



Appeal Decision

Site visit made on 4 December 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2025

Appeal Ref: APP/J1535/W/24/3343670

6 Crooked Mile, Waltham Abbey, Essex EN9 1PS

- 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 DPA (London) Ltd against the decision of Epping Forest District Council.
 - The application Ref is EPF/0297/23.
 - The development proposed is the change of use from C3 to Sui Generis (HMO)
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have not identified any development plan policies in their reasons for refusal or in the officer's report. However, their statement of case has referred to a number of policies in the Epping Forest District Council Local Plan 2023 (EFLP). The appellant has had the opportunity to comment on the Council's Statement of Case and therefore I am satisfied that no party would be prejudiced by me considering the proposal against these policies.
3. As part of their appeal submission, the appellant has put forward an alternative scheme that would swap out one of the proposed bedrooms for a shared workspace at first floor level. The room, however, retains ensuite bathroom facilities including a bath. I deal with this matter in the main issues below.
4. In December 2024, the Government published a revised National Planning Policy Framework (the Framework). Although some sections and paragraph numbers have changed, the revisions do not relate to anything that is fundamental to the main issues in this appeal. The parties would not therefore be prejudiced by reference to the revised Framework.

Main Issues

5. The main issues are:
 - The effect of the development on the character of the area;
 - Whether the development would provide adequate living conditions for future occupiers with particular regard to the provision of internal accommodation; and
 - The effect of the development on highway safety, with particular regard to parking provision.

Reasons

Character of the Area

6. The appeal property is an extended semi-detached two storey house with accommodation in the roof space. It is located on a main road on the edge of a predominantly residential area in proximity to Waltham Abbey town centre.
7. The submitted plans show that the appeal property would be laid out as an 8-bedroomed House in Multiple Occupation (HMO) capable of accommodating up to 15 people with bedrooms on ground, first and second floors. Communal living space would be provided on the ground floor.
8. The appellant has suggested that some occupiers may wish to occupy a double room as a single occupant and thus overall occupancy may be less. However, this would be a matter of personal choice. I am compelled to determine the appeal on the basis of the information before me, which indicates that the property could be occupied by up to 15 people.
9. Although occupiers would share facilities including a kitchen, it is likely that they would be unrelated individuals, who, in practice, would be unlikely to function as a single household. Instead, each occupier of the HMO would be likely to have different schedules, make separate trips and receive individual visitors and deliveries.
10. I have no information before me to indicate whether other properties close by are occupied as HMOs. However, even if the surrounding area does have a high concentration of HMOs, the further activity generated by up to 15 persons living independent lives in this location, with separate routines, and their comings and goings along with those of their visitors would lead to a level of activity that would be of noticeably greater intensity than that associated with the existing and surrounding properties which are of generally modestly sized. As a result, the proposal would be detrimental to the existing residential character of the area.
11. The proposal would therefore have a detrimental effect on the character of the area. This would be contrary to EFLP Policy DM9 which seeks to ensure that development makes a positive contribution to a place and contribute to the character and amenity of the local area.
12. Waste facilities would be provided within the rear garden of the appeal property close to the boundary with the neighbouring property. I have no information before me to indicate that there would be insufficient space to accommodate an appropriate number of receptacles appropriate for the size of the property. Nor have I been given reason to believe that they would not be used properly by occupiers of the HMO, or that the provision of facilities close to the boundary would cause undue nuisance. Although the Council indicate that each room would be provided with their own waste facilities, the Essex Amenity Standards for HMOs only requires that the provision of suitable facilities should have regard to the number of occupants. Therefore, I am not persuaded that communal facilities could not be provided which would reduce the number of receptacles provided.
13. Furthermore, I have no reason to believe that it would not be possible for them to be positioned appropriately for collection. There would therefore be no conflict with EFLP Policy DM11 which requires that proposals should make

adequate on-site provision for waste generated by a proposal. Had I been minded to allow the appeal this matter could have been addressed by an appropriately worded condition.

14. The appeal property is located close to the boundary of the Waltham Abbey Conservation Area (CA), although is not within its boundary. I have no information before me to indicate that there would be any harm to the CA or its setting as a result of the proposal. Consequently, there would be no conflict with EFLP Policy DM7.
15. In conclusion, although I have found that there would be no conflict with EFLP Policies DM11 or DM7 in respect of the provision of waste facilities and the effect on the CA, for the reason set out above, there would be harm to the character of the area in general which would be in conflict with EFLP Policy DM9.

Living Conditions – future occupiers

16. The majority of the proposed bedrooms would be capable of comfortably accommodating a double bed. However, one bedroom at the front of the first floor would be less than 2.55 metres in width, and consequently would be below the Nationally Described Space Standards (NDSS) for a twin or double bedroom. Amended plans indicate that this space could be utilised as a shared workspace. Nevertheless, the room would retain ensuite bathroom facilities including a bath. Therefore, even if I were to accept the amended plans, the room remains capable of layout in the manner shown and I am not persuaded that it could not revert to a bedroom in future.
17. The appellant suggests that occupancy of the HMO in terms of numbers of residents could be controlled by condition, which may prevent the room being occupied as a bedroom. However, occupancy of HMOs is controlled by HMO licensing regulations and therefore it would not appropriate to impose a planning condition to this effect.
18. Accordingly, I conclude that the proposal would not provide adequate living conditions for future occupiers with particular regard to the provision of internal space. There would therefore be conflict with EFLP Policy DM10 which requires all new housing development to meet or exceed the minimum internal space standards set out in the NDSS. In coming to this conclusion, I recognise that the bedroom would be no less wide than it is presently, however, I have to consider the proposal as submitted which is for a change of use to an HMO. From the information before me it appears that previous extensions were granted permission under a different planning policy regime and this does not lead me to an alternative conclusion on this matter.
19. The Council have referred to the lack of information on ceiling heights and elevation details in relation to the suitability of the property as an HMO. However, the proposal relates to a change of use which does not involve extensions or external alterations to the property, I therefore have no reason to conclude that the property would not be suitable for the use intended in this respect. This does not, however, alter my conclusion on this main issue that the property would not provide adequate living conditions for future occupiers.

Highway Safety

20. No off-street parking would be provided as part of the proposal. However, no objection has been raised by the Highway Authority concerning such matters. The property is located close to amenities and public transport, providing sustainable travel options for future occupants other than depending on private cars. I have not been provided with any substantive evidence that the proposal would result in undue parking stress over and above the existing situation, and there are no parking restrictions on Crooked Mile close to the appeal site which would restrict occupiers of the HMO from parking on the highway.
21. The Council state that the Essex Parking Standards 2009 would require the provision of 2 parking spaces for a C3 dwelling. However, the proposal before me is for a sui generis use for which the Council states appropriate parking should be supplied. However, no indication has been given as to what an appropriate level of parking would be in this instance.
22. Although no parking would be provided on site, I have no substantive evidence before me to indicate that this would lead to a significant effect on the functioning or safety of the highway network.
23. I therefore find that there would be no harm to highway safety with particular regard to the provision of on-site parking and therefore on the basis of the information before me there would be no conflict with EFLP Policy T1 which seeks to ensure that developments provide appropriate parking provision and do not compromise highway safety.

Other Matters

24. The standard of accommodation proposed complies with the required standards for HMOs in terms of facilities within the appeal property. This matter is neutral in my consideration of the appeal and does not alter my conclusion on the main issues above.

Conclusion

25. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

K L Robbie

INSPECTOR