
Appeal Decision

Site visit made on 10 July 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/U5930/W/16/3166030

12 Wallwood Road, Leytonstone, London E11 1DF

- 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 R & N Snider against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 162390, dated 18 July 2016, was refused by notice dated 26 October 2016.
 - The development proposed is the change of use of vacant residential dwelling (C3) to Large HMO (Sui Generis).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the supply of family housing within the Borough and whether the development makes adequate provision for cycle, refuse and re-cycling storage for its future occupants.

Reasons

Supply of family housing

3. The appeal site is located in a predominantly residential area of Leytonstone. The site is also located within the Ward of Leytonstone which is a restricted conversion Ward. The appeal property itself is a four storey property including the basement and roof space accommodation.
4. Policy DM6 of the Waltham Forest Local Plan Development Management Policies (2013) (LPDMP) sets out that the Council will not permit the conversion of larger homes into buildings of multiple residential occupation where they are located in a 'Restricted Dwelling Conversion, HMO and Building in Multiple Residential Occupation Ward'. From the evidence before me, there is a need to retain family accommodation in the areas designated as restricted conversion wards. Given the nature of the proposed development it is clear that it would be in conflict with Policy DM6 and this is not disputed by the Appellant.
5. The Appellant considers that Policy DM6 does not plan positively, provide any form of flexibility or make provisions for change. Additionally, the Appellant considers that the policy does not reflect the National Planning Policy Framework (the Framework) or the National Planning Practice Guidance (NPPG), and therefore the validity of the policy is questionable. In this respect,

it is noted that the LPDMP was adopted after the Framework and therefore its general conformity would have been assessed prior to its adoption. Whilst Policy DM6 could be considered to be a restrictive policy, it does nevertheless seek to ensure that the size and type of residential properties in particular locations reflect local demand which is in accordance with the Framework and the NPPG.

6. The determination of planning applications should be made in accordance with the Development Plan unless material considerations indicate otherwise. The Appellant has advanced a case that the development would provide much needed accommodation, and would bring an empty property back into meaningful use. The Waltham Forest Housing Strategy also encourages the private sector to reduce empty homes, and that better use of existing homes is necessary to build economically balanced communities. It is also acknowledged that the property would also be marketed at the higher end of the HMO market given the quality of the refurbishment works.
7. Whilst all of these factors are in favour of the proposed development, I consider that these do not outweigh the Development Plan policies which seek to restrict the loss of large family homes.
8. For the above reasons the development would be contrary to Policy CS2 of the Waltham Forest Local Plan Core Strategy (2012) (CS) and Policies DM2 and DM6 of the LPDMP which amongst other matters seek to protect larger homes from conversion to smaller dwellings or HMOs to ensure that a mixed and balanced community is maintained.

Cycle, refuse and re-cycling facilities

9. It is noted that the drawings submitted with the planning application did not provide details of where secure cycle parking would be provided or where refuse and re-cycling would be stored. However, the planning statement submitted with the application, and the subsequent appeal statement, notes that there is a large rear garden area which could accommodate all of the required facilities and this could be controlled by suitably worded planning conditions. Furthermore, should I be minded to allow the appeal, the Council have suggested conditions to secure the necessary cycle, refuse and recycling storage facilities.
10. Given the above, I consider that the provision of these facilities could be reasonably secured through suitably worded planning conditions.
11. For the above reasons, the development would therefore accord with Policies CS6 and CS7 of the CS and Policies DM15 and DM32 of the LPDMP which amongst other matters seek to ensure that developments provide adequate facilities for the future occupants of residential accommodation.

Conclusion

12. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR