



Appeal Decision

Site visit made on 11 December 2018

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 7 February 2019

Appeal Ref: APP/N5090/W/18/3204546

84 Brent Park Road, Brent Cross, London NW4 3HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Zia Hussain against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/0943/FUL, dated 13 February 2018, was refused by notice dated 10 April 2018.
 - The development proposed is change of use from residential to small student house in multiple occupation (HMO).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from residential to small student house in multiple occupation (HMO) at 84 Brent Park Road, Brent Cross, London NW4 3HP in accordance with the terms of the application, Ref 18/0943/FUL, dated 13 February 2018, and the following approved plans Proposed Floor Plans Drawing No: 2015/10-01, Proposed First Floor and Loft Plans Drawing No: 2015/10-02 and Proposed Elevations Drawing No: 2015/10-03, subject to the following conditions:
 - 1) No more than 5 persons shall be resident at the property at any one time.
 - 2) Details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a point of collection, shall be submitted to the local planning authority within 3 months of the date of this decision. The approved details shall be implemented in full within 3 months of their approval by the local planning authority. The facilities shall be retained as approved thereafter.

Reasons

2. The main issue is the acceptability of the use taking into account the need for HMOs, the impact on the surrounding area and accessibility by non-car modes.
3. Brent Park Road, despite its proximity to Brent Cross Shopping Centre, the North Circular Road and the start of the M1, is a relatively quiet residential street. The road comprises two-storey dwellings mainly grouped in short terraces of four. The appeal property is one of the middle dwellings in such a terrace. Some of the properties in the road are in use as flats and HMOs but there are also many single-family dwellings.

4. Policy DM09 of Barnet's Development Management Policies Local Plan (DMP) (2012) seeks to encourage HMOs provided that they meet an identified need, do not have a harmful effect on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking, and meet the relevant housing standards for an HMO.
5. The appellant states that the appeal property is already being used by five students who attend Middlesex University. There is nothing in the information before me to contradict this statement. My site visit, which included an internal inspection of the property, confirmed that the dwelling appeared to be occupied by students. Whilst there is no evidence that the property is registered with the University, the fact that it is being used by students would appear to me to demonstrate a need. Moreover, students from the University commonly live in the Hendon area as noted in the explanation to Policy DM09 and by a local estate agent. The need to demonstrate links with local educational establishments applies to the building of new student housing, not the creation of small HMOs. In general terms there appears to be a need for HMOs in the Borough, as indicated by the explanation to Policy DM09 and the requirement of the policy itself to resist their loss.
6. The use of the property as a small HMO would not lead to an imbalance in the mix of housing types or change the residential character of the area. The property and garden are well-maintained. Reference has been made to anti-social behaviour at the property and in the area. However, provided occupants acted in a neighbourly manner, the comings and goings of five people and potentially more intensive occupation of the modestly sized dwelling should not significantly affect the living conditions of nearby residents. There is no inherent reason why a well-managed five-person HMO should materially harm the character and amenities of the area.
7. The property is within walking and cycling distance of the University. Indeed, I saw what appeared to be students walking from the nearby area in the direction of the University. Although the PTAL¹ score is zero, there are a range of bus routes available from Brent Cross Shopping Centre which is a few minutes' walk away, including some that pass the University. The shopping centre provides a range of services as well as the opportunity for part-time employment. Hendon Rail and Tube Stations and Brent Cross Tube Station are also within walking distance. Despite the PTAL score, the location is reasonably accessible by public transport, cycling and walking.
8. Internally the property has a good standard of fittings and furniture with a reasonably sized communal kitchen and living area. The space and layout are acceptable for five occupants. The property is licensed as an HMO and would appear to meet the relevant housing standards.
9. In conclusion the use would be acceptable taking into account the need for HMOs, the impact on the surrounding area and accessibility by non-car modes. The development would comply with Policy DM09 which is the most important policy for determining the application. There is no conflict with Policies CS NPPF, CS1 and CS5 of Barnet's Core Strategy (2012) which are strategic in nature dealing with sustainable development, housing and economic growth and local character. Moreover, DM01 and DM07 of the DMP would be complied

¹ Public Transport Accessibility Level

with as local character would be preserved and there would be no loss of residential accommodation.

10. Like many other properties in the street, the frontage provides parking for two cars and space for the storage of refuse and recycling bins. Taking into account the number of occupants, the type of accommodation and the accessibility of services and facilities by non-car modes, the development would be unlikely to result in more than two cars. If additional cars did arise, some on-street parking is available for residents provided a permit is obtained. There is no evidence before me to suggest that the area is one where parking stress exists which would warrant excluding occupants from obtaining a permit.
11. I have considered the conditions suggested by the Council taking into account the advice within the National Planning Policy Framework and Planning Practice Guidance. A condition limiting the number of occupants is necessary as a more intensive use would have different impacts. A condition requiring details of bin storage is needed as the area to the rear shown on the plans may not be practical as it would not be easily accessible to occupants or those collecting the bins.
12. There is no need for time limit or plans conditions as the use is already being carried out. A condition requiring compliance with Part E of the Building Regulations would duplicate other controls. It would not be reasonable to require water efficiency and carbon dioxide emission measures to be retrofitted to an existing building which is to remain in residential use as the relevant policies appear to be aimed primarily at new residential development.
13. For the reasons given above the appeal should be allowed.

Mark Dakayne

INSPECTOR