
Appeal Decision

Site visit made on 16 April 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 May 2025

Appeal Ref: APP/U5360/W/24/3355236

13 Goulton Road, Hackney, London E5 8HA

- 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 Nicholas Taylor against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/1737.
 - The development proposed is described as the Change of use from residential to House in Multiple Occupation use 9 People (Sui Generis), and all associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has considered the proposal to have the potential of housing 15 persons, due to the size of the proposed bedrooms. However, the original description of development along with the appellant's evidence clearly shows the application is for a 9 person House in Multiple Occupation (HMO). The proposed development has been considered accordingly.
3. The appellant has referred to Hackney Local Plan (LP) Policy LP14. Although this has not been submitted, the online version has been reviewed as part of this decision.

Background and Main Issues

4. The Council has reviewed the submitted HMO Management Plan and considers it to sufficiently address the requirements for such a plan and therefore no longer wishes to contest the associated reason for refusal. There is nothing before me to conclude otherwise.
5. Therefore, the main issues are the effect of the proposed development on the borough's housing stock in relation to family housing, and on transport infrastructure with regard to car parking; and whether it would provide adequate living standards in relation to rent levels and internal facilities.

Reasons

Housing supply

6. The appeal property is a large, 2-storey dwelling with accommodation in the basement and loft. There is an enclosed garden to the rear accessible from a side

access, and an area of hardstanding to the front. Goulton Road is characterised by similar properties and within close proximity of multiple services and facilities.

7. Hackney Local Plan 2033 (LP) Policy LP12 sets out the overarching housing need for the borough. Amongst other thing, it notes that the greatest need is for self-contained residential units, and other forms of residential accommodation (such as HMOs) will only be permitted where it has been demonstrated it is not feasible to deliver self-contained residential units. This is further emphasised in LP Policy LP22 which specifically deals with HMOs and amongst other things, states that new HMOs will be supported if they do not result in the loss of existing housing suitable for family occupation.
8. Although large, the appeal property is currently a self-contained residential unit for a single family. The proposal would convert this into a 9 person HMO. The appellant has stated that the appeal property is not appropriate for a single family as it is too large, and its 4-floor layout is not conducive to family living. Although it is appreciated that the appeal property is considerably larger than an average 3- or 4- bedroom family home, there is nothing before me that demonstrates that the property is so large or poorly laid out that it is incapable to be used by a single-family.
9. It is the appellant's belief that the well-connected location of the appeal property would be advantageous for an HMO; and that there is a need for HMO rentals for younger generations who struggle to rent houses on their own. However, the location of the appeal property would also be appropriate for families and there is nothing before me to evidence that there is a specific local need for rental accommodation for younger people.
10. LP Policy LP14 identifies a higher need for 1- and 2-bedroom properties rather than 3+ bedroom properties. Nevertheless, the proposal would not provide 1- and 2- bedroom properties but would reduce the housing stock by 1 self-contained dwelling.
11. Accordingly, the proposal would constitute the loss of a family home to the detriment of the borough's housing stock and so fail to comply with LP Policies LP12 and LP22.
12. The Council has also referred to London Plan (LdnP) Policy H8 which deals with the loss of housing in general. However, as the proposal would not constitute the loss of housing but rather a change in housing type, this policy is not determinative.

Transport infrastructure

13. The proposal has the potential to intensify the residential use of the appeal dwelling and therefore there is a likelihood it would attract additional cars to the area. Goulton Road is within a Controlled Parking Zone and the appeal site does not benefit from off road parking provision. Any additional cars seeking to park could have an impact on the traffic flow and safety of the already heavily used and constrained roads around the appeal site. Consequently, if the proposal is secured as a car-free development this would ensure it would not have a detrimental effect on the immediate transport infrastructure.

14. As the appeal site is located in an area falling within the second highest category of public transport accessibility¹ and cycle parking can be provided, securing the proposal as a car-free development would not harm the ability of future occupants to travel.
15. The Council have identified that an obligation to modify the existing traffic order to prohibit future occupiers from purchasing parking permits would be required to secure the proposal as car-free development. The appellant has submitted a draft unilateral agreement as a mechanism to secure this. However, as it has not been fully executed it cannot be relied on.
16. As such the proposal cannot be secured as car-free development and so may have a detrimental effect on the surrounding transport infrastructure with regard to car parking. It would, therefore, fail to comply with LdnP Policy T6 and LP Policy LP45, insofar as they seek to secure car-free development.

Living standards – rent levels

17. Section A.iv of LP Policy LP22 specifically requires new HMO development to demonstrate that proposed rent levels would be suitable for people with low incomes. This would protect their living standards from the financial burden uncontrolled rent could create. However, how this is to be demonstrated is not expressly defined thus the policy provides providing flexibility in how it could be achieved.
18. Nevertheless, paragraph 7.33 of the LP supporting text it is advised a planning agreement should be used. As the protection of rental levels would need to run with the land, the most obvious method to secure this would be via planning obligation. The appellant has submitted a draft unilateral agreement, but it does not provide a mechanism to secure rent levels. They have also suggested the use of a condition. However, without specific details of how the rent level would be secured specifically for those on low incomes there is not enough certainty to ensure a condition would be precise or enforceable.
19. The proposal would therefore fail to secure appropriate rent levels to the detriment of the living conditions of future occupants and so fail to comply with this element of LP Policy LP22.

Living standards – internal facilities

20. The living standards of occupants of HMOs can be harmed if adequate kitchen and bathroom / toilet facilities are not provided. Section A.v of LP Policy LP22 requires that HMOs must provide a high quality and good standard of accommodation using the Council's guidance, in this instance identified as the 'Private Rented Property Licensing Accommodation Standards' (PLAS).
21. The PLAS requires a minimum kitchen size of 11.5sqm for 8-10 persons and the equivalent of 2 full sets of cooking facilities. The proposal would retain the existing 15.7sqm ground floor kitchen. Although the specific cooking facilities required by the PLAS are not shown on the plans, as the kitchen would be larger than the minimum size requirement and is regular in shape, it could be redesigned to include the additional necessary cooking facilities. This could be controlled by condition.

¹ Public Transport Accessibility Level 6a

22. In relation to bathroom / toilet facilities for a 6-10 person HMO the PLAS requires 2 bathrooms with wash hand basins in, and 2 toilets. There is no specific requirement for the toilets to be separate from the bathrooms. The proposal would provide 2 bathrooms capable of also having wash hand basins and toilets in and an additional shower. Therefore, would exceed the requirements of the PLAS.
23. The proposal would also provide additional internal facilities, such as a lounge, and a reasonable level of outdoor space, both of which would exceed the minimum HMO standards set out in the PLAS.
24. Therefore, the proposal would provide adequate internal facilities for a 9 person HMO and so comply with this element of LP Policy LP22.

Other Matters

25. The Framework seeks to boost the supply of homes, make more efficient use of land in accessible locations, and ensure an appropriate mix of housing types for local communities. However, the proposal would replace one type of housing for another, and it has not been shown that the proposed housing type is more necessary than the existing. This therefore does not outweigh the harm identified in the main issues.
26. It is noted that no harm or objection has been raised by the Council, statutory consultees or third parties in relation to the character and appearance of the area, archaeology, the living conditions of neighbouring occupants, access to public transport and services, construction sustainability, potential noise and disturbance, and the storage of cycles, waste and recycling. However, a lack of harm, by definition, cannot weigh for or against the proposal.
27. The appellant considers the Council has failed to properly respond to various requests for information in light of the refused planning permission. Although unfortunate this does not affect the planning merits of the case.

Balance and Conclusion

28. Whilst I have found for the appellant in relation to the fourth main issue. This would be a lack of harm and thus, by definition, is capable of weighing against the harm that I have found regarding the first, second and third main issues. Consequently, the appeal scheme would conflict with the development plan as a whole. There are no material considerations worthy of sufficient weight, which would indicate a decision otherwise. The appeal should, therefore, be dismissed.

RJ Redford

INSPECTOR