



Appeal Decision

Site visit made on 4 March 2025

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

Appeal Ref: APP/W5780/W/24/3349740

6 Tylehurst Gardens, Redbridge, Ilford IG1 2QL

- 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 Zulfiqar Ali against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is PP-12907215.
 - The development proposed is change of use from C3 to C4 Small HMO to house up to 6 people.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is taken from the application form and is confined to development. Extraneous information has been omitted for conciseness.
3. 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 that no parties have been prejudiced as a result.
4. The Council refer to the application as being retrospective, relating to works already carried out. For the avoidance of doubt, my determination of the appeal is based on the drawings and information submitted and not on the works as constructed.

Main Issue

5. The main issue is the effect of the proposed development on living conditions of future occupiers of the property, with particular regard to internal space.

Reasons

6. The appeal site is a terraced house located in Ilford. The property is part of a residential street comprising primarily early 20th century terraced housing, set back off the pavement behind modest front gardens, many of which have been hard landscaped to provide parking, which erodes the streetscene. The presence of street trees serves to soften the built form. The area surrounding Tylehurst Gardens is predominantly residential, characterised by a tight urban grain of terraced housing. The community benefits from access to a range of amenities and educational facilities nearby.

7. There is some inconsistency in the evidence before me. The as- existing floor plans show 3 bedrooms at first floor, while the function of two of the rooms at ground floor are unspecified. These floor plans are marked as 'unchanged', a point that is reiterated in the appellant's statement. Measuring 5.2 square metres, the smaller bedroom to the front of the house at first floor falls significantly below the minimum 7.5 square metre requirement for a single occupancy bedroom as set out in the nationally described space standards (NSS) (2015).
8. Notwithstanding this, the appellant has clarified that the dwelling has 4 double bedrooms and 1 single bedroom. Furthermore, the appellant's statement confirms that 1 double occupancy bedroom and the single- occupancy bedroom in the property would be retained by the appellant, the latter intended for storage or office use. The proposal is, therefore, for a 3-bed house for up to 6 people.
9. Even if accepting this to be the case, the kitchen at 6.75 square metres is significantly undersized for a HMO for up to 6 people. The NSS (2015) require a kitchen measuring a minimum of 9.5 square metres for 6-7 persons. The kitchen in the appeal property fails even to meet the stated minimum requirement of 7.5 square metres for a kitchen for 4-5 persons. The undersized kitchen 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 contends that not all the tenants will be in the kitchen at the same time, suggesting that theoretically only 1 person from each couple will use the kitchen at one time. Notwithstanding this, the HMO would be for up to 6 people, which would constitute an intensification of use of the kitchen compared with people living as a single-family unit.
11. Furthermore, the overall gross internal floor area of the dwelling is 99 square metres over two floors, which is below the 106 square metres minimum floor area for a 4-bed 6 person property as required by the NSS (2015) and consistent with the internal space standards set out in Policy D6 of the London Plan and Policy LP29 of the Redbridge Local Plan (LP) (2015-2030).
12. I note that the appellant's application for an HMO licence is awaiting final approval and that Redbridge HMO licensing department has issued a provisional licence for a year. However, the licencing for HMOs is separate from the planning approval process and does not negate the requirement to secure planning permission for a change of use from a dwelling house (Use Class C3) to an HMO (Use Class C4).
13. 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. As such, the proposed development would be contrary to Policy D6 of the London Plan (2021) regarding housing quality and standards. This policy requires housing development to be of high- quality and provide adequately sized rooms, which are fit for purpose. It stipulates that a one bedspace single bedroom must have a floor area of at least 7.5 sqm and be at least 2.15m wide.
14. 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.

15. The proposal would also be contrary to the guidance in the Council's Housing Design SPD (2019) and the NSS (2015).

Planning balance

16. 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, paragraph 11d of the Framework is engaged.
17. 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.
18. The proposed development would contribute to the area's housing supply in an accessible location. This is an important consideration 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 this matter significant weight.
19. 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.
20. The adverse impacts in this respect would significantly and demonstrably outweigh its 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

21. I conclude that the development would provide inadequate living conditions for future occupants, with particular regard to internal space.
22. In light of the harm I have found, use of the property as an HMO is 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.
23. The appeal is dismissed.

N Kempton

INSPECTOR