



Appeal Decision

Site visit made on 15 June 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 5th July 2017

Appeal Ref: APP/U5930/W/17/3169997
20 Church Hill, Walthamstow, E17 3AG

- 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 Mrs Mehwish Tofiq against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 163018, dated 13 September 2016, was refused by notice dated 1 December 2017.
 - The development proposed is proposed conversion of a residential house (C3) into H.M.O for maximum of 8 residents.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (a) the character of the surrounding community and (b) the living conditions of the occupiers of existing properties, with particular regard to noise and disturbance.

Reasons

3. Core Strategy (CS) policy CS2 seeks to resist the loss of larger homes in the borough. Policy DM6 (a) of the Development Management Policies (DMP) sets out that the Council will not permit the conversion of larger homes to small self-contained homes (C3) or Houses in Multiple Occupation (HMOs) (C4). This is judged against four criteria one of which is '*(ii) It is located within a 'Restricted Dwelling Conversion, HMO and Building in Multiple Residential Occupation Ward' as shown in figure 7.1*'. The site is located in a restricted dwelling ward, in this case Hoe Street. This is in order to ensure that a suitable range of housing types remains available in the area to maintain mixed and balanced communities. This is reinforced by paragraph 50 of the National Planning Policy Framework (the Framework) which promotes a mix of housing types to suit local demand.
4. The change of use would normally be permitted development. However, the Council made an Article 4 direction to remove that right. The reason for this was the Council's concerns regarding retaining a suitable mix of housing types and retaining family homes.
5. The change of use proposed would lead to the loss of a family sized dwelling. The appellant has queried the application of the policy and submits that it is both short sighted and overly restrictive. Nevertheless, these restrictions are

within an adopted policy that has been consulted on and examined and found sound. As such it should be given significant weight in deciding if permission should be granted. In addition the line has to be drawn somewhere and if allowed the scheme would introduce an HMO into an area where the development plan policy seeks to protect single family dwellings. To allow the appeal have a harmful effect on and undermine the Council's aim of maintaining a balanced supply of housing types and supply of family dwellings. It would increase further the identified imbalance that currently exists in the mix of housing types available in this part of Walthamstow.

6. I appreciate that the dwelling is located in an area that is generally well located for housing and that the appellant could provide accommodation to a suitable standard that would meet a need and that an HMO may be easier to let for the appellant. In addition I understand that there may be demand for this form of accommodation. However, none of these matters alters or outweighs the clear conflict with the development plan to which I attach significant weight.
7. I therefore conclude that the proposal would have a harmful effect on the character of the surrounding community. It would be in conflict with CS policy CS2 and DMP policy DM6.

Living Conditions

8. The Council's concerns relate to noise and disturbance that would result from the change of use of the building. The scheme would increase the number of bedrooms within the property by one. The layout would leave just the kitchen/living area as the communal space within the building. I understand that the site is currently a family dwelling and could be inhabited by a family with a number of children. However, compared to a family dwelling it is likely that unrelated occupants may spend more time in their own rooms, many of which would adjoin adjacent dwellings. Further, the level of comings and goings early in the morning, late at night and generally would be likely to be different and greater than a dwelling occupied by a single family. Overall, this is likely to be noisier than occupation by a family unit and therefore disturb other nearby residents.
9. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupiers of existing properties, with particular regard to noise and disturbance. It would be in conflict with CS policies CS7 and CS13 and DMP policies DM24 and DM32 which amongst other things seek to manage the impact of development on neighbours. It would also be in conflict with the National Planning Policy Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

10. Therefore for the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR