



Appeal Decision

Site visit made on 22 May 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 3 June 2024

Appeal Ref: APP/W5780/W/24/3338572

88 Park Road, Ilford IG1 1SF

- 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 Sharma against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3083/23 dated 17 October 2023 was refused by notice dated 15 January 2024.
 - The development proposed is proposed 5 bedroom 10 person HMO from existing 5 bedroom 5 person HMO
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: the living conditions of occupiers of the appeal property; the availability of parking in the area; and the supply of housing in the area.

Reasons

Living Conditions

3. The appeal site is a five-bedroom, two-storey dwelling located in a residential area. Although previously a single dwelling house, the property was granted planning permission for change of use to a small House in Multiple Occupation (HMO) for up to five people. The proposal seeks retrospective permission for the change of use of the property to a large HMO for occupation by up to 10 people. There would be no change to the number of bedrooms at the property.
4. Policy LP29 of the Redbridge Local Plan 2015-2030 (the Local Plan) states that that development should provide high standards of accommodation for housing in terms of size, quality and arrangement of internal space. Section 5.2 of the Housing Design Supplementary Planning Document 2019 (the SPD) relates to HMOs. While this is guidance rather than policy, it nevertheless remains a material consideration. It suggests that all HMOs should provide a high-quality form of accommodation, and that communal facilities will be required to include at least a living room, kitchen and utility room, appropriate in size to the number of residents.
5. The proposal provides two areas of internal communal space, one of which is a combined kitchen/ diner on the ground floor. This currently contains a dining table and seating area, leaving little circulation space outside of the kitchen element. However, even if I were to disregard the current furniture, the dimensions of the

room are such that it would not provide adequate communal space to meet the day to day needs of 10 individuals, including from a cooking and dining perspective.

6. A second space is provided adjacent to this, also noted on the plans as a kitchen. However, I found this to be akin to a utility room, with no cooking facilities provided. It is narrow in nature, with cupboards, a worktop and washing/ drying facilities on one side. While this room provides additional communal floorspace, the useability of this floorspace is limited due to its shape and the setup of the room. Combined with the lack of separate living room provided, this would result in the main kitchen/ diner being the primary communal space used by occupiers.
7. I acknowledge that HMOs are likely to be occupied by persons with separate daily routines, and that occupiers each have private bedrooms that meet the required space standards. I further note that this proposal is for 5 double bedrooms, with related pairs of occupiers in each room. Nevertheless, it remains that the communal space provided has the potential to be in use by up to 10 people at one time. Given this level of occupation, the combined communal rooms at the property would, due to their nature and dimensions, be cramped spaces, unlikely to comfortably and effectively support the day to day needs of 10 occupiers. As such, communal facilities appropriate in size to the number of residents have not been provided.
8. My findings are supported by Appendix A of the SPD, which sets out the required internal space standards for HMOs. This acknowledges that for licensing purposes a kitchen needs to be a minimum of 11.5sqm for 8-10 people. However, it continues that if the kitchen is shared with other living areas the minimum combined floor area of living, dining and kitchen spaces will depend on occupation level, with the highest quoted figure being 31sqm for 6 occupiers. The kitchen/ diner provided by the proposal measures 21.6sqm, indicative of being unduly cramped to support the needs of 10 occupiers. In addition, on the basis of the dimensions provided in the submitted plans, even if I were to take the floorspace of the second kitchen into account, this would still fall short of the recommended 31sqm.
9. The Council further raises that no communal bathroom has been provided at the property. However, as shown on the submitted plans, each of the bedrooms at the appeal property has its own en-suite. I further note that there is no policy or guidance position requiring the provision of a communal bathroom.
10. Nevertheless, for the reasons given, it remains that the proposal would have a significant adverse effect on the living conditions of future occupiers with regard to internal communal floorspace provision. As such, it would fail to comply with Policy LP29 of the Local Plan and the SPD insofar as they seek to ensure that development provides high standards of accommodation for housing in terms of size, quality and arrangement of internal space.
11. The Decision Notice also refers to Policy LP26 of the Local Plan, which states that housing development will be required to comply with national space standards. However, no evidence that the proposal would fail to comply with such standards has been provided. While the Council also refers to Policy LP6 of the Local Plan, I have addressed this below.

Parking Provision

12. The proposal results in a significant increase in the number of residents at the appeal property, when compared to its lawful use as a HMO for a maximum of 5 people. However no off-street parking has been proposed.

13. While the appellant states that the surrounds are a sustainable location, the appeal site is located in an area with a PTAL rating of 2, such that it would only have modest accessibility with regard to journeys that could be made by sustainable forms of transport, e.g. walking, cycling and public transport. On this basis, it is reasonably likely that occupiers of the appeal property would have access to a private vehicle, with the nature of a HMO being such that there is likely to be a range of routines and movements among occupiers.
14. No parking survey has been provide with the appeal. I note that at present only one car and motor cycle are required by the tenants, which can be accommodated in the forecourt. However, there is no guarantee this would remain the case. In any event, the submitted plans show the forecourt for cycle parking and refuse storage. Even acknowledging the current lawful occupation of the property, and that the proposal would likely result in related pairs of occupiers in each room, due to the overall increase in occupiers it remains that the proposal would increase the number of residents and visitors seeking to park at the property. Given the lack of off-street parking proposed, this would result in an increased level of on-street parking.
15. Many of the properties on Park Road and the surrounding streets are served by vehicle crossovers to accommodate off-street parking. However, this has the effect of reducing on-street parking in the vicinity, which I observed to be well-used at the time of my visit. Although this is a snapshot in time, it nevertheless indicates the limited availability of on-street parking in the area, which would not be sufficient to meet the demand arising from the proposal. This would lead to an increase in parking pressure in the area.
16. For the reasons given, the proposal would have a significant adverse effect on the availability of parking in the area. As such, it would fail to comply with Policy LP23 of the Local Plan insofar as it seeks to ensure that development provides sufficient car parking.

Supply of Housing

17. The Council refers to Policy LP6 of the Local Plan, which states that the conversion of larger houses into buildings in multiple residential occupation (sui generis) will only be supported in certain circumstances, including where the gross floor area of the property exceeds 180sqm. As the gross floor area of the appeal property is 151sqm, the Council cites a conflict with Policy LP6.
18. However, the main parties agree that the proposal is currently in lawful use as a 5 person HMO. The proposal does not therefore relate to the conversion of a larger house as per Policy LP6, such that there is no conflict with the provisions of the policy in this regard.
19. For the reasons given, the proposal would not have an adverse effect on housing supply. As such, there would be no conflict with Policy LP6 of the Local Plan, insofar as it seeks to ensure that larger houses are only converted to HMOs in certain circumstances.

Other Matters

20. The main parties agree that a policy compliant level of cycle parking spaces have been proposed. Although no details on the precise nature of cycle storage have been provided, the Council is content that, had the proposal

been acceptable in all other aspects, this could have been secured by planning condition. Based on my observations, I have no reason to disagree.

21. The appellant has referred to the licence, granted by the Council for a 10-person HMO in respect of the appeal property. However, the licence relates to a separate regulatory regime and does not mean that planning permission is not required or will be granted.
22. The appellant has raised concerns with the conduct of the Council. While this is acknowledged, this has no bearing on the planning merits of the proposal.

Planning Balance and Conclusion

23. Paragraph 11(d) of the Framework indicates that where the requisite housing land supply does not exist, 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. This includes, for applications involving the provision of housing, situations where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years. The main parties agree that the Housing Delivery Test indicates that this test is engaged.
24. The proposal would comprise development of previously developed land, providing additional bedspaces in an established residential area. In doing so it would contribute to the housing mix and supply within the surrounds, with HMOs recognised as an important part of London's housing offer, reducing pressure on other areas of housing stock. Such benefits of the proposal are acknowledged. However, given the overall limited contributions made in this regard, these benefits carry only moderate weight.
25. I have found that the proposal would not have an adverse effect on the housing supply of the area. In addition, the main parties agree that the proposal would not result in harm with regard to: the character and appearance of the area; the living conditions of occupiers of surrounding dwellings; refuse and cycle provision; external amenity space provision; level of floorspace provided within the bedrooms of the proposal; and the floor to ceiling height of the proposal. These matters each represent a lack harm, which are neutral in the planning balance.
26. In relation to the adverse impacts, the harm that would arise with regard to: living conditions of occupiers of the appeal property with regard to internal communal floorspace provision; and the availability of parking in the area would be significant. Even acknowledging the combined weight attached to the total benefits of the proposal, overall the adverse impacts of granting permission would not be significantly and demonstrably outweighed by the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal cannot benefit from the presumption in favour of sustainable development.
27. For the reasons given, the appeal is dismissed.

C Rafferty

INSPECTOR