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## Appeal Decision

Site visit made on 25 June 2025

**by Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 09 July 2025**

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**Appeal Ref: APP/Q5300/W/25/3362861**

**70 Kings Road, Edmonton, Enfield N18 2PN**

- 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 Damen against the decision of the Council of the London Borough of Enfield.
  - The application reference is 24/03385/FUL.
  - The development proposed is described as the erection of a single-storey side infill extension (granted 22/02170/FUL) together with an L-shaped dormer extension and front rooflights (granted 24/02201/CEA) to facilitate the change of use of the existing dwelling to a small HMO (Use Class C4) for up to 5 people, with associated cycle, refuse and recycling storage.
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### Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single-storey side infill extension together with an L-shaped dormer extension and front rooflights to facilitate the change of use of the existing dwelling to a small House in Multiple Occupation (Use Class C4) for up to 5 people, with associated cycle, refuse and recycling storage at 70 Kings Road, Edmonton, Enfield N18 2PN in accordance with the terms of the application reference 24/03385/FUL subject to the conditions set out in the schedule to this decision.

### Procedural matters

2. The appellant has made an application for costs against the Council. This application is the subject of a separate decision.
3. For clarity, the description of development in my decision refers to a House in Multiple Occupation rather than the abbreviated version, HMO, as stated on the application form lodged with the Council. For the same reason, my decision also omits reference to previous planning applications.

### Main Issue

4. The main issue is whether the proposed development would provide satisfactory living conditions for future occupiers with regard to living accommodation.

### Reasons

5. The proposal is to enlarge and convert the appeal building, which is a 3-storey dwelling to a House in Multiple Occupancy (HMO) for up to 5 people. It follows the Council's recent decision to grant planning permission for a similar HMO scheme at No 70 for occupation by up to 5 people. Compared to the approved HMO scheme, the appellant states that the proposal includes an extra communal room within the

loft space and a smaller shared room on the ground floor. A certificate of lawfulness has also been issued for the proposed dormer extension. As these developments could come forward in any event, they represent realistic fall-back positions against which to assess the proposal.

6. The Council raises concern that the overall size of the new HMO would not meet the minimum thresholds identified in the Technical Housing Standards, Nationally Described Space Standard (NDSS) and Policy D6 of The London Plan (TLP). However, the NDSS makes clear that the standard relates to dwellings. Part F of TLP Policy D6 also confirms that the minimum space standards relate to residential accommodation that is self-contained. Since the proposal is neither a dwelling nor provides self-contained accommodation, the NDSS and part of TLP Policy D6 are not directly relevant in this case.
7. Part of the ceiling within Bedroom 5 of the new HMO would slope due to the pitched roof. This arrangement would reduce the amount of useable space within this room due to the restricted floor to ceiling (FtC) height. Nevertheless, the drawings indicate that well over one half of the space within this room would achieve a FtC height of at least 2.3 metres. Sufficient space would therefore be available for circulation and to accommodate most furniture items. With roof lights and a rear window, the living accommodation within Bedroom 5 would feel light and airy despite the restricted head height within some of the internal space. In addition, I am advised that the size and layout of Bedroom 5 are the same as the approved HMO scheme, which the Council previously found to be acceptable.
8. The new HMO would include 2 kitchens, with seats and tables within each room to enable future occupiers to sit, eat and socialise as well as cook. Whether these arrangements would meet the Council's minimum space standards is contested by the main parties. On one hand, the Council considers that the size of the ground floor kitchen, as proposed, would fall short of 18sqm floor area that it says is a minimum requirement for a combined kitchen, dining and living room for 5 users. However, this requirement appears to form no part of the documents that have been provided, including the Council's HMO Licensing Standards (the Standards), dated March 2021. It is therefore unclear on what basis the Council has reached its conclusion.
9. On the other hand, the appellant states that the proposal would exceed the minimum size of a kitchen with a combined dining or living room for 1-5 users in the Standards, which is at least 8.5sqm. From the submitted evidence, I agree with that assessment. A second, smaller kitchen and dining area within the roof space would also be available that would be a practical and convenient alternative especially for those residents living on the upper floors of the new HMO.
10. Additionally, the quality and usability of shared facilities within the HMO are also relevant considerations. Policies DMD 5 and DMD 8 of the Council's Development Management Document (DMD) note that HMOs should provide a high-quality form of accommodation with well designed, flexible and functional layouts. Part A of TLP Policy D6 also states that housing development should include comfortable and functional layouts that are fit for purpose. Core Policy 4 of The Enfield Plan Core Strategy 2010-2025 (CS) adds that new housing should be high quality.
11. In this case, part of the ground floor kitchen would be narrow and its position between the hallway and back garden would cause it to also function as a

thoroughfare. Nevertheless, there would be adequate circulatory space, with wall facing seats and tables to one side of a central corridor and kitchen units on the other. The proposed layout would allow occupiers to comfortably cook, eat and unwind, with an opportunity for social interaction and to gain access the garden.

12. Taking into account all these matters, I consider that there are no substantive planning grounds to object to the standard of the living accommodation and shared facilities within the new HMO. On that basis, a conflict with some of the Council's minimum space standards, even if that were to be the case, is insufficient reason to withhold planning permission.
13. On the main issue, I therefore conclude that the proposal would provide satisfactory living conditions for future occupiers. As such, it does not conflict with the relevant requirements of TLP Policy D6, CS Policy 4 or Policies DMD 5 and DMD 8. It also complies with the National Planning Policy Framework, which aims to ensure that developments create places with a high standard of amenity for all users.
14. The submitted plans show storage for 5 cycles within an enclosed timber structure in the back garden of No 70. While this arrangement would serve future occupiers, the Council states that an additional 2 cycle spaces should be provided for visitors. Details of this additional provision could be covered by a suitable condition.
15. No objection is raised to the remainder of the appeal scheme, which includes the proposed extensions and roof lights. I, too, find these elements of the proposal acceptable particularly bearing in mind the fallback positions that are available to the appellant.

### **Conditions**

16. The Council has not suggested any conditions be imposed if the appeal were to be allowed. Nevertheless, several conditions are necessary to ensure that the development is acceptable. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty.
17. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building. For the same reason, a condition is necessary to require refuse storage to be provided in accordance with the plans. A condition requiring details of the cycle storage to be approved is necessary to ensure that this facility is available to future occupiers and visitors. It is also appropriate to impose a condition that specifies the maximum occupancy level of the HMO because it reflects the development sought and my assessment of it.

### **Conclusion**

18. Overall, there are no material considerations that indicate the development 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 allowed.

*Gary Deane*

INSPECTOR

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**70 Kings Road, Edmonton, Enfield N18 2PN**

**Schedule of conditions**

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Sheet Nos E 00, E 01, E 02, E 03, E 04, E 05, P 01, P 02, P 03, P 04, P 05, P 06, P 07, P 08, P 09 and P 10.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The development hereby permitted shall have a maximum occupancy of 5 persons.
- 5) Prior to the first occupation of the development hereby permitted, the refuse and recycling storage facilities shall be provided in accordance with the approved plans and permanently retained thereafter.
- 6) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until cycle storage facilities have been provided in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. The approved cycle storage facilities shall be permanently retained thereafter.