



Appeal Decision

Site visit made on 2 May 2025

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/U5930/W/24/3355227

41 Clarendon Road, London E17 9AY

- 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 R Chaudhary against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 241647.
 - The development proposed is described on the application form as “Conversion of property into small HMO for 5 Persons”.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposal would accord with development plan policy in relation to Houses in Multiple Occupation (HMOs), with particular regard to internal space standards,
 - ii) whether the proposal would make adequate provision for cycle storage, and
 - iii) the effect of the proposal on on-street parking and the promotion of sustainable transport.

Reasons

3. The appeal property is a small 2-storey semi-detached house with 4 bedrooms on the upper floor and 2 reception rooms and a kitchen/diner at ground floor level. There is a garden to the rear which can be accessed via a narrow alley to the side of the house. The property is situated in a residential area comprising houses of similar age, size and appearance and is subject to an Article 4 Direction that removes permitted development rights in respect of the change of use of single-family dwelling houses (Use Class C3) to small houses in multiple occupation (Use Class C4).
4. The proposal would comprise the conversion of the appeal property into a 5-bedroom HMO with the kitchen/diner providing communal space for the residents. To facilitate the change of use, refuse and cycle storage would be provided within the rear garden of the property.

HMO Policy

5. Policy 20 of the Waltham Forest Local Plan Part 1 (2024) (LP) sets out the Council's approach to the conversion of dwellings to other forms of residential accommodation including HMOs. The text accompanying this policy recognises that HMOs can form an important part of the housing stock provided certain criteria are met to prevent the creation of poor quality HMO accommodation.
6. Part A of Policy 20 states that the conversion of a larger home to an HMO will not be allowed in instances where the house has a gross internal floorspace of less than 124sqm. The planning application form indicates that the gross internal floor area of the appeal property is below this threshold and therefore there is clear conflict with this policy.
7. In circumstances where proposed HMOs exceed the floorspace threshold, Part C of Policy 20 requires a range of criteria to be satisfied to ensure HMO accommodation provides acceptable living conditions for future occupiers. 3 of the proposed bedrooms would fall short of the space standards set out under this policy. This, together with the limited communal accommodation that would be provided, leads me to conclude that the proposal would result in unacceptable living conditions for future occupiers.
8. For the reasons set out above I conclude that the appeal proposal fails to accord with LP Policy 20 and is also contrary to the aims of LP Policy 15 which seeks to ensure there is a diverse range of housing sizes and tenures in the borough.

Cycle Storage

9. LP Policy 61 and Appendix 1 of the LP set a minimum requirement for cycle parking for HMOs of one cycle space per habitable room and seek to ensure cycle parking is fit for purpose, secure and well located. The application drawings show a storage facility in the rear garden for 2 cycles which would be accessible via the alley to the side of the house. This facility does not accord with the LP requirement.
10. However, there is sufficient space to the rear of the house to accommodate a larger storage unit. In these circumstances, had the proposal been acceptable in other respects, a planning condition could have been imposed requiring the submission and approval of an enhanced cycle storage scheme. Such a condition would make the proposal acceptable in this respect. I note that such a planning condition has been put forward by the Council.
11. For these reasons I conclude that, with the imposition of a planning condition, the proposal would make adequate provision for cycle storage. It therefore accords with LP Policy 61.

Parking

12. LP Policy 66 encourages car-free and car-capped development in locations that have high levels of parking stress. The appeal site is located within a Controlled Parking Zone so scope exists to remove the right for occupiers of the appeal property to apply for on-street car parking permits. As the proposed HMO could potentially be occupied by 5 car owners I consider it necessary and appropriate to remove the entitlement to on-street parking permits.

13. A s106 legal agreement is not before me to secure this. As such the proposal would have an unacceptable effect on on-street parking and the promotion of sustainable transport and therefore fails to accord with LP Policies 60 and 66, the former of which supports development that delivers car-free development to reduce car dominance in terms of congestion and excessive car parking on the street.

Conclusion

14. For the reasons set out under the first and third main issues above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR