



Appeal Decision

Site visit made on 10 October 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 21st November 2017

Appeal Ref: APP/U5360/W/17/3178943

24 Warwick Grove, London E5 9HU

- 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 Harjeet Gozra against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2017/1010, dated 8 March 2017, was refused by notice dated 9 May 2017.
 - The development proposed is use of property as House in Multiple Occupation.
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Decision

1. The appeal is allowed and planning permission is granted for the use of the property as a house in multiple occupation (HMO) at 24 Warwick Grove, London E5 9HU, in accordance with the terms of application Ref 2017/1010, dated 8 March 2017.

Preliminary Matters

2. The use has already commenced. I have dealt with the appeal on that basis.
3. Amended plans were received during the appeal process. These plans sought only to regularise the previous drawings and the Council has had the opportunity to comment on them. I have determined the appeal on the basis of the amended plans.

Main Issue

4. The main issue in this case is the effect of the proposal on the provision of housing in the area.

Reasons

5. 24 Warwick Grove is a mid-terraced house located in a row of similar properties. The property has been extended at the rear and at roof level, such that it now comprises 7 bedrooms, plus a kitchen, living room and bathrooms. An HMO licence was granted in November 2016 for the use of the property by up to 12 people. The surrounding area is primarily residential in character and comprises a mix of houses and large scale blocks of flats.
6. The Council's main concern relates to the loss of a unit of family accommodation. The retention and provision of housing is a key aim of the Council as set out in the relevant development plan policies. Policy DM19 of the Hackney Development Management Local Plan (2015) sets out a general approach to housing noting a general presumption in favour of housing. Policy

DM20 provides limited scope for changes of use resulting in a loss of residential floorspace subject to certain caveats.

7. Policy 19 of the Hackney Core Strategy 2010 requires that proposals of new residential development, including changes of use, should positively contribute to the creation of mixed, sustainable communities. The policy seeks to resist the loss of family accommodation (3 bed or larger) as well as seeking to provide a mix of housing. However, the justification for the policy, set out at paragraph 7.25, makes it clear that the contribution made by conversions to HMOs is useful in addressing the accommodation needs of certain groups. Policy 3.8 of the London Plan also seeks to promote housing choice.
8. Policy DM25 of the Hackney Development Management Local Plan (2015) relates specifically to Houses in Multiple Occupation (HMOs) and states that proposals for new HMOs may be supported if they comply with certain criteria. From all I have seen and read I am satisfied that the building exceeds the minimum size stated and that the development is well served by public transport, local shops and facilities, and will not result in the loss of a site allocated for housing. Accordingly the development complies with Policy DM25.
9. I have noted that the rooms above the outrigger fall below the Council's recommended standard relating to floorspace per room.¹ However, both of these rooms have en-suite shower rooms, and the property is provided with additional communal space. There is no evidence to suggest the rooms do not receive an adequate amount of daylight or sunlight or have a good aspect, nor is there evidence to suggest there is insufficient amenity space. Overall therefore, the property offers a good standard of accommodation.
10. I have taken into consideration the concerns of a third party that the use will generate a degree of noise. However, even if it were in use as a family house it could accommodate a similar number of residents. There is no evidence before me to demonstrate that the HMO use will generate any more noise than if it were a single family home. Consequently I am satisfied that the use does not have an unduly harmful impact on the living conditions of neighbouring occupiers.
11. I acknowledge that the proposal results in the loss of a single family house. However, it also contributes to the mix of housing within the area and to housing choice. Evidence submitted by the appellant suggests that there is not an over-proliferation of HMO's in the area. Most of the other houses in this particular terrace are in use as single family houses. Furthermore, the Council accepts that the proposed density of the HMO is similar to that of a single family dwelling.

Conclusion

12. I acknowledge that there is some conflict with Policy 19 of the Core Strategy in that the proposal would result in the loss of a family sized dwelling. However, the proposal would meet the aims of the other policies set out above in terms of widening housing choice. The property itself is suitable for conversion to an HMO and there is no evidence that the use would cause harm to the living conditions of neighbouring residents. For these reasons I conclude that the proposal is acceptable.

¹ Hackney Private Sector Housing Unit 'Guidance for Houses and Flats in Multiple Occupation'.

13. The Council has not suggested any conditions in the event of the appeal being allowed. As the appeal is retrospective, I agree that none are necessary.
14. Therefore, for the reasons set out above, and taking all other matters raised into account, the appeal is allowed.

S. Ashworth

INSPECTOR