



Appeal Decision

Site visit made on 15 November 2023

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/W5780/W/23/3322420

2 Exeter Gardens, Cranbrook, Ilford, Essex IG1 3LA

- 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 Tafajul Shah against the decision of London Borough of Redbridge.
 - The application Ref 0024/23, dated 4 January 2023, was refused by notice dated 14 March 2023.
 - The development proposed is: change of use from a single dwellinghouse into a large HMO for up to 11 people with associated amenity space, cycle parking, waste storage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance, and;
 - the living conditions of future occupiers with particular reference to the internal floor space of bedroom 5; and

Reasons

3. The appeal site is a large semi-detached dwelling in a residential area with bedrooms currently situated on the first floor, with bedrooms also present in the attic space. There would be no external changes to the appeal property in the proposed conversion to a House of Multiple Occupation (HMO).

Living conditions of neighbouring occupiers

4. The existing configuration of the appeal property is a large dwelling with space to accommodate a large family unit. It is not unreasonable to expect members of a family to have their own working hours, a difference in behaviour and comings and goings. However, there is an expectation that this would be intensified in HMO properties due to the unconnected relationship of each resident.
5. Taking account of the size of the appeal property, the activity generated by 11 persons living independent lives, with separate routines, and their attendant comings and goings along with those of their visitors, would lead to a level of activity that would be more marked and intensive than that which could

reasonably be expected to be associated with a single house, even one occupied by a large family.

6. A Noise Impact Assessment has not been submitted with this proposal. There is no indication that the proposal would not create an unacceptable level of noise. I note that the Council's Environmental Health Officer has suggested that conditions could be applied to mitigate the control of noise from the inside of the appeal property. This would not mitigate any external noise, as noted by the Council. Nevertheless, it is likely that the independent movements arising from the lives of unconnected residents would give rise to a level of general noise and disturbance at an intensity that would be disruptive to neighbouring occupiers.
7. The statement provided by the appellant states that Policy D14 does not specifically refer to HMO uses as being a major source of noise. However, HMOs are a form of residential accommodation and therefore a proposal of this nature should manage noise, as set out in Policy D14. The appellant also contends that no evidence has been produced which demonstrates that HMO uses are a major source of noise and disturbance. As I have outlined above, I consider that the activity generated by 11 persons living independent lives, with separate routines and comings and goings would lead to a level of activity that would be more intensive than that of a large family.
8. The statement provided by the appellant also contends that a large HMO, such as the one subject to this appeal, would be required to comply with building regulations and licencing requirements, which a large single-family home would not. These regulations would involve sound attenuation measures. I consider that these are separate to the planning process and are not a matter subject to this appeal.
9. To conclude, I find that the proposal would create an increase in the level of activity generated by 11 persons who would live independent lives, with separate routines, working hours and comings and goings from the property. This would result in a marked increase than expected of one family unit. Therefore, I find conflict with the proposal in regard to Policy D14 of The London Plan 2021 and Policy LP26 of the Redbridge Local Plan 2015 – 2030. These policies require proposals to not result in an adverse effect upon the amenity of neighbouring occupiers, with particular reference to noise, amongst other things. The conflict with the above policies leads me to conclude that there would be conflict with the Framework, The London Plan 2021 and the local plan as a whole.

Living conditions of future occupiers

10. Bedroom 5 is located to the front of the property. This bedroom is notably smaller than the other bedrooms located in the property and is served by one window. The existing plans show this room as a study, however, as noted in my site visit, the bedroom has an inward opening door with a bed and wardrobe in the room. There would be little useable space and it would feel confined and cramped to a future occupier.
11. Even though communal areas would be provided downstairs it is reasonable to expect that occupiers of an HMO, living independently of one another, may choose to spend more time in their private space. The consequence of this is that the occupier of bedroom 5 would partly live in unacceptably cramped

accommodation, adversely affecting their living conditions. Although other occupiers would not be affected in the same way, one future occupier would be disproportionately affected. Such a small room would have a materially different effect on occupiers' living conditions as part of a family house where occupiers would be reasonably expected to spend more time living communally and the use of rooms is likely to be more flexible throughout the house.

12. I note that the Development Plan refers to space standards for new dwellings and does not specifically relate to HMO properties. I also find uncertainty as to whether the 7.5m² minimum standard should also be applied to HMO properties. The appellant advises that bedroom 5 will measure 7.5m² and the Council state that this bedroom would measure 7.35m². In any case, the difference in space between the two would be minimal. Nevertheless, despite the marginal disagreement of the size of the room between the two parties, this bedroom would not demonstrate an appropriately sized space when fitted with a bed and wardrobe. However, this is not a determining factor in my decision as I have found harm in relation to the effect on neighbouring occupiers above.

Conclusion

13. For the reasons given above, the appeal is dismissed.

J Smith

INSPECTOR