
Appeal Decision

Site visit made on 7 May 2025

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal Ref: APP/N5090/W/24/3355741

23 Ravenshurst Avenue, Hendon, Barnet, London NW4 4EE

- 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 JCounselling against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/1256/FUL.
 - The development proposed is the erection of a roof extension to provide a House in Multiple Occupation (HMO) at ground floor level with office and counselling rooms at first floor together with amenity spaces, refuse storage and dedicated cycle provision.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development plan against which the application was determined has changed, as the London Borough of Barnet adopted the Barnet Local Plan 2021-2036 (Local Plan) in March 2025. On this basis, and in the interest of clarity, the Council was asked to confirm the policies that they would wish the appeal to be determined against. The appellant was given the opportunity to comment on the policies relied on and I have taken into account the representations received. I have therefore determined the appeal on the basis of the policies provided by the Council from the Local Plan adopted on the 4th March 2025.

Main Issues

3. The main issues are:
 - whether the proposal would be a suitable location for a House in Multiple Occupancy (HMO), having regard to the Council's spatial strategy;
 - the effect of the proposed development on the character and appearance of the area including associated noise and disturbance;
 - whether the proposed development would provide acceptable living conditions for its occupants in respect of outlook, outdoor amenity space and daylight/sunlight; and;
 - whether a s106 is necessary to address the transport impacts of the proposed development.

Reasons

Suitable Location

4. Policy HOU04 of the Local Plan details that proposals for new HMOs must meet an identified need. The application is supported by two almost identical letters from local estate agents. These letters identify a demand for smaller more affordable units for students and single occupants, but are generic in content, and do not identify a specific need for HMOs.
5. Whilst the letters advise that there is a high demand for student accommodation, this has not been demonstrated and the Council has approved a scheme to meet its targets for the provision of student accommodation (the Hendon Hub). I note that this scheme needs to be constructed, and a range of accommodation may be desirable, but it has not been adequately demonstrated that there is an existing identified need for student accommodation. Moreover, whilst the increase in the cost of living has led to many people looking for more affordable accommodation, this is neither specific to Hendon, nor tenure.
6. The appellant refers to Policy HOU03 of the Local Plan which requires all new dwellings to be over 61sqm and expresses concern that this will result in a shortage of affordable, smaller sized rooms/units within the borough. However, this policy is clearly aimed at proposed dwellings and would therefore not prevent the provision of HMOs.
7. Reference is made to 101 Watford Way whereby a similar estate agent letter to that included in this appeal was provided, and planning permission for a HMO was subsequently granted. Whilst a copy of this letter is in the appellant's evidence, the specific planning, and policy considerations behind the example have not been provided. However, I have observed that the location and type of building at 101 Watford Way is significantly different to the appeal scheme. This is because 101 Watford Way is a semi-detached property on a busy dual carriageway, whereas the appeal scheme is a dilapidated office building in a quiet suburban street. As a result, this example is significantly different to the appeal scheme, and this limits the weight that I can ascribe to it in determining this appeal.
8. For the reasons identified, the proposal would not be a suitable location for a HMO, having regard to the Council's spatial strategy. It would therefore be contrary to Policy HOU04 of the Local Plan.

Character and Appearance

9. The appeal site is located between 22 Ravenshurst Avenue and 4 Somerset Road. Ravenshurst Avenue is a quiet suburban road with two storey terraced houses and maisonettes lining either side of the street. Somerset Road is also residential and characterised by terraced single family dwellings. Dwellings sit comfortably within their plots and have modest front gardens. Due to being removed from the main road, the immediate area has a tranquil suburban character which positively contributes to the character and appearance of the area. During my morning visit, I did not note any activity associated with the office building nor was there significant pedestrian or vehicular activity, albeit this only represents a snapshot in time.
10. The appeal building occupies a large extent of the curtilage and a narrow strip of land wraps around the front and side of the building. This land is not currently

utilised but provides a setting for the office. Whilst the appeal site is a much larger building compared to the dwellings in Ravenshurst Avenue and Somerset Road, its current use as an office in a tight plot, respects the tranquil suburban character.

11. The proposal would result in the limited land around the building being subdivided into small private amenity areas for each residential unit and having to accommodate associated bin and cycle storage and separate entrances for the commercial and residential uses. This would result in an uncharacteristic, cramped arrangement which would have a distinctly different nature and intensity when compared to the existing use of the site.
12. Whilst several properties in the road have been converted into small flats, the number of units within each dwelling are limited due to the modest footprint of the properties, the conversions have not significantly altered the appearance of the dwellings, and the use has not unacceptably affected the character of the area. The examples I noted comprised two flats within a building and were therefore comparable to the maisonettes in the road.
13. Reference is made to no 27 and 30 Ravenshurst Avenue as examples of buildings with five and seven units. Whilst No 27 retains its appearance as a modest dwelling, No 30 appears as an outlier in the street scene as it has large communal bins to the front of the property, cycle racks and multiple mail boxes. As such it is neither representative of the prevailing character and appearance of smaller units in the area nor does it preserve local character.
14. Whilst the office/counselling use would be a low intensive use from a noise perspective, primarily operating during office hours, this would not address the increased intensity of the proposed use within what is a very limited plot.
15. The appellant refers to the fallback position of a live application (24/3784/FUL) seeking to use the entire premises as an office. Given that the Council has confirmed that permission has not been granted for this development as a S106 agreement is being sought, I am only able to ascribe limited weight to this position. This is because I cannot be certain that this application could be implemented. In any event, whilst the appellant considers that the comings and goings from the office use detailed in this application could be five times that of the appeal proposal, it has not been demonstrated that there is a need for the 44 desks shown on the plans, the appellant is unclear how many prospective tenants would occupy the building and given the trend for working from home it is unlikely that each desk would be occupied each day. As such the claim that the office use would have a greater intensity than the proposal has not been substantiated, especially given that the extant office use appeared limited during my visit and there were minimal desks within the building.
16. The appellant advises that a condition could be imposed to limit the number of occupants. It is alleged that this control in conjunction with the limited space for socialisation on site, would control noise and disturbance associated with the use. However, these measures would not address the uncharacteristic, cramped arrangement arising from the addition of the HMO use.
17. The appellant considers that if the appeal building was divided into one or two residential units than occupancy levels would be similar to the proposed HMO. Whilst the number of occupants may be similar, the arrangement of the external

area would be different. In any event no such permission exists so I attach limited weight to the alternative use.

18. The appellant claims that any other use rather than a HMO would significantly increase the amount of footfall entering and exiting the site as any other occupancy level is likely to be higher. Given this claim is hypothetical and the comings and goings of seven extra people would unlikely result in unacceptable noise and disturbance, I ascribe limited weight to this scenario.
19. Reference is also made to students occupying the HMO, with their use being transient and units being vacant during extended holiday periods. However, the use sought is not exclusive to students and even if students did occupy the HMO, they would not be required to leave during holiday periods. In any event, use solely by students would not address the uncharacteristic, cramped arrangement identified.
20. For the reasons identified above, the proposed development would have an adverse effect on the character and appearance of the area. Whilst the proposed use would not result in unacceptable noise and disturbance, it would be contrary to policies HOU03, HOU04 and CDH01 of the Local Plan. Amongst other things, these policies require proposals not to harm and to respond sensitively to local character.

Acceptable living conditions for its occupants

Outlook

21. The appeal building occupies a large extent of the curtilage of the site with a narrow strip of land wrapping around the front and sides of the building. A 1.8m high fence is proposed around the site, which would be close to the front and side elevations of the appeal building.
22. Whilst the midpoint of each window serving a room has been placed at 1.25m and a 25 degree line from this point would be above the proposed fence, the main outlook from these windows would directly face the fence. Whilst rooms 6 and 7 would have a better level of outlook due to being dual aspect and the rear facing window being positioned further away from the fence, the windows serving most rooms would be close to the proposed fence.
23. Despite proposed soft landscaping, given the short depth of the proposed amenity areas and the fence being in front of a large proportion of the windows serving each room, this would lead to an unacceptable sense of enclosure and oppressive outlook for future occupiers.

Outdoor amenity space

24. Policy D6 of the London Plan requires a minimum of 5sqm of private outdoor space for 1-2 person dwellings with the area achieving a minimum depth and width of 1.5m.
25. The proposal provides private amenity space for each room with four of the areas exceeding the 5sqm. However, the remaining three areas serving rooms 3, 4 and 5 fail to meet the standard. The appellant states that the amenity space for every unit is at least one metre in width and that this would allow for a small table and chair to be placed outside. However, a width of one metre falls significantly below

the minimum width of 1.5m and as a result the proposed amenity areas would fail to achieve a useable area due to their small size.

26. Private amenity space is unusual for HMO's and therefore they tend to have larger communal areas to provide sufficient outdoor amenity space for occupants. Whilst the proposal has a communal amenity area that would be accessed from the common space, it is very narrow making it unusable. In addition, the side extension of 4 Somerset Road runs along the length of the area and therefore this space would feel enclosed, resulting in it offering limited value to residents.
27. Whilst the occupancy level is not intended to exceed one person per room, this would not negate the need to provide suitable outdoor amenity space to protect and improve the living standards of residents. Whilst the fence height would be below what could be erected under permitted development tolerances this would not alter the depth of the proposed amenity areas.
28. Reference is made to the proposed amenity areas being no different to enclosed balconies allowed across the borough. However, balconies would also need to comply with the minimum size requirements in Policy D6 of the London Plan¹.

Daylight/Sunlight

29. The application was accompanied by an internal daylight assessment which concludes that the proposed habitable rooms have levels of natural light in excess of the minimum standards prescribed in the BRE guidance.
30. The Council has concerns that the assessment has not included the boundary treatment because the report does not include 3D modelling images. However, there is no requirement to provide 3D modelling, and the appellant has subsequently confirmed that the boundary treatment was included in the assessment. Whilst this has not been supported by a supplementary letter from the authors of the report, there is no evidence before me to contradict the findings of the report. Accordingly, the proposal would provide acceptable living conditions for its occupants in respect of daylight/sunlight.

Findings on the main issue

31. For the reasons above the proposed development would fail to provide acceptable living conditions for its occupants in respect of outlook and outdoor amenity space. Whilst the proposal would provide acceptable living conditions for its occupants in respect of daylight/sunlight, the proposal would still be contrary to policies D3 and D6 of the London Plan and Policies HOU03, CDH01 and CDH07 of the Local Plan. These policies seek proposals to deliver appropriate outlook and amenity and minimum standards for private outside space.

Transport impacts, parking conditions and highway and pedestrian safety

32. The appeal site lies within a Controlled Parking Zone (CPZ) which operates between 10am-5pm. Despite having a low Public Transport Accessibility Level (PTAL) value of 2, it lies close to bus stops served by four separate bus routes. Accordingly, the Council has agreed that no parking provision would be acceptable subject to a S106 agreement requiring a Traffic Management Order Contribution

¹ Adopted in 2021

and denying future occupants of the development the right to purchase CPZ permits.

33. The appeal is accompanied by a signed Unilateral Undertaking (UU) which the Council accepts would suitably mitigate the highway impacts of the proposed development. However, the Traffic Management Order Contribution as per the published fees for highways works sets the fee at £3,957.78 whereas the UU stipulates a payment of £2,000. The appellant has advised that it would be willing to update the UU to address this issue. Had I been minded to allow the appeal, I would have pursued this with the appellant, and I am satisfied that this could have been resolved. I have determined the appeal on that basis.
34. For the reasons above, a s106 agreement is necessary to address the transport impacts of the proposed development and one has been submitted. The proposal therefore complies with Policies T4, T6 and T6.1 of the London Plan and Policies TRC01 and TRC03 of the Local Plan. Collectively these policies seek to mitigate transport impacts, reduce car dependency, restrict car parking in line with levels of existing and future public transport accessibility and connectivity, reduce congestion and ensure road safety.

Conclusion

35. The proposal would not be a suitable location for a HMO having regard to the Council's spatial strategy, it would result in harm to the character and appearance of the area and fail to provide acceptable living conditions for its occupants in respect of outlook and outdoor amenity space. Substantial weight is afforded to this harm.
36. Whilst the proposed development would provide acceptable living conditions for its occupants in respect of daylight/sunlight and the submission of a UU would mitigate the highway impacts of the proposed development, the harm identified above brings the scheme into conflict with the development plan taken as a whole.
37. In its favour, the proposal would result in additional housing provision, with associated social and economic benefits. However, these benefits would be limited and should not come at the expense of the suitability of the site for the proposed development, harm to the character and appearance of the area or the living conditions of existing and future occupiers.
38. Taking all of the above into account, the proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it.
39. For the reasons given above the appeal is dismissed.

V Goldberg

INSPECTOR