



Appeal Decision

Site visit made on 8 October 2020

by Euan FS Pearson BA(Hons) BTP FRGS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/W5780/W/20/3250286

2 Malmesbury Road, London E18 2NN

- 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 Louise Creamer of Acacia Ltd against the decision of London Borough of Redbridge.
 - The application Ref 4045/19, dated 15 October 2019, was refused by notice dated 17 December 2019.
 - The development proposed is change of use from nursery (D1) to small HMO for up to 6 people (C4) (retrospective).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: i) loss of nursery/community facility; ii) the impact on the living conditions of occupiers of the appeal property and neighbouring properties; iii) adequate provision of car and cycle parking; and iv) impact on the Epping Forest Special Area of Conservation (SAC).

Preliminary Matters

3. I observed during my site visit that the proposed development has been substantially completed thus allowing me a fuller appreciation of the effect on the appeal property and surrounding area.
4. I note that there is a difference between the description in the application form and that used by the Council in its decision notice. I have considered the appeal on the basis of the description shown in the Council's decision notice, as it better describes the development.

Reasons

Loss of nursery/community facility

5. The appeal property is a two-storey detached former class D1 nursery, with basement and outbuilding in the rear garden. The appeal property sits on the south west corner of Malmesbury Road at its junction with Grove Road, within a predominantly residential area, north of the A406 North Circular Road.

6. The nursery has closed and the appellant is unaware of the circumstances for this happening. A nursery is a community facility providing early years education. It has not been demonstrated that: the nursery is no longer needed, or that the facility has been re-provided elsewhere, or that the appeal property is unsuitable. Therefore, the proposed development conflicts with policy LP17(2) of the Redbridge Local Plan 2018 (Local Plan) and policy 3.16 of The London Plan 2016. Among other things, these resist the loss of community infrastructure unless re-provided for.

Impact on living conditions of occupiers

7. The application drawings show six rooms, two on the ground floor. I note that the local authority has given notice that it proposes to issue an HMO Licence for 6 persons/6 households, that the accommodation schedule identifies seven rooms with a capacity of up to 14 persons. All HMOs must provide accommodation appropriate in size to the number of residents. The six rooms meet the minimum size standards. However, the communal downstairs kitchen is not of a size that allows shared dining. Therefore, in the absence of a communal living room, this creates somewhat cramped conditions to the detriment of occupants.
8. Therefore, the proposal conflicts with Local Plan policy LP26, and the requirements in paragraph 5.2.3/Annex A of House Design, Supplementary Planning Document 2019 (House Design SPD). Among other things, these require a high standard of accommodation for housing including size, quality and arrangement of internal space. Similarly, creating high quality buildings and places is fundamental to sustainable development as set out in the National Planning Policy Framework 2019.

Impact on living conditions of neighbours

9. I note from the Council's submission that at least 35 children were permitted to attend the nursery, at any one time. I consider that this scale of commercial operation, in a residential area, is more likely to give rise to noise and disturbance than the use of the appeal property as residences for 6 people. Noise nuisance and anti-social behaviour are best remedied using other legislation, and the Council's environmental health service raised no objection. Therefore, the proposal would not result in unacceptable levels of noise or disturbance and accords with policy LP24 of the Local Plan.

Car and cycle parking provision

10. There are no specific car parking requirements for an HMO. In front of the appeal property and along Malmesbury Road on-street parking is not controlled. The appeal property has a PTAL rating of 3 with bus stops and underground nearby. The transport assessment submitted with the application suggests that Malmesbury Road and neighbouring streets are operating at below capacity in terms of car parking availability. I observed something similar during my visit.
11. There is sufficient space both to the rear of the appeal property or beside the front entrance steps, to provide secure, sheltered cycle storage, and that can be required by imposing a condition. Therefore, the proposal complies with Local Plan policies LP22 and LP23.

Epping Forest SAC

12. The appeal property is within the 0-3km Zone of Influence for the SAC. In accordance with the advice of Natural England, the Council can require financial contributions by way of mitigation. Therefore, the proposal accords with Local Plan policies LP39 and L33 that seek, among other things, to protect the Borough's natural and heritage assets. However, as I have identified harm in considering other issues, I do not intend to look at this further.

Conclusion

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Euan FS Pearson

INSPECTOR