



Appeal Decision

Site visit made on 11 March 2025

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2025

Appeal Ref: APP/W5780/W/24/3355949

Flat 2, 1 York Place, Ilford, Essex IG1 3AA

- 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 M Johal on behalf of Johal Property Ltd, against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 2126/24.
 - The development proposed is internal alteration and change of use from a flat (C3) into a small HMO (C4) for up to 5 people.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this appeal. Insofar as is directly relevant to the appeal, the changes are not fundamental. Neither main party were asked for their views and I am satisfied no parties have been prejudiced as a result.
3. The description of development is taken from the application form. However, this description has been challenged by the Council at application stage and in their appeal statement, on the basis that the proposal does not meet the definition of a House in Multiple Occupation (HMO). Use Class C4 (often referred to as a small HMO) relates to houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. The proposed plans show that the existing flat (C3) is to be subdivided into 5 small self-contained units. These units would each have a kitchenette and an ensuite shower room, they would not share any amenities or benefit from any communal space internally or externally. Units 1-3 would have independent entrances, accessed from the first- floor communal walkway. As such, notwithstanding the description, on the evidence provided the proposal would not constitute a change of use into a small HMO (C4), rather it would provide 5 self-contained units. I have approached my determination on this basis.

Main Issues

4. The main issues relevant to this appeal are the effect of the proposed development on the living conditions of future occupiers with particular regard to: internal space and the provision of external amenity space.

Reasons

5. The appeal property is a 2-bed flat. It is located on the south side of York Place. The surrounding area is characterised by a mixture of commercial and residential properties.

Living Conditions internal space

6. Policy D6 of the London Plan (2021) requires housing development to be of high-quality design and provide adequately sized rooms. Table 3.1 stipulates that the minimum gross internal floor area for a one person studio unit with a shower room should be 37 square metres. The gross internal floor space of the self-contained bedrooms, or studio flats, would be constrained, ranging between approximately 13.2 square metres to 20 square metres. The subdivision and altered internal layout would fall considerably below the minimum standard which is a strong indicator that it would result in unsatisfactory living conditions.
7. Even if considered as a HMO, the gross internal floor area for the whole property is 86.35 square metres, which is substantially below the minimum gross internal floor area of 97 square metres for a 4-bed 5 persons, or 110 square metres for a 5-bed 6 persons, as required by the nationally described space standards (NSS) (2015) and consistent with the internal space standards set out in Policy D6 of the London Plan (2021) and Policy LP29 of the Redbridge Local Plan (LP) (2015-2030). These are the nearest comparisons in the absence of a 5-bed 5-person category.
8. Subdivision of a single flat to create 5 self-contained flats results in restricted internal space and serves to constrain the layout of furniture in the space. The flats fail to provide what can reasonably be expected of acceptable living accommodation.
9. As such, the undersized internal living space would, therefore, be to the detriment of the quality and useability of the accommodation provided for the number of people as intended.
10. The appellant states that the appeal property has been constructed to a high standard in terms of design and detailing with adequate light levels and ventilation. Nevertheless, these factors do not mitigate the harms identified from the inadequate living conditions for future occupants.
11. For these reasons, the proposed development would result in an unsatisfactory living environment for future occupiers. The accommodation would not meet acceptable standards in terms of internal space, contrary to Policy D6 of the London Plan (2021) regarding housing quality and standards.
12. The development is also contrary to Policy LP26 of the LP (2015-2030), which promotes high quality design. This policy requires development to, amongst other things, provide high standards of accommodation for housing in terms of size, quality and arrangement of internal space.
13. The proposal would also be contrary to the guidance in the Council's Housing Design SPD (2019) and the NSS (2015).

External amenity space

14. The communal external walkway provides independent access to flats 1-3 and shared access to flats 4 and 5, as well as the flats in 35 Cranbrook Road. This shared access does not constitute communal external amenity space. The geometry of the space, being long and narrow, would preclude its useability and practicality. This communal walkway would be shared, rather than private, space.
15. The appellant contests that the lack of private amenity space is not uncommon in London where an existing property has been converted, but states that the proximity of public open space, specifically Valentine's Park to the north and Wanstead Park to the west, mitigate the lack of provision of private amenity space. Whilst the existence of public open space in the vicinity and the value thereof are noted, given the substantially undersized living accommodation proposed and absence of communal facilities, the lack of any external amenity space further compounds the detrimental impact on the amenity of future occupants.
16. For these reasons, I attribute significant weight to the harm arising from the lack of any private or communal external amenity space.
17. The lack of provision of quality, useable external amenity space for the self-contained flats would also conflict with Policy D6 of the London Plan (2021). Policy D6 relates to housing quality and standards. Criterion D of this policy states that the design of development should maximise the useability of outside amenity space. Criterion 9 of this policy requires the provision of a minimum of 5sqm of private outdoor space for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.
18. The development is also contrary to Policy LP26 of the LP (2015-2030), which promotes high quality design. This policy requires development to, amongst other things, provide high standards of accommodation for housing in terms of size, quality and arrangement of internal space, external private and external communal amenity space, and access to useable open space.

Planning Balance

19. The current 5-year housing land supply position and housing delivery test result (2021/22) for the London Borough of Redbridge is a significant material consideration in the determination of this appeal. The Council has confirmed that it has delivered 50% of its annual housing target for the 3 years up to 2021/22 and accepts that this constitutes a very significant shortfall, which has led to 'Action Plan' status being applied since January 2019. As such, the paragraph 11d of the Framework is engaged.
20. There is nothing before me to suggest that any of the policies in paragraph 11d(i) are relevant to this case, hence the balance in paragraph 11d(ii) applies. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having regard to specified key policies.
21. The proposed development would contribute to the area's housing supply in an accessible location and make more efficient use of the land. These are important considerations in the context of the Government's objective to boost significantly

the supply of homes and given the local demand. In light of the shortfall in housing delivery, I attribute these matters significant weight.

22. Nevertheless, paragraph 135 of the Framework is identified as a key policy in paragraph 11. Amongst other things, this states that planning decisions should ensure a high standard of amenity for future users. It will be seen that I have found the proposal would fail in this respect.
23. The adverse impacts in this respect would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. It follows that the presumption in favour of sustainable development does not apply.

Conclusion

24. I conclude that the development would provide inadequate living conditions for future occupants, with particular regard to internal space and external amenity space.
25. In light of the harm I have found the proposal to be contrary to the development plan when read as a whole and there are no material considerations, including the Framework, to indicate that a decision should be taken other than in accordance with that plan.
26. The appeal is dismissed.

N Kempton

INSPECTOR