



Appeal Decision

Site visit made on 21 May 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal Ref: APP/Q5300/W/24/3355025

59 Weir Hall Road, Edmonton, Enfield N18 1EL

- 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 Feld against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/03066/FUL.
 - The development proposed is described as a “change of use from a single dwelling (Class C3) to 5-bed HMO (Class C4) for up to 5 occupiers. A ground floor rear extension. Provision of cycle and refuse storage. Following the approvals of 24/02512/PRH / 24/01478/FUL.”
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr Feld against the Council of the London Borough of Enfield, this is the subject of a separate decision.

Preliminary Matters

3. The Council has provided a copy of the Mayor of London’s, Housing, Supplementary Planning guidance, dated November 2012, part of the London Plan 2011 Implementation Framework in support of its reason for refusal. That guidance has since been replaced by other guidance, consequently, I have not had regard to it in my determination of the appeal.
4. The Council has published the Enfield Local Plan 2019-2041 (DELP) said to be at Regulation 24 stage, and at an advanced stage of preparation. The Council has not identified any conflict between the proposed development and any policies of the DELP, the appeal has also been determined on this basis.
5. It is noted that extensions to the appeal property to facilitate the proposed change of use to a House of Multiple Occupancy (HMO), are said to have already been granted planning permission¹. The appeal has been determined accordingly.

Main Issue

6. The main issue is whether future occupiers of the proposed development would have satisfactory living conditions, with particular regard to the overall size of the accommodation, and the communal kitchen/living space.

¹ Ref. 24/02512/PRH and 24/01478/FUL

Reasons

7. The appeal property is a three-bedroom, two storey semi-detached dwelling, situated within an established residential area. It is said that the property could currently be used by 4 no. occupiers. The proposed external alterations and re-configuration would allow 5 no. single rooms to be created within the HMO.
8. The proposed HMO would have a floor area said to be some 108 square metres, which includes approximately 30 square metres of storage space across the loft area. A communal kitchen and living space, said to measure some 10 square metres is proposed, it would be on the ground floor, and it would be an inner room with no external window.
9. It is also noted that the space requirements that the Council has referred to, as set out within Technical Standards, Nationally Described Space Standards, dated March 2015 (NDSS) relate to dwellings and not HMOs. Similarly, paragraph 3.6.2 of Policy D6 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP) states that Criteria F of the policy refers to its space standards applying to dwellings, as such this part of LP Policy D6 would also not be directly applicable to this proposed development. Against this background, I am not aware of any HMO space standards applicable to the overall size of HMOs in this case.
10. Enfield's HMO Standards, revised March 2021 (HMOS) requires a 1-5 person HMO to have; a kitchen floor area measuring at least 6 square metres; a kitchen and dining floor area to be at least 8.5 square metres; and a dining or living floor area to be at least 8.5 square metres. It is accepted by both parties that these standards, which relate to the licensing requirements for HMOs are not part of the development plan. Although they can be a material consideration when considering proposals for a change of use of a property to an HMO.
11. Policy 4 of The Enfield Plan, Core Strategy 2010-2025, adopted November 2010 (CS) requires new housing to be high quality, and Policies DMD5 and DMD8 of Enfield's Development Management Document, adopted November 2014 (DMD) also say HMOs must provide a high quality form of accommodation, that is well-designed, flexible, with functional layouts with adequately sized rooms, which shall exceed the sizes set out within the London Plan and London Housing Design Guide. Although I have not been made aware of any current London Housing Design Guide in this respect. Criteria A of LP Policy D6 says housing development should be of high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. Against this policy background there is no directly applicable national space standards, or any contained within the development plan relating to a HMO, instead a judgement must be made regarding the quality of the internal spaces, including their size, functionality, and flexibility.
12. It is accepted that the proposed development would exceed the minimum sizes set out in HMOS for a kitchen and kitchen/dining space. However, there is no requirement set out for a kitchen/living space as proposed and it is unclear whether the HMOS requires a living/dining space in addition to a kitchen space. In view of this, there is significant doubt regarding how the HMOS would apply to the proposed development. Even when adding the spaces together, there would be a

requirement for 17 square metres in total, less than the 18 square metres the Council have said is required, but significantly greater than the 10 square metres proposed.

13. The proposed layout shows the kitchen/living room to have kitchen units/appliances against two walls, with a sofa with three spaces and a separate chair against the other two walls. There was no dining table, and there did not appear to be space for a television. In addition, due to the internal layout of the kitchen/living space there would likely be limited circulatory space for future occupiers to manoeuvre around the communal space, particularly when other occupiers were also using it, and little flexibility to change it. It is noted that no kitchenettes or cooking facilities are proposed within the individual rooms, which would likely mean that the communal space would be used for cooking, eating and relaxing by all occupiers.
14. The space offers little in the way of flexibility, given its small size and the layout of the kitchen units, sofa, and the chair, and its restricted layout would mean it was not particularly a functional area for all its occupiers to use. As such, there would be insufficient space for 5 no. occupiers to comfortably cook, relax, interact with one another and eat food together, whether there was a dining table or not. The limited size of the space would be poor quality and significantly cramped, providing living conditions that would be harmful for its future occupiers.
15. The appellant has referred to an earlier decision by the Council to grant planning permission² for the change of use of the appeal property to a 3 person HMO, said to have had a communal kitchen /living area said to measure some 12.65 square metres. As there were 2 no. less occupiers, and the communal space was larger in that case, it is materially different to the appeal scheme which proposes a more intensive use of a smaller area. It is also acknowledged that the existing property could be used by 4 no. occupiers at present, but in that case, it would be as a dwelling and the use of the accommodation would likely be much different than as an HMO. Consequently, these arguments have not led me to conclude differently.
16. In terms of the other internal spaces proposed, the 5 no. single room sizes vary between 9 square metres to 10.56 square metres, each room also has an en-suite bathroom, and a space for a desk and single bed. I have not been made aware that these room sizes are below any relevant guidance or standards and whilst the Council has referred to conflict with the NDSS, for the reasons set out above, those sizes would not be directly applicable to an HMO.
17. The proposed individual rooms would allow satisfactory space for 5 no. occupiers within their private rooms. It is acknowledged that the 30 square metres of loft space is not easily accessible and would be unlikely to be frequently in use, although it would provide adequate storage space. Furthermore, there would be satisfactory outdoor space for future occupiers. With the exception of the proposed communal kitchen/living space, the proposed development would provide satisfactory living conditions for future occupiers. However, these aspects would not outweigh the harm identified above in terms of the size of the shared communal kitchen and living space.
18. The appellant has referred to numerous other HMO developments that have been approved in Enfield that are said to have smaller communal spaces than the 18

² Ref 24/01478/FUL

square metres the Council say is required. Whether that be so, I do not have any precise details of these to compare with the appeal scheme.

19. I therefore conclude that although the individual rooms, storage space and outdoor space would provide future occupiers with satisfactory living conditions, the proposed communal kitchen/living space would not provide future occupiers with satisfactory living conditions. In doing so, I find the proposed development to conflict with the relevant requirements of LP Policy D6 Criteria A, CS Policy 4 and DMD Policies DMD5 and DMD8, the requirements of which are set out above. In addition, there would be conflict with paragraph 135 of The National Planning Policy Framework (the Framework) insofar as it requires a high standard of amenity for existing and future users.

Other Matters

20. The Council has said that the appeal site is within 6.2km of the Epping Forest Special Area of Conservation (SAC) zone of influence and said a charge would be required as mitigation against potential disturbance to that area by occupiers of the proposed HMO. Whilst I have not been made aware of any payment by the appellant of the charge that is said to be required, there has also been insufficient information provided regarding the SAC, the zone of influence and possible mitigation requirements, for me to properly conclude on this matter. Furthermore, in view of the harm identified above it has not been necessary for me to explore this further.
21. The appellant has said that there would be no harm to the character and appearance of the area or the living conditions of neighbouring occupiers, and satisfactory arrangements could be made for refuse and secure cycle storage. Be that as it may, these are neutral factors that do not either weigh in favour or against the proposal.

Planning Balance and Conclusion

22. The Council has advised it has a 3.1-year supply of housing in accordance with its Authority Monitoring Report 2023/24. As a result, the presumption in favour of sustainable development as set out within paragraph 11 of the Framework applies.
23. As it has not been possible to identify any conflict with policies referred to in footnote 7 of paragraph 11 of the Framework, paragraph 11 d) ii is engaged, which states permission should be granted unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
24. The benefits of the proposal include the provision of an HMO providing accommodation for up to 5 no. occupiers making a more intensive use of the existing property, that is in a well-connected area. This would assist with providing increased housing choices and options, noting HMOs vital role in meeting demand for affordable, accessible housing, and their contribution towards the objective of significantly boosting the supply of housing. Although set against this would be the loss of a 3 bedroomed property, that could be used by a family, and which the Council say there is a high need for in its 2020 Local Housing Needs Assessment. There would be some economic benefits arising from the construction works relating to the extensions and internal changes. Future occupiers would also likely contribute to local services and facilities. However, these benefits are tempered

given that a dwelling that could be occupied by up to 4 no. persons would be lost as a result. These benefits, even taken collectively, set against the current use of the existing property would be limited in this case.

25. Against this, is the harm identified from the inadequate internal communal space for the future occupiers of the proposed HMO that would give rise to harmful living conditions. As a result, there would be conflict with paragraph 135 of the Framework that seeks to provide a high standard of amenity for existing and future users. I give this harm, significant weight.
26. Accordingly, when assessed against the policies in the Framework taken as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
27. I therefore conclude that the proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, including the Framework's presumption of sustainable development, that would outweigh the conflict. Therefore, the appeal should be dismissed.

A Hunter

INSPECTOR