



Appeal Decision

Site visit made on 7 November 2017

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th November 2017

Appeal Ref: APP/N5090/W/17/3178309
398 Watford Way, Hendon, London NW4 4XE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Pantelis Panteli against the Council of the London Borough of Barnet.
 - The application Ref 17/0862/FUL, is dated 14 February 2017.
 - The development proposed is the conversion of existing building to a HMO.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing building to a HMO at 398 Watford Way, Hendon, London, NW4 4XE, in accordance with the terms of the application, Ref 17/0862/FUL, dated 14 February 2017, subject to the conditions set out in the Schedule attached to this decision.

Preliminary Matters

2. The appeal follows the failure of the Council to give notice within the prescribed period of a decision on an application for the conversion of the existing building to a house in multiple accommodation (HMO). The Council has subsequently provided a delegated report that confirms that it would have been recommended for approval, subject to three conditions.
3. At the time of my site visit I was able to observe that the internal works had commenced.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the living conditions of the occupiers of neighbouring residents with particular reference to noise and disturbance; and
 - highway safety.

Reasons

Living conditions

5. The Council confirm that the site is located within an area which contains a number of flats and HMO's. The site itself also faces out onto Watford Way,

which is a busy road formed of three lanes in each direction with associated levels of noise.

6. The existing property comprises a three bedroom, single family, semi-detached dwelling. The proposed conversion to a four person HMO would not therefore result in a significant intensification of the residential use in terms of comings and goings and general noise disturbance. Similarly, I am not convinced that the proposal would significantly increase the level of waste generated from the property to an extent whereby it would cause material harm to any occupants of any neighbouring property.
7. I therefore conclude that the proposal would not result in any material harm to the living conditions of the occupants of any neighbouring dwelling and as such would not conflict with Development Management Policy DMO1, which, amongst other matters, seeks to protect amenity.

Highway safety

8. The existing dwelling benefits from a shared driveway and garaging which would be retained for the proposed use. Although four car parking spaces are proposed, two are shown immediately in front of the house. I'm not convinced that this could be achieved without material harm to the existing front garden area, which, in combination with similar arrangements to the neighbouring properties, provides an attractive setting to this row of housing. However, the plans show the provision of dedicated, secure and covered cycle parking facilities and I note that the site is situated close to a bus stop on the A41 which the Council confirm as having a regular service to Edgware and Central London. Future occupants would therefore have access to sustainable modes of transport and moreover, the site is relatively close to Middlesex University and as such is likely to be attractive to students.
9. In these circumstances, I do not consider that the provision of four car parking spaces is critical and a lesser provision would not be grounds in this particular case to warrant withholding planning permission. I therefore offered the parties opportunity to comment on a condition requiring the precise parking arrangements to be agreed with the Council. The Council has agreed to this. Although the appellant has raised concern that parking conditions are imposed by the council in order to discourage the provision of HMO properties in the area, in my view the condition is necessary to ensure an acceptable level of car parking whilst also protecting as far as possible the front garden area.
10. I do not consider that the proposed arrangements would restrict access by the emergency services. I also note that the Highway Authority has raised no concern regarding the proposed refuse arrangements and I find no reason to take a contrary position.
11. I do not therefore find that the proposal would result in any material harm to highway safety and as such would not conflict with paragraph 32 of the National Planning Policy Framework which states that decisions should take account of whether safe and suitable access to the site can be achieved.

Other matters

12. The appeal relates to a semi-detached dwelling in an established residential area. The proposal would continue the residential use and no external alterations are proposed. Therefore, subject to addressing my concerns

regarding the protection, as far as possible, the front garden area, the proposal would cause no material harm to the character and appearance of the area, so as to conflict with Core Strategy Policies CS4 or CS5 or Development Management Policy DM01. These seek, amongst other things, to protect character by ensuring development meets a high standard of design reflecting local distinctiveness.

13. The Council confirm that the proposed increase in bedrooms would provide a small, but welcome contribution to the Borough's housing targets as set out in Core Strategy Policy CS4. I find no reason to disagree.
14. I have noted the concerns expressed regarding nuisance during the conversion works, but I have no reason to believe that the works proposed are of such a scale where this would be likely or significant.
15. I also have no evidence which would suggest that the proposal would result in any anti-social behaviour or that any existing drainage problems would be materially exacerbated by the appeal proposal.
16. Amended plans have been received in support of the proposal to address concerns raised regarding inaccuracies in previous iterations. These plans show the garage being used for the parking of a car and for bike storage, rather than an additional bedroom.

Conditions

17. I have had regard to the three conditions provided by the Council. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
18. A condition relating to the vehicular access is necessary in the interests of highway safety. I am not convinced it is necessary that the condition is pre-commencement and I have therefore amended the trigger for these works to prior to occupation. A condition is also necessary to ensure an acceptable level of car parking.

Conclusion

19. For the reasons given above, and taking into account all other matters raised, I conclude the appeal should be allowed.

Richard S Jones

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; WW398/17/FP/01 Rev A and WW398/17/FP/02 Rev B.
- 3) Prior to the occupation of the development the vehicular access shall be completed in accordance with details to be submitted to and approved in writing by the local planning authority. The access arrangement shall be retained thereafter.
- 4) Notwithstanding the details shown on any approved plan, prior to the occupation of the development, the precise car parking arrangements shall be implemented in accordance with details to be submitted to and approved in writing by the local planning authority. The parking provision shall be retained thereafter.