



## Appeal Decision

Site visit made on 18 May 2021

by **Peter D Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

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**Appeal Ref: APP/W5780/W/20/3262152**

**76 Eastwood Road, South Woodford, London E18 1BU.**

- 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 Zannar Ossi against the decision of the London Borough of Redbridge Council.
  - The application Ref, 2154/20 dated 16 July 2020, was refused by notice dated 14 September 2020.
  - The development proposed is change of use of property from C3 (dwelling) to C4 (small HMO up to 6 people).
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### Decision

1. The appeal is allowed and planning permission is granted for change of use of property from C3 (dwelling) to C4 (small HMO up to 6 people) at 76 Eastwood Road, South Woodford, London E18 1BU in accordance with the terms of the application, Ref 2154/20 dated 16 July 2020, and subject to the conditions at Schedule A below.

### Main Issues

2. The main issues are:
  - Whether the house in multiple occupation is in an appropriate location and compatible with the character of the surrounding area; and
  - Whether the proposed development would have an adverse impact on the living conditions for present and future occupants of neighbouring properties in respect of noise and disturbance and parking stress.

### Reasons

#### *Appropriateness of the Location and Effect on the Character of the Area*

3. Eastwood Road, where the appeal site is located, and the connected Wavertree Road are residential roads with a mix of semi-detached and detached houses. The appeal property No 76 is semi-detached with No 74 and has been recently extended. It sits just to the west of the right-angled bend in Eastwood Road where pedestrian access up to and under The Viaduct forms a break between the house and the remainder of Eastwood Road to the north.
  4. For the most part the houses in the vicinity appeared to be in single occupancy but not exclusively. A purpose-built block of flats - Jubilee Court is located on Eastwood Road and from my observations on the site visit Nos 25, 62 and 64
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Eastwood Road and Nos 3, 15, 22 and 24 Wavertree Road have all been subdivided and converted into flats. These are all in the immediate vicinity of the appeal site and therefore the area is not exclusively one of single occupancy houses.

5. I have been referred to a number of dismissed appeals relating to HMOs which the Council consider justifies dismissing the appeal in this case. However, most of these do not involve sufficiently similar circumstances to be relevant as they relate either to the enlargement of existing HMOs or to C3 dwellings changing to a large HMO. That is not what is proposed in this case and I will determine the appeal on its own merits.
6. Policy LP6 of the *Redbridge Local Plan* (RLP), which the Council has sought to use in part as the basis for its refusal, could be considered to be not directly relevant in this case as the application is for a small HMO (Use Class C4) and not for a large HMO (*Sui Generis*). Notwithstanding this, I accept that the Policy can usefully be used as a framework to help consider the suitability of a HMO in this location.
7. I acknowledge that the appeal site is not actually 'in' a district centre as required in Policy LP6 but the southern boundary of the appeal site is coincident with the boundary of the South Woodford District Centre. The HMO would be less than 150 metres to George Lane (the main shopping street in the District Centre) and less than 300 metres to South Woodford Underground Station (both distances measured using Google Maps). I am therefore satisfied that in terms of proximity to shops, services and facilities the location would be an appropriate one for a small HMO.
8. In respect of the impact on the character of the area, as already stated, the residential roads in question are not exclusively composed of houses in single occupancy although I acknowledge that there did not appear to be any in HMO use.
9. No external alterations to the building itself are proposed to facilitate the change of use to an HMO beyond the extensions already carried out. Therefore, the house would retain its current appearance in the street scene. External changes would be limited to the provision of parking, refuse bin storage and cycle storage to the front and side of the property which, of itself, would not have any significantly different visual effect than is the case with houses in the area converted into self-contained flats.
10. It is clear from the submitted plans that the layout of the house would remain in the same form as a single undivided dwelling with occupants simply sharing kitchen and living room facilities and outdoor space. HMO use would therefore retain the dwelling in a form that would be physically similar to other dwellings in the road. As a result there would not be any significant change to the character and appearance of the area.
11. Finally, it is apparent from the completed extensions and alterations to the property and from the submitted internal photographs that the works carried out to the building have been carried out to a high standard. There would be nothing about the exterior of the property, once occupied as an HMO, to distinguish it from any of its neighbours.
12. For the reasons above and looking at those aspects of Policies LP6 and LP26 that

relate to protecting the character of areas the proposal to change the use to a small HMO would not be in conflict.

### *Living Conditions*

13. It has been put to me that because of the room sizes the house would be capable of accommodating 12 persons without conflicting with the HMO standards as the room sizes comfortably meet the standard for double occupancy. However, this is not the proposal that was applied for and is not therefore before me. The application is specifically for change of use to C4 (a small HMO) capable of accommodating up to 6 people which ordinarily would be permitted development but, because of the Article 4 Direction operating in Redbridge, permission is required. It would be perfectly possible, if the Council consider there would be a risk that the appellant would seek to increase the occupancy, to impose a restrictive condition. I note that the Council has referred to other appeal decisions where room size has been used as a means of determining potential occupancy. However, I do not have the circumstances of these cases before me and dealing with this case on its own merits there is nothing before me to suggest anything other than that the appellant wishes to let rooms within the HMO to a maximum of 6 tenants. In any event as already stated this can be satisfactorily controlled by condition. I therefore will assess the potential impact on the living conditions of neighbouring residents on this basis.
14. I have been invited to conclude, by the Council and residents, that the use of the property as a HMO would result in additional comings and goings and an intensification of activity and use and in that way would lead to noise and disturbance for residents in the vicinity.
15. However, in its extended form the property is now already a large house with 5 or 6 bedrooms (depending how it was configured). It could therefore be used as a dwelling to accommodate a large extended family which could have a high car ownership, could generate considerable activity in the form of comings and goings and could make the same demands on local services, not dissimilar to that which would arise from the proposed HMO.
16. I accept that an HMO is a different type of occupation to a single family use but the level of activity involved in travel to work or study and for leisure and shopping purposes, etc would not be substantially different to the trip patterns of individuals in one large family. Thus, I am not persuaded that there would be any significant additional impact on the living conditions for neighbours than could occur through the pre-existing use.
17. Moreover, the positioning of the property in Eastwood Road in a corner next to the access to The Viaduct means that it is only close to its semi-detached neighbour (No 74). The other properties are separated by the Viaduct access and the road and therefore the potential for noise and disturbance would be reduced.
18. In any event, as the HMO will be licensed, it will be subject to management and monitoring by the Council which would be the appropriate means to deal with any un-neighbourly conduct.
19. Concern has also been raised regarding the impact of a more intensive use of the property in terms of parking stress in the area. The surrounding streets are subject to parking control limiting parking to residents with parking permits between the hours of 8.30 and 18.30 on Mondays to Fridays. No control exists

overnight or at weekends and there are uncontrolled parking spaces available on The Viaduct immediately adjacent to the property. From my assessment on site the forecourt to the house could comfortably accommodate 3 cars and provision is proposed for bicycle storage providing a sustainable alternative means of transport. This provision can be conditioned to ensure it is made and retained. Moreover, the site lies within an area with a PTAL score of 3 being close to South Woodford Station and close to a number of bus routes. The site is therefore in a location which could operate on the basis of restricting occupants from obtaining a resident's parking permit. Usually this would be controlled by legal agreement which is not before me in this case but exceptionally it is acceptable to require submission of a scheme or agreement through a negatively worded condition and I propose to impose such a condition in this case. In this way there would be no potential impact in terms of parking stress for surrounding residents.

20. For the reasons above I conclude that the proposed change of use would not have any significant adverse impact on the living conditions of neighbouring residents in terms of noise and disturbance or traffic generation. As such the proposal would not be in conflict with those parts of RLP Policies LP6 and LP26 dealing with protecting residential amenity nor with RLP Policy LP23 dealing with cycle and car parking. Policy LP6 requires the provision of a management plan which has been provided by the appellant.

#### *Other Matters*

21. Whilst I acknowledge that a key policy objective of the RLP is to provide larger family sized housing, the supporting text to Policy LP5 on dwelling mix at paragraph 3.11.1 makes it clear that *"it is important to ensure the Borough's housing stock provides for a wide range of housing needs"*. HMO provision is recognised in paragraph 4.9.4 of the London Plan 2021 as *"an important part of London's housing offer, reducing pressure on other elements of the housing stock"*. Both plans do acknowledge that poorly managed HMOs or excessive concentrations of HMOs can have an adverse impact on both the character and amenity of an area. However, the above assessment demonstrates that the use in this case would not be inappropriate in terms of the character or amenities of the area. It would be in a highly accessible location, close to the facilities and services of South Woodford and it is not a matter of dispute between the parties that the standards necessary for use as an HMO would be met. The proposal therefore meets the tests in RLP Policy LP6.
22. I acknowledge that if a significant number of HMO uses or conversions were permitted, then cumulatively over a period of time the character of Eastwood Road could change through more intensive use. However, allowing this appeal would not, of itself, result in this situation because of the specific circumstances of this case as discussed above and in particular the location, where the appeal property is situated on a turn in the road against The Viaduct reducing the incidence of surrounding housing and creating a break between it and most of the housing in Eastwood Road.
23. The application was also refused on the grounds that no contribution was made towards suitable mitigation so that no adverse effects on the integrity of the Epping Forest Special Area for Conservation (SAC) would arise. Given the fact that the property is an existing house and could be occupied by the same number of persons in a single family as would be in the HMO, it would be unreasonable to have imposed a legal agreement to secure the contribution. However, the Council

has now indicated in its appeal statement that it is no longer a requirement for HMOs to contribute towards Epping Forest SAC.

### Conditions and Conclusion

24. The Council suggested only one condition in addition to the timing condition which I have considered in the light of the advice in the Framework and *Planning Practice Guidance*. The condition requiring development to be carried out in accordance with the submitted documents and plans is necessary in the interest of certainty. However, it is also necessary to restrict the occupancy of the HMO to 6 persons only in order that the use stays within the small HMO class and does not give rise to noise and disturbance as a result of over-intense use of the property.
25. In order to ensure that as far as possible vehicular parking is provided on site and that residents can use bicycles safely as sustainable transport options it is necessary for two conditions to secure the provision of car and bike parking on site and to ensure it is retained thereafter.
26. Finally, a condition requiring a scheme or agreement to be submitted to restrict HMO occupants from acquiring residents' parking permits is necessary to avoid potential parking stress in the surrounding area which is the subject of a parking control scheme.
27. As I am proposing additional conditions, not previously suggested, the parties were consulted on the proposed conditions. The Council has confirmed it would have no objection to the imposition of these additional conditions. The appellant has not responded by the date set however as the additional conditions proposed are only those necessary in order that the proposal is acceptable in planning terms it is unlikely the appellant would raise objection.
28. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission granted for the conversion subject to the conditions set out in Schedule A below.

*P. D. Biggers*

INSPECTOR

### SCHEDULE A – CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of approval.
- 2) The development hereby permitted shall be carried out in accordance with the Management Plan and Waste Plan and the following approved plans:  
76Erd-Proposed Plans; 76Erd-Proposed Elevations; 76Erd-Proposed Plans (HMO); 76Erd-Block; Location/Site plan.
- 3) The house of multiple occupation at 76 Eastwood Road hereby approved must be occupied by no more than 6 persons at any time.
- 4) The HMO shall not be brought into use until space has been laid out within the site in accordance with drawing no. 76ERd-Block for 3 cars to be parked and that the space shall thereafter be kept available at all times for the parking of vehicles.

5) The HMO shall not be brought into use until space has been laid out within the site in accordance with drawing no. 76ERd Block for 6 bicycles to be securely parked and that space shall thereafter be kept available at all times for the parking of bicycles.

6) The HMO shall not be brought into use until arrangements shall have been made to secure the development as a car-free development in accordance with a detailed scheme or agreement which shall have been approved in writing by the local planning authority. The approved scheme or agreement shall ensure that:

- No occupiers of the approved HMO shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the local planning authority (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and

- Any occupiers of the approved HMO shall surrender any such permit wrongly issued or held.

Such scheme or agreement shall be implemented prior to the occupation of the HMO hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.