Planning Inspectorate

Appeal Decision

Site visit made on 21 May 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/N5090/W/25/3358412
187 The Vale, Childs Hill, London NW11 8TL

- 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 Ranjit Bains against the decision of the Council of the London Borough of Barnet.
- The application reference is 24/3296/RCU.
- The development is a change of use from a single dwellinghouse (Use Class C3) to a 5-bed, HMO (House in Multiple Occupation) (Use Class C4) (Retrospective Application).

Decision

1. The appeal is dismissed.

Procedural matters

2. The description of development in the above heading is taken from the Council's decision notice. It is a clearer expression of the proposal than the description given on the application form lodged with the Council, which cross refers only to the appellant's Planning, Design and Access Statement.

3. The appeal property is in use as a House in Multiple Occupation (HMO). Planning permission is therefore sought retrospectively.

4. The Council has recently adopted the Barnet Local Plan 2021-2036 (LP). As a result, the LP forms part of the development plan. It has replaced Barnet's Local Plan (Core Strategy) Development Plan Document (CS) and Barnet's Local Plan (Development Management Policies) Development Plan Document (DMP), which are cited in the reasons for refusal. The main parties have had the opportunity to comment on the policies of the LP during the appeal process.

5. Planning decisions must be based on the development plan policies prevailing at the time of determination. The policies of the CS and DMP identified in the reasons for refusal are no longer in force. The most relevant corresponding LP Policies are CDH01, HOU03, HOU04 and TRC03. The reasons for refusal also refer to policies within The London Plan (TLP), which remains part of the development plan.

Main Issues

6. The main issues are whether there is an identified need for a HMO and the effect of the development on family housing, on the character of the local area, on the living conditions of the occupiers of nearby residential properties, and on vehicle parking and highway safety.

Reasons

Need for a HMO

7. Planning permission is sought for the change the use of the appeal property, which is a semi-detached building, from a single-family dwelling to a HMO with 5 bedrooms and communal facilities. LP Policy HOU04 supports such proposals provided they, amongst other things, meet an identified need.

8. Few details have been provided to explain exactly what specific need is, or would be, met by the appeal property as a HMO by, for instance, reference to the availability, suitability and affordability of rented living accommodation in the local area. That the appeal property is currently fully occupied is evidence of demand rather than need. The lack of other registered HMOs within individual postcode areas is salient to understanding the supply of this type of accommodation at the time that the survey was carried out. It is not necessarily indicative of need.

9. On the first main issue, I therefore conclude that it has not been demonstrated that the development meets an identified need for a HMO. Accordingly, it conflicts with LP Policy HOU04.

Family Housing

10. The appeal building largely retains its design and layout as a family dwelling. As a result, I have no reason to doubt that little work would be required to return the use of the building back to a family dwelling. While that change could take place at some point in the future, no mechanism has been put forward to ensure that it would. The effect of granting planning permission in this case is, therefore, the loss of a family-sized dwelling from the local housing stock.

11. The Council has produced cogent evidence of the need for family-sized dwellings through the LP and the extracts provided of its Strategic Housing Market Assessment (SHMA). According to the Council's evidence, the greatest need is for 3-bedroom houses followed by properties with 4-bedrooms. Combined, the need for this size of housing exceeds the need for 1-bedroom units by almost 10 times. This evidence underpins LP Policies HOU3 and HOU4, which aim, amongst other things, to stem the loss of family-sized accommodation from the dwelling stock.

12. The appellant considers that family sized properties for sale and to rent are plentiful within the local area, with details provided, all of which I have carefully considered. However, this information, which focusses on supply at a given time does not necessarily equate to robust assessment of how particular local housing needs are and are not being met. In this case, the Council's policies on family housing should be supported because the evidence before me clearly indicates that the need for smaller units of accommodation is better met than those for family sized dwellings.

13. On the second main issue, I therefore conclude that the development would result in the loss of a family-sized dwelling. As such, it is not compliant with the highest priority housing needs for the area, to which LP Policies HOU03 and HOU04 refer.

Character

14. In my experience, HMOs can sometimes have a disruptive effect on a settled residential community and the character of an area largely because the lifestyle and values of some tenants can differ to those of other residents. The occupiers of

HMOs are also more likely to be transient than others, sometimes with less interest in the well-being of the area. Some of the resultant problems can include poor refuse management, on-street parking pressure, litter and neglected gardens. The Council's concerns about the effect of HMOs on the loss of family housing and the character of the area and its community has caused it to issue an Article 4 direction that requires planning permission for the change of use from a dwelling to a HMO.

15. In this case, the site falls within a predominantly residential area wherein I saw that family dwellings predominate. While I observed some examples of buildings containing flats, the number of such properties was small. In that context, the use of the appeal property as a HMO is a discordant and disruptive element within this largely family housing area.

16. Consequently, on the third main issue, I conclude that the development causes significant harm to the character of the local area. It therefore conflicts with LP Polices HOU01, HOU03 and HOU04, and the guidance within the Council's Supplementary Planning Document, *Residential Design Guidance* (SPD). These policies and guidance note that development should not have an unacceptable impact on the character of the surrounding area.

Living conditions

17. Compared to a single household occupying No 187, the occupation of the HMO by up to 5 unrelated individuals could lead to some additional activity, such as the general coming and going of people and their visitors, to the site, including extra vehicle movements. The Council and others consider that such activities cause harm to the living conditions of others. However, there is no persuasive evidence before me to support these concerns. The additional noise and disturbance as a result of the HMO, the potential for anti-social behaviour or the prospect of untidy gardens, would not necessarily be greater than might occur if No 187 were to be occupied by a single family.

18. The appellant's evidence indicates that there is not a high concentration of HMOs in the vicinity of the site. That would remain the case if planning permission were to be granted. The level of occupancy proposed is not excessive and the number of occupiers could be limited by a condition. Therefore, I am unable to share the opinion of the Council and others that the use of No 187 as a HMO is harmful to the living conditions of the occupiers of nearby residential properties. In this regard, it does not conflict with LP Policies HOU01, HOU03, and HOU04 or the Council's SPD insofar as they aim to safeguard residential amenity.

Vehicle parking and highway safety

19. To meet its parking requirement for vehicles, the Council states that 3.75 off-road spaces should be provided to serve the HMO. As the existing forecourt to No 187 could accommodate off-road parking for up to 2 vehicles, the development would fall short of this requirement. However, the Council's car parking standards that are set out in Table 20 of the LP and those in the TLP are maximum requirements. As the development would not exceed these standards, the shortfall in off-road parking provision would not necessarily lead to a conflict with Policy TRC03 or the TLP.

20. The Council and others are concerned that the development would cause or exacerbate local parking problems by adding to on-street parking demand and traffic congestion. According to the Council, the site falls within an area with

observable levels of parking stress although few details have been provided to substantiate this view.

21. In this case, the use of the building as a single-family house has ceased and so the associated demand for vehicle parking has been removed. No evidence has been presented to demonstrate that the use of the property as a HMO would generate extra demand for on street parking or generate additional traffic compared to that of a single-family house. Even if the HMO did so, there is no convincing evidence before me that drivers associated with the HMO would park obstructively, inconsiderately or illegally on the road thereby causing an obstruction or hazard to other road users.

22. On this main issue, I conclude that the development makes adequate parking provision for vehicles and is not prejudicial to highway safety. Accordingly, I find no conflict with LP Policy TRC03 or TLP Policies T4, T6 and T6.1. Collectively, these policies aim to ensure that development makes adequate provision for car parking and does not increase road danger.

Other matters

23. I note that the HMO has been in use for an extended time-period with supporting evidence provided largely in the form of tenancy agreements, which I have taken I to account. That a HMO licence was recently issued for the appeal property relates to a different regulatory regime than that of planning. It does not outweigh the significant harm that I have found in relation to the first 3 main issues.

Conclusion

24. The development sought does not harm the living conditions of nearby residents. It also makes adequate provision for vehicle parking and is not detrimental to highway safety. However, it has not been shown that the HMO meets an identified need. It results in the loss of a family-sized dwelling and causes significant harm to the residential character of the local area. Consequently, the appeal scheme conflicts with several development plan policies.

25. There are no material considerations of sufficient weight to indicate that the appeal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR