



Appeal Decision

Site visit made on 27 November 2025

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2025

Appeal Ref: APP/Q5300/W/25/3373884

64 Nightingale Road, Edmonton, Enfield N9 8PU

- 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 Ms Barbara Polanska c/c Bossa Nova Living Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 25/00074/FUL.
 - The development proposed is Change of use from a Class C3 (dwelling house) to a Class C4 (HMO - house in multiple occupation) (RETROSPECTIVE).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application description varies in the banner heading above from the appellant's submitted application form and is derived from the Council's description included within their decision notice. This description is more precise and therefore I have also used it within the banner heading.

Main Issue

3. The main issue is the effect of the proposal upon the living conditions of the occupant of Bedroom 2 by way of outlook, privacy and ventilation.

Reasons

4. The appeal site is located in a residential area, two stories and part of a short terrace of houses of the same typology. The dwelling is currently being used as a House in Multiple Occupation (HMO) with two bedrooms occupied on the first floor and an unoccupied box room to the front, the ground floor front living room used as Bedroom 1 and dining room behind being occupied as Bedroom 2.
5. The area in dispute between the parties relates to Bedroom 2 on the ground floor. This space is sandwiched between the front living room and the kitchen space. Its main entrance door is located off the hallway and a further glazed door with side panels provides access from the room into the communal kitchen/diner.
6. As this is an internal room, there is no independent window to the outside. Natural light into this space is via borrowed light from the external kitchen door that provides access from the kitchen into the rear garden. As the kitchen acts as a communal space for both cooking and dining purposes for the occupants, the occupant of this bedroom would be exposed to unacceptable noise levels with no mitigation before me to comment on.

7. Privacy is afforded to the occupant of this bedroom by way of one way mirrored transfers applied to the glazing of the panelled door and if this were not there, the curtains are the only means to provide some privacy to the occupant. The appellant suggests replacing the existing door with a new window and privacy transfers. These would prevent people from viewing the bedroom from the kitchen space and allow the occupant an outlook into the kitchen. Be that as it may, the privacy transfer would be a film that can be easily removed as it is only fixed to the glazing and not a component part. I do not find this method effective to resolve privacy issues and therefore safeguard the living conditions of the occupant of this room.
8. The outlook from this room is into the communal kitchen. The aspect may be south westerly and the bedroom may not rely on artificial light. Nevertheless, this would not negate the fact that there is an intervening room between the bedroom and the outside garden with no external opening window to this room to the outside. This would therefore not be conducive to acceptable living conditions for the occupant of Bedroom 2.
9. Ventilation into this room is by way of an openable window above the internal panel door. There would be no adequate ventilation into this room as there is no external opening within the bedroom to the outside, or mechanical means of ventilation.
10. The occupant of each bedroom is expected to experience a satisfactory level of living conditions. I understand the implications of an HMO licence. This is governed under separate legislation, and its conditions cannot be enforced through planning legislation, and vice versa. They are distinctly separate forms of legislation and I must consider this proposal against planning policy, as is required of me.
11. The principle of an HMO in this location is not disputed amongst the parties and there is nothing before me to disagree with the appellant's assertion that HMO's form a necessary part of housing stock. Nevertheless, acceptable living conditions of the occupants must prevail.
12. The dwelling is currently a C4 use class and not a C3 dwelling. Therefore, it cannot be argued by the appellant that the use is no different to that of a family.
13. To conclude on this main issue, the proposal would not meet the expectations of Section 12 of the National Planning Policy Framework in its objectives to achieve well designed places, and Policy D6 of the London Plan that aims to deliver high quality standards of accommodation. Nor would it meet the requirements of Policy CP30 of the Enfield Core Strategy (2010), and Policies DMD5 and DMD8 of the Enfield Development Management Document (2014) in their combined requirements to safeguard living conditions of occupants.

Other Matter

14. The appeal site may provide affordable rental space, according to the appellant. However, there is nothing before me to substantiate this statement.

Conclusion

15. The proposed development would lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should

be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR