



Appeal Decision

Site visit made on 23 May 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/U5930/W/24/3337745

227 Fulbourne Road, Walthamstow, Waltham Forest E17 4HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Krimeo Belhadi against the decision of The Council of the London Borough of Waltham Forest.
 - The application Ref is 232130.
 - The development proposed is the construction of a single-storey rear extension and change of use from a single dwelling house (Class C3) to 6-persons House of Multiple Occupants-HMO (Class C4), including installation of solar panels on main roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development as provided on the Council's decision notice and the appellant's appeal form as it better describes what is being proposed.
3. Following the determination of the application, the Council adopted the Local Plan Part 1, 2024 (LP). This has superseded the previous development plan policies provided on the decision notice. As a result, I have based my decision on the newly adopted policies provided as part of the Council's appeal statement.

Main Issues

4. The main issues are: (i) whether the conversion of the host dwelling to a house of multiple occupation (HMO) is acceptable in policy terms; and (ii) the effect of the proposed solar panels on the character and appearance of the area.

Reasons

Conversion of the Host Dwelling

5. LP Policy 20 sets out that the conversion of a larger home to form a HMO will not be allowed where the house has a gross original floorspace of less than 124 square metres. It is common ground between the parties that the original floorspace of the existing dwelling was below that threshold. The proposal only needs to fail against one of the criteria provided within Policy 20 to be in conflict with it, not both.
6. Therefore, while there may not be a conflict with the second clause in the policy regarding the concentration of HMO's in the area, I am left with no

option but to find that the proposed conversion would be contrary to LP Policies 15 and 20, and therefore that the loss of the single dwelling would result in harm. Taken together, these policies seek to provide a diverse mix of housing in the area, while ensuring that the loss of single dwellings is avoided where certain criteria apply.

Character and Appearance

7. The approved plans show proposed solar panels on the flat roof of the property. The plans do not show any further information in relation to the panels, including their design and prominence. However, given the location and height of the flat roof, it is unlikely that the solar panels would be visible from the public realm. There is therefore no reason for me to conclude that a satisfactory design solution could not be reached that would ensure that the character and appearance of the area would be preserved. I am satisfied that such a solution could be achieved through the imposition of a suitably worded condition.
8. As a result, the proposed development would not conflict with LP Policies 5 and 53, the relevant aspects of which seek to ensure that new developments are well designed.

Conclusion

9. I have found that the appeal proposal would cause harm in relation to the loss of a single-family dwelling. Consequently, the proposal would conflict with the development plan taken as a whole, notwithstanding that I have not found harm in relation to character and appearance. Whilst the proposed HMO may have some economic benefits for the local area, the small-scale nature of the scheme means that any such benefits are likely to be very limited. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR