
Appeal Decision

Site visit made on 6 June 2017

by Janet Wilson BA (Hons) BTP MRTPI DMS

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

Decision date: 18th July 2017

Appeal Ref: APP/U5360/W/17/3171260
12 Springdale Road, LONDON N16 9NX

- 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 Ms Zarif Hassan against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/3888, dated 11 October 2016, was refused by notice dated 9 February 2017.
 - The development proposed is a change of use to a House in Multiple Occupation (HMO).
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Decision

1. The appeal is dismissed.

Procedural matter

2. At the time of my visit the property was in occupation as an HMO with evidence of current or recent occupation in all of the rooms shown on the plan. I am therefore dealing with the application on the basis it has already taken place.

Application for costs

3. An application for costs was made by Ms Zarif Hassan against the Council of the London Borough of Hackney. This application is the subject of a separate Decision.

Main Issue

4. The main issue in this appeal is the effect of the development on the supply of family houses in the area.

Reasons

5. The appeal property is a three storey with basement mid-terrace house located in a predominantly residential area. The Council have confirmed that there are no adverse impacts on the amenity of nearby residential occupiers and that space standards are met. On the evidence before me, I see no reason to disagree. As such the development is compliant with Policy DM25 of the Hackney Development Management Local Plan (2015) (HDMLP).
 6. However, the Council's policy ambition to maintain its stock of larger houses in order to meet the identified housing need in the Borough is undermined by the loss of this family unit. The conversion to an HMO is thus in conflict with Policy 19 of the Hackney Local Development Framework Core Strategy - Hackney's
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strategic planning policies for 2010 – 2025 (2010) and Policies DM19 and DM23 of the HDMLP. These policies, amongst other things, seek: to ensure a wide choice and mix of housing in the Borough; protect the stock of larger family units by resisting the loss of family accommodation in order to meet identified local housing needs; and maintain a mix of housing provision to match those needs.

Other matters

7. The appellants agent has stated that the building is far too large to be affordable as a family home and that the owner has had to move out from the property as it is simply too big for her. However no evidence has been provided to demonstrate that the appellant has tried unsuccessfully to market the property as a single dwelling and in the absence of such evidence this limits the weight I can give to the owners concern.
8. The agent has set out that the property conversion has been supported by the Council's housing department who confirmed that there is a need for this type of accommodation in the Borough. The appellant advises that the HMO licence was issued for 5 years on 13 September 2016. Considerations for the HMO licence deal with different criteria; controls under housing and HMO legislation seek to ensure that the dimensions and living conditions provided meet minimum standards whereas, under planning legislation, I am considering the wider implications of the change of use in a broader policy context. Whilst recognising that the HMO would provide lower cost accommodation for rent and noting the support of the proposal through the granting of an HMO licence these factors do not outweigh the fundamental harm to the housing strategy or policy conflict that I have identified.

Conclusion

9. Whilst I have concluded that the proposal would comply with Policy DM25 of the HDMLP it would undermine a primary objective of the Councils strategy to protect family housing in conflict with Policy 19 of the Core Strategy and Policy DM19 of the HDMLP and as a result the housing strategy of the development plan as a whole. There are no material considerations that would justify a decision contrary to the development plan.
10. Therefore, for the reasons given and having had regard to all other matters raised, the appeal is dismissed.

Janet Wilson

INSPECTOR