The Planning Inspectorate

Appeal Decision

Site Visit made on 9 March 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2021

Appeal Ref: APP/W5780/W/20/3262775
5 Cambridge Road, Seven Kings, Ilford, IG3 8LU

- 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 AK London Properties Ltd against the decision of the Council of the London Borough of Redbridge.
- The application Ref 2094/20, dated 9 July 2020, was refused by notice dated 8 October 2020.
- The development proposed is single and part first floor rear extension. Conversion of existing small HMO to large HMO.

Decision

1. The appeal is allowed and planning permission is granted for single and part first floor rear extension. Conversion of existing small HMO to large HMO at 5 Cambridge Road, Seven Kings, Ilford, IG3 8LU in accordance with the terms of the application, Ref 2094/20, dated 9 July 2020, and the plans submitted with it, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Bright Building Solutions, Management Plan; 20/0637/PL-01 Location and Block Plans; 20/0637/P-2 Existing Plans; 20/0637/P-3 Rev B Proposed Plans; 20/0637/P-4 Existing Elevations; 20/0637/P-5 Proposed Elevations.

    3) The development shall not be occupied until space has been laid out within the site in accordance with drawing no. 20/0637/PL-3 Rev B for 4 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.

    4) The development shall not be occupied until details of the provision of refuse storage facilities at the site (including day to day refuse storage areas and day of collection storage areas as necessary) shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be provided prior to the occupation of the development and retained at all times.

    5) The building shall not at any time be adapted to enable formation of more than 6 bedrooms and shall not be occupied by more than 10 people at any one time.

Preliminary Matters

2. On the 19th January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results show that the London Borough of Redbridge has delivered 59% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) would be engaged. The Council and appellant have had an opportunity to comment on the implications of this.

Main Issues

3. The main issues are the effect of the development on:

    - the provision of larger family size units; and
    - the living conditions of the occupants of neighbouring properties with particular regard to noise and disturbance.

Reasons

Loss of family housing

4. The appeal site comprises a terrace dwelling, located within a residential area which is close to the Seven Kings Local Centre. The building is currently occupied as a House of Multiple Occupants (HMO) (Class C4) and the site has had an established use for occupation by up to 6 persons since 1978. Therefore it is evident that the building has not been occupied as a family dwelling for a significant period of time and there is no evidence before me to indicate that it would be likely to revert to a single dwelling, despite the existence of permitted development rights to do so.

5. Policies LP5, LP6 and LP26 of the Redbridge Local Plan 2015-2030 (LP) together seek to ensure the provision and retention of larger homes and prevent the loss of existing housing to ensure that housing of all types is available to meet the needs of the Borough's residents. However, for the reasons set out above, the existing building has not contributed to the Boroughs existing stock of larger housing for the last 40 years. Given the extent of this period, in this instance, I do not consider that the proposed development would result in the loss of the type of accommodation that the policy is seeking to protect and therefore, the restrictions which apply to the conversion of larger houses into HMOs which are set out within Policy LP6 are not applicable to the consideration of this appeal.

6. In conclusion, as a result of its current occupation as an HMO, I do not consider that the proposal would result in the loss of larger housing and would therefore not conflict with policies LP5, LP6 and LP26 of the LP, the aims of which are set out above.

Noise and Disturbance

7. The proposed development includes a part single, part two storey rear extension to extend the property in order to create 6 en-suite rooms with a kitchen and communal area provided on the ground floor and a kitchen and utility/laundry room provided on the first floor. This would enable occupation of

up to 10 persons, which is an increase of 4 from the existing lawful use of the building.

8. Although the number of occupants would rise from 6 to 10, the proposal would not increase the overall number of rooms provided. Therefore, any increase would be as a result of couples sharing a room rather than an increase in the number of unconnected adults occupying the house as a whole, this would minimise the potential for increased noise and disturbance over and above that which currently exists.

9. The property is already in use as an HMO for 6 occupants and there is nothing before me to suggest that the existing use of the appeal site as an HMO has resulted in any harm to the living conditions of neighbours. The appellant has provided a management plan which sets out that all of the rooms would be decorated and furnished to a high standard. The occupiers would have direct access to a large rear garden and the management plan indicates that the front and rear gardens would be maintained in a reasonable state and free of rubbish, and that this would be monitored by the landlords agent. Contact details of the agent would also be provided to immediate neighbours in order to report any concerns. All of these measures provide reassurance that the property would be managed and maintained in a manner which would be respectful of a location within a residential area.

10. The appeal property is located in a residential street, with other dwellings in close proximity to one another, but it is located only a short distance from High Road, which provides access to commercial properties and the mainline train station, Seven Kings, which provides access to London Liverpool Street. In this context the comings and goings from a further 4 occupants from the appeal property would not result in any undue increase in noise and disturbance to other residents. The appellant has indicated that they are willing to accept a condition limiting the occupation of the property to 10 occupants. Furthermore, having regard to the overall layout of the proposed HMO and room sizes, there is nothing to suggest that the occupancy of the building would result in any overcrowding, which can otherwise lead to an unreasonable level of noise and disturbance.

11. I have been provided with other appeal decisions by both parties and these come to differing conclusions with regard to the impact of increased occupants in HMOs and the likely affect on other nearby occupiers. In the example provided by the Council, APP/W5780/W/19/3236613, the Inspector considered that an increase in the number of occupiers to 9 would lead to an unacceptable effect on the living conditions of the occupiers of nearby dwellings. However, the Inspector in his decision noted that no management plan had been provided, which was a requirement of policy LP6, and therefore is not the same as the case before me.

12. In the example provided by the appellant, APP/W5780/W/19/3240935, the proposal would increase the number of occupants from 6 to 8 and in that instance the Inspector was not persuaded that this level of increase would give rise to a noticeable change in the comings or goings associated with the HMO. The Inspector also noted that the location was close enough to the activity and general hubbub of a local centre, that even though not within one, had a general background level of activity, and therefore was not a quiet suburban area. The appeal under consideration is only a short distance from that appeal,

and probably closer, in terms of its proximity to the commercial premises and transport links which are available within the locality. I saw nothing as part of my visit to the area which would lead me to come to a different conclusion, despite the greater number of occupants proposed in the appeal before me.

13. I therefore conclude that the appeal scheme would not harm the living conditions of the occupants of nearby residents, by virtue of increased noise and disturbance. The proposal would comply with policies LP26 of the LP, which seeks to ensure that the development does not result in an adverse impact upon the amenity of neighbouring occupiers. There is also no conflict with policies LP5 and LP6 of the LP for the reasons set out above.

Conditions

14. The Council has suggested 5 conditions. I have considered these in light of the Planning Practice Guide and the tests of the Framework and where necessary amended them for clarity. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord.

15. The council has suggested conditions relating to the provision of cycle storage and whilst these have been indicated on the plan, I have found it necessary to impose a condition to ensure that these are provided and retained in perpetuity. I have also imposed a condition requiring details of bin storage, as suggested by the appellant, in order to ensure the adequate provision for the storage of waste within the site.

16. It is also necessary in the interests of safeguarding the living conditions of neighbours and future occupants to limit the number of individuals that can reside in the HMO and this was a condition suggested by the appellant.

17. I have not imposed the Council's suggested condition with regard to restricting occupiers from obtaining a parking permit. The site has a Public Transport Accessibility Level (PTAL) rating of 3, which indicates moderate access to frequent public transport services and therefore future occupiers would have a choice of transport modes available to them. The site is also located within a Controlled Parking Zone and therefore the Council has control over the issuing of permits. Therefore, a planning condition is not necessary.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

G Pannell

INSPECTOR