Planning Inspectorate

Appeal Decision

Site visit made on 2 December 2024

by M Ollerenshaw BSc (Hons) MTPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/W5780/W/24/3346274
56 Netley Road, Barkingside, Ilford, IG2 7NR

- 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 Jayesh Patel of Design and Construct (London) Limited against the decision of the Council of the London Borough of Redbridge.
- The application Ref is 2881/23.
- The development proposed is change of use from single dwelling into small HMO for up to 6 people.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The property is already in use as a House in Multiple Occupation (HMO) which appears to accord with the proposed floor plans. I have determined the appeal on that basis. The description of development above has been taken from the decision notice as this is more concise than the one given on the application form. I have however removed reference to the retrospective nature of the proposal as this is not an act of development.

Main Issue

3. The main issue is whether the proposed HMO provides satisfactory living conditions for occupiers having regard to internal communal space.

Reasons

4. The appeal site is a two storey, mid terrace property located in a predominantly residential area. The proposal is for the use of the property as an HMO which includes a communal lounge/dining room, a separate kitchen, 1 double bedroom and 4 single bedrooms, for occupancy by up to 6 people. No internal or external alterations are proposed.

5. The Council's Housing Design, Supplementary Planning Document (2019) (the SPD) sets out the space standards for HMOs in respect of communal living space and bedrooms. The SPD requires the combined floor area of the communal living space for a 6 person HMO to be a minimum of 31m^2.

6. The bedrooms exceed the minimum standards set out in the SPD. However, the plans show the floor areas of the lounge/dining room and kitchen to be 17m^2 and 7m^2 respectively, while the Council says they are 16.8m^2 and 5m^2. In either case the combined floor area of the communal space does not comply with the SPD. The kitchen also falls well short of the SPD standard, which

requires at least 9.5m^2 for 6 person HMOs. During my site visit I could see that the communal living space is small for 6 people and results in cramped conditions to the detriment of their living conditions.

7. The appellant says that the issuing of a licence for the HMO shows that the proposed communal facilities meet current housing standards, and the need for the licence to be renewed would safeguard the well-being of residents. However, I have assessed the proposal against the relevant development plan policies and the SPD, and in any case full details of the licence have not been provided and it is subject to different considerations.

8. For the above reasons I conclude that the proposal fails to provide satisfactory living conditions for occupiers, with regard to internal communal space. Therefore, the proposal conflicts with Policies LP26 and LP29 of the Redbridge Local Plan 2015-2030 and Policy D6 of the London Plan (2021) which amongst other things require development to provide a high standard of residential accommodation, including in respect of the size, quality and arrangement of internal space. The reason for refusal also states that the proposal is contrary to the Nationally Described Space Standard, but as this relates to new dwellings it is of limited relevance to the appeal proposal.

Other Matters

9. Although not part of the Council's reason for refusing planning permission, I note the Council's concerns regarding an over-concentration of HMOs arising from the use of the appeal property and neighbouring properties, and the related enforcement investigations into unauthorised change of use to HMOs. I also note the concerns raised by the third party. However, as I am dismissing the appeal, it has not been necessary for me to consider these other issues as they would not alter the outcome of the appeal.

10. The Housing Delivery Test results show that the Council delivered 50% of its housing requirement, which is significantly below the 75% requirement over the previous three years. Therefore, paragraph 11 d) ii. of the National Planning Policy Framework (the Framework) is engaged.

11. The provision of affordable accommodation is a social benefit to which I attach only limited weight in this instance given the small scale of the development. The failure to provide satisfactory living conditions for occupiers of the HMO weighs significantly against the proposal. Overall, the adverse impacts of the development in respect of living conditions would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

12. The proposal does not accord with the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, I conclude that the proposal is unacceptable and the appeal should be dismissed.

M Ollerenshaw

INSPECTOR