



Appeal Decision

Site visit made on 23 October 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal Ref: APP/W5780/W/24/3343454

61 De Vere Gardens, Cranbrook, Ilford, Redbridge IG1 3EF

- 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. Rakesh Rajoria against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 0334/24.
 - The development proposed is described as a "Loft conversion with rear dormer. Hip to gable roof alterations. Removal of 2x chimneys. Two front rooflights. Single storey rear extension. Change of use from single dwellinghouse to large HMO for up to 8 people."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 30 July 2024 the Deputy Prime Minister and Secretary of State for Housing, Communities, and Local Government issued a Written Ministerial Statement "Building the homes we need" regarding changes to the planning system, and consultation was started on "Proposed reforms to the National Planning Policy Framework and other changes to the planning system". The main parties have had the opportunity to make submissions regarding both documents in the context of the appeal proposal.

Main Issues

3. The main issues are:
 - Whether the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to the size of the internal communal space; and,
 - The effect of the proposal upon the character and appearance of the area, with particular regard to the concentration of Houses in Multiple Occupancy (HMOs) in the immediate area; and,
 - The effect of the proposal upon the living conditions of the occupiers at No. 63 De Vere Gardens, with particular regard to noise and disturbance.

Reasons

Future living conditions

4. Policy LP26 of the Redbridge Local Plan 2015 – 2030, dated March 2018 (RLP) says new development should provide high standards of accommodation for

housing in terms of size, quality, and arrangement of internal space. The Council's Housing Design, Supplementary Planning Document (SPD), adopted September 2019 also states that all HMOs must provide a high-quality form of accommodation, and that internal space standards should be provided as set out in its Annex A.

5. For an HMO that could accommodate up to 8 persons, there is a requirement within Annex A of the SPD for internal communal living space to include a kitchen area that measures at least 11.5 square metres. If the communal kitchen is combined with a living and dining area there is no minimum space size specified for accommodation having up to 8 occupiers, however there is a minimum size of 31 square metres specified for such space with up to 6 occupiers. Although, partly contradictory, the SPD further states that HMOs with three or more bedrooms should have two separate communal areas, with a minimum size of 18 square metres for a living area for 8 occupiers, and 19 square metres for a living and dining area for 8 occupiers. Even taking the lower sizes, the SPD would require a total of at least 29.5 square metres of communal internal living space for an 8 person HMO (combining the minimum kitchen and living area together).
6. In this case, one communal area to provide a kitchen, dining and living area is proposed that is said to measure some 22.5 square metres. Although the Council have said that a minimum of 35 square metres is required for such a space, this is not explicitly stated in the SPD. Nevertheless, even taking the minimum internal communal living space as set out above, the proposal would still be some 7 square metres short. This is a very significant reduction in communal space, and likely to lead to cramped living conditions for future occupiers.
7. Notwithstanding the appellant's statement to the contrary and noting that kitchenettes are proposed within 7no. of the private rooms, the internal communal space for 8 no. occupiers would fall well short of the minimum space required. There is also no flexibility allowed in terms of the minimum space requirements that are set out within Annex A of the SPD. Furthermore, it is more than likely that such a small area for up to 8 no. individual occupiers living together would not provide adequate communal space, for cooking, eating and relaxing. As such the living conditions for future occupiers would be harmed by this inadequate provision of internal communal space.
8. I therefore conclude that the proposed development would not provide future occupiers with satisfactory internal communal space, which would be harmful to the living conditions of future occupiers, and conflict with the requirements of RLP Policy PL26, as set out above. There would be conflict with the minimum sizes required for internal communal space as set out within Annex A of the SPD, also outlined above. In addition, the proposal would also conflict with paragraph 135 of the National Planning Policy Framework (the Framework) insofar as it requires a high standard of amenity for existing and future users.
9. The Council referred to the proposal conflicting with RLP Policy LP29 on this main issue, that policy is mainly focussed on outdoor amenity space provision, I did not find it to be directly determinative on this main issue.

Character and appearance

10. The Council has not raised objections regarding the hip to gable roof change; the rear dormer extension; the proposed rooflights; the removal of the 2 no. chimneys; or the rear single storey extension. Having carefully considered these aspects, and noting the different roof forms nearby, I see no reason to disagree.
11. RLP Policy LP6 seeks to ensure there is no significant loss of character arising from new HMOs. Moreover, the SPD states that HMOs should not exceed 20% of all properties along any road, and only 1 out of a consecutive row of 5 units may be converted to such a use, to protect local character.
12. The appeal site and No's 63 and 65 are all part of a long run of terraced properties on this side of the road (61 -77 De Vere Gardens), with the appeal site being an end terraced, and having a side access onto Belgrave Road. There is an existing HMO at No. 65 De Vere Gardens, with No. 63, said to be occupied by a family, located between it and the appeal site. As such, there would be conflict with the SPD as there would be more than 1 property out of a consecutive row of 5 properties used as HMOs.
13. On my site inspection I did not identify other HMOs along the same terrace. Although only a snapshot in time, I also observed that it was not particularly obvious that No. 63 was an HMO, other than it has 4 no. bins on its forecourt area, there were no cars parked at the property, or visible evidence of it being used as an HMO.
14. The appeal site is much larger than its adjoining neighbour (No. 63), and it has the benefit of a garage and a separate access to its side from Belgrave Road. Whilst movements, including vehicular, to and from the appeal property could change as a result of the proposal, these would likely be divided between its front and side entrances, thereby minimising the potential effect upon local character. In addition, the cycle storage area would be within the enclosed rear garden area, resulting in limited wider character impacts. Although the bin storage area is proposed to the front of the building, I am not persuaded that this and the other changes proposed, given the large size of the house and its corner location, would lead to unacceptable harm arising to the character and appearance of the area through its use as an HMO.
15. Whilst I did not find the proposal would be harmful to the character and appearance of the area, and that it would comply with the relevant parts of RLP Policy LP6 in that respect, there would be conflict with the SPD in terms of the concentration of HMOs within a consecutive run of 5 no. units.

Living conditions – No. 63 De Vere Gardens

16. No. 63 is attached to one side of the appeal property in a side-by-side relationship, its occupiers would likely be affected the most by the proposed development. The Council said that currently the appeal property could be occupied by 6 persons as a dwelling, its use as a HMO would be an increase of 2 occupiers. Although it is accepted that the nature of the occupation could be different with 8 individuals living independently compared to a family living together. There would likely be a change in movements, including vehicular, to and from the site, which could be at various times of the day and night, and have different bin storage arrangements. The property would also likely be

used more intensively, and there could be increased noise and disturbance arising from the nature of such increased occupation, that could harmfully affect neighbouring occupiers.

17. This, particularly when combined with the use of No. 65 as an HMO (said to be licensed for up to 12 occupiers) would likely create unacceptable noise and disturbance, with up to 20 HMO occupiers in total directly adjoining the occupiers of No. 63, on both of its sides. It is apparent from the representations received from the current occupiers of No.63 that there have been issues reported relating to the use of No.65 as an HMO, although some of the points raised appear to relate to the management of the HMO, such as refuse storage, and pest control matters.
18. The submitted management plan and its proposed measures to address issues, such as waste storage, noise and anti-social behaviour, and landlord responsibilities are noted. However, it does not adequately address the harm identified in my findings above regarding the likely cumulative effects from noise and disturbance, and the harmful effects upon the adjoining occupiers at No. 63.
19. I therefore conclude that the proposed development would be harmful to the living conditions of the occupiers at No. 63 De Vere Gardens, and conflict with RLP Policies LP26 and LP6 that amongst other things, seek to protect the amenity of existing occupiers from unacceptable noise and disturbance. There would also be conflict with the SPD which seeks to avoid cumulative impacts from HMO development giving rise to unacceptable noise and/or general disturbance for neighbouring occupiers. In addition, the proposal would not comply with paragraph 135 of the Framework insofar as it requires development to provide high standards of amenity for existing and future occupiers.

Other Matters

20. It is acknowledged that the appeal site is near to Ilford Town Centre and public transport connections, however, this does not outweigh the harm identified above.
21. I have had regard to objections received from residents and others, raising issues in addition to the above main issues including, but not limited to the following: parking stress; the loss of a family home; structural effects from the removal of the chimneys; property values; and the application of HMO regulations. However, I note that these matters were considered where relevant by the Council when it determined the planning application. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Planning Balance and Conclusion

22. The Council has advised that it delivered 50% of its housing on its latest Housing Delivery Test, and as result the presumption in favour of sustainable development as set out within paragraph 11 of the Framework applies.
23. As no identified conflict with policies referred to in footnote 7 of paragraph 11 of the Framework applies in this case, paragraph 11 d) ii is engaged, which states permission should be granted unless the adverse impacts of granting

permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

24. The benefits of the proposal include the provision of an HMO providing accommodation for up to 8 no. occupiers making a more intensive use of the existing property, that is in a well-connected area. This would assist with providing increased housing choices and options and contribute towards the objective of significantly boosting the supply of housing. There would be some economic benefits arising from the construction works relating to the extensions and internal changes. Future occupiers would also likely contribute to local services and facilities. However, these benefits are tempered given that a dwelling that could be occupied by up to 6 no. persons would be lost as a result. These benefits, even taken collectively, set against the current use of the existing property would be limited in this case.
25. Against this, is the harm identified from the inadequate internal communal space for the proposed HMO that would give rise to harmful living conditions for its future occupiers. In addition, there would be harm from unacceptable noise and disturbance from the proposal, when considering it alongside the existing HMO at No.65, for the adjoining occupiers of No. 63. As a result, there would be conflict with paragraph 135 of the Framework that seeks to provide a high standard of amenity for existing and future users. I give this harm, significant weight.
26. Accordingly, when assessed against the policies in the Framework taken as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
27. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, including the Framework's presumption of sustainable development, that would outweigh the conflict. Therefore, the appeal should be dismissed.

A Hunter

INSPECTOR