



Appeal Decision

Site visit made on 17 June 2025

by **P Burley BA(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 August 2025

Appeal Ref: APP/Q5300/W/25/3360248

9 The Spinney, London N21 1LL

- 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 Aleksejs Mincenko against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/01194/FUL.
 - The development proposed is the refurbishment of two double rooms into self-contained HMO studios within the current building and change of use to combined 5 person HMO and self-contained HMO studios.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form states the change of use took place in August 2023. I have therefore considered the appeal on the basis that the development has already taken place.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the living conditions of nearby residents, particularly those at 7 The Spinney and 11 The Spinney and with regard to noise and disturbance; and
 - whether the proposal would provide acceptable living conditions for the occupiers of the development.

Reasons

Living Conditions of Nearby Residents

4. Policy DMD 5 of Enfield's Development Management Document (2014) (DMD) specifically relates to conversions of existing units into self-contained flats and houses of multiple occupation (HMOs).
5. Paragraph 2.3.6 of the justification for that policy notes that whilst residential conversions play an important role in increasing housing supply, the uncontrolled intensification of residential uses can lead to unacceptable change in the character of established residential areas and impact on residential amenity.

6. Paragraph 2.3.10 sets out factors to be taken into account when assessing the impact of development on residential character, including the existing juxtaposition of dwellings and the potential for conversions to exacerbate issues with noise and disturbance.
7. Policy DMD 8 also says that new residential development must preserve amenity including in terms of noise and disturbance.
8. The appellant has stated that the appeal site is not in a conservation area and given that the appeal scheme does not involve any external alterations and the property could easily be changed back to a single dwelling, the development does not fundamentally alter the character of the property or the area.
9. Character is not solely related to visual considerations, however. On my visit I observed that the appeal site is in an established residential neighbourhood and that it is one of a number of generously-sized semi-detached houses which are located in close proximity to one another. Notable characteristics of the area are its tranquillity, the predominance of single-household dwellings and the relatively low level of activity.
10. The appellant has stated that a five-resident HMO has operated on the appeal site without any harm to the amenity of adjoining occupiers and that tenancy agreements which set out expectations for behaviour and noise and the maintenance of a peaceful environment for neighbours could mitigate some of the perceived concerns.
11. However, the larger HMO to which this appeal relates has operated since August 2023. I have a number of objections before me which post-date that time and which set out concerns relating to the impacts of the HMO in terms of noise and disturbance.
12. Compared with the occupancy of a single family dwellinghouse or a Class C4 (i.e. a small) HMO, the appeal scheme – which is, in effect, a large *sui generis* HMO – represents a significant intensification in the use of the site. The increased comings and goings to and from the appeal site and the additional noise and disturbance arising from such activity is at odds with the character of the area and harmful to living conditions of those in 7 The Spinney and 11 The Spinney and other nearby residents.
13. Accordingly, the development fails to accord with DMD Policies DMD 5, DMD8 and DMD37, Policy D14 of the London Plan 2021 (LP) and with paragraph 135 of the National Planning Policy Framework (the Framework) which together seek development that is appropriate to its context and to avoid development that would give rise to unacceptable noise and disturbance.

Living Conditions of the Occupiers

14. The Council has assessed the quality of the accommodation in the appeal scheme on the basis that it comprises a 4-bedroom HMO and two self-contained studio flats, stating that the building would no longer operate as a single shared living space. It concludes that the studios do not comply with the minimum floor area for studio flats as set out in the Nationally Described Space Standards (NDSS).
15. However, the application form describes the accommodation as a combined 5 person HMO and self-contained HMO studios. The application drawings show 4

bedrooms and 2 other areas with cooking facilities and an ensuite shower / toilet labelled 'Studio 1' and 'Studio 2'.

16. The nature of the planning unit(s) is a matter of planning judgement. The self-contained rooms are accessed from the same front door as, and share internal circulation areas with, the other accommodation. Residents in the self-contained rooms can access the shared facilities such as the living room and dining area.
17. In this case I consider that the 2 self-contained rooms are not separate planning units and, as such, are not to be assessed individually against the NDSS for a 1-bed 1-person property. Rather, the floorspace in these units should be assessed together with the rest of the floorspace in the building to ascertain compliance with the NDSS.
18. The Officer's report states that the development could potentially result in 8 occupiers. It notes that the floorspace of the studio rooms is 15m² and 16m² and that the rest of the accommodation extends to 117m². This totals 148m² and exceeds the minimum gross internal floor area of 132m² for a two-storey 6-bedroom 8-person dwelling as set out in the NDSS.
19. The Council has not raised issue in respect of the living conditions within the HMO and, on the basis of the appellant's submissions, I am satisfied that the accommodation is adequate in respect of considerations such as natural light, ventilation, privacy and overlooking.
20. On that basis, I consider that the quality of accommodation provides acceptable living conditions for the occupiers of the development. The appeal scheme complies with the relevant provisions of DMD policies DMD 5 and DMD 8, Policy 4 of The Enfield Plan Core Strategy 2010 (CS), LP Policy D6, the Mayor of London's Housing Supplementary Planning Guidance (2016) (HSPG), and Section 12 of the Framework, all of which seek to secure good quality housing.

Other Matters

Housing Provision

21. The appellant has noted that in London there is a shortage of good quality, affordable and flexible living accommodation and that the Mayor of London's HSPG identifies the important role of well-managed and maintained HMOs in providing valuable accommodation. More generally, CS Core Policy 2 and Paragraph 61 of the Framework support the delivery of new housing.
22. In that context the two additional HMO rooms are a benefit to which I attach significant weight.

Parking and Access

23. During my visit I saw that there is space to park two cars within the curtilage of the appeal site and that cycle parking spaces have been provided to the front and rear of the property. The appellant has also provided a description of a range of public transport services that are within walking distance.
24. A number of objectors raised issue with the potential impact of the appeal scheme on the availability of parking. During my site visit I saw that most properties in the area have off-street parking spaces and that whilst The Spinney is in a controlled

parking zone there was good availability of on-street parking. I also note that the Council concluded that the development is unlikely to have a negative effect on parking availability.

25. Therefore, I consider that the appeal scheme complies with DMD policies DMD 5 and DMD 8 insofar as they state that all development must incorporate adequate parking and access and with Policy DMD 45 which sets out parking standards having regard to the site's public transport accessibility level. It also complies with LP Policy T5 which seeks appropriate cycle parking provision and LP Policy T6 in respect of car parking.

Waste Management

26. Whilst the drawings show provision for refuse and recycling, the Council has noted that the amount of refuse storage would need to meet the standards in the Council's Waste and Recycling Storage Planning Guidance and that this could be dealt with by condition.

Planning Balance

27. The appeal scheme complies with relevant policies relating to living conditions for the occupiers of the development, parking and waste management – all of which are neutral matters in the overall planning balance.
28. In the context of the need for living accommodation in London, the delivery of two additional HMO rooms is a benefit to which I attach significant weight.
29. However, the effect of the appeal scheme on the character of this established neighbourhood, the increase in noise and disturbance associated with the intensification of the use, and the consequential effect on the living conditions of neighbouring and other nearby residents is a matter to which I attach great weight and this outweighs the benefit of two additional HMO rooms. Therefore, I consider that the appeal scheme does not accord with the development plan when taken as a whole.

Conclusion

30. For the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR