



Appeal Decision

Site visit made on 25 March 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2025

Appeal Ref: APP/Q5300/W/24/3354278

185 Nags Head Road, Enfield EN3 7AD

- 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 Hayir Husseyin of HB London Properties Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/02390/FUL.
 - The development proposed is described as “The proposal is about the Planning Application for the Change of Use of the dwelling house (Use Class C3) into a House of Multiple Occupation (HMO) (Use Class C4) for up to 5 residents”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, the proposal could be accurately summarised as the change of use from Use Class C3 (dwelling house) to Use Class C4 (house in multiple occupation) and provision of cycle and refuse storage. I have therefore dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed change of use on the balance and mix of households in the local community and the residential character of the area.

Reasons

4. The appeal site is a two storey, 3-bedroomed terraced dwelling. It is located in an area predominantly characterised by terraced residential properties, although I observed some detached and semi-detached properties. The majority of the properties on Nags Head Road, including the appeal site, feature areas for the storage of refuse bins with some off-street parking provision to their frontages. The officer report describes the area as predominantly family sized housing and, although some properties have been converted, mainly to flats, that overall description has not been disputed.
5. The officer report highlights that a borough wide Article 4 direction has been in place since 2013 that removes permitted development rights for a change of use to a Class C4 house in multiple occupation (HMO). This enables the Council to control the location of new HMOs through the planning system and suggests it has been proactive in seeking to address issues arising from excessive concentrations of HMOs in its area.

6. Amongst other matters, Policies CP5 and CP30 of The Enfield Plan Core Strategy 2010-2025 (the CS) look to ensure that new developments offer a range of housing sizes to meet housing needs, maintain and improve the quality of the built environment and promote sustainable neighbourhoods. Policy DMD37 of the Improving Enfield Development Management Document (2014) (the DMD) looks to ensure that development is suitable for its intended function, is appropriate to its context, and has appropriate regard to its surroundings.
7. Policy DMD5 of the DMD is specific to residential conversions and the supporting text notes these play an important role in increasing housing supply, although the uncontrolled intensification of residential uses can lead to unacceptable change in the character of established residential areas. To this end, part b. of Policy DMD5 sets out a presumption against granting permission for conversions of existing units to flats and HMOs where there is harm to the residential character of the area or development results in an excessive number or clustering of conversions. The number of conversions must not exceed 20% of all properties along any road, and only 1 out of a consecutive row of 5 units may be converted.
8. Alongside Policy CP5 of the CS, Policy DMD5 is consistent with the National Planning Policy Framework (the Framework) and the aims to significantly boost the supply of homes, to meet an area's identified housing need, including with an appropriate mix of housing types for the local community, and to ensure development is sympathetic to local character.
9. The officer report provides information on the number of properties on Nags Head Road that have been converted into flats and notes one property is an HMO. The Council states that the number of conversions on the road does not exceed 20% but refers to Nos 175 and 187 Nags Head Road as having been converted to flats. The parties do not dispute that the appeal property and No 187 would be part of a consecutive row of 5 properties. On that basis there is conflict with part b. of Policy DMD5 of the DMD, which does not distinguish between conversion for HMOs or self contained flats.
10. The Council notes that Policy CP5 of the CS identifies a greater need for 3 or more bedroomed family housing, whilst the appeal proposal would result in the loss of a family dwelling. The appellant asserts that as the layout would require only limited modifications it would remain similar to that of a 3-bedroom family sized dwelling, including in terms of the overall occupancy level, and it could still be used as such in the future. Whilst that may be the case, and there would be no net loss of residential floorspace, allowing the appeal would enable the change of use of the property and result in the loss of a family home that the evidence indicates is needed. I have no evidence that demonstrates a specific housing need for an HMO in this location that would justify this loss and the change of use in this instance, with the resultant clustering of residential conversions that Policy DMD5 of the DMD seeks to avoid.
11. Although there may be limited direct physical impacts in terms of effects on the street scene, for example in respect of parking provision and refuse storage, the appeal proposal would add to the number of residential conversions within a group of 5 properties and result in a more intensive use of the property. As highlighted by the Council, a higher proportion of HMOs may lead to a more transient population, incrementally affecting the focus of the residential area on predominantly family occupation. As such, I consider that the change of use would be unacceptable in

this instance due to the loss of a family sized dwelling and the cumulative clustering of residential conversions, which would undermine and harm the established residential character of the area.

12. Accordingly, I conclude that the development would have a materially harmful effect on the balance and mix of households in the local community and the residential character of the area. The development therefore conflicts with Policies CP5 and CP30 of the CS and Policies DMD5 and DMD37 of the DMD, the aims of which are set out above.

Other Matters

13. I note the reference in the appellant's Planning, Design & Access Statement to permissions that have been granted for HMOs in other locations. However, I have no further details of these, and it has not been explained how these are relevant to the main issue in the appeal or if they are comparable in terms of the relevant development plan policies, taking account of the mix in any particular area of family housing, flat conversions and HMOs. I therefore consider that they weigh neither in favour of nor against the appeal development.
14. Where the proposal has been found to be acceptable or no objections have been raised in other respects, for example in terms of access to public transport, cycle parking, space standards, refuse storage, and noting that the property may already have an HMO licence, these are neutral matters that do not weigh in favour of the development.

Planning Balance

15. The appellant contends that the Council is unable to demonstrate a 5-year supply of deliverable housing sites but does not provide any evidence to substantiate this assertion. However, a shortfall in housing delivery is highlighted, based on the 2022 Housing Delivery Test results. There is no updated evidence before me to confirm whether this has been addressed and the Council has not provided a figure for housing land supply. Nevertheless, even if I were to assume, for the purposes of this appeal only, that there is a shortfall in housing land supply and/or delivery, this particular proposal would replace one form of housing with another. Furthermore, since the Council's evidence supports the retention of family housing, to meet local needs, and there is a policy of restraint over the concentration of HMOs, no clear benefit to the supply of housing has been articulated.
16. Therefore, the adverse impacts of the proposal in respect of the balance and mix of households in the local community and the residential character of the area would significantly and demonstrably outweigh any modest benefits from delivering a single HMO. As such, even if the test in paragraph 11d of the Framework is applicable, the appeal scheme would not benefit from the presumption in favour of sustainable development as articulated by that paragraph.

Conclusion

17. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal is dismissed.

N Armstrong

INSPECTOR