



Appeal Decision

Site visit made on 12 November 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Appeal Ref: APP/U5930/W/24/3345310

147A High Street, LONDON, E17 7BX

- 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 R Parsons of Parsons Property Holdings Ltd against the decision of Waltham Forest London Borough Council.
 - The application Ref is 240391.
 - The development proposed is construction of a dormer roof extension to main rear roof, extension above two storey rear outrigger and installation of two roof-lights to front roof to facilitate change of use from one self-contained residential unit (1x3-bed) (Use Class C3) to use as a large house in multiple occupation for up to 8 persons (HMO) (Use Class Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issues

3. The main issues are:
 - The supply of family housing;
 - The character and appearance of the host building and the area;
 - Cycle parking;
 - Epping Forest Special Area of Conservation (SAC); and
 - On-street parking and sustainable transport.

Reasons

Family Housing

4. As referred to in the Council's Appeal Statement, Policy 20 of the Waltham Forest Local Plan 2024 (the Local Plan) specifies that the conversion of a larger home to Houses in Multiple Occupation (HMOs) will not be allowed where the house has a gross internal floorspace of less than 124sqm. This threshold is

justified by the Council as it is the smallest floor space that could successfully incorporate two flats, in particular the smallest family-sized flat and the smallest HMO.

5. The Council has confirmed that the gross internal area of the residential property is less than 124sqm. The proposed change of use to an HMO would therefore be contrary to the requirements of Policy 20. In effect, the proposal would result in the loss of a residential unit suitable for family accommodation, with no replacement accommodation of the same type.
6. The appellant considers that the policy for the conversion of dwellinghouses to flats and HMOs does not apply to dwellings above shops, as is the case in the appeal proposal. However, the policy referred to by the appellant has been superseded by the adoption of the Local Plan, and it has not been demonstrated that the exception referred to applies to current development plan policy.
7. The appellant has provided copies of planning permissions for changes of use to HMOs granted by the Council on sites elsewhere. However, there is no evidence to show that these permissions are a direct parallel to the appeal proposal, and in any event the evidence suggests that these permissions were granted prior to the adoption of the current Local Plan.
8. I conclude that the proposal would result in the loss of family housing contrary to Policies 15 and 20 of the Local Plan which relate to housing size and mix as well as conversions to HMOs.

Character and Appearance

9. The appeal proposal includes a substantial 'L' shaped dormer which would be located on the main rear roofslope as well as projecting onto the roof of a large offshoot to the rear. There are a number of offshoots and outbuildings of various designs to the rear of the terrace, however the original roof form of the terrace is still apparent.
10. Although the dormer is located to the rear, it would be apparent in views from the public realm as well as from neighbouring properties. The extent of the dormer above the rear offshoot would project above the ridge of that part of the building. Due to this arrangement and degree of projection to the rear, the proposed dormer would appear as a clumsy and obtrusive addition to the rear of the host building and the terrace. The use of matching materials would do little to mitigate for the identified harm.
11. The appellant refers to dormers which could be built on residential properties without requiring planning permission. However, these permitted development rights do not apply to the circumstances of the appeal site. Although dormers may have been erected on residential properties in the area these do not establish a prevailing context which justifies this element of the appeal proposal, and in any event there are no dormers of a similar height and projection to the rear on the terrace containing the appeal site.
12. The appellant emphasises that the proposal is not in a conservation area and does not relate to a Listed Building, and there is not an Article 4 direction other than relating to a change of use. However, these matters do not negate my conclusions in respect of the harm arising from the proposed dormer.

13. Due to its scale, design and location, the proposed dormer would lead to significant harm to the character and appearance of the host building and the area. The proposal would therefore be contrary to Policy 53 of the Local Plan with regards to delivering high quality design.

Cycle Parking

14. Under the provisions of the Local Plan, the development would be expected to provide 6 secure cycle parking spaces.
15. The route from the highway to the accommodation provided by the appeal proposal is relatively convoluted, being via a corridor through an outbuilding and a number of steps. Given this arrangement, it is not clear how secure cycle parking could be provided which gives convenient access for residents. Given the constraints of the access it would not be appropriate to address the provision of cycle parking by condition, as even though there may be space within the appeal site to provide for cycle parking there is no certainty that suitable access can be provided.
16. It has therefore not been demonstrated that the proposal could make suitable provision for cycle parking, and it is therefore contrary to Policies 20 and 61 of the Local Plan with regards to the provision of adequate cycle parking for HMOs.

Epping Forest SAC

17. Based on the evidence before me, the appeal site is within the 'Zone of Influence' (ZOI) of the Epping Forest SAC. The Council sets out that all new residential development within this ZOI constitutes a Likely Significant Effect on the sensitive interest features of the SAC through increased recreational pressure. A Strategic Access Management and Monitoring measures levy is in operation which requires a contribution per unit from all new residential schemes. In the case of changes of use to HMO this is calculated as a contribution per number occupiable rooms higher than that of the number of existing residential units.
18. Due to the location of the site within the ZOI, I consider the requirement for this contribution meets the tests for planning obligations set out in paragraph 57 of the National Planning Policy Framework (the Framework). No such contribution has been submitted.
19. In the absence of a completed S106 agreement or obligation on this matter, the proposal would be contrary to Policy 81 of the Local Plan in respect of the protection and enhancement of the Epping Forest SAC.
20. The Council's decision refers to the Supplementary Planning Document – Planning Obligations (2017). However, it has not set out how this advice relates to the Epping Forest SAC.

On-street parking and sustainable transport

21. The appeal site is located within a controlled parking zone (CPZ). Policy 66 of the Local Plan sets out that within existing CPZs a legal agreement will be required in relation to car-free development, restricting new residents from accessing parking permits. In the interests of controlling on-street parking in

this area and promoting sustainable transport, the requirement for this agreement meets the tests set out in paragraph 57 of the Framework.

22. Due to the absence of a completed S106 agreement or obligation restricting occupants of the proposal from obtaining on-street parking permits, the proposal would be contrary to Policies 60 and 66 of the Local Plan in respect of promoting sustainable transport and parking management.

Other Matters

23. No objections from third parties have been received in relation to the proposal, however this does not lead me to a different conclusion in respect of the identified harm. I am also mindful that the proposal would create additional habitable space, but this does not outweigh the harm I have identified in respect of the proposal.

Conclusion

24. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR