



Appeal Decision

Site visit made on 19 July 2023

by N Kempton BA(Hons) PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02.10.2023

Appeal Ref: APP/U5930/W/23/3316003

47 Kitchener Road, Walthamstow, London E17 4LJ

- 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 Mayur Patel against the decision of Waltham Forest London Borough Council.
 - The application Ref 213806, dated 2 December 2021, was refused by notice dated 11 August 2022.
 - The development proposed is use of property as a small House in Multiple Occupation (HMO) with provision of refuse/recycling and cycle storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on housing choice, with particular regard to the loss of existing single family dwellings;
 - the effect of the proposed development on living conditions of current and future occupiers of the property and surrounding occupiers;
 - whether the proposed development would provide appropriate cycle storage facilities; and,
 - whether the proposed development would make adequate provision for off-street parking, and the effect of any lack of provision on the amenity of the area and highway safety.

Reasons

3. The appeal site is a two storey end of terrace property located on the western side of Kitchener Road in the London Borough of Waltham Forest. The appeal property is located in a residential area characterised by predominantly terraces.

Loss of single family dwellings

4. Providing a range of different housing within a local area can contribute to housing need and offer a choice of living accommodation. Conversely, the loss of larger properties to conversions and HMOs can serve to exacerbate the need for family homes and undermine the Council's ambition to build economically

mixed and balanced communities through the provision of a range of dwelling types and sizes.

5. Evidence before me demonstrates that approximately 12% of dwellings in Waltham Forest are either HMOs or flats within an HMO- this figure is approximately four times the rate found in England overall. The Council's Local Plan policies seek to protect the existing housing stock and restrict conversions in the area. The proposed development would result in the loss of a single-family dwelling house within a 'Restricted Dwelling Conversion, HMO and Building in Multiple Residential Occupation Ward' (Forest Ward). The appellant has provided little substantive evidence to demonstrate that the proposal would not result in an over-concentration of conversions in the appeal street. Where a significant number of HMO uses or conversions to flats are permitted, then cumulatively and over a period of time, the character of Kitchener Road would change through more intensive use, negatively impacting upon the streetscape, the physical environment and resulting in an imbalanced and unsustainable community. As such, the proposal would not be a sustainable form of development as defined in the National Planning Policy Framework, because it would fail the social objective of supporting a strong, vibrant and healthy community.
6. It follows that in this respect the development is contrary to Policy CS13 of the Waltham Forest Local Plan - Core Strategy (2012), Policies DM5 and DM6 of the Waltham Forest Local Plan - Development Management Policies (2013).

Living Conditions

7. Future occupiers: The internal layout of the property has been altered. Rooms have been subdivided to create additional rooms. In some cases, the altered internal layout has resulted in unsatisfactory living conditions. Specific concerns relate to what was formerly one room located within the roof space. Subdivision of this space to create two rooms results in restricted headroom by reason of the roof slope in the room to the front of the property. The restricted headroom results in less useable space: it serves to constrain the layout of furniture and hinder the ability to stand and move about in the space. As such, this room fails to provide what can reasonably be expected of acceptable living accommodation.
8. The proposal includes change to the ground floor layout- specifically changing use of one bedroom to a lounge and store. The room in question is a narrow and compromised space, with only a high level rooflight providing daylight to a limited portion of the space. For these reasons, it is considered that this room falls below reasonable expectations for a sole or principal living space. Use of this room as a communal lounge rather than a bedroom, does not wholly address concerns. Rather, the narrow, constricted, unevenly lit, poorly ventilated room that lacks any outlook, is not considered to provide an adequate space for occupiers of this property and as such is unlikely to be useable.
9. The Appellant acknowledges that the internal floorspace in the appeal property is less than the required quantum of 124sqm as stated in Policy DM6 of the Waltham Forest Local Plan. Furthermore, the communal lounge, kitchen and the loft bedroom to the rear of the property, fail to meet the minimum space standards set out in Policy DM6, to the detriment of the quality and useability of the accommodation provided. Whilst the front loft bedroom complies with

the defined space standards, the restricted headroom by reason of the roof slope, limits the amount of useable space.

10. Surrounding occupiers: Occupation of the property as an HMO, as proposed, would constitute an intensification of use. The level of activity generated by an increased number of unrelated individual residents occupying the additional rooms created in the property, would be greater compared with that of a single family household occupying this dwelling. As such, use of the property as an HMO, and the resultant intensification of use and increased activity, is likely to have a harmful effect on the living conditions of neighbouring residents with regard to noise and disturbance.
11. For these reasons, the proposed development would result in an unsatisfactory living environment for future occupiers and neighbouring occupiers. The accommodation would not meet acceptable standards in terms of light, outlook and ventilation. As such, the proposed development would be contrary to Policies CS13 and CS15 of the Waltham Forest Local Plan - Core Strategy (2012) and Policies DM6 and DM32 of the Waltham Forest Local Plan - Development Management Policies (2013).

Cycle Storage

12. There are no plans before me which show the design of the intended cycle storage. I have however, had regard to the proposed siting of the cycle store. Whilst the submitted plan shows that the front garden can accommodate up to 3 refuse bins and 6 bikes, it is considered that in practical terms, the operation of this modest space for both refuse and cycle storage is likely to be restrictive. Intensification of the use of this space would be visible from the street, giving a cluttered appearance to the detriment of the character and appearance of the streetscene. For these reasons, the proposal is contrary to policies DM16, DM29 and DM32 Waltham Forest Local Plan Development Management Policies (2013) and Policies CS7 and CS15 of the Waltham Forest Local Plan - Core Strategy (2012) seeking the provision of well-designed cycle storage facilities and managing impact on occupiers and neighbours.

Car Parking

13. Whilst the appeal property is located within a Controlled Parking Zone (CPZ), the appellant has proposed a legal agreement to restrict the number of parking permits associated with the appeal property. However, as this is then not before me, I cannot rely upon it for the purposes of managing the demands for on-street parking. Consequently, the development contravenes the objectives of development management policy DM16 of the Waltham Forest Local Plan (2013) and Policies CS7 and CS15 of the Waltham Forest Local Plan- Core Strategy (2012).

Conclusion

14. In light of the harm I have found, use of the property as an HMO is contrary to the development plan when read as a whole and there are no material considerations to indicate that a decision should be taken other than in accordance with that plan.
15. I conclude that the appeal should be dismissed.

N Kempton

INSPECTOR