent the loss of houses in roads characterised by them and respect local context.

Living conditions of neighbouring occupiers

15. I have no reason to conclude that the HMO would not be properly managed. However, as I have already discussed, the intensified use of the site would change the character of the area. The levels of activity resulting from the proposal would be noticeably of greater intensity than that associated with the existing surrounding family dwellings. The use of the property as a HMO is likely to increase noise and disturbance from multiple sources such as people conversing outside the property, car doors shutting and general comings and goings. Therefore, the increased movements on and off the site are likely to generate increased noise and disturbance to neighbouring occupiers.
16. The appellant puts forward that the appeal property is detached, has high standards of sound insulation and that the rear outbuilding does not form part of the HMO. I note that the Council has not referred to the use of the rear outbuilding in their evidence. Although I acknowledge that sound insulation may help with noise within the property, it would not address the intensification of the site and resulting external noise and disturbance, which I have addressed above.
17. The development would therefore harm the living conditions of neighbouring occupiers, with particular reference to noise and disturbance. It therefore conflicts with policies CS1 and CS5 of the CS, policies DM01, DM02 and DM09 of the LP. Together these policies seek to ensure that new development provides adequate living standards.

Parking

18. The site is located within a controlled parking zone. The proposal would require the provision of two car park spaces, if it was evidenced that there was parking

availability for a further seven on-street spaces. However, no information in this regard was submitted as part of the application. There is potential for the development to generate demand for further on-street parking, which could result in illegal parking, which in turn could have implications for the free-flow of traffic. In the absence of detailed information about on-street car parking, I am unable to conclude that the proposal provides appropriate levels of parking provision and meets the transport objectives of the development plan.

19. The development would not provide appropriate levels of car parking, having regard to the transport objectives of the development plan. Therefore, it conflicts with policy DM17 of the LP and CS9 of the CS, which seek amongst other things to ensure the safety of all uses is taken into account and provides appropriate levels of parking.

Other Matters

20. The appellant has applied for a HMO licence from the Council and in response to the planning application they have not objected to the scheme, however this is a separate matter to the planning application.

Conclusion

21. The development would provide dwellings for rent, which would add to the overall housing supply. However, it would cause harm to the established character of the area, harm the living conditions of neighbouring occupiers and would fail to provide appropriate levels of car parking. These harms are not outweighed by the benefits I have identified and are sufficient to justify dismissing the appeal.
22. 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. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR