



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/20/3245341

76 Malvern Drive, Seven Kings, Ilford IG3 9DW

- 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 Sidd Mahajan (Tulip Estates Limited) against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4398/19, dated 12 November 2019, was refused by notice dated 16 January 2020.
 - The development proposed is 'Change of use from houses in multiple occupation (C4) to a large HMO for 16 people (sui generis).'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the Council's decision notice. 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. The description given on the application form also did not indicate the existing use. The evidence before me states that the lawful existing use was confirmed as a smaller house in multiple occupation (HMO) (Use Class C4) through a lawful development certificate issued in 2014. Therefore, given the clarity it provides, I have considered the appeal based the Council's description.
3. My site visit also confirmed that the property is already in use as a larger HMO. However, I found there to be multiple discrepancies between the floor plans submitted with the appeal and the actual layout of the building on site. For the avoidance of doubt, my decision is based on the plans submitted.

Main Issues

4. The main issues are:
 - the effect of the proposal on the housing mix of the area;
 - the effect on the character of the area and living conditions of neighbouring occupants;
 - whether the development provides suitable living conditions for occupants;
 - the effect on parking and highway safety within the surrounding area.

Reasons

Housing Mix

5. Policy LP5 of the Redbridge Local Plan (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).
6. Policy LP6 specifically addresses dwelling conversions and HMOs. It states that conversion of 'larger homes' to Buildings in Multiple Residential Occupation (Sui Generis) (i.e. larger HMOs) will be supported where specific criteria are met. The Council's Housing Design Supplementary Planning Document (SPD) (September 2019) indicates that Policy LP6 is applicable to conversions from smaller HMOs to larger HMOs.
7. The proposal would conflict with the requirement of Policy LP6 for the site to be located in a Metropolitan, District or Local Centre as defined in the RLP. However, given the lawful existing use, there would be no net loss of family-sized accommodation as a result of the proposal. In principle, the provision of a larger HMO providing a smaller, more affordable form of accommodation, could contribute to the aims of Policy LP5 to secure a range of sizes and tenures of homes that will contribute to the creation of mixed, inclusive and sustainable communities, subject to meeting other criteria of Policies LP5 and LP6 relating to the effect on the character of the area, standard of accommodation and parking.

Effect on local character and living conditions

8. Policy LP6 includes a requirement that large HMOs do not lead to significant loss of character or amenity as a result of increased traffic, noise and/or general disturbance. Policy LP26 further requires developments to respect the local character of the area and not result in an adverse impact upon the amenity of neighbouring occupiers.
9. I saw Malvern Drive to be a predominantly residential street, indicated by the Council to be mainly comprised of single family dwellings. I saw it to be a quiet street, away from commercial areas with generally limited traffic and activity. The Council refers to the SPD which sets out that no more than 20% of properties in any road should be in HMO use, and no more than 1 out of a consecutive row of 5 should be converted. I have no firm evidence to demonstrate whether either of these criteria have been breached, though the appellant describes the area as one 'of significant HMO concentration'. I note, however, letters submitted from local residents raising concern in respect of increased noise, rubbish accumulation and parking demand.
10. The lawful use being for up to 6 occupants would generate a not dissimilar level of activity to a single family dwelling in terms of noise, comings and goings and the times when these take place. 16 occupants, however, would represent a substantial increase in the number of people living in the property, and would greatly increase the level of activity which would occur. Moreover, the occupants would live largely independently of one another, increasing the number and frequency of comings and goings, visitors and deliveries. Consequently, I find that the larger HMO use would contribute to increased

noise and disturbance which would detract from the living conditions of neighbouring residents.

11. In respect of rubbish, the appellant has provided a Waste Management Plan which refers to HMO licencing requirements for waste collection and provides general undertakings to adhere to the Council's requirements for waste collection. However, the appellant confirms that bins would be stored in the front garden, where they would be highly visible. The volume of waste which would be expected from 16 occupants would far exceed that of 6 occupants, and I saw large bins already in situ at the front of the property. Having regard to the comments from neighbours, I am not convinced that the measures set out the Waste Management Plan would be effective in addressing excess waste and vermin reported by neighbours, particularly given the stated intention of retaining the bins to the front, though I saw there to be space for bins in the rear garden, and this issue could be addressed by way of a planning condition.
12. However, for the reasons set out, I conclude that the proposal would result in increased noise and disturbance which would significantly harm the character of the area and the living conditions of neighbouring residents, contrary to the aforementioned requirements of Policies LP6 and LP26 of the RLP.

Standard of accommodation

13. The building is laid out over three floors, with the plans showing eight rooms in total. All eight have their own bathrooms, though several of these are not in the positions shown on the plans. The intention to permit up to 16 occupants means each room would be a double room.
14. The Council's SPD sets out that large HMOs must provide a high-quality form of accommodation in line with space standards set out in Appendix A. It adds that communal facilities will be required to include at least a living room, kitchen and utility room, appropriate in size to the number of residents.
15. Exact measurements are not provided on the plans, but the Council's measurements, which are not challenged by the appellant, indicate rooms 05 (8.6sqm) and 06 (10.9sqm) on the first floor would fall below the GLA Housing Design Guide standard of 12sqm for a double room.
16. Moreover, the standards require a kitchen to be at least 11.5sqm in area where 8-10 people live in the property, with the requirement increased by 2sqm for each additional occupant. Therefore, 16 occupants would require kitchen areas totalling 17.5sqm. In addition, the combined size of communal kitchen, dining and living areas, for 16 people, should be 51sqm.
17. The proposal is indicated to provide a 7.45sqm kitchen on the ground floor, and a second kitchen at second floor level, measured by the Council at 10.9sqm. However, the Council points to much of the floor area of the second floor kitchen being within the roof slope and less than 1.5m in floor-to-ceiling height. I saw on site that some of the area had in fact been given over to a boiler room and the shower room, and it appeared smaller than the 10.9sqm measured by the Council.
18. More pertinent, however, is that on the plans, and on site, the kitchen stands between the top floor bedroom and its shower room. As a result, occupants of the room would have to cross through an ostensibly communal kitchen to use the shower room which would result in a fundamental and unacceptable lack of

privacy and convenience. However, it seems to me more realistic, given this layout, that the upper kitchen would be used only by the occupants of the top floor room, in essence providing a self-contained unit, and leaving up to 14 occupants to share the ground floor kitchen which, at 7.5sqm, would only meet the standard for a 4-5 person HMO and would be significantly undersized and unsuitable for the number of occupants. Given these constraints, I am not persuaded that the proposal would be suitable for at least 10 occupants, as argued by the appellant.

19. Even if I were to accept the two kitchens at the floor sizes on the plans, the upper kitchen is still physically restricted by its ceiling heights. Moreover, the lack of any other communal living or dining space within the building means that residents would be required to spend all of their time in their rooms, some of which I have found would be too small. Therefore, overall, the proposal would fall well short of the standards expected for a large HMO. Whilst I note the site has a sizeable rear garden offering external space for residents, this would not compensate for the lack of communal living space internally, or the identified shortfalls in internal floorspace in bedrooms and kitchens.
20. The appellant refers to the proposal being licenced as a HMO for up to 16 people. The licencing regime is separate to the planning system and subject to different considerations. I have considered the proposal against the relevant planning policies and guidance put to me, and the fact that the proposal may be licenced under another regulatory process does not change my conclusions on this issue.
21. For these reasons, I conclude that the proposal would not provide a suitable standard of accommodation for its occupants, in conflict with Policy LP26 of the RLP, which requires development to achieve a high quality of design through, amongst other things, providing high standards of accommodation for housing in terms of size, quality and arrangement of internal space, external private and external communal amenity space, and access to usable open space.

Parking and Traffic

22. The Council refers to its SPD requiring a transport statement and parking survey to be provided with applications for HMOs, which reflects the requirements of Policy LP23 of the RLP. No assessment has been submitted, but the appellant points to a lack of objection on highways grounds from the Local Highway Authority. However, local residents have voiced concerns about increased traffic and parking in front of other properties.
23. I saw that the site had space for only one car to park off-street, and on-street parking space was limited by the number of driveways to other properties. Given the number of occupants, it is not unreasonable to assume that at least some would own vehicles and seek to park them in the vicinity of the site. From my observations, this would be likely to result in indiscriminate parking on pavements and close to other properties' entrances. I accept that cycle spaces could be provided, with secure space available in the rear garden. However, in the absence of details of how car ownership would be addressed by the appellant, I am not satisfied that the proposal would not have an adverse effect on highway and pedestrian safety. Therefore, I find the proposal would conflict with the requirements of Policy LP23 of the RLP which seeks to ensure new development provides sufficient cycle and car parking.

Planning Balance

24. I acknowledge that the provision of a larger HMO would provide a social benefit from the potential 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 given the relative increase in size of the development and the indicated presence of similar forms of accommodation within the area. Economic benefits from additional residents would be similarly limited in scale.
25. 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

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

K Savage

INSPECTOR