
Appeal Decisions

Site visit made on 29 April 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2025

Appeal A Ref: APP/Q5300/W/24/3350688

95 New Park Avenue, Enfield, Southgate N13 5NA

- 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 Kujtim Bajraktari (Kiks Group Ltd) against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/00585/FUL.
 - The development proposed is described as the change of use from Use Class C3 (single dwelling house) to Use as Sui Generis, HMO (House in Multiple Occupation) for up to 8 people, involving demolition of existing single storey rear extension and erection of a rear ground floor extension, loft conversion and dormer extension at rear with roof lights at the front.
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Appeal B Ref: APP/Q5300/W/24/3350687

95 New Park Avenue, Enfield, Southgate N13 5NA

- 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 Kujtim Bajraktari (Kiks Group Ltd) against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/01538/FUL.
 - The development proposed is described as the change of use from single dwelling house (Use Class C3) to (HMO) House in Multiple Occupation (Use Sui Generis) for up to 7 people, involving demolition of existing single storey rear extension and erection of single storey rear extension, loft conversion with rear dormer and roof lights at front and side.
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Decision

1. The appeals are dismissed.

Applications for costs

2. Applications for costs have been made in respect of both appeals. These are the subject of separate decisions.

Preliminary Matters

3. As set out above there are two appeals on this site. They differ only in the number of proposed occupants and their internal layouts. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

4. The main issues are:
 - in Appeal A only, whether the proposal would provide adequate living conditions for the future occupiers of the appeal dwelling with particular

regard to the provision of satisfactory communal space and access to the external amenity space; and

- in Appeals A and B, the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

Living conditions of future occupiers – Appeal A

5. The proposed kitchen/common room would serve the occupants of 8 bedrooms and comprise the main communal space within the property. The communal kitchen would be located on the first floor, would be dual-aspect, and would exceed the HMO space standards. However, it would be very narrow and feature worktops and cupboards on both sides of the room. Consequently, much of the floor area would be utilised as circulation space for the kitchen. The plans show the room could accommodate a dining table however the room would still be cramped. As the HMO would not feature any other communal space such as a living room, I find that the limited size, constricted shape and overall quality of the communal kitchen would be inadequate.
6. Whilst the appellant states that the future occupiers would have large bedrooms, it is reasonable to expect that the occupants of the dwelling have access to a good standard of communal accommodation in which to dine comfortably, interact and relax. The proposed communal kitchen area would therefore be impractical and would minimise opportunities for social interaction, and the lack of access to such a space would result in harmful living conditions for the occupiers.
7. Furthermore, the future occupants of bedrooms 1, 4, 5, 6, 7 and 8 would have to exit the property by the front door and use the adjacent public footpath to access the rear garden. This would be an awkward arrangement and impractical for the residents. The appellant argues this would not be dissimilar to a flatted development where not all occupants would have direct access to an external communal area. I am not persuaded by this argument as residents of a flatted development often have access to an external balcony and do not usually have to exit the main entrance of a development and use a public footpath to access an external communal area such as a courtyard. In any case, the proposal is not a flatted development and therefore the future occupiers of what would be a two-storey house in multiple occupancy should reasonably be expected to have direct access to an external amenity area.
8. Given this, the Appeal A proposal would harm the living conditions of the future occupiers of the proposed HMO in respect of the unsatisfactory provision of communal space and access to external amenity space. It would therefore conflict with Policies DMD5 and DMD8 of the Development Management Document (2014) (DMD), Policy CP4 of the Core Strategy (2010) and Policy D6 of the London Plan (2021) insofar as they seek to ensure developments provide a high-quality form of accommodation with functional layouts.

Living conditions of neighbouring occupiers – Appeals A and B

9. Appeal A relates to a proposed HMO intended to accommodate 8 occupiers whilst the Appeal B proposal would accommodate 7 occupiers. By its very nature, the occupation of a property by 7-8 unrelated individuals introduces a materially

different pattern of use compared to a single household. Each occupant in an HMO is likely to maintain an independent lifestyle, including separate work, leisure, and social routines. As a result, the intensity of internal and external activity – such as entering and exiting the property, use of shared facilities, and visits from friends and relatives – can occur over an extended period of the day and into the late evening.

10. While a large multi-generational family might occupy the same number of bedrooms, such households typically operate within a shared family structure that aligns daily routines and minimises duplication of activity. Noise associated with the use of the kitchen, household chores, or social interaction tends to be more contained and predictable.
11. In contrast, large HMOs such as those proposed, would consist of a high number of transient adult tenants with independent and uncoordinated schedules. This would increase the likelihood of staggered use of communal areas (such as kitchens and gardens), independent hosting of guests, informal social gatherings, repeated entry and exit of different occupants at irregular hours, and increased numbers of deliveries in comparison to a family dwelling. This extended period of cumulative activity would increase the potential for disruptive noise events such as slamming doors, voices and activity in communal areas, noise from music, televisions, telephones, or noise from delivery vehicles.
12. It is acknowledged that the property is an end of terrace, and that the appellant proposes to locate communal areas away from shared party walls, and to install soundproofing measures in line with Building Regulations. However, in practical terms, such measures offer limited mitigation given the increase in intensity of occupation. Soundproofing is unlikely to eliminate noise resulting from comings and goings, internal movement, delivery vehicles and other noise and activities when windows are open or when the rear garden is being used, particularly when these activities are spread across multiple time periods.
13. With regards to Appeal B, the appellant contends that the impact of 7 occupiers would not be significantly different to the impact of 6 occupiers. Whilst the increase may appear numerically modest, in practice it represents a further intensification of occupation and activity. The addition of one or two further residents would exacerbate levels of noise and disturbance, and unacceptably harm the living conditions of neighbouring occupiers.
14. I appreciate that the proposals would not lead to an over-concentration or clustering of HMOs on New Park Avenue or any adverse impact on the visual character and appearance of the area. Notwithstanding this, the introduction of large HMOs as proposed would represent a departure from the prevailing pattern of residential use in the direct vicinity of the site. The excessive number of occupants would disturb the surrounding context which is characterised by family households. Whilst I do not find that the proposals would exacerbate parking stress, harm highway safety or unacceptably increase the amount of refuse, the step change in the intensity and type of occupancy and associated noise and disturbance at the site would erode the living environment of surrounding residents.

15. The planning permission at 65 New Park Avenue¹ for the conversion of a single dwelling into three self-contained flats is not directly comparable to the proposed large HMO conversions. Whilst the ground floor unit at No 65 features en-suite bathrooms, there is no evidence to suggest it operates as an HMO or intends to do so at a later date. In any case, each development must be considered on its individual merits, and I have reached my conclusion based on the individual merits of the appeal proposal.
16. For these reasons, the Appeal A proposal and the Appeal B proposal would both harm the living conditions of neighbouring occupiers with regards to noise and disturbance. The proposals would therefore conflict with Policies DMD5, DMD6, DMD8, DMD37 and DMD68 of the DMD, Policies CP4, CP30 and CP32 of the Core Strategy, and Policy D14 of the London Plan insofar as they seek to ensure proposals such as HMO conversions have regard to their context, preserve amenity, and do not lead to an unacceptable level of noise and disturbance for occupiers of adjoining properties.

Other Considerations

17. The appellant states that the Council cannot demonstrate a 5-year supply of deliverable housing sites. The Council does not challenge the appellant's assertion. Therefore, for the purposes of the appeals only, I will work on the basis that the requisite supply does not exist, and that the shortfall is significant. Consequently, because of the provisions of footnote 7, paragraph 11 d) of the Framework is engaged. As such, it is necessary for me to determine whether the adverse impacts of the proposals would significantly and demonstrably outweigh the benefits inherent in providing additional accommodation to assist the Council in addressing its undersupply.
18. I have found conflict with Policies DMD5, DMD6, DMD8, DMD37 and DMD68 of the DMD, Policies CP30 and CP32 of the Core Strategy, and Policies D6 and D14 of the London Plan which are consistent with the Framework. I therefore find that the proposals would conflict with the Development Plan as a whole. Against that, the appeal proposals would increase the number of bedrooms within the property. The appellant also emphasises that increasing the rate of housing delivery from small sites is a strategic priority. However, the proposed conversions would not result in an additional unit of housing. They would contribute towards a varied mix of housing in the borough but would make a very minimal difference to the overall supply of housing and so I give this very limited weight in favour of the proposals.
19. There would also be some minimal economic benefits during construction and from future occupants' contributions to the local economy through the use of services and facilities. I have attached limited weight to this consideration.

Planning Balance and Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The cumulative and considerable harm I have identified would significantly and demonstrably outweigh the limited benefits of the appeal schemes, when assessed against the policies in the Framework taken as a whole.

¹ Application ref 19/02594/FUL

21. The appeal site is located within the recognised 'Zone of Influence' for the Epping Forest Special Area of Conservation (SAC), which is a European designated site. The appellant has provided a financial contribution towards mitigation. I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed developments would have upon the SAC. However, as I am dismissing the appeals for the reasons given above, I do not need to conduct any further assessment in relation to the SAC.
22. For the above reasons, I conclude that both proposals conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeals should be decided other than in accordance with it.
23. For the reasons given above Appeal A and Appeal B should be dismissed.

Thomas Courtney

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/Q5300/W/24/3350688	Kiks Group Ltd
Appeal B	APP/Q5300/W/24/3350687	Kiks Group Ltd