



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/25/3358472

4 Marlborough Road, London E15 1UQ

- 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 Anthony Adegbulu against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 241899.
 - The development proposed is a change of use from Use Class C3 (dwelling house) to Use Class C4 (house in multiple occupation).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The information before me indicates that the appeal property is currently in use as a House in Multiple Occupation (HMO). This appeal therefore relates to an application for retrospective planning permission.

Main Issues

3. The main issues are:
 - i) whether the appeal scheme accords with development plan policy in relation to HMOs, with particular regard to internal space standards,
 - ii) whether the appeal scheme makes adequate provision for cycle storage, and
 - iii) the effect of the appeal scheme on on-street parking and the promotion of sustainable transport.

Reasons

4. The appeal property is a small 2-storey semi-detached house with 3 bedrooms on the upper floor and a bedroom, reception room, kitchen and utility room at ground floor level. There is a garden to the rear and a small area of outdoor space at the front 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).

5. The information before me indicates that the property has been in use as a small House in Multiple Occupation (HMO) since July 2023. The appeal scheme seeks retrospective permission for this use.

HMO Policy

6. 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.
7. 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.
8. 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. 2 of the bedrooms fall short of the space standards set out under this policy. This, together with the limited communal accommodation provided, leads me to conclude that the appeal scheme results in unacceptable living conditions for future occupiers.
9. I note that an HMO licence has been issued and that this ensures the accommodation meets minimum standards in respect of health and safety. This does not however overrule or outweigh the need to accord with development policies where planning permission is required.
10. For the reasons set out above I conclude that the appeal scheme 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

11. 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 cycle parking that is fit for purpose, secure and well located. A drawing has been provided with the appeal that shows a covered and enclosed structure capable of accommodating 4 cycles within the rear garden. To access this storage facility from the street cycle users would need to take their cycles through the house navigating 5 doors and narrow corridors. As such the cycle storage would not be well located and would not encourage cycle use.
12. For these reasons I conclude that the appeal scheme does not make adequate provision for cycle storage and therefore it fails to accord with LP Policy 61.

Parking

13. 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 appeal scheme could

potentially be occupied by 4 car owners I consider it necessary and appropriate to remove the entitlement to on-street parking permits.

14. There is a s106 legal agreement before me dated 3 January 2025. I am satisfied that this would ensure the appeal scheme adequately promotes sustainable transportation and therefore it accords with LP Policies 60 and 66.

Other Matters

15. The appellant describes the accommodation at the appeal property as “affordable housing”. As there is no evidence before me regarding the level of rent charged I give limited weight to this.

Conclusion

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

S Poole

INSPECTOR