



Appeal Decision

Site visit made on 12 July 2021

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd August 2021

Appeal Ref: APP/W5780/W/20/3264729

266 Hampton Road, Ilford IG1 1PN

- 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 Al-Sibaai against the decision of the Council of the London Borough of Redbridge.
 - The application Ref: 3743/19, dated 23 September 2019, was refused by notice dated 24 June 2020.
 - The development proposed is described as a 'change of HMO from maximum of 6 people to 8 people, owing to large size of some of rooms.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning appeal form. It is an abbreviated version of the longer description that is set out on the planning application form. The Council's decision notice also refers to the proposed increase in occupancy. Accordingly, I have considered the appeal on this basis.
3. The Council's 3rd reason for refusal concerns mitigation for the impact on the Epping Forest Special Area of Conservation (SAC). The Council withdrew its concerns on this matter during the appeal on the basis that a House in Multiple Occupation (HMO) is no longer required to contribute towards the SAC. For that reason, I have not considered this matter any further.
4. The Council's 4th reason for refusal includes reference to the London Plan (2016, as amended). A new version of the London Plan (2021) has been published since the Council's decision which supersedes the previous version. The revised National Planning Policy Framework has also been published. The main parties were given the opportunity to comment on these matters during the course of the appeal. I have considered the responses that I have received in my decision.

Main Issues

5. The main issues are (i) whether the proposal would provide suitable living conditions for the occupants of the appeal property with regard to communal facilities provision; (ii) the effect on the living conditions of the occupiers of neighbouring residential properties by way of noise and disturbance; (iii) the

effect on the housing mix in the area; and (iv) whether it would make adequate provision for car and cycle parking.

Reasons

Living Conditions – Occupants of the Appeal Property

6. The appeal property is a 3 storey house, including the roof space that has been converted for residential occupation. It is a sizeable property that has been the subject of side and rear extensions. There are 6 units, or bedrooms, in total and they have either en-suite facilities or such facilities close by. There is also a further toilet and shower room at ground floor level and a shared kitchen. A utility area is found in the corridor which links to these rooms. This corridor also provides access to a rear garden area. There is no living room or similar.
7. The property is occupied by up to 6 people, effectively one for each of the bedrooms. The 2 ground floor bedrooms, both with en-suites, are of a larger size and it is these bedrooms that would be the subject of the increased occupancy. Under the proposal, couples would occupy these bedrooms, taking the number of people living in the property up to 8. No construction work would be required.
8. In terms of the provision of internal space, the Council consider that an 8 person HMO should provide 35 square metres (sq. m) of communal facilities. Such facilities are defined as the kitchen, living room and utility room. The proposal would not adhere to this level as 30 sq. m is proposed. The figures which the Council has put forward have not been disputed by the appellant.
9. In addition, the Council's Housing Design Supplementary Planning Document (2019) (SPD) sets out 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. There is an absence of a living room in the proposal before me.
10. With the increase in occupation, the proposal would constitute a large HMO for the purposes of the SPD and so there is some justification in ensuring that the right level of provision and size of shared communal facilities is provided. As a consequence, the inadequate provision and size of the shared communal facilities counts against the proposal. The appellant has pointed to a large kitchen with a wide range of services, but this does not address the overall deficiency in size and the lack of a living room.
11. The ability for the 2 bedrooms to be used for dining, the en-suite nature of the accommodation and the large storage area to the rear would not account for the deficiencies in the shared communal facilities. The increase in occupation would be clearly felt by the occupiers of the appeal property itself and it would result in substandard accommodation.
12. I conclude that the proposal would not provide suitable living conditions for the occupants of the appeal property with regard to communal facilities provision. As such, it would not comply with Policy LP26 of the Council's Redbridge Local Plan 2015-2030 (2018) (Local Plan) where it is concerned with requiring that development provides high standards of accommodation for housing in terms of size, quality and arrangement of internal space.

13. With the deficiencies in communal facilities, it would also not comply with the SPD where it states that all HMOs must provide a high-quality form of accommodation.

Living Conditions – Residents of Neighbouring Properties

14. The appeal property directly abuts neighbouring properties on each side in what is a fairly densely populated residential area. The Council consider that it is an area characterised of mainly single-family dwelling houses, whilst the appellant has pointed to nearby properties that have higher levels of occupancy, including neighbours. Nevertheless, there is a limited degree of separation between the appeal property and its neighbours on Hampton Road because of the confined arrangement.
15. Due to the associated increase in occupancy, the proposal would likely result in an increase in the number of movements to and from the property, as well as noise from within it. This has the potential to occur during the day, evening times and at night. The intensification of the use would be reflected in an increase in the activities internally at ground floor level, with the location of both the bedrooms where the occupancy would increase and the communal facilities. Hence, the overall size of the property would not mitigate the associated noise and disturbance that would be in close proximity to the properties on either side, due to their juxtaposition. It would be significantly harmful to the living conditions of the occupiers of those properties.
16. The appellant considers that 8 people living in a property of this size would be quite normal as regards household size. The nature of an HMO use is, though, occupation by adults with separate comings and goings. Whilst I would accept that in this case this may be tempered by the 2 bedrooms being occupied by couples, it would still in all likelihood contrast markedly with a more typical single household property with regard to disturbance and activity.
17. I have also had regard to that the accommodation is managed and the potential use of a planning condition to control such practices and policies. The appellant has provided a management plan and Policy LP6 refers to the provision of such a document. However, this would be unlikely to be effective in dealing with typical day to day noise and disturbance, not least as there would be the reasonable expectation from the occupants of the appeal property that they would be able to carry out their daily activities, including socially related matters. The harm arises from the number of people that would be occupying the property as a large HMO and the proximity to the neighbours.
18. I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of neighbouring residential properties by way of noise and disturbance. Therefore, it would not comply in this regard with Policies LP6 and LP26 of the Local Plan where they are concerned with no significant loss of amenity as a result of noise and/or general disturbance, and development not resulting in an adverse impact upon the amenity of neighbouring occupiers in relation to noise.

Housing Mix

19. The property is established as a 6 bedroom HMO and benefits from a Certificate of Lawfulness¹ for the existing use. The proposal would not, therefore, result in

¹ Council ref: 3511/16

the loss of a C3 use to an HMO. Hence, it would not harm the character of the neighbourhood with respect to the housing mix. Nor would a sub-division of the property occur because the proposal simply seeks to increase the occupancy.

20. Policy LP6 only supports multiple residential occupation use in Metropolitan, District or Local Centres. The proposal is not found in these locations. However, it seems to me that this part of Policy LP6 only has a limited bearing where the property is already in lawful HMO use. The limited details of the other appeal decisions in the Council area that I have been referred to do not establish that the same situation applies.
21. With regard to the potential for the appeal property to be used for family type accommodation due to its size and nature, there is not substantive evidence before me which indicates that this would be likely to occur, especially given that the property is in an established HMO use. As such, it would not reduce the ability of the Council to meet the housing target under Policy LP2 of the Local Plan, including the need which is identified for larger homes under the Council's Strategic Housing Market Assessment (2016).
22. I conclude that the proposal would not have an unacceptable effect on the housing mix in the area. As such, it would not conflict with the locational aspirations of multiple residential occupation use under Policy LP6. It would also not detract from the Council's housing target under Policy LP2 as it would not result in the net loss of residential accommodation, when the existing and proposed uses are considered.

Parking

23. The front of the site is hardstanding and contains a dropped kerb arrangement. The appellant considers that it accommodates one car parking space and that a second space could be provided. The front of the site is however confined with the proximity of the hardstanding to ground floor openings and this area is already in use for bin storage. It would seem more likely that if the additional occupiers did have cars, they would utilise the on-street parking outside the property and along the street.
24. There is not a parking survey before me but based on my observations from the site visit, there is ample on-street parking provision. Whilst the Council has referred to the potential for an additional 6 occupants if all the rooms were shared and the effect on parking, that is not the proposal that is for my consideration.
25. I also attach limited weight to the appellant's policy of not having tenants with cars because there is not a mechanism before me that would link this to a planning permission. Nevertheless, for the reasons that I have set out, the parking arrangements would be adequate and would not be detrimental to the safety of other road users and pedestrians in the vicinity of the site. I concur with the view of the Council's Highways Officer in that the proposal would not have a material impact on the operation of the site or the highway.
26. The appellant has stated that cycle parking requirements are accommodated in a large shed in the rear garden. This would provide secured sheltered cycle parking facilities. That cycles would need to be wheeled through the house may not be ideal in terms of accessibility, but this would be little different from

the existing occupiers. Such an arrangement would be of a satisfactory nature. The Council has also pointed to the poor accessibility to public transport, but with the cycle parking provision and the on-street car parking, this does not in itself result in the proposal being unacceptable in these terms.

27. I conclude that the proposal would make adequate provision for car and cycle parking. As a result, it would comply with Policies LP22 and LP23 of the Local Plan and with Policy T5 of the London Plan (2021) where they are concerned with reducing car dependency and encouraging sustainable forms of transport, sufficient cycle and car parking, public transport accessibility, on-street parking availability, and cycle parking which should be fit for purpose, secure and well-located, amongst other considerations.
28. The proposal would also comply with the Transport for London Cycling Design Standards (2016) where it is concerned with high quality parking facilities for all cycle users that is fit for purpose, secure and well located.

Other Matters

29. I have no doubt that the property is clean and well-kept and I also understand that it is available for Council tenants. Council Tax from the proposal would also contribute towards local services. However, the planning system is concerned with ensuring that the effect on living conditions is not unacceptable and so these matters do not outweigh the harm that would arise.
30. The appellant has also referred to recommendations from Council staff for the increased occupation. My role though is to consider the proposal on its planning merits and this does not count in its favour, for the reasons that I have set out.

Conclusion

31. The proposal would not provide suitable living conditions for the occupants of the appeal property with regard to communal facilities provision and would have an unacceptable effect on the living conditions of the occupiers of neighbouring residential properties by way of noise and disturbance. These matters are decisive. For these reasons, I conclude that the proposal conflicts with the development plan when taken as a whole and there are no material considerations to outweigh this conflict. Therefore, the appeal should be dismissed.

Darren Hendley

INSPECTOR