



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: 30th March 2021

Appeal Ref: APP/W5780/W/20/3260547

7 Wellington Road, Wanstead, Essex, E11 2AN

- 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 Tharmalingham Sureshkumar against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1681/20, dated 9 June 2020, was refused by notice dated 21 August 2020.
 - The development proposed is Change of use from (C3) dwelling house to a large HMO (Sui Generis).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Tharmalingham Sureshkumar against the Council of the London Borough of Redbridge. This application is the subject of a separate Decision.

Preliminary Matters

3. 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.
4. The appellant has submitted a duly executed unilateral undertaking which I have taken into account. The obligations therein relate to the restriction of future occupiers obtaining a parking permit and I have considered this agreement further below.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the living conditions of future occupiers in respect of internal living standards; and
 - highway and pedestrian safety, with particular reference to the proposed parking arrangements.

Reasons

Living Conditions

6. The proposed development would result in the creation of a House in Multiple Occupation (HMO) with 10 bedrooms, with 4 of these being single occupancy. The appellant has confirmed that they are willing to accept a condition to limit the total number of occupants to 16 and therefore I have considered the appeal on this basis.
7. The London Borough of Redbridge Housing Design Supplementary Planning Document (SPD) states that all HMOs must provide a high-quality form of accommodation. The required internal space standards are set out in appendix A of the SPD. Communal facilities will be required to include at least a living room, kitchen and utility room, appropriate in size to the number of residents.
8. The submitted plans indicate that the communal kitchen and dining room on the first floor would be 16.20 sqm, which would meet the minimum kitchen size for licensing purposes for an HMO occupied by up to 16 occupants. However, the SPD indicates that shared communal areas for 16 persons should be 51 sqm. The evidence before me indicates that the HMO does not provide sufficient communal space and fails to accord with the SPD. As a consequence, the HMO would represent an oppressively confined form of residential accommodation, that would be significantly harmful to its occupants.
9. Although the previous Inspector¹ did not consider whether the layout of the HMO would provide acceptable living conditions for future occupiers, the evidence before me indicates that this was not a matter of dispute between the parties and therefore it was not a matter before the Inspector.
10. In conclusion, the development fails to provide acceptable living conditions for future occupiers, with particular reference to internal living standards. This would conflict with policy LP26 of the Redbridge Local Plan 2015-2030 (LP) which requires development to provide high standards of accommodation for housing in terms of size, quality and arrangement of internal space.

Highway and pedestrian safety

11. Detailed information in respect of the demand and capacity for off road car parking in Wellington Road and the surrounding streets has not been provided by either party. That said, the area is covered by a controlled parking zone (CPZ) which restricts parking by non-permit holders for most of the week. This indicates that there is high demand for on street parking and that there is unlikely to be adequate capacity to accommodate this. If there were then the CPZ would be unnecessary. When visiting the area, I observed that this was the case and substantive evidence has not been provided to demonstrate that my observations are untypical. They are also consistent with those of a previous Inspector. Thus, the evidence before me suggest that there is currently a high demand for on street parking. The appeal scheme does not provide off street parking and therefore future occupants may need to park on the road and harmfully exacerbate parking demand and capacity.
12. In coming to this view, I have carefully considered the accessibility to services and facilities. The appeal site has a Public Transport Accessibility Level (PTAL)

¹ APP/W5780/W/19/3241480

rating of 5, which indicates very good access to frequent public transport services. The Snaresbrook and Wanstead underground stations are around a ten-minute walk away and there are also bus routes nearby. As a result, future occupants may not need access to a car. Nevertheless, the need to own a car should not be conflated with the desire to own one. A future occupant may wish to own a car even if it is used infrequently. In this respect, substantive evidence is not before me demonstrating that car ownership in the area is low. As such, the PTAL rating does not in itself demonstrate that future occupants of the proposal would not place additional pressure on the availability of on street parking. Similarly, the provision of eight cycle parking spaces may not suppress car ownership and the subsequent pressure for on street parking.

13. To address this the appellant has provided a planning obligation in the form of a unilateral undertaking. It seeks to prevent occupation of the proposed development by anyone with an existing parking permit and subsequent to that occupants will undertake not to purchase or procure a permit. This approach can be effective where there is a CPZ that requires residents to obtain a permit to park in the area.
14. The obligation has been entered into under s16 of the Greater London Council (General Powers) Act 1974, which requires obligations to be in connection with the land. Thus, the obligation would have effect despite any reservations I may have that it is not an obligation under s106 of the TCPA because it does not control the use of land. Consequently, with this obligation in place the appeal scheme would not place harmful pressure on the availability of on street parking.
15. In conclusion, the proposal would adhere to Policy LP23 of the LP, which states that the Council will ensure new development provides sufficient cycle and car parking. In this case sufficient car parking is nil provision given the obligation. Moreover, there would be no conflict with Policy T6 of The London Plan which states that car-free development should be the starting point for all developments that are well-connected by public transport.

Other matters

Epping Forest Special Area of Conservation

16. The appeal site falls within a 'Zone of influence' for the Epping Forest Special Area of Conservation. Natural England has provided advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Housing Delivery

17. The 2020 HDT results show that the Council has underdelivered against its housing requirement over the latest 3-year period. Consequently the presumption in favour of sustainable development contained in the Framework is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in the Framework, taken as a whole.

18. Considering the current shortfall, the provision of additional housing, which would serve more than one household, would attract modest weight. However, some of this benefit would be offset by the loss of the existing dwelling. There would be social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services.
19. Nevertheless, the identified adverse impacts of the development in respect of living conditions would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.

Conclusion

20. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given above I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

