
Appeal Decision

Site visit made on 24 January 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 13 February 2017

Appeal Ref: APP/U5930/W/16/3163166

4 Murchison Road Waltham Forest, Leyton E10 6NB

- 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 M Ayub of Landhill Limited against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 162093, dated 27 June 2016, was refused by notice dated 23 August 2016.
 - The development proposed is change of use from C3 to House in Multiple Occupation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (i) the loss of a single family dwelling house; (ii) the living conditions of the occupants of the property in terms of standard of accommodation and (iii) the living conditions of the occupiers of the neighbouring properties with particular regard to noise and disturbance.

Reasons

Loss of a single family dwelling house

3. The appeal site is located in a predominantly residential area of high density Victorian terraced properties situated close to the commercial area on High Road Leyton with a range of local services and facilities. The appeal property consists of a traditional end of terrace dwelling with further accommodation within the roofspace. The proposal is to convert the family dwelling to a House in Multiple Occupation (HMO) for up to six occupants.
 4. Policy DM6 of the London Borough of Waltham Forest Local Plan Development Management Policies 2013 (DMP) whilst recognising that existing houses can be converted to HMOs, advocates that only certain types of property are suitable for conversion and that there are some areas where conversions would be incompatible with the existing character of the area. An Article 4 direction was imposed in the Leyton area in 2014 on conversions to restrict the loss of family-sized homes.
 5. Although No. 4 Murchison Road has the benefit of a number of extensions it would still fall below the minimum floorspace threshold set out in policy DM6
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and is located within an area where conversions to HMOs are restricted. Whilst there were no obvious physical signs on my site visit as to which properties were existing HMOs, the appellant has indicated that there are only three registered HMOs on the road. No evidence has been provided by the Council to contradict the appellant's claims. However, this only confirms that the surrounding area is predominantly characterised by single family dwellings.

6. Whilst I recognise that the proposal would boost the supply of affordable housing and would make efficient use of the land in an accessible location in accordance with the National Planning Policy Framework (the Framework), the Framework also advocates the need to provide a mix of housing and for Councils to identify areas where particular types of housing are required. The Council have identified the need to retain single family housing in this area and therefore I consider that the modest benefit of the additional housing provided by a HMO is outweighed by the loss of a single family dwelling house.
7. Consequently, I conclude that the proposal would result in an unacceptable loss of a single family dwelling house. It would be contrary to Policy CS2 of the Waltham Forest Local Plan Core Strategy 2012 (CS) and Policy DM6 of the DMP. These policies, amongst other things, seek to facilitate sustainable housing growth that creates mixed and balanced communities with a range of housing sizes and tenure in new development and, resists the loss of a single family dwelling house within restricted conversion wards in the Borough.

Living conditions of the occupants of the property

8. Policy DM6 of the DMP outlines the importance of ensuring that dwelling conversions to HMOs provide satisfactory living conditions for the benefit of the occupants. The internal layout of the proposal show that three of the bedrooms fail to meet the Council's minimum room sizes set out in Policy DM6 of the DMP.
9. The appellant argues that the proposal would meet the minimum room sizes set out in the Council's standards for House in Multiple Occupation document adopted in April 2015 and considers that the accommodation provided is of an acceptable standard. However, this document was issued under Housing legislation. Planning legislation requires that the proposal is considered against the policies contained in the development plan which in this case is policy DM6 which sets out the minimum standards for bedrooms, kitchens and living rooms within HMOs. As outlined above the appeal proposal does not meet these minimum standards and is therefore contrary to Policy DM6 of the DMP.

Living conditions of the occupiers of the neighbouring properties

10. The appellant argues that the particular location of the site lends itself more to the proposed use than family accommodation due its close proximity to the busy commercial area on High Road and its location adjacent to car workshops immediately to the west of the property. I observed during my site visit that the area was busy, experiencing noise and disturbance associated with traffic and pedestrian movements and the surrounding uses and activities in the area.
11. Whilst I accept that the occupiers of the neighbouring properties would be used to a certain degree of noise and activity associated with the surrounding uses particularly during the day and early evening, the internal layout of the proposal, with six bedrooms, would mean that additional people could occupy

the property as a HMO compared with its use as a single family dwelling house. The intensification of the use of the internal space would be likely to lead to additional activity. The transient nature of HMO occupants, who would be more likely to lead separate, independent lives, would tend to generate more comings and goings than a family who are more likely carry out leisure and other activities together.

12. Accordingly I consider that the development would cause an increase in noise and disturbance and whilst this harm may not be sufficient on its own to warrant dismissal of this case, it nonetheless adds to my primary concern regarding the effect of the development on the availability of a single family dwelling house in the area and the sub-standard living conditions for the occupants of the property.
13. I have considered the appellant's comments that the use of the proposed HMO would be regularly monitored and the commitment to being a responsible landlord. However, such matters not a material consideration to which I can attach significant weight in making this decision.
14. I have considered the Council's argument that the granting of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission on these grounds.
15. Consequently, I conclude that the proposed development would cause unacceptable harm to the living conditions of the occupiers of the neighbouring property with particular regard to noise and disturbance. It would be contrary to the overall amenity aims of Policy CS13 of the CS and Policies DM24 and DM32 of the DMP that seek to ensure that new development protects the amenity of the occupiers of existing buildings and neighbouring properties and that noisy new development is located away from noise sensitive uses such as residential. I find no direct conflict though with Policy CS7 of the CS which relates primarily to developing sustainable transport.

Other matters

16. I have noted the objections raised by a local resident to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR