



Appeal Decision

Site visit made on 7 January 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2025

Appeal Ref: APP/W5780/W/24/3347299

16 Warwick Gardens, Ilford, Essex IG1 4LE

- 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 Murat Cimener against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 0179/24.
 - The development proposed is to retain the existing use as sui generis (large HMO of 7+ occupants).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. At the time of my site visit, I observed that the use of the property as a large House of Multiple Occupation (HMO) had already commenced. The layout and use of the rooms within the property does not match the layout shown on the submitted 'Existing Plans'. However, as the appeal proposal seeks planning permission for alterations to the internal configuration, I have determined the appeal on the basis of the submitted 'Proposed Plans'.

Main Issues

4. The main issues are whether the proposed change of use to an HMO would be appropriate, having regard to relevant development plan policies and provide satisfactory living conditions for future occupiers having regard to internal space.

Reasons

5. The appeal site comprises a two-storey, mid-terrace property. The surrounding area is predominantly residential in character. The proposed development seeks planning permission to retain the existing use of the property as a large HMO, with more than seven occupants.

Local Plan Policy

6. Policy LP6 of Redbridge Local Plan 2015-2030 (the RLP) states that the conversion of larger houses to Buildings in Multiple Residential (Sui Generis) will only be supported where specific criteria are met, this includes a requirement that the a gross floor area of the property exceeds 180m².
7. Based on the evidence before me, the proposed HMO would only achieve a gross internal floor area of approximately 174m² which is below the minimum requirement set out in Policy LP6.
8. The Council has raised no specific concerns in relation to compliance with the other relevant criteria of Policy LP6 and based on the evidence before me I see no reason to disagree.
9. Nevertheless, the overall size of the building falls short of the required 180m². The purpose of this requirement is to ensure the building is large enough to provide a high standard of accommodation, particularly where a larger number of occupants are proposed, as in this case. Therefore, to establish whether this shortfall is harmful, I turn to consider the standard of accommodation to be provided.

Standard of Accommodation

10. Guidance contained within Appendix A of the Housing Design Supplementary Planning Document, adopted 2019 (the SPD) requires that HMOs provide high standards of accommodation in terms of the quality and arrangement of internal space and provision of external space. For bedrooms, this means that a single occupancy room should be minimum 7.5m² and a double bedroom should be a minimum of 12m². It also states that the minimum width of double and twin bedrooms should be 2.75 metres for most of the length of the room.
11. In total the proposed HMO would provide seven bedrooms, of these it is accepted that five would meet the minimum required sizes. However, bedrooms 3 and 6 would not. Bedroom 3 would provide approximately 6.9m² of floorspace, which represents a significant shortfall of approximately 0.6m² when assessed against the minimum standard. Bedroom 6 would provide approximately 7.4m² of floorspace. Whilst this represents only a minor shortfall, it would nevertheless fail to meet the required standard.
12. The proposed development would also involve the provision of communal kitchen, living and dining spaces within the ground floor of the property. The kitchen, which would provide two sets of cooking facilities would be approximately 20m², which would exceed the minimum required size for a kitchen. However, the SPD also states that dwellings with three or more bedrooms should have two living spaces, for example a living room and a kitchen/dining room. Therefore, whilst the proposed plans show a kitchen which would exceed the minimum size, the layout is such that this would not be suitable for providing an additional living space.
13. The living/dining room that would be provided would provide approximately 14m² of floorspace. This would be significantly smaller than the size required by the SPD, which states that a living/dining space should be a minimum of 14m² for three occupants, plus an extra 1m² for each additional occupant. Based on the indicated occupancy level of at least 9 people, this would represent a significant shortfall.

14. I note that the appellant states that all proposed units would be of a high standard, with adequate ventilation, communal gardens and adequate provision of refuse and cycle storage. However, these are expected of good planning and therefore do not weigh in favour of the proposed development.
15. Consequently, I therefore find that the proposal would fail to provide satisfactory living conditions for future occupiers, having regard to the size of the communal living space and bedrooms 3 and 6. Thus, the proposal would be in conflict 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. It would also be contrary to the guidance contained within the SPD for the reasons set out above.
16. The reason for refusal also states that the proposal is contrary to the Nationally Described Space Standards, but as this relates to new dwellings it is of limited relevance to the appeal proposal.

Other Matters

17. My attention has been drawn to other properties within Warwick Gardens¹ which have been converted. Based on the evidence before me, it appears that No.10 Warwick Gardens has been converted to provide two flats and is therefore not directly comparable. However, no further details have been provided. Therefore, this does not alter my findings.
18. I note the concerns raised by the third party, including in respect of waste management. However, as I am dismissing the appeal for the reasons set out above, it has not been necessary for me to consider these other issues further.

Planning Balance and Conclusion

19. For the reasons set out, I conclude that the appeal scheme fails to provide a satisfactory standard of accommodation, contrary to Policies LP26 and LP29 of the RLP and D6 of the London Plan. In light of this finding, the shortfall in gross floor area against criteria 2(a) of Policy LP6 is consequential and I find that the proposed change of use from a dwelling to a large HMO is not supported under this policy. Therefore, the proposal would conflict with the development plan, taken as a whole.
20. The Council confirmed that it is unable to demonstrate a five-year supply of housing. 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 Framework is engaged.
21. The provision of affordable accommodation is a social benefit to which I attach limited weight in this instance given the small scale of the development. However, there would also be a social benefit in retaining the property as family-sized dwelling. 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.

¹ 2, 7, 10, 15 and 18 Warwick Gardens

22. The proposal conflicts with the development plan as a whole and the material considerations in this case do not indicate that the appeal should be decided otherwise in accordance with it. For these reasons, and having regard to all other relevant matters raised, the appeal is dismissed.

K Lancaster

INSPECTOR