
Appeal Decision

Site visit made on 22 May 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/N5090/W/25/3361428

31 Hall Lane, Hendon, Barnet, London NW4 4TJ

- 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 Kleo Geshtenja against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/2606/FUL.
 - The development proposed is change of use from dwelling house (Use Class C3) to 5-person HMO (Use Class C4).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development given in the application form to accurately reflect the relevant use classes.
3. The appellant has submitted additional information with the appeal relating to a letter from a letting agency and a hybrid parking survey / transport statement.
4. Whilst this information does not involve a substantial difference or fundamental change, they have not formed part of the submission that has been subject to public consultation. However, due to the nature of the information, the representations made on the application, and that the Council have had the opportunity to review the information, I am satisfied that taking them into account would not cause procedural unfairness to anyone involved in the appeal. As such, I have accepted the additional information.
5. The Council has confirmed that the policies from Barnet's Local Plan (Core Strategy) Development Plan Document (September 2012) and Barnet's Local Plan (Development Management Policies) Development Plan Document (September 2012) referred to in the Decision Notice have been superseded by policies from the Barnet Local Plan 2021-2036 (March 2025) (BLP), which was adopted on 4 March 2025. Both parties have had the opportunity to comment on the BLP in the context of this planning appeal.
6. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. Policies referred to in the reasons for refusal, relating to the planning application subject to this appeal from the Barnet Local Plan 2012, are no longer relevant and are disregarded. A matrix detailing which BLP policies replace which old Barnet Local Plan 2012 policies is provided at Appendix B of the BLP.

Main Issues

7. The main issues are whether the proposed development would:

- result in the unacceptable loss of a family dwelling; and
- make adequate arrangements for parking;

and the effect of the proposed development on:

- the residential character of the area; and
- the living conditions of nearby residents, with particular regard to noise and disturbance.

Reasons

Loss of family dwelling

8. Policy HOU04 of the BLP relates to specialist housing, including houses in multiple occupation (HMO) and Part C, criterion b) requires proposals for new HMOs to demonstrate that they meet an identified need. Paragraph 5.12.7 of the supporting text highlights that in considering such proposals, the approach contained within Policy HOU03 of the BLP of prioritising family housing needs is not undermined, and that this approach is necessary to prioritise the delivery of family homes from the existing housing stock. Policy H9 of the London Plan relating to ensuring the best use of existing housing stock, including taking account of the role of HMOs in meeting local and strategic housing needs, is reflected in Policy HOU04 part C. of the BLP.
9. The existing property is a 2-storey, 4-bed, semi-detached dwelling, with accommodation in the roof space. The appeal site has off-street parking to the frontage as well as a rear garden and is located within a predominantly residential street consisting of similar properties.
10. The proposal would result in the loss of a family dwelling and create a 5-person HMO. The letter from the letting agency identifies that there is a high demand for HMO accommodation in the area due to being in close proximity to Middlesex University and Brent Cross Shopping Centre. It also claims that such properties are also popular for professionals seeking accommodation with good transport connections to central London, and they are constantly let with no vacant periods.
11. This information is limited and does not sufficiently substantiate that this particular location and type of property is sought after and has adequate public transport links. Moreover, there is limited information on the identified need for the existing family dwelling in this location.
12. Reference has been made to an approved HMO nearby and the successful operation of HMOs in the locality. Nevertheless, the planning permission for the nearby HMO was granted prior to the adoption of the BLP, and I have little information relating to other HMOs in the area. As such, a comparison is of little relevance in this instance, and I have considered the appeal before me on its individual planning merits.

13. For the above reasons, the proposal would result in an unacceptable loss of a family dwelling and would be contrary to Policy HOU04 of the BLP, which includes proposals for new HMOs to demonstrate that they meet an identified need.

Parking

14. Hall Lane is covered by a Controlled Parking Zone (CPZ), which restricts on-street parking to permit holders only on event days between 1pm and 6pm. The proposal would retain the existing 2 off-street parking spaces and provide storage for 6 bikes.
15. The officer report states that the site has a public transport access level (PTAL) of 1b and is not located near any town centre and not close to any underground station. The appellant's transport statement states it has a PTAL of 2, as well as a PTAL of 4, and Colindale tube station is an approximate 1500m walk using cut throughs.
16. As a PTAL of 3 to 6 generally reflects good public transport accessibility, I conclude that the site does not have a PTAL of 4 and has a more limited transport choice for many journeys.
17. No parking standards for an HMO have been brought to my attention and the maximum number of spaces set out in the BLP for a 3+ bed residential unit with a PTAL of 1 is 1.5. On this basis, and in the absence of contrary evidence before me, I conclude that the retention of the 2 existing off-street parking spaces would represent an appropriate provision for the proposed use.
18. The findings of the appellant's parking survey, which appears to have been undertaken in accordance with an industry accepted method for parking assessments, has not been challenged by the Council. It concludes that an acceptable level of on-street parking spaces was available for any overspill parking from the proposal, with no adverse impact on highway safety.
19. Notwithstanding this, the London Plan sets out maximum car parking standards and advocates that such standards should not be exceeded. Furthermore, the supporting text of Policy TRC03 of the BLP sets out that the Council will also apply these maximum standards as a cap on the number of CPZ permits able to be applied for per property. Moreover, depending on the on-site provision it may be appropriate to block occupiers from obtaining CPZ permits through a planning obligation in a legal agreement.
20. Consequently, as the proposal provides an appropriate level of off-site parking provision, an amendment to the existing CPZ is necessary to exempt the occupiers of the HMO from the schedule of addresses eligible for parking permits. The appellant has indicated that he would have been willing to enter into a legal agreement had the application been approved.
21. Nevertheless, there is no planning obligation before me to secure a financial contribution to amend the relevant traffic order and as such the proposal would not make adequate arrangements for parking. This is contrary to Policies TRC01 and TRC03 of the BLP, and Policies T4, T6 and T6.1 of the London Plan. Together these policies seek to, amongst other things, reduce car dependency and encourage sustainable modes of transport by providing parking in accordance with the standards and, where necessary, a contribution towards an amended CPZ.

Residential character

22. The Council has confirmed that no planning permission has been granted for an HMO on Hall Lane, which has not been disputed. I observed that the properties on Hall Lane appeared to be predominantly in single household occupation, though a small number also appeared to have been subdivided into flats. The introduction of an HMO on a street, where currently none exist, does not automatically result in an unacceptable level of harm to residential character. There is no substantive evidence before me that the proposal would create a harmful concentration of such uses in the local area.
23. A more intensive residential use of the appeal property would likely result in the generation of more waste and, if not suitably accommodated, it would be noticeable in the street scene, to the potential detriment of the existing residential character. However, the proposal includes bin and cycle storage enclosures to the frontage, which would be substantially screened by an existing hedge.
24. As such, I conclude that the proposed development would not adversely affect the residential character of the area and complies with Policy HOU04(c) of the BLP, which require HMOs to not have a harmful impact on the character of the surrounding area. It would also accord with Supplementary Planning Document: Residential Design Guidance, which require conversions to be of a good design, including bin storage to be provided on site but out of sight and screened within an enclosure or by landscaping.

Living conditions

25. The creation of five, single-person households, has the potential to generate a greater level of comings and goings as well as associated noise and disturbance from the property compared to that of a single, larger household.
26. An HMO Management Plan has been provided that includes terms to prevent anti-social behaviour by the occupiers of the proposal, or their visitors. From my own reading of the Management Plan and in the absence of contrary evidence before me, I am satisfied that there would be no adverse impact upon the living conditions of residents and occupiers of neighbouring properties.
27. No proposed internal communal areas, where social interaction between residents is more likely to occur, would be provided above ground floor level and share a wall with the attached property. Furthermore, the Council considers that the proposal would also meet relevant standards for HMOs.
28. Externally, comings and goings are more likely to take place to the frontage and around the front door. From my observations there appears to be sufficient separation to neighbouring properties by means of a shared drive to 29 Hall Lane, and a front garden and hedgerow to 33 Hall Lane.
29. In light of the above, I conclude that the proposal would not have an adverse impact on the living conditions of nearby residents, with particular regard to noise and disturbance. This would comply with Policies CDH01 and HOU04(c) of the BLP, Supplementary Planning Document: Residential Design Guidance, and Supplementary Planning Document: Sustainable Design and Construction. Collectively, these require proposals to not have an unacceptable impact on the amenity of occupiers of neighbouring properties of the area.

Other Matters

30. Whilst the Council did not raise an objection to the standard of accommodation or the living conditions of future occupiers of the HMO, this does not weigh in favour or against the proposal. As such it has a neutral effect on the planning balance.
31. I acknowledge that the proposal did not generate any objection from neighbours. Nevertheless, I must consider the appeal based on its merits and in accordance with the development plan.

Conclusion

32. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

P Barton

INSPECTOR