



Appeal Decision

Site visit made on 11 June 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2024

Appeal Ref: APP/U5930/W/23/3328069

81 Markmanor Avenue, Waltham Forest, Walthamstow E17 8HJ

- 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 Katie Roberts against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 223484.
 - The development proposed is the change of use from C3 dwelling house C4 small house in multiple occupation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In February 2024 the Council adopted the Waltham Forest Local Plan Part 1, Shaping the Borough 2020-2035 (the LP1). This supersedes the policies of the Core Strategy and the Development Management Policies Document as relied upon by the Council in its decision notice. Within the appeal timetable the Council provided the policy of the LP1 that is relevant to this appeal and it submitted a statement of case which clarified its position.
3. The appellant had an opportunity to comment on the Council's statement and provide their views on the relevance of the new policy however they did not submit a response. Nonetheless, my consideration of this appeal must be on the basis of the development plan which is in force at the time of my decision and I am satisfied that no party has been prejudiced by me doing so.
4. Within its statement of case the Council identify that the proposal would provide satisfactory living conditions for future occupiers, in accordance with the relevant policy of the newly adopted LP1. I therefore consider that the second reason for refusal in the decision notice falls away.
5. At the time of my site visit the appeal property appeared to be in use as a small house in multiple occupation, with four bedrooms and an internal layout reflecting that shown on the submitted proposed plans. I have determined this appeal accordingly.

Main Issue

6. Whether the proposal would be consistent with the Council's development strategy concerning houses in multiple occupation (HMO).

Reasons

7. The appeal property is a two-storey end of terrace property located within a predominantly residential area. In order to protect the existing housing stock and ensure there are opportunities for families to live in the area, the Council introduced a borough-wide Article 4 Direction removing permitted development rights for a change of use from C3 (dwellinghouses) to C4 (HMOs).
8. Reflecting this, Policy 20 of the LP1 seeks to prevent the conversion of homes that have a gross original internal floor space of less than 124 square metres (sqm) to HMOs.
9. I appreciate that the appeal site is no longer located within a restricted dwelling conversion, HMO and building in multiple residential occupation ward by virtue of the recent adoption of the LP1. There also does not appear to be an over concentration of HMOs in the street and the development provides good living standards and adequate space for occupiers.
10. Nevertheless, the conversion of the original dwelling into an HMO has resulted in the loss of a single-family dwellinghouse and its conversion to an intensified use. There is nothing before me to indicate that the appeal property was/is not suitable for use by a single family.
11. I acknowledge that HMOs can form an important part of the housing stock. There is also evidence before me, albeit not conclusive, that there is a pressing need for this type of accommodation. However, this does not overcome the loss of the single family dwellinghouse or address the internal floor space of the original dwelling not meeting the requirements of the policy.
12. Consequently, the development has resulted in the loss of a single-family dwellinghouse and thus is not consistent with the Council's strategy concerning HMOs. It conflicts with Policy 20 of the LP1 which states that the conversion of a larger home to an HMO will not be allowed where the house has an original gross internal floor space of less than 124sqm.

Conclusion

13. The development conflicts with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should not succeed.

H Ellison
INSPECTOR