



Appeal Decision

Site visit made on 3 September 2025

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 8th December 2025

Appeal Ref: APP/Q5300/C/23/3334882

59 Langham Gardens, London N21 1DL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by G-Naka Ltd against an enforcement notice issued by the Council of the London Borough of Enfield.
 - The notice was issued on 10 November 2023.
 - The breach of planning control as alleged in the notice is 'the unauthorised conversion of the single-family dwelling into a House of Multiple Occupancy (HMO) for 6 residents'.
 - The requirements of the notice are
 1. Cease the use of the Premises as an HMO.
 2. Revert the premises back to a single family dwelling
 3. Remove all locks from internal doors and any partitions that facilitate the conversion into an HMO.
 4. Remove all door bells except for one
 5. Remove all gas meters except one
 6. Removal all electric meters except one
 7. Remove all resulting materials from the Premises.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is corrected by:
 - i) Deleting the word "conversion" from the allegation and replacing it with "material change of use."
 - ii) Deleting the words "for 6 residents" from the allegation and replacing them with "(Class C4)."
2. Subject to the corrections, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of the single family dwelling into a House of Multiple Occupancy (HMO) (Class C4) at 59 Langham Gardens, London N21 1 DL as shown on the plan attached to the notice and subject to the following conditions;
 - 1) Unless within 2 months of the date of this decision, a scheme for the secure parking of bicycles is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the use of the Premises shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the appeal property shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained/retained/remain in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) Unless within 2 months of the date of this decision a scheme for the storage of refuse including recycling (which refers to the London Borough of Enfield Waste and Recycling Planning Storage Guidance) is submitted in writing to the local planning authority approval and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the use of the appeal property shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the Premises shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained/retained/remain in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) Occupation of the Premises is limited to no more than 6 occupiers.

Preliminary Matters

3. The appeal relates to a material change of use to an HMO. In order to regulate the number of conversions in the Borough, an Article 4 Direction was put in place in 2013. The Article 4 Direction means that express planning permission is required for a material change of use from a single family dwelling house (Class C3) to an HMO.
4. The Council refused to grant retrospective planning permission for a change of use to an HMO for 6 occupiers on 6 October 2023. The delegated report for the planning application where the Council officers recommended grant subject to conditions has been provided for this appeal together with the minutes of the Planning Committee and the reasons for the refusal of the application.
5. The reasons for issuing the enforcement notice replicate the reasons for refusal of the planning application. The appellant in his appeal form relies upon the Council's report which recommended approval. Neither party has filed a statement for this appeal.

Planning History

6. Planning permission¹ was granted on 27 July 1993 for 'Construction of car port at side of existing house together with formation of canopy at side and front and erection of first floor extension over to provide additional living accommodation; extension of roof and formation of rooms in roof space involving the installation of a rear dormer subject to conditions.

The Notice

7. The allegation refers to the conversion of the single family dwelling into a House of Multiple Occupancy (HMO) for 6 residents. However, the use of the word 'conversion' lacks clarity when the allegation relates to a material change of use not operational development. The wording refers to an HMO for 6 residents. However, occupation by 3 to 6 residents falls within HMO (Class C4).
8. Correcting the allegation by replacing the word 'conversion' with 'material change of use' and replacing the words 'for 6 residents' with '(Class C4)' do not cause injustice to any party as the amendments provide clarity and do not make the notice more onerous. I will amend the wording of the allegation accordingly.
9. The reasons for issuing the notice refer to the breach occurring within the last four years rather than ten years. However, as there is no appeal under ground (d) relating to immunity, the error does not affect the grounds of appeal.

The appeal under ground (a) and the Deemed Planning Application (DPA)

10. There is a room within the appeal property which is described as an office/ storage room for rental administration. However, the Council has confirmed that the wording of the allegation is correct in describing HMO use. The DPA is derived from the allegation which relates to HMO use only.

Main Issues

11. The main issues are
 - the effect of the development upon the living conditions of nearby occupiers having regard to noise and disturbance
 - whether the development has sufficient refuse and cycle storage and encourages sustainable travel
 - whether occupiers of the appeal property have adequate living conditions having particular regard to relevant internal space standards
 - the effect of the development upon the living conditions of neighbouring occupiers with regard to overlooking and loss of privacy.

Reasons

12. Langham Gardens is a pleasant residential street largely made up of semi-detached dwellings. A number of the dwellings have been extended including the appeal property which has accommodation on three levels with a loft conversion.

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Planning Policy

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
14. Policy DMD5 of the Development Management Document (DMD) specifically addresses the 'conversion' of existing units into HMOs. It states that

All development must:

a. Provide a high quality of accommodation which meets internal floor standards in the London Plan

b. Not harm the residential character of the area or result in an excessive number or clustering of conversions. The number of conversions:

- must not exceed 20% of all properties along any road; and*
- only 1 out of a consecutive row of 5 units may be converted.*

c. Not lead to an unacceptable level of noise and disturbance for occupiers and adjoining properties;

d. Incorporate adequate parking and refuse storage arrangements that do not, by design or form, adversely affect the quality of the street scene.

15. The Council accepts that there is no breach of criteria (b) with regard to harm to residential character as the development appears to be the only HMO in the street and the physical appearance of the appeal property has not altered. However, the reasons for the notice allege non-compliance with criteria (a) (c) and (d) with the addition of overlooking and privacy issues.

Living conditions with regard to internal space standards

16. The appeal property provides accommodation for 6 occupiers. On the ground floor, there is one bedroom and communal space in the form of kitchen areas and a lounge area. There are a further 5 bedrooms on the upper floors which includes a loft conversion. The bedrooms range in size from 15.92 square metres to 9.5 square metres. Whilst there are 6 bedrooms, the extensions permitted in 1993 including extending at the front and side in addition to the conversion of the loft space. The communal space on the ground floor is sufficient for the number of occupiers. There is also a generous garden. Limited information has been provided as to how the presence of an office/ storage room within the appeal property results in overcrowding.
17. The Council's delegated report considered that the size of the bedrooms, amount of floorspace and amenity space were sufficient for HMO use by 6 occupiers. There is no information in the Planning Committee minutes to indicate why the appeal property is considered to be overcrowded or provides substandard accommodation. From the evidence before and my site visit observations, the property has sufficient space for 6 occupiers in terms of bedrooms, outside space and communal space and it is not overcrowded.
18. I therefore find that the development does not harm the living conditions of occupiers with particular regard to internal space. It is therefore not in conflict with

Policies DMD5 (a) and DMD8 of the DMD and CP4 of the Core Strategy, which collectively, refer to high quality housing with adequate size rooms that are fit for purpose. The other policies referred to by the Council are less relevant to internal space standards.

Vehicle use, cycle provision and refuse storage

19. Whilst there is currently no formal bicycle or refuse storage, there is space to the rear or side of the property for bicycle and refuse storage. There is also space for off road parking for at least one vehicle within the appeal site. There are no restrictions on parking on the street itself. I see no overriding reason why bicycle and refuse storage provision for the development could not be accommodated in an appropriate location within the appeal site in the event of the grant of planning permission being appropriate. The Council's delegated report supported the use of conditions for refuse and cycle storage.
20. There is no evidence before me that the use of the appeal property has resulted in increased vehicle use compared to its previous use as an extended single family dwelling or that vehicle use has resulted in an increase in air pollution. The appeal site is located in an area where there is access to other means of transport other than private car and designated formal cycle storage is likely to encourage sustainable travel.
21. I do not therefore find that the development fails to demonstrate measures to promote sustainable travel and bicycle and refuse storage can be addressed by way of condition. I therefore find no conflict with Policies T2, T5 and T6.1 of the London Plan, which amongst other things, refer to healthy streets, cycling and residential parking. It is also not in conflict with Policy CP24 of the Core Strategy which encourages sustainable travel choices or Policy DMD45 of the DMD which refers to parking standards when there have been no changes to parking provision. It is not in conflict with Policy DMD5 (d) which refers to providing adequate parking and refuse storage. I find no conflict with Policy DMD65 of the DMD which refers to adverse impact on air quality arising from vehicle use. Policy DMD47 of the DMD which focusses upon new accesses and design issues and is less relevant than other policies relied upon.

Living conditions of neighbouring occupiers with particular regard to noise and disturbance

22. The reasons for issuing the notice refer to increased comings and goings, general noise and disturbance and anti- social behaviour associated with the level of occupation detracting from the amenities enjoyed by the occupants of neighbouring residential properties. The Council took a contrary view in its delegated report despite objections. The level of occupation has already been addressed.
23. The objections to the planning application are summarised in the planning report and included slamming of car doors, car horns at 3 a.m. and loud music. However, there is also reference to HMO use occurring since 2018 and issues since 2021. However, there are no details of specific events, when they occurred and their frequency since 2021 or whether there was police or Council involvement. Any matters which involve alleged criminal behaviour such as smoking illicit substances need to be reported to the police.

24. On the limited evidence before me, I do not therefore find that there is harm to neighbouring occupiers regard to noise and disturbance. The development is therefore not in conflict with Policy DMD5 (c) which states that development must not lead to an unacceptable level of noise and disturbance for adjoining properties. It is also not in conflict with Policy D3 of the London Plan which refers to mitigating impacts of noise or Policy DMD68 of the DMD which refers to not generating unacceptable levels of noise. Whilst other policies have been referred to by the Council, I do find those policies to be less relevant to the issue of noise.

. Loss of privacy and overlooking

25. The appeal property is a semi-detached property in a row of similar properties where some overlooking is likely to occur. The delegated report and summary of objections refers to loss of privacy and overlooking due to previously implemented extensions. However, the extensions were granted for residential use. No explanation is provided as to why roof lights that appear to pre-date the material change of use result in a loss of perceived or actual privacy and need to be obscure glazed.
26. I do not find that the development does cause harm to the living conditions of neighbouring occupiers with regard to loss of privacy and overlooking. The Council has referred, in this respect, to Policy DMD8 of the DMD which relates to standards for new residential development and Policy CP30 of the Core Strategy which relates primarily to design. Neither of those policies are particularly relevant as they do not address living conditions where there has been a material change of use. However, I find no conflict with the objectives of the National Planning Policy Framework which include protecting living conditions of neighbouring properties.

Other matters

27. One letter of objection was received for this appeal which refers to the grant of an HMO changing the ambience of the area in setting a precedent for HMO use. However, granting or refusing any application does not create a precedent. It remains the case that each application has to be considered on its own particular circumstances having regard to relevant planning policies and material considerations.
28. The Planning Committee minutes refer to the development as out of keeping with the character of the area, environmental impacts, specifically on anti-social behaviour, loss of privacy and overlooking increase in pollution and overcrowding. I have addressed those matters as part of the main issues. Other matters were raised. They included the effect of the development on housing prices which is not a material consideration. I have no information to indicate that having 6 occupiers at the extended appeal property rather than a single family causes impacts upon services such as doctors' surgeries. Untidy gardens at residential properties can be addressed by local authorities outside of the planning process.

Conclusion on ground (a)

29. I have found that the effect of the development does not harm the living conditions of nearby occupiers having regard to noise and disturbance. Matters relating to refuse and cycle storage can be addressed by way of condition. I have found that the development does have adequate internal space. I have not found that there is

harm to the living conditions of neighbouring occupiers with regard to overlooking and loss of privacy.

30. The development accords with the development plan and there are no material considerations which lead me to make a decision other than in accordance with the plan. Planning permission will therefore be granted subject to appropriate conditions.

Conditions

31. A condition is necessary for refuse and waste storage to protect the amenity of the area and to promote waste reduction. A condition to provide bicycle storage will promote travelling by means other than private car. The retrospective nature of the development means that the wording of these conditions has to include sanctions in the event of non-compliance. The waste and cycle storage conditions provide for details to be submitted, approved and use to cease in the event of non-compliance. A condition to limit the number of occupiers to 6 also provides certainty. I am satisfied that the condition limiting numbers does not need those sanctions as it can be enforced, if breached, by way of a breach of condition notice.
32. The parties were given an opportunity to comment upon the wording of the three proposed conditions and the Council was asked if any further conditions were being sought. Both parties agreed to the wording of the proposed conditions and no further conditions were proposed.

Conclusion

33. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the use as described in the notice as corrected. The enforcement notice will be corrected and quashed. In these circumstances the appeals on grounds (f) and (g) do not fall to be considered.

E Griffin

INSPECTOR