



Appeal Decision

Site visit made on 18 December 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 10th January 2020

Appeal Ref: APP/W5780/W/19/3237902

8 Valentines Road, Ilford IG1 4SA

- 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 Nadeem Ahmed against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2669/19, dated 19 June 2019, was refused by notice dated 05 September 2019.
 - The development proposed is change of 6 room-6 person HMO into 8 room-13 person HMO.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effects of the proposal on:
 - i) The operation of the highway in the vicinity of the appeal site, with particular regard to on-street parking provision;
 - ii) The living conditions of neighbouring residential occupiers, with particular regard to noise and disturbance; and
 - iii) The supply of family housing.

Reasons

Parking provision

3. No 8 is a former dwellinghouse currently in use as a small House in Multiple Occupation (HMO). It is part of a terrace of similar properties in a residential area. It is set back from the street behind an open front garden which provides limited off-street parking.
4. The proposed large HMO would result in a significantly greater number of residents. However, no external alterations or additional off-street parking spaces are proposed and no details of bicycle storage at the property have been provided. Consequently, there would be no net increase in vehicular or cycle parking provision to meet the needs of an increased number of residents.
5. The appeal site is in a reasonably accessible location such that a proportion of journeys could be made by sustainable forms of transport, including

walking, cycling and public transport. Nevertheless, at the time of my visit I observed that the frontages of many properties in the area are used for parking and there was very little on-street parking capacity. Given that I visited during the day, when the majority of residents would be likely to be away from their properties, parking pressure would be significantly higher during the evenings and at weekends.

6. No information has been submitted in respect of the current or likely future level of car ownership or use by residents of the property. However, it seems reasonably likely that at least a proportion of future occupiers would have access to a private vehicle. Given the increase in the number of occupiers, the proposal would therefore result in an increase in the number of residents and their visitors attempting to park vehicles at the property. The existing low level of off-street parking provision would not be adequate to meet the increased demand for parking spaces. Therefore, the proposal would result in overspill and an increase in parking pressure on the street.
7. No Parking Stress Survey report or other evidence has been submitted with the appeal to demonstrate that there is sufficient on-street parking capacity to absorb the additional vehicles that would be generated. Given the high level of parking pressure that I observed, the increased demand for on-street parking would result in detrimental impacts on residential amenity and potential conflict between road users, including vehicles and pedestrians.
8. Therefore, the lack of parking provision would be detrimental to the operation of the highway, with particular regard to on-street parking provision. It would conflict with Policy LP23 of the Redbridge Local Plan 2015-2030 Adopted March 2018 (the LP). This requires, among other things, that development provides an adequate level of cycle and car parking with reference to the London Plan, levels of public transport accessibility, the availability of on-street parking and the outcomes of any parking stress survey.

Living conditions

9. While the proposal would result in the creation of only 2 additional bedrooms, it would more than double the number of occupiers of the property. Furthermore, while only 5 of the bedrooms are proposed to be double occupancy, the plans indicate that each of the bedrooms is sufficiently large to accommodate a double bed. On that basis, and although the proposal is for 13 residents, the property could be occupied by upwards of 16 people at any one time, taking into account the potential for partners and visitors to also be present.
10. Notwithstanding the contribution that HMOs can make to the supply of housing, areas with HMOs and associated large and transient populations of unrelated adults can suffer adverse effects including in terms of community cohesion and residential amenity. In this case, there is evidence before me, in the form of third party representations, of the detrimental effects associated with the operation of the existing small HMO, including in relation to noise and disturbance.
11. A significant intensification of use of the property would inevitably result in a marked increase in the comings and goings in and around the property.

Consequently, there would be proportionally greater detrimental impacts on the living conditions of neighbouring residential occupiers as a result of the associated increase in noise and disturbance.

12. I acknowledge that an HMO and Waste Management Plan has been submitted with the appeal. This indicates that there would be clauses in tenancy agreements relating to excessive noise and other antisocial or unreasonable behaviour. Immediate neighbours would also be provided with contact details for use in the event of emergencies or matters of concern.
13. However, it is not clear who's contact details would be provided to neighbours or what action would be taken to address complaints. Moreover, it is not clear what would be considered excessive noise or unreasonable behaviour or how this would be monitored. In this respect, it would not be acceptable to expect the neighbours to monitor activity in or around the property. Furthermore, given that the existing small HMO has resulted in adverse impacts on residential amenity, there is little persuasive evidence before me to indicate that the Management Plan would be adequate to avoid significant detrimental effects.
14. Therefore, the proposal would result in harm to the living conditions of neighbouring residential occupiers, with particular regard to noise and disturbance. It would conflict with the development plan, including Policies LP5, LP6 and LP26 of the LP. These require development, among other things, to contribute to sustainable communities and to avoid adverse impacts on residential amenity.

Supply of family housing

15. Policy LP5 of the LP relates to overall housing provision. It supports the creation of mixed, inclusive and sustainable communities through the maintenance of a varied housing stock with a range of dwelling sizes and tenures. There is a particular focus on the provision of larger family sized homes (three bed plus). Furthermore, Policy LP6 seeks to avoid the conversion of larger houses into HMOs, except where a number of specific criteria are met.
16. In this case, the appeal property is in a residential area and it is a suitable size to be occupied by a large family. However, the property is currently in lawful use as a small HMO. The proposal would not therefore result in the loss of a property currently occupied by a single family.
17. Therefore, the proposal would not result in the unacceptable loss of a family house and it would not be detrimental to the supply of family housing. In this regard, it would not conflict with the housing and community aims of Policies LP5, LP6 or LP26 of the LP.

Other Matters

18. There would be no external alterations to the property and the proposal would not result in overshadowing or loss of privacy of neighbouring residential occupiers. However, this is not an additional benefit of the scheme.

19. I note the suggestion that there would be an economic benefit as a result of the need for a dedicated HMO manager. However, the application form states that the proposal would not result in employment and there is no substantive evidence to demonstrate that the proposal would result in employment opportunities. Therefore, this is not a matter that weighs in favour of the scheme.

Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
21. In this case, the proposal would not result in the loss of a family house. However, this would not outweigh the harm the living conditions of neighbouring residential occupiers or to the operation of the highway. Consequently, the proposal would conflict with the development plan and no material considerations have been identified that would indicate making a decision other than in accordance with the development plan.
22. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR