



Appeal Decision

Site visit made on 15 September 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2020

Appeal Ref: APP/W5780/W/20/3246103

321 Eastern Avenue, Ilford IG2 6NT

- 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 Martin Redif against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1990/19, dated 8 May 2019, was refused by notice dated 25 July 2019.
 - The development proposed is 'change of use from C3 to Sui Generis HMO (10 Rooms).'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the description of development above, I have omitted the reference to the application being retrospective as given on the application form, as this does not refer to an act of development.
3. The Council refers to the site having been unlawfully converted from a dwelling house to five self-contained flats, and to an enforcement notice being served and a subsequent appeal dismissed and the notice upheld in April 2015. None of this is disputed by the appellant, who confirms the building was converted to a house in multiple occupation (HMO) in May 2016. On this basis, I have considered the appeal as a change of use from a dwellinghouse (Use Class C3) to a large HMO (Sui Generis).
4. The change of use has already occurred and the appeal seeks permission retrospectively. However, on site, I saw that the layout differed in several respects from that shown on the submitted plans, including the presence of a second kitchen area on the ground floor. For the avoidance of doubt, I have determined the appeal on the basis of the plans before me.
5. Details of the 2015 appeal are not before me, but I note it was considered under the previous development plan and I have considered this appeal on its own merits against the current development plan.

Main Issues

6. The main issues are:
 - whether the change of use to a large HMO would accord with relevant development plan policies relating to the provision and mix of housing;

- the effects on the character of the area and the living conditions of neighbouring occupants;
- the effects on parking and highway safety within the surrounding area.

Reasons

Housing Mix

7. Policy LP5 of the Redbridge Local Plan 2015-2030 (March 2018) (the RLP) aims to secure a range of homes that will contribute to the creation of mixed, inclusive and sustainable communities by seeking all housing developments to provide a range of dwelling sizes and tenures particularly focusing on the provision of larger family sized homes (three bed plus).
8. Policy LP6 addresses dwelling conversions and HMOs. It states that conversion of 'larger houses' to Buildings in Multiple Residential Occupation will be supported where specific criteria are met. I am not provided with a definition of 'larger houses' as it relates to Policy LP6, but from context I gather it refers to housing capable of occupation by a family, i.e. at least three bedrooms. Having seen the site, and with regard to the site history above, I am satisfied that the dwellinghouse which existed prior to the conversion works would have constituted a 'larger home' to which Policy LP6 is applicable.
9. The floorspace of the building is not given, but having seen the site, I am satisfied that it is large enough to exceed the size requirement of LP6(2)(a). The appeal site lies close to, but outside, Gants Hill district centre, within a long group of dwellings on Eastern Avenue, which both main parties attest is mainly residential in character, and which my site visit did not dispel. The supporting text of Policy LP5 explains that the loss of family sized housing is difficult to offset through new development as this is predominantly located in town centres. Therefore, the loss of a family-sized dwelling, which is identified as a housing type needed within the Borough, would conflict with the aims of Policies LP5 and LP6 of the RLP.
10. The appellant argues that a loss of a single dwelling house could occur in any event due to permitted development (PD) rights which allow the conversion of a dwellinghouse (Class C3) to a small HMO (Class C4). However, the Council points to the introduction of a borough-wide Article IV Direction which removes this permitted right. I am aware from a similar case I am dealing with that the Article IV Direction was made on 3 December 2018. As such, I do not place weight on the appellant's arguments as the PD right in question could not be invoked as a fall-back position.

Local character and living conditions

11. The site is close to the district centre of Gants Hill, located on a large multi-lane dual carriageway lined by fairly large residential properties with forecourt parking. I have limited evidence as to whether other dwellings have been converted to HMOs within the immediate vicinity, and visual assessments I made of neighbouring properties were not conclusive.
12. The HMO licence provided by the appellant indicates up to 15 residents could occupy the building, which is significantly more than would be expected to occupy a single family dwelling, even a large one. Such numbers of occupants, living independently, are likely to increase the level of activity within the

- building, including the number of comings and goings, the number of visitors and deliveries, and the amount of refuse and parking demand generated. I am mindful of a representation from the adjoining neighbour about noise levels in the building and the number of bins within the forecourt and the propensity of these to generate odours and attract vermin.
13. However, the site is close to the district centre of Gants Hill and to other shops on Beehive Lane, and along with the busy dual carriageway, there is an existing level of regular noise and activity within the immediate area to which residents would be accustomed.
14. A Management Plan has been submitted by the appellant at the appeal stage. No comment is made on this by the Council, nor does the evidence provide me with any explanation as to what a management plan sought under Policy LP6(2)(c) is required to cover. Based on my experience, however, such plans are normally required to demonstrate how potential sources of noise, disturbance or inconvenience to neighbouring residents, arising from the intensification of activity within a larger HMO, would be addressed or mitigated where necessary. The plan before me provides no such detail of any processes or standards which would be applied, but is limited to general information about the site's location and details of the number of parking and cycling spaces. The HMO licence for the property is provided; however, I have no details of what requirements need to be met for this licence to be issued.
15. I note the personal statement of the appellant that he manages the HMO personally and is located five minutes from the property. It is indicated that thorough cleaning is undertaken weekly and pest control is undertaken every month. Copies of invoices for other maintenance within the building are provided, and I have no reason to doubt the appellant's sincerity that the building is well managed. Indeed, I saw for myself that the building was in good condition internally, with a layout that provides adequate space in each bedroom, along with large, well-appointed bathrooms and kitchens, one with a generous dining area. It does not seem improbable that a management plan setting out measures to deal with noise and waste could be secured by planning condition, indeed such a condition has been suggested by the Council.
16. Taking these matters together, I find that the proposal, given existing levels of noise and activity within the immediate area, would not give rise to harmful noise and disturbance which would adversely affect the character of the area or living conditions of neighbouring occupants. No conflict would therefore arise with Policy LP6 of the RLP which requires that large HMOs do not lead to significant loss of character or amenity as a result of increased noise and/or general disturbance, nor the similar protection of local character and living conditions set out under Policy LP26.

Parking and highway safety

17. The appellant indicates that the forecourt would provide four car parking spaces and 10 cycle spaces. The refuse bins are also stored to the front. The Local Highway Authority and Transport for London object on the basis that the parking arrangement restricts access to the bins and to the front door for pedestrians. It is also pointed out that the pavement crossover only extends across one of the four spaces, and would need to be widened.

18. The site has a reasonable PTAL rating of 4, indicating good access to public transport. It is close to the Underground station at Gants Hill and to bus stops on Eastern Avenue which provide viable alternatives to the private car, which reduces the likely level of demand for parking generated by occupants of the HMO. However, I saw on site that three of the four spaces were occupied, which indicates there is demand for parking from occupants, and given my visit was during the working day, it is not unreasonable to think the free space would be taken by another occupant returning from work in the evening.
19. The forecourt can accommodate four vehicles, but at the expense of a clear route for pedestrians to the front door, and two or three of the vehicles would have to either travel over a raised kerb to enter the main carriageway, or drive along the footway at an angle to enter across the dropped kerb. Either scenario presents a danger to highway and pedestrian safety. I realise that forecourt parking is commonplace along Eastern Avenue, with multiple cars outside some properties. However, that is not justification for a parking arrangement which would not be conducive to the safety of pedestrians and other drivers.
20. I note the LHA's suggestion that a Section 106 agreement be entered into to restrict eligibility of occupants to obtain parking permits. No agreement is before me; however, the road outside the property is subject to no-stopping double red lines. Therefore, any on-street parking demand arising from the HMO use would have to take place on other streets, but I have no evidence of a particular problem with parking demand on these streets. Moreover, given any such parking would be out of sight of the appeal property and some distance away, I am doubtful that there would be significant demand over and above the four spaces on site. Therefore, I find it has not been demonstrated that a legal agreement restricting permit eligibility is necessary to make the development acceptable. In any event, it would not address the harm to pedestrian and highway safety I have identified above.
21. The plans show bins lined up to one side of the forecourt, close to one of the car spaces and in a restricted position for occupants to access. Likewise, the proposed location of the cycle parking would not have sufficient space to park and remove cycles from the rack if a car is parked in the adjacent space. Nor would the spaces be secure in such a visible and open location. However, it seems possible to instead provide secure cycle parking at the rear of the property, which would overcome this concern.
22. Nonetheless, for the reasons given, I find the development results in harm to pedestrian and highway safety, in conflict with Policies LP23 and LP26 of the RLP which seek to ensure new development provides sufficient cycle and car parking and incorporates the highest standards of accessible and inclusive design.

Planning Balance

23. I acknowledge that the provision of a larger HMO would provide a social benefit from the accommodation for more occupants and given that HMO accommodation is at the more affordable end of the scale of properties for private rent and an alternative for many to standard self-contained flats or single dwellings. This benefit would however carry only limited weight when compared to the benefits of a family-sized dwelling being provided in the alternative. Economic benefits from additional residents would be similarly limited in scale.

24. These benefits, taken together, would not outweigh the harms identified above and the resulting conflict with the development plan taken as a whole, to which I afford significant weight.

Conclusion

25. Therefore, having regard to all matters raised, the appeal is dismissed.

K Savage

INSPECTOR