



Appeal Decision

Site visit made on 26 September 2023

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2023

Appeal Ref: APP/W5780/W/23/3320140

155 Tomswood Hill, Ilford IG6 2HR

- 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 Ms Eldred Williams against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2699/22, dated 11 August 2022, was refused by notice dated 19 October 2022.
 - The development proposed is described as 'following Building Regulation agreement work completed. Change of use from 3/4 bed dwelling single family house to 8 bed dwelling house having had loft & garage conversion to allow 4 extra bedrooms, making a total of 8 bedrooms. Property Now used as 8 bed HMO'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At my site visit I saw that the property is already in use as a large House in Multiple Occupation (HMO), although some of the rooms were not occupied. For clarity, I have based my decision on the submitted plans.

Main Issue

3. The main issue is whether the living conditions for the occupants are acceptable, with particular regard to bedroom size and communal facilities.

Reasons

4. Policy D6 of the London Plan (2021) (the LP) seeks to ensure that housing development is of a high quality design and provides adequately sized rooms, setting out the minimum internal space standards. Even if I were to accept that Policy D6 relates solely to self-contained accommodation, the space standards set out in Policy D6 match those in 'Appendix A: Space Standards for HMOs' in the Redbridge Housing Design Supplementary Planning Document (2019) (the SPD). The SPD sets out guidance to ensure HMOs provide a high quality form of accommodation, similar to the aims of Policy D6.
5. Appendix A of the SPD sets out that for the purposes of obtaining planning permission, single occupancy bedrooms should be a minimum of 7.5 sqm. The submitted proposed floor plans indicate a first floor bedroom measuring 6.9 sqm and is below the minimum requirement. The Council also takes issue with another of the first floor bedrooms which by their measurements is 2m wide. The appellant has not disputed these measurements, and I therefore have no reason to do so either.

6. The Council has drawn my attention to the SPD which advises that converted properties should meet the minimum standards set out in Policy LP29 of the Redbridge Local Plan (2018) (the RLP) which requires the internal space for housing to comply with the Nationally Described Space Standards (2015) (the NDSS), which have been adopted by the Council. The NDSS set out that a single bedroom as a minimum, be at least 2.1m wide. At my site visit, I saw that both of these bedrooms accommodate a single bed and a wardrobe. However, the circulation space was limited and space further reduced through the inward openings of the en-suite and bedroom door, as reflected on the proposed floor plans. Consequently, these rooms are cramped.
7. The submitted proposed floor plans indicate the communal facilities to consist of a kitchen and a lounge. The Council highlight the minimum floor sizes for communal space which are set out in Appendix A of the SPD. According to the Council's measurements, 35 sqm of combined floor area of living, dining and kitchen space would be required and the proposal provides 24.8 sqm which is significantly below the minimum requirement. There is no dispute between the parties that the lounge is 6.5 sqm in floor area and 1.9m in width. Based on these measurements, it is too small.
8. Given the size of the communal areas and the number of occupants, it would be difficult to accommodate multiple occupants cooking, consuming food, and socialising at the same time, with occupants inevitably confined to their bedrooms. The communal space is therefore inadequate. I accept that some of the bedrooms exceed the minimum floor area size for single bedrooms and have en-suites, however, the guidance in the SPD does not explicitly include any provision for offsetting the 'over provision' of bedroom space against the shortfall of combined communal provision.
9. Whilst I recognise that Appendix A of the SPD sets out the minimum floor to ceiling heights to obtain planning permission, it applies to new floor space. The proposal seeks to provide additional bedrooms in an existing property. No new floor space is proposed to be created. As such, I consider that the minimum floor to ceiling heights would not be applicable in this case. Nevertheless, this further supports my view that the accommodation is inadequate for the number of residents.
10. I, therefore, find that the living conditions for the occupants are not acceptable, with particular regard to bedroom sizes and communal facilities, and conflicts with Policy D6 of the LP, Policy LP26 of the RLP, the guidance contained in the SPD and the space standards specified in the NDSS. Collectively, these policies and guidance seek, amongst other things, housing development to provide high standards of accommodation in terms of size, quality and arrangement of internal space and be appropriate for the number of residents. The proposal also conflicts with the provisions of the National Planning Policy Framework (the Framework) as it does not provide a high standard of amenity for existing and future users and is not a well-designed place.
11. Policy LP6 of the RLP sets out the Council's criteria for conversions of larger houses into large HMOs and only supports large HMOs where the gross floor area of the property exceeds 180 sqm.
12. The Council has suggested that the gross floor area of the property is less than 180 sqm and it would not comply with paragraph 2(a) of Policy LP6 of the RLP. The appellant does not contradict that, and I see no reason to disagree. As

such, based on the evidence, the proposal fails to fully satisfy the requisite criteria to be eligible for conversion and conflicts with Policy LP6 of the RLP. The Council's Officer Report indicates that the reason for this restriction is to ensure a high quality of accommodation. The appellant disputes this is the reason for the policy, and I have not been provided with the policy background from the RLP. On this basis, I give this conflict limited weight.

Other Matters

13. The Council has not raised any dispute in relation to the concentration of HMOs in the local area, nor does the officer report refer to any significant loss of character or amenity as a result of increased traffic, noise and general disturbance. However, these are neutral matters and do not alter my findings.
14. The appellant has referred to the appeal property as having an HMO licence and compliance with HMO rules. However, even if the proposal meets licensing criteria, such a licence is issued under a separate legislative regime and is not indicative of acceptability in planning terms. There is a difference in licensing considerations and those of planning, and I have considered this appeal on its planning merits.

Planning Balance

15. I have found that the size of the property is not appropriate to be converted into a large HMO and the living conditions for occupants are not acceptable. As a result, there is conflict with Policy D6 of the LP and Policies LP6 and LP26 of the RLP. I therefore conclude the proposal conflicts with the development plan as a whole.
16. The Council cannot currently demonstrate a five-year housing land supply. Therefore, in accordance with the provisions of paragraph 11 d) ii. and footnote 8 of the Framework, 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.
17. The proposal would be supported by parts of the Framework with regards to increase in housing supply and economic benefits. It makes a modest contribution to the supply and mix of housing in the area and provides an alternative type of residential accommodation. However, when set against the harm identified, given the scale of development, these benefits would be limited. Consequently, the adverse impacts of providing inadequate living conditions for occupants in a large HMO, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

18. The proposal would conflict with the development plan, read as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

L Reid

INSPECTOR