



Appeal Decision

Site visit made on 16 August 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2022

Appeal Ref: APP/W5780/W/21/3280052

93 Uphall Road, Ilford IG1 2JJ

- 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 Muhamed Cakolli against the decision of London Borough of Redbridge Council.
 - The application Ref 1873/21, dated 30 April 2021, was refused by notice dated 13 July 2021.
 - The development is the change of use from a single dwelling house into a HMO for 7 people.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a single dwelling house into a HMO for 7 people at 93 Uphall Road, Ilford, London IG1 2JJ in accordance with the terms of the application, Ref 1873/21, dated 30 April 2021, and the plans referenced Site Location Plan, U1-02, U1-03, U1-04, U1-05, and HMO Management Plan, subject to the following conditions:
 - 1) Within 3 months of this decision a scheme for refuse and recycling storage facilities, secured and covered cycle storage for 5 bicycles, and a timetable for their implementation shall be submitted to and approved by the Council. The development shall be carried out in accordance with the approved scheme, and the facilities provided shall be retained thereafter.
 - 2) Within 3 months of this decision, a scheme shall be submitted to and approved in writing by the Local Planning Authority describing the means by which future occupiers of the development (with the exception of a holder of a disabled person badge) shall be excluded from any Local Car Parking Permit Scheme which may be in force in the area at any time. The scheme shall ensure that such future occupiers are notified in writing that they are excluded from obtaining a residents parking permit and have waived their rights and entitlement to a residents parking permit in any controlled parking zone in the vicinity of the development. The development shall be carried out in accordance with that approved scheme.
 - 3) The HMO Management Plan shall be fully implemented within 3 months of the date of this decision, and shall be followed at all times.
 - 4) The House in Multiple Occupation hereby approved shall be occupied by no more than 7 people at any one time.

- 5) All communal internal and external amenity spaces shown on the plans hereby approved, shall be freely accessible to all residents for the duration of the use, and shall be used for no other purpose.

Preliminary Matters

2. The appellant states that the appeal site has been in use as a House in Multiple Occupation (HMO) for seven people since 2016. The Council advise the use commenced without planning permission and that it has found no record of a certificate of lawfulness¹. The Council and the appellant agree that the development applied for is the change of use from a dwelling house to a large HMO which has already been carried out. I have considered the appeal on that basis.

Main Issues

3. The main issues are:
- whether the property is suitable for use as a large HMO, with particular regard to the effects of the proposed development on the supply of family dwellings in the Borough and the character of the area and, whether it would provide adequate living conditions for occupiers; and
 - whether any harm would be outweighed by other material considerations.

Reasons

Supply of family housing, character and living conditions

4. The appeal site is an end terrace dwelling on the corner of Uphall Road and Fairfield Road, in a predominantly residential area. Prior to its use as an HMO, the building was a dwelling with five bedrooms.
5. There is a general emphasis in the Redbridge Local Plan 2015 – 2030 (2018) (RLP) on securing a range of homes that will contribute to the creation of mixed, inclusive and sustainable communities, particularly focusing on the provision of family-sized homes of three bedrooms or more. The North East London Strategic Housing Market Assessment (2016) (SHMA)² identified a significant need for 3 and 4 bedroom housing in the Borough. The identified need for 5+ bedroom housing is much smaller, and I note that 5 bedroom properties are not included in the preferred unit size mix set out in RLP Policy LP5 Table 4. The SHMA also identifies a moderate demand for 1 bedroom units.
6. The development has resulted in the loss of a larger house, suitable for use by a family. RLP Policy LP6 seeks to protect the stock of larger houses, allowing their conversion only in certain circumstances. At 134sqm the gross floor area of the dwelling falls below the minimum size of 180sqm that Policy LP6 permits for the conversion of larger houses, and it is not located within a Local, District or Metropolitan Centre. As a consequence, the development conflicts with RLP Policy LP6 criteria (2)(a) and (2)(b) which sets criteria for the conversion of larger houses into HMOs.

¹ Certificate of Lawful Existing Use of Development.

² I was provided with the Executive Summary only.

7. At the same time the development complies with the space standards for HMOs in the Council's Housing Design SPD³ and the Council has granted an HMO licence for the use. It must therefore follow that living conditions for occupants, in terms of gross internal area, are adequate. The Council advises that the 180sqm minimum size for conversion is designed to prevent the loss of small or medium sized single-family dwellings, but despite being below the 180sqm policy threshold, the house was a 5 bedroom dwelling, for which there is only limited need.
8. Furthermore, although the appeal site is not within a Local, District or Metropolitan Centre, it is only a short distance from shopping parades offering a limited range of services on Ilford Lane and Tanner Street, and is within reasonable walking distance of Barking Town Centre. Despite being located in an area identified as having limited public transport accessibility, the main parties agree it is close to an area with good accessibility⁴. The appeal site would therefore be in an acceptable location in terms of accessibility.
9. The Council's first reason for refusal states the development would⁵ have an adverse effect on the character of the area generally. Uphall Road is an area of predominantly single-family dwellings, and the appellant states the development would provide a high standard of accommodation which would not be harmful to the residential character of the area. Notwithstanding their reason for refusal, the Council also acknowledges the development would comply with RLP Policy LP6 1(c), which requires there to be no significant loss of character or amenity to the area as a result of increased traffic, noise and/or general disturbance. Based on the evidence before me, including my own observations, there is no evidence to suggest how the character of the area has been, or would be, adversely affected by the development.
10. Therefore, although I have not found the development harmful to the character of the area or the living conditions of occupiers, it results in the loss of a family sized dwelling of less than 180sqm, and is not located in a Metropolitan, District or Local Centre. The development therefore conflicts with RLP Policy LP6 2(a) and 2(b), which relates to the conversion of larger homes. However, for the reasons given above I afford only limited weight to the harm as a result of this conflict, and I have not found conflict with RLP Policies LP5 or LP26, which require a mix and range of homes and high-quality design respectively.

Other Considerations

11. The Council acknowledges a failure of the Borough's Housing Delivery Test (HDT), and the appellant states only 59% of the requirement has been met. Given the significant shortfall in housing delivery and the limited need for 5 bedroom dwellings, I attribute moderate weight to the meaningful contribution the development could make to housing supply for smaller households.
12. As a consequence of the Borough's HDT failure, paragraph 11(d)(ii) of the National Planning Policy Framework (the Framework) applies. The Framework seeks to significantly boost the supply of homes, and acknowledges the need for housing of different sizes, types and tenures for different groups in the community. The limited conflict I identify with RLP Policy LP6 would not

³ London Borough of Redbridge Housing Design Supplementary Planning Document (2019)

⁴ PTAL 5 – Transport for London Public Transport Accessibility Level

⁵ Both the Council and the appellant refer to the development in the future tense, despite acknowledging the use has already commenced.

significantly and demonstrably outweigh the benefits of the development in terms of its contribution to housing delivery for smaller households.

Conditions

13. Considering the conditions suggested by the Council, I have had regard to the approach in the Framework and the Planning Practice Guidance and have amended the phrasing of certain conditions proposed accordingly, without altering their fundamental aim.
14. I have required submission of a scheme for cycle, refuse and recycling storage in the interests of providing an accessible development and the character and appearance of the area. I have also required the development to accord with the submitted HMO management plan in the interests of good management of the property. As the development has already been carried out, I have referenced the plans for clarity and imposed a condition requiring communal internal and external amenity areas to be retained as such in the interests of the living conditions of residents.
15. The appeal site is located in an area subject to a residents-only controlled parking zone, and Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals well-connected by public transport. I have therefore required a scheme to prevent residents of the development from obtaining on-street parking permits.
16. In the interests of clarity, I have imposed a condition limiting the occupation of the HMO to 7 people.

Balance and Conclusion

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
18. The proposal benefits from the presumption of sustainable development as outlined in Paragraph 11d)ii of the Framework. I have found that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. Therefore, despite the conflict with the development plan, material considerations indicate that planning permission should be granted.
20. For the above reasons, having regard to the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal should be allowed.

Peter White

INSPECTOR