



Appeal Decision

Site visit made on 23 January 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2024

Appeal Ref: APP/W5780/W/23/3327576

490 Green Lane, Seven Kings, Ilford IG3 9LQ

- 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 Galbant Singh Juttla against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3990/22, dated 12 December 2022, was refused by notice dated 17 February 2023.
 - The development proposed is change of use from dwelling to large HMO.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023, but the changes do not fundamentally alter the main parties' cases, and it is not necessary to seek further comments.
3. The application was made on a partially retrospective basis, with unspecified internal alterations still to take place. Whilst the layout on site reflected the plans submitted, and the property appeared to already be in use as a house in multiple occupation (HMO), I have assessed the proposal primarily against the submitted plans.

Main Issue

4. The main issue is whether the change of use to an HMO would be appropriate, having regard to relevant development plan policies and the standard of accommodation to be provided.

Reasons

Compliance with Development Plan Policy

5. The appellant refers to the surrounding area not being one of HMO concentration, and thus not subject to negative cumulative impacts of such development, such as increased noise, disturbance and parking stress. It is also argued that the benefits of HMO accommodation would offset the loss of a single family dwelling. However, the Council states that its objection is not based on perceived HMO stress in the area or the loss of a single family dwelling, but rather the quality of HMO accommodation to be provided.
6. In that respect, Policy LP6 of the Redbridge Local Plan (March 2018) (the RLP) states that conversion of 'larger homes' to Buildings in Multiple Residential Occupation (Sui Generis) (i.e. larger HMOs) will be supported where specific criteria are met under Part 2 of the policy.

7. Criterion 2(a) requires the gross floor area of the property to exceed 180 sqm. At some 160 sqm¹, the appeal building falls short of this requirement and would thus conflict with this criterion.
8. Criterion 2(b) requires the proposal to accord with the requirements of Criteria 1(a), (c) and (d) of Policy LP6. The Council concedes that Criterion 1(a), which requires larger HMOs to be located within a designated Metropolitan, District or Local Centre, is now outdated due to the Council's failed Housing Delivery Test results in 2020. This aside, the site is located within walking distance of shops and Redbridge Underground Station and would therefore represent an accessible location in accordance with the broad aims of Criterion 1(a).
9. Criterion 1(c) requires that a significant loss of character or amenity does not occur to the area as a result of increased traffic, noise and general disturbance. The Council assessed the HMO as capable of accommodating ten residents, the same as could have been accommodated were the building to remain as a single family dwelling. I have no evidence of how the building was laid out before conversion to an HMO took place, but the layout suggests at least five and possibly six bedrooms could have existed. Therefore, the Council's conclusions are reasonable. Even if the proposed number of HMO occupants is slightly more than previously occupied the dwelling, the difference would not be significant and unlikely to give rise to harmful increases in noise and disturbance for neighbouring occupants.
10. Criterion 1(d) requires appropriate cycle and car parking in accordance with the London Plan. There is space for two vehicles to the front of the building and cycle parking could be provided in the rear garden, which would be secured by condition. This criterion would therefore be met.
11. Criterion 2(c) requires the provision of a Management Plan. The appellant has provided a plan to which the Council has raised no objection. Having regard to the plan, I am satisfied that it addresses the required matters in principle, and further details and implementation could be secured by condition. This criterion is therefore met.
12. In summary, the proposal would accord with most relevant criteria of Policy LP6, with the exception of the overall size of the building falling short of the required 180sqm. The purpose of this requirement is to ensure the building is large enough to provide a high standard of accommodation, particularly where a larger number of occupants are proposed, as in this case. Therefore, to establish whether this shortfall is harmful, I turn to consider the standard of accommodation to be provided.

Standard of Accommodation

13. The Council's reason for refusal refers specifically to Room 2², a ground floor bedroom measuring 8.8sqm in area. This would exceed the minimum standard of 7.5sqm for a single bedroom as set out under the Council's guidance³. However, I saw the room received limited natural light from a single small rooflight via narrow light shaft in an offset position high up on the end wall.

¹ The Council's stated figure in on its decision notice and within its statement of case, revised from 135sqm as stated in the officer report

² Numbering as per the layout on drawing No P-01

³ Redbridge Council Property Licensing service, the GLA Housing Design Guide and Appendix A of the Housing Design SPD.

Its layout is also compromised by a protruding chimney breast which restricts the space for storage and circulation. Consequently, occupants would suffer oppressive, gloomy living conditions from poor levels of light within a small, cramped space with no outlook.

14. I accept that the property would provide a dedicated living room and a reasonably sized kitchen/dining room. Whilst these may offer some respite for occupants of Room 2, the nature of HMOs is that they are typically occupied by separate individuals who may share facilities but do not live as a single household, and the communal facilities would be shared by up to ten occupants, which would limit the extent to which they are available for use by each resident. For many, their room will be their main area to eat, sleep, relax and store all of their belongings. This in combination with the poor light, outlook and space in Room 2 means it would result in an unsatisfactory standard of accommodation for its occupant.
15. Elsewhere, the rooms meet the Council's requirements in terms of floorspace, except for a 0.1sqm shortfall to Room 7. However, this is a negligible shortfall and given that this room has a window providing light and outlook, I am satisfied it would provide an acceptable standard of accommodation. The other rooms also benefit from windows providing light, outlook and ventilation. The kitchen appeared well appointed and together with the living room would provide a combined 41sqm of communal space, exceeding the licensing requirements of 31sqm. The property also has a generously sized rear garden affording outdoor space for residents.
16. In summary, the HMO layout would be acceptable in respect of the communal space provided, and in the space and standard of most bedrooms. However, Room 2 would not be acceptable as a bedroom due to the poor quality of light and complete lack of outlook which would exacerbate the small, confined layout and create oppressive living conditions. This would conflict with Policy D6 of the London Plan (March 2021) and Policy LP26 of the RLP, which together require high quality design with high standards of accommodation for housing in terms of size, quality and arrangement of internal space.

Other Matters

17. The appellant indicates that the building has an HMO licence. However, the licencing regime is separate to the planning system and subject to different considerations. I have considered the appeal against relevant planning policies and guidance put to me, and the fact that the property may be licenced under another regulatory process does not alter my conclusions on the main issue.
18. The Council did not identify harm with respect to the effect on character and appearance, neighbours' living conditions, highway safety, waste and recycling, subject to recommended conditions in some cases. I have no firm evidence to reach different conclusions in these matters. An absence of harm in these respects means they are neutral considerations in the overall planning balance.

Conclusion

19. For the reasons set out, I conclude that the appeal scheme fails to provide a satisfactory standard of accommodation, contrary to Policy LP26 of the RLP and D6 of the London Plan. In light of this finding, the shortfall in gross floor area against Criterion 2(a) of Policy LP6 is consequential and I find that the change

of use from a dwelling to a large HMO is not supported under this policy. Therefore, the proposal would conflict with the development plan, taken as a whole.

20. The provision of a larger HMO would deliver a social benefit in providing lower cost accommodation for more occupants in an accessible location. This benefit would however carry only limited weight given the scale of the proposal and considering that there would still be a social benefit in having the building remain as a family-sized dwelling. Economic benefits from additional residents working and spending money in the area would be similarly limited in scale.
21. The material considerations in this case do not indicate that permission should be forthcoming in spite of the conflict with the development plan. Therefore, the appeal should be dismissed.

K. Savage

INSPECTOR