



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: 04 June 2025

Appeal Ref: APP/N5090/W/25/3359874

3 Burroughs Parade, London NW4 4BD

- 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 K Hussain against the decision of the Council of the London Borough of Barnet.
 - The application reference is 24/3899/FUL.
 - The proposed development is the demolition of existing rear extensions; Single storey rear and side extension, first and second floor rear extension, rear dormer roof extension, insertion of two roof lights on the front roof slope, insertion of doors at the front at ground floor level and insertion of windows on the side elevation at first and second floor level; Change of use of rear part of existing retail unit to form a studio flat at ground floor at the rear. Provision of 3 bed, 4 person HMO at the rear at ground floor level, Provision of 13 room, 17 person HMO at upper floor levels. Provision of secure storage for 19 cycles and refuse and recycling storage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council has recently adopted the Barnet Local Plan 2021-2036 (LP). As a result, the LP now 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.
3. 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 The policies of the CS and DMP identified in the reasons for refusal are no longer in force.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, CDH05 and HOU04. The reasons for refusal also refer to Policies D3 and D14 in The London Plan (TLP), which remains part of the development plan.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the appeal property and the local area; and
 - the living conditions of the occupiers of nearby residential properties with particular regard to potential noise and general disturbance.

Reasons

Character and appearance

5. The proposal is to extend, alter and partly convert the appeal property, which is an end terrace building in mixed use, to form 2 Houses in Multiple Occupation (HMOs) and a self-contained studio flat. Combined, the HMOs would include 16 bedrooms with ensuite bathrooms, and communal kitchen and dining areas. At the rear of the site would be areas to store cycles, refuse and recycling, and a small garden.
6. The Council has recently granted planning permission to extend and alter the appeal property for a 8-bedroom HMO with occupation by up to 8 unrelated persons. Prior approval has also been issued to convert part of the appeal property to a studio flat. From the submitted evidence, both schemes are realistic fall-back positions against which the proposal before me should be assessed.
7. With a part single, part 2 and part 3 storey extension introduced at the back of the main building, and residential accommodation provided on 4 levels, the proposal would be a sizeable addition. It would be significantly longer, wider and taller than the existing rear projection that is to be demolished and removed to make way for the new built form. From the plans provided, the proposed extension would also be much larger than its approved counterpart in the 8-bedroom HMO scheme.
8. When seen from the rear of the site, there would be a new 3-storey elevation, albeit with setbacks, across most of the width of the property and a large dormer above. From the car park adjacent to the site, the full extent of the lengthy flank walls to the proposed extension would be readily evident. In both locations, the bulk of the proposal would be accentuated by the visually strong horizontal lines of the flat or almost flat roofs. Given its considerable size, mass and height, the new built addition could not reasonably be described as subordinate to the existing building, which is a requirement of extensions under LP Policy CDH05.
9. By significantly adding to the scale and mass of the existing building, enlarging its footprint and fundamentally altering its shape, the appeal scheme would overwhelm the style, size and proportions of the existing property. As a result, the intrinsic character and appearance of the building would be spoilt. That strong impression would be most pronounced from the rear of the site and the adjacent car park. From these vantage points, the appeal scheme would draw the eye as an overly large and bulky extension even when seen among the varied built form across the rear of the wider terrace. The harm would not be satisfactorily mitigated by the windows in the proposed sidewalls that would visually 'break up' the expanse of brickwork to some extent, nor by green sedum roofs, the presence of which would not be readily evident at ground level.
10. I agree that the existing rear projection that is to be replaced contributes little positively to the character and appearance of the host building or the local area. However, additional harm would arise in this case for the reasons given. That outcome cannot be justified on that basis that some harm already exists.
11. On the first main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the appeal property and the local area. Accordingly, it conflicts with TLP Policies D3 and D14, LP Policies CDH01, CDH05 and HOU04, and the Council's Supplementary Planning Document, *Residential Design Guidance* (SPD). These policies and guidance

promote high quality design and aim to ensure that new development, and HMOs specifically, do not have a harmful effect on the character of the surrounding area.

Living conditions

12. As the proposal would facilitate occupation of the completed building for up to 22 unrelated persons, it would accommodate more people and attract a greater number of visitors than an 8-bedroom HMO, as approved. If the new HMOs were to be fully occupied, the number of people, within and going to and from the building could more than double that of the 8-bedroom HMO scheme. The effect of a more intensive use of the site on the living conditions of the occupiers of existing residential properties, especially those living close to the site, could be appreciable.
13. However, in this case, most of the activity associated with the proposal would be at the front of the main building with only 3 bedrooms of the HMO accessed from the rear of the site. As such, people arriving and leaving the site would be mostly away from the residential properties along Egerton Gardens that are just beyond the rear of the site. There is no convincing evidence that the additional noise and general disturbance associated with these movements would be so great as to materially harm the living conditions of existing residents nor unduly disrupt the settled residential character of the area close to the site.
14. On the second main issue, I conclude that there would be no material harm to the living conditions of the occupiers of existing residential properties. The level of occupancy associated with the proposed development would be compatible with the character of the area. In these respects, there would be no conflict with TLP Policies D3 and D14 and LP Policy HOU04 insofar as they aim to safeguard residential amenity. My favourable finding does not outweigh the harm that I have identified in relation to the first main issue.

Other matters

15. The important role that HMOs play in providing low-cost housing is recognised in both the TLP and LP. The demand for the type of accommodation proposed has been provided in the form of letters from 2 letting agents, who refer the area's good transport links, proximity to Middlesex University and town centres, and the popularity with students and young professionals. An interested party strongly supports the proposal and refers to the need to tackle the housing crisis and provide more homes. However, these considerations do not outweigh the significant harm that I have identified in relation to the first main issue.

Conclusion

16. The proposed development conflicts with the development plan, when read as a whole. There are no material considerations, including those of the National Planning Policy Framework, which indicate that the decision should be taken otherwise 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