
Appeal Decision

Site visit made on 21 November 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 13th December 2017

Appeal Ref: APP/W5780/W/17/3181364
648 Green Lane, Seven Kings, Ilford IG3 9RY

- 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 Sabbir against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1026/17, dated 6 March 2017, was refused by notice dated 8 May 2017.
 - The development proposed is the change of use from C3 to C4 with 6 HMO bedrooms.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The loss of a single family dwelling house,
 - The effect of the development on the living conditions of adjoining occupiers with particular regard to noise and disturbance, and;
 - The effect of the development on the living conditions of future occupiers with particular regard to the provision of amenity space.

Reasons

The loss of a single family occupied dwelling house

3. The appeal site forms a two storey end of terrace dwelling that sits on the corner of Green Lane and Airthrie Road. Although the area is predominantly residential, there are a number of commercial properties in the vicinity. Policy H2 of the London Borough of Redbridge Borough Wide Primary Policies Development Plan Document 2008 (BWPP) sets out the Council's housing requirements. The justification for the policy states that to ensure larger family housing types and sizes are provided within the Borough, conversions to small units need to be carefully controlled. Thus, the conversion to smaller units will only be permitted where it is either within a Metropolitan or District Centre or in a location where the surrounding area comprises predominantly converted properties.
4. While the appellant states that the site is 27m from the edge of the Green Lane District Centre, the Council confirm that the appeal property is not within a Metropolitan or District Centre as required by Policy H2. Moreover, although the appellant suggests that there are a number of converted properties in the

area, most of those identified¹ are above retail units and thus, did not result in the loss of single family occupied homes. Consequently, the appeal site is not within an area where it comprises predominantly converted properties.

5. I accept that the appeal building exceeds the 125 sq. m gross floor area and complies with Policy H2 in that respect. Moreover, I note that the property has been granted a licence from the Council for use of the building as a House in Multiple Occupation (HMO). However, it does not turn that the building should not be considered as a single family home as a licence for a HMO would not have considered the housing provision within the Borough. It ensures that the property provides suitable facilities such as bathrooms, toilets and cooking areas and that rooms are of an acceptable size, which is not in dispute.
6. I therefore conclude on the first main issue, that the conversion of the property into a HMO results in material harm to the Council's objectives to protect single family occupied dwelling houses from being converted into smaller units. The proposal is in conflict with Policy H2 of the BWPP which seeks, amongst other things, to resist the loss of single family occupied homes.

The living conditions of neighbours

7. The proposal seeks permission to convert the building into a 6 bedroom HMO. The bedrooms would be provided over two floors with a capacity to accommodate 8 persons living as 6 households. I accept that the quality of the accommodation would exceed minimum space standards. However, this alone does not mean that the living conditions of adjoining occupiers would not be affected by the development. The use of the building by up to 6 households could reasonably result in additional noise from separate televisions and radios in bedrooms and general socialising within the kitchen, living/dining room and outside communal areas.
8. Moreover, the level of occupancy would result in an increase in comings and goings of tenants, when compared with many single family occupied homes. There is likely to be an increase in visitors to the property and other movements associated with deliveries and servicing. This is over and above that which could be expected if the building was occupied by a large family and is likely to result in a conflict with the neighbouring low intensity uses in the immediate vicinity, due to the close relationship of the appeal site to nearby dwellings in Green Lane and Airthrie Road.
9. Furthermore, while I acknowledge that the neighbouring property has been converted into three self-contained units, the existence of a development elsewhere does not represent an irresistible precedent to find in favour of a proposal that would cause harm or lead me to alter my findings on this issue.
10. On the second main issue I therefore conclude that the use of the building as a HMO with 6 bedrooms is likely to result in unacceptable harm to the living conditions of adjoining occupiers through noise and disturbance. The proposal is therefore in conflict with Policy SP3 of the London Borough of Redbridge Core Strategy Development Plan Document 2008 (the Core Strategy) which seeks, amongst other things, to ensure that developments respect the amenity of adjoining properties and the locality generally.

¹ Appendix 2 of the appellant's final comments.

The living conditions of future occupiers

11. Policy BD4 of the BWPP sets out the amenity space required for new residential development, which also takes into account conversions and extensions. For the proposed development an amenity area of 20 sq. m per habitable room would be required, making a total of 160 sq. m of space needed. The development proposes some 100 sq. m of space which falls short of the required amount.
12. I am not persuaded by the appellant's argument that as the proposed development would be *sui generis* it does not need to comply with Policy BD4 as it only relates to developments under class C3 (dwellinghouses) and C4 (houses in multiple occupation). Policy BD4 (a) refers to converted and or extended residential development, which is what the development proposes. Moreover, although Policy BD4 allows for non-family units to be permitted without amenity space, this is only where the site is within a town centre. Although the development is not for families, the site is not within a town centre.
13. The Council have referred to the development being "out of character with the prevailing pattern of the development in the surrounding area" and refer to Policy SP3 of the Core Strategy. While the officer's delegated report states that the conversion of the building to a large HMO and the loss of a single family dwelling would be out of character with the other properties in the vicinity, they have not expanded upon this issue. Thus, I cannot see how this matter relates to the appeal before me.
14. On the third main issue, I conclude that the development would not provide sufficient amenity space for future occupiers and their living standards would not be of an adequate standard in this respect. The proposal is in conflict with Policy BD4 of the BWPP which seeks, amongst other things, to ensure that developments provide adequate levels of amenity space for occupiers.

Other Matters

15. The appellant makes reference to Policy SP1 of the Core Strategy which offers support for the development. However, the site does not propose a mixed use development and is not within the Metropolitan Centre as required by Policy SP1. In addition, reference is also made to Policy 3.8 of the London Plan (2016) which states that, "Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments". However, Policy 3.8(a) also states that, developments should offer a range of size and type of housing taking account of the housing requirements of different groups. Policy H2 of the BWPP seeks to do this.
16. The appellant also refers to applications² which granted permission for the change of use of a dwellinghouse to a HMO. However, I have very little information detailing the circumstances that led to these proposals being accepted. Moreover, such cases would depend on their individual circumstances and while noting these decisions, they are not determinative to this appeal. In any case, I have considered this appeal on its own merits which is one of the fundamental principles which underpins the planning system.

² 1356/13 and 412/17

17. I also recognise that the development would provide additional living accommodation for younger people and would create additional units in accordance with the Borough's Housing Strategy. However, neither this nor any other material consideration that has been advanced outweighs the identified harm and conflict with policy.

Conclusion

18. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR