



Appeal Decision

Site visit made on 28 October 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2024

Appeal Ref: APP/U5930/W/24/3341728

249 Forest Road, Walthamstow, E17 6HD

- 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 Mrs Samina Shahbaz against the decision of Waltham Forest London Borough Council.
 - The application Ref is 213466.
 - The development proposed is Use of property as small HMO (Use class C4)
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have informed me that the new Waltham Forest Local Plan 2024 has been successfully adopted and is therefore given full weight in the decision-making process. They advise me that the original proposal was refused against the loss of a single family accommodation to which the Council was seeking to safeguard (Reason for refusal number 1) under Policy DM6 of the Waltham Forest Local Plan 2013. At the time, this policy was given full weight to its intended purpose. The precise content of this policy has not been entirely saved within the new Waltham Forest Local Plan 2024 Policy 20, although the same thrust applies to ensure, amongst other things, that HMO's meet specific internal spacing standards. I apply full weight to this adopted policy.

Main Issues

3. The main issues with regards to this proposal are:
 - The effect upon the living conditions of occupiers with regards to internal space, outlook and ventilation;
 - Whether or not there is sufficient space to accommodate cycle and waste storage within the site.

Reasons

Living conditions

4. The appeal property is a semi-detached villa on the northern side of Forest Road in a predominantly residential area that also contains an element of commercial activity arising from the ground floor shops and services available to serve the community.

5. At the time of my visit, the dwelling was in use as a house in multiple occupation (HMO) with four individuals occupying the space, one bedroom per person with one shared kitchen and bathroom. I could see from my inspection that the dwelling has been extended but follows the typical habitation layout of kitchen to the rear, living room to the front facing the road and dining room behind on the ground floor and bathroom with two bedrooms to the first floor.
6. The Council's adopted Local Plan Policy 20, requires an HMO to have a gross internal floor area of approximately 124 square metres. The proposal falls considerably short in this regard as it amounts to around 71.6sq m. In addition, there is no living room to encourage social interaction and break-away space from the occupants' own bedrooms. Their bedrooms therefore function as both sleeping quarters and recreational space for the occupants. Indeed, one of these bedrooms, Bedroom 2 on the ground floor falls short of the spacing requirement of 11sq m as it equates to around 9.2sq.m.
7. This bedroom also has a window that is positioned in a location that is not easily accessible to the occupant due to its position at high level, and unless standing on a stepladder or a raised object, the occupier of the room has no convenient or safe means to open it. Ventilation into this room is therefore problematic and outlook from this window was extensively limited due to its size and location. I also noted that as there was no curtains or shutters to the window the glazing appeared to be covered over to prevent natural light from entering the bedroom. As this is a small and the sole window that serves the bedroom, it is not conducive to acceptable living conditions for the occupant.
8. I also note the size of the communal kitchen space falls short of the required Council standards and occupants have limited space to interact with one another as a consequence. Given there was no cooking facilities within any of the bedrooms, there will be an intense reliance on the use of the kitchen to support the functioning of the HMO.
9. Overall, even though it would allow four people to live together as an HMO which can provide valuable accommodation to individuals and support the local community and provide an economical benefit to the local area, the proposal before me leads to inadequate and poor living conditions for the occupants. Nor do I find there is sufficient evidence before me to come to the conclusion to agree with the appellant that the internal arrangements of the dwelling as an HMO equate to a sufficiently 'high standard' as they purport.
10. Another HMO allowed by the Council has been brought to my attention by the appellant. The Council justifies this scheme as the accommodation related to a two bedroom flat and was considered to be acceptable even with a below standard size to one of the bedroom as this was mitigated by the quality of the accommodation as a whole. I have nothing before me to contradict the Council's findings in this regard.
11. Therefore, all things considered, to conclude on this main issue, the proposal would not lead to satisfactory living conditions for existing and future occupants as an HMO, and would not be compliant with Policy 20 of the adopted Waltham Forest Local Plan 2024.

Cycle and waste storage

12. I could see that there was limited space to the front garden area to accommodate the necessary refuse bins, and this was also restricted due to the boundary enclosure. However, there is an existing rear garden area that is a reasonable size with direct access to the front garden area and is also accessible from the kitchen.
13. The garden could accommodate space for both refuse storage and cycle storage in my view. Taking into account paragraph 56 of the Framework I consider this could be appropriately conditioned to meet the requirements of the Waltham Forest Local Plan Core Strategy 2012 policy CS6 and CS7 that seeks to encourage development and sustainable modes of travel and promotes sustainable waste management and recycling.

Other Matters

14. Despite the fact the site is located in an area with good accessibility to public transport, services and other conveniences, and on-street parking is restricted, does not lead me to reach a favourable conclusion on the matter.
15. An absence of objection or complaints to the proposal is neutral in the overall consideration of things and weighs neither for, nor against the proposal.

Balance and conclusion

16. Although I have found that the proposal can accommodate both cycle and waste storage, nevertheless I have found that the proposal would not lead to acceptable living conditions for future and existing occupants. Therefore, the proposal would conflict with the development plan as a whole and there are no other material considerations which lead me to determine the appeal otherwise than in accordance with it. For the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR

