
Appeal Decision

Site visit made on 22 May 2018

by Helen Cassini BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2018

Appeal Ref: APP/U5930/W/17/3180237
38 Arundel Close, Stratford E15 1UH

- 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 Vanessa Andrade against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref:164074, dated 19 December 2016, was refused by notice dated 14 July 2017.
 - The development proposed is described on the application form as a proposed conversion of existing dwelling into HMO for up to 6 persons with shared kitchen, living room and rear amenity provision.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In the Council's decision notice the lack of private amenity space was cited as one of the reasons for refusal. However, in the Council's subsequent appeal statement it is acknowledged that the requirement for individual amenity space is not relevant to the creation of a House in Multiple Occupation (HMO). Accordingly, the Council have confirmed that the provision of amenity space is no longer to be considered a reason for refusal. The appeal has therefore been determined on this basis.
3. At the time of the site the majority of the proposal had been completed and, although vacant, would be capable of being used as a House in Multiple Occupancy (HMO). The appeal has therefore been determined on this basis.

Main Issues

4. The main issues are the effect of the proposal on:
 - (i) the residential character of the area, with particular regard to the living conditions of neighbouring residents; and
 - (ii) the living conditions of future occupiers, with particular reference to the provision of cycle parking.

Reasons

Residential character

5. The appeal site is an extended two-storey, mid-terrace dwelling, located within a predominately residential area, characterised by mainly one and two-storey dwellings. Prior to the internal conversions, the appeal site consisted of a three bedroom dwelling, with one of the bedrooms and study being located within the roof space.
6. No external alterations are proposed and the existing entrance to the dwelling would remain. It is not therefore considered that the proposal would have any significant visual effect on the existing character of the area.
7. The proposal would provide five bedrooms over three floors with a shared kitchen and living/dining area on the ground floor. The appellant advises that it is intended that the development would be occupied by up to six persons.
8. The appeal site is set between two adjoining houses and this close proximity means that it has a sensitive relationship to its immediate neighbours. Taking account of the size of the appeal property, the activity generated by up to six persons living independent lives, along with their visitors, and their coming and goings, this would lead to an level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house, even one occupied by a large family.
9. This would give rise to a level of general noise and disturbance at an intensity that would be disruptive, particularly to the immediate neighbouring dwellings. The overall effect would be one which would lead to material harm to the living conditions of those neighbours, a consideration which carries considerable weight against the proposal.
10. No on-site car parking is proposed. Whilst the appellant contends that most occupiers of HMO's generally rely on public transport, it cannot be certain what level of car ownership future occupiers may have. In addition, this may fluctuate over time and there is therefore the potential for each occupier to have access to a car, which could lead to a considerable number of additional vehicles coming and going.
11. Whilst such an activity would not on its own necessarily be disruptive, considered cumulatively, and focused on a single property, this would lead to significant disturbance as a result of the intensity of use, compounding other effects.
12. These circumstances would also lead to increased competition for spaces in an area which is reported as being heavily parked. This would result in increased inconvenience and frustration to occupiers of less densely occupied neighbouring dwellings. Whilst such effects are unlikely in themselves be so harmful to neighbours' living conditions to warrant dismissing the appeal, they would nevertheless further compound the harm caused by noise and disturbance and this too weighs against the proposal.
13. Even considerate occupiers would generate a degree of noise and disturbance through every day comings and goings. Having regard to the size, situation and configuration of the appeal property, the cumulative effects of those associated with occupiers of five separate rooms would be clearly perceptible,

and obviously and evidently greater than those compared to the occupation of the dwelling as a large family home.

14. It is acknowledged that the proposal would have the benefit of providing additional homes and contribute to the variety of accommodation available within the Borough. However, these benefits would be limited in scale and weighing them against the material harm to neighbours' living conditions would not amount to the convincing justification necessary to warrant allowing the appeal. Given the harm to neighbours' living conditions the proposal fails to comply with the protection of residential amenity objectives of Policies DM29 and DM32 of the London Borough of Waltham Forest Development Management Policies: Local Plan 2013 (the LP).
15. The Council has also referred to Policy DM6 and DM7 of the LP in the decision notice. Policy DM6 relates specifically to the required criteria for the conversions of dwellings the creation of HMO's within the Borough; with Policy DM7 relating to external amenity and space standards. With particular regard to the effect on the existing residential character of the immediate locality, in this specific instance, neither policy is considered to be relevant.

Living conditions - provision of cycle parking

16. The appellant contends that adequate space exists at the rear of the host dwelling to provide cycle parking. Whilst not depicted on the submitted plans, it was evident from observations made during the site visit that sufficient space would be available at the rear of the host dwelling in order to provide satisfactory cycle parking provision. Such a location would also not have a significant effect on the residential amenity of either future occupiers or neighbouring occupiers.
17. Whilst details of the layout and storage arrangements are absent in the submission documents, these matters could be addressed by means of a suitable planning condition if I were minded to allow the appeal.
18. Consequently, it is not considered that the proposal would conflict with Policies DM6, DM7, DM29 and DM32 of the LP. When taken together these policies seek, amongst other things, to protect both future occupiers and neighbouring occupiers residential amenity.

Conclusion

19. Subject to a planning condition, no harm has been identified in regard to the provision of cycle storage facilities. Nevertheless, the harm identified in relation to the residential character of the area is decisive.
20. Accordingly, for the reasons stated above, and taking all other matters raised into consideration, the appeal should be dismissed.

Helen Cassini

INSPECTOR