



Appeal Decision

Site visit made on 19 November 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

Appeal Ref: APP/W5780/W/19/3236613

4 Gaysham Avenue, Ilford IG2 6TH

- 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 M Mohammed against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4162/18, dated 8 October 2018, was refused by notice dated 21 March 2019.
 - The development is the provision of additional rooms to an existing 6 bedroom HMO to form a 9 bedroom HMO.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On visiting the appeal site it was apparent that the ground floor layout of the building has been altered to reflect the layout shown on the proposed ground floor plan. No alterations have been proposed to the other floors. I have therefore determined this appeal on the basis that the works associated with the change of use have already occurred.

Main Issues

3. The main issues are the effect of the development on:
 - the living conditions of the occupiers of nearby dwellings and the character of the area with particular regard to noise and activity.
 - The supply of housing.

Reasons

Living Conditions and the Character of the Area.

4. The appeal site is located within the mostly residential street of Gaysham Avenue. However, the site is in close proximity to the mixed use, commercial area of Gants Hill with the service road serving some of those commercial properties following the side and rear boundary of the appeal site. The site is also close to Gants Hill Underground Station and Woodford Avenue which has bus stops at the end of Gaysham Avenue. Whilst Gaysham Avenue was used as a particularly busy pedestrian route and drop-off point at the time of my site visit, there is no evidence before me that this is the case at all times. Therefore, whilst the wider area appears to be particularly bustling, it has not

been demonstrated that this level of activity extends into Gaysham Avenue throughout the day.

5. The occupiers of a House in Multiple Occupation (HMO) are likely to lead independent lives from one another. As a small HMO falling within Use Class C4, there is a limit on the number of people that can reside at the site and this, in turn, limits the amount of activity that occurs within the building and associated noise, disturbance, waste storage requirements etc. Taking account of the size of the appeal property, the activity generated by the independent lives of the occupiers of nine bedrooms, with separate routines and their attendant comings and goings along with those of their visitors, would lead to a level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a small HMO or a dwellinghouse.
6. The occupiers of the semi-detached building that is adjacent to the appeal site would therefore be likely to notice the additional activity, as would the residents of other properties within the immediate vicinity of the site to a lesser degree. In the case of the semi-detached property, the close proximity means that any noise and disturbance that arises is likely to be more noticeable than the activity that I observed within the street and the locality.
7. In this regard, policy LP6 of the Redbridge Local Plan 2015-2030 (RLP), adopted 2018, states that the conversion of a larger house into a Building in Multiple Occupation will only be supported where there is no significant loss of amenity arising as a result of increased traffic, noise, and general disturbance and a management plan has been provided. Although the conversion of the house to a small HMO has occurred previously, I consider that it is reasonable to apply full weight to this policy and its requirements given that the proposal would see the intensification of the use and the policy is clear that it is addressing the creation of larger HMOs.
8. No management plan has been provided and there are no details available of how noise and disturbance arising from the proposed use of the site would be mitigated or managed. The failure to submit a management plan conflicts with the requirement of the development plan and, as there is potential for harm to be caused to the living conditions of neighbouring residents, I do not consider it appropriate to leave this to be resolved by a planning condition. Whilst I have had regard to the condition that has been suggested by the Council and the content of the licence that has been granted under the terms of the Housing Act 2004, it has not been demonstrated that this would be sufficient to mitigate the potential effect of the development.
9. The main parties dispute the presence of other HMOs within the street, but no evidence has been provided by either party that clarifies this matter. As such, the evidence before me does not give me reason to conclude that the presence of any other HMOs would be grounds to alter my assessment in relation to this issue.
10. For the reasons given above, the proposal would have an unacceptable effect on the living conditions of the occupiers of nearby dwellings and the character of the area, particularly as a result of additional noise and activity. The proposal is therefore contrary to policy LP6 of the RLP which requires that Buildings in Multiple Occupation are only created where there would not be a significant loss of character or amenity and where a management plan is provided.

Supply of Housing.

11. The main parties have acknowledged that the use of the building at the appeal site was as a HMO falling within Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The use of the building was not, therefore, as a dwellinghouse. Notwithstanding the existence of permitted development rights that enable the reversion of the use of the building to a dwellinghouse, there is no reason to assume that this is likely to occur.
12. Policies LP2, LP5 and LP6 of the RLP combine to promote the provision and retention of family housing and prevent the loss of existing housing in order to ensure that housing of all types is available to meet the needs of the Borough's residents. However, this proposal does not involve the loss of a dwellinghouse and therefore the policies are not relevant to the development proposed. Attempting to restrict the use of a building that is not used as a dwellinghouse goes beyond the scope of the policies. I am not persuaded by the Council's stance that the building would no longer provide a housing service as people would still reside at the site whether it is deemed to be a small or large HMO.
13. For these reasons, the proposal would not have an unacceptable effect on the supply of housing. Therefore, in this respect, the proposal would not be contrary to policies LP2, LP5 and LP6 of the RLP, the aim of which is set out above.

Other Matters

14. It has been indicated that the accommodation exceeds the space standard requirements of the London Plan. However, the provision of accommodation that is fit for purpose should be an expectation and, as the standards are a minimum, I give limited weight to any benefit arising from those standards being exceeded.
15. Although additional accommodation has been provided through the intensified use of the building, the development does not represent an increase of housing. As such I afford no weight to the appellant's suggestion that it would.

Conclusion

16. Whilst I have found no harm in respect of the effect on the supply of housing, the development would have an unacceptable effect on the living conditions of the occupiers of nearby dwellings. I therefore conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR