



Appeal Decision

Site visit made on 30 April 2025

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025.

Appeal Ref: APP/B5480/W/24/3357747

11 Nelmes Road, Hornchurch, RM11 3HX

- 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 H Gohill against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1481.23.
 - The development proposed is described as 'retention of large HMO, up to 10 people'
-

Preliminary matters

1. The development concerns the use of a dwellinghouse as a large House in Multiple Occupation (HMO). The submissions to the Council explain that the planning application was submitted to align with an HMO licence for a maximum of 10 people living as 8 households. I consider the description of development as set out in the Council's Decision Notice, and as contained on the appeal form, to be more accurate than the description on the application form. I have determined the appeal on that basis, namely the change of use from Use Class C3 to sui generis for use as a large HMO (up to 10 people).

Decision

2. The appeal is dismissed.

Main issue

3. The main issue in this appeal is whether the proposed development would be consistent with planning policies regarding the provision of HMOs.

Reasons

HMO provision

4. Policy 8: Houses in Multiple Occupation, contained in the London Borough of Havering Local Plan 2021 (LBHLP) states HMOs will be supported where it can be demonstrated that seven criteria are satisfied. It is accepted by the main parties that criteria (i) and (ii) are satisfied, namely that the property exceeds the minimum size requirement of 120 sq m, and that there are not more than 10% of properties in the street as HMOs or two adjoining HMOs. The parties also agree Criterion (v) relating to the provision of refuse storage could be secured by a planning condition. I agree with these matters.

5. Criterion (iii) requires HMOs to not have an adverse impact on the surrounding area, with reference to noise and disturbance. The appeal property is a large house that stands on a corner plot at the junction of four roads where there is a roundabout, with wide pavements. I saw a steady flow of traffic along these roads and at the junction, including buses, and the front gate to the property exits adjoining this roundabout junction. Those entering and exiting the property would thus do so in an area where there is a reasonably high degree of activity, and at a location away from adjoining houses. I also saw at my site visit that the rear garden area is large, and hence there is sufficient distance from other properties to ensure no unreasonable noise to neighbouring residents. I am therefore satisfied that the proposed use would therefore not conflict with Criterion (iii).
6. I note the Emerson Park Policy Area Supplementary Planning Document 2009 (SPD) states that conversions of houses to flats and communal uses will not be allowed. However, the SPD explains that its purpose is to provide detail on the implementation of a development control policy relating to 'Other Areas of Special Townscape or Landscape Character', rather than Policy 8 of the adopted LBHLP. Furthermore, the SPD pre-dates the adopted development plan and so the content of the SPD does not change my conclusions above in relation to Criterion (iii) of Policy 8.
7. Criterion (iv) of Policy 8 of the LBHLP requires Havering's parking requirements to be met, and there to not be an unacceptable impact on parking condition and traffic congestion. There is little objective evidence provided to me on this matter; there have been no detailed surveys of car ownership by tenants – either current, past or predicted – nor of the level of parking in the area. The appellant states occupiers of the HMO would be less likely to own a car, and that there are three car parking spaces to be provided on an existing off-street parking area, but the Council consider due to the high level of occupation of the building the ownership is likely to be high.
8. The area shown for parking is separated from the main property and is adjacent to what is termed as an annex. This is a part of the building that the Council query regarding the purpose and function and which, at the appeal stage, the appellant has confirmed was not part of the planning application of appeal. On the basis of what I have read and seen I am therefore not reassured that this is an area of parking that can be relied upon to be used for the sole purposes of occupiers of the proposed HMO: it has been confirmed as not being part of the HMO scheme. I am thus further not reassured that, if that parking area were to be used in association with the HMO, then there would not be any consequential harmful impact upon however that annex is used.
9. In any event, even if I were to find that that area of parking could be used, I remain unpersuaded on the evidence provided to me that there is adequate provision for parking for the proposed HMO. The appellant states there is sufficient space on the surrounding road network to accommodate on-street parking of cars. However, the appeal property is sited close to the four-way junction with roundabout, where I saw there are restrictions on parking and narrowing of roadways arising from this layout, and from marked bus stop cages. The Council state there is a high level of demand for on-street parking in the area, and submissions from third parties refer to car parking matters. As noted, there is little objective evidence on this matter.

10. Based on what I have read and seen, I therefore remain concerned that the level of use of the property will give rise to a level of demand for parking that would have an unacceptable impact on parking conditions in the area, and hence to highway safety and traffic congestion. Criterion (iv) is therefore not satisfied.
11. Criteria (vi) and (vii) of Policy 8 require respectively the provision of satisfactory communal space, and that the East London HMO Guidance (ELHMOG) is met. The submitted drawings show the use of two rooms on the ground floor as bedrooms, four bedrooms at first floor and two bedrooms within the roof space. The ELHMOG says that single occupancy bedrooms, without kitchen facilities, should have a minimum floor area of 8.5 sq m and for two occupiers 13 sq m, and that these rooms should have a minimum floor to ceiling height of at least 2m over 75% of the floor area. The shape of the room is also to be taken into account.
12. The drawings are annotated to show floor areas are variously met in the eight bedrooms. However, the two rooms within the roof space are set within the sloping roof and have very small windows which limit natural light and outlook, with awkwardly proportioned rooms which I saw at my site visit. I consider those factors mean they do not offer a satisfactory standard of accommodation for occupiers and do not satisfy the requirements of the ELHMOG. I acknowledge that, if the property was used as a dwellinghouse, these rooms may be bedrooms. But the use of a room within an HMO as a resident's primary area of private space is different to how one bedroom within a wider household is used.
13. The other six bedrooms within the property are of reasonable size and configuration to provide satisfactory accommodation. However, the application is clear that the intention for the use of the property to align with the terms of the HMO licence, namely up to 10 persons living as 8 households. For the reasons given above, I consider the use of the two rooms within the roof space to not provide adequate living accommodation and so should not be used as such.
14. This then leads to six bedrooms of sufficient quality within the property for 10 persons. This further leads me to share the concerns of the Council that the overall quality of accommodation within the property is of poor quality, and that there would be pressure to use rooms for purposes other than as shown on the drawings, including incursion into communal areas; a matter that would be difficult to detect, and where the reduction of communal space would be objectionable. Indeed, at my site visit I saw that one room in the roof space was used for storage rather than a bedroom and that the lounge was used as a bedroom. I acknowledge the application to the Council recognised that the current use of the lounge as a bedroom would change as part of the proposal, but that was on the basis of the two roof space rooms being used as bedrooms: a use I find unacceptable.
15. I therefore consider that the layout of the property and the proposed use of rooms for the number of occupants would not provide a satisfactory standard of internal accommodation for occupants, and this would be contrary to Criteria (vi) and (vii).
16. On the main issue in this appeal I have found the proposal meets a number of the requirements of Policy 8 of the Local Plan in order to receive support for use as an HMO as proposed in this appeal. However, the conflict with Criteria (iv), (vi) and (vii) mean the proposal does not satisfy the policy, and hence there is conflict with the development plan.

Conclusion

17. The proposal would provide accommodation for which there is a recognised need, as set out in Policy H9 of the London Plan 2021 and in the Planning Policy Framework. However, this is only where the quality of the accommodation being provided is acceptable, and there is no harmful impact upon the surrounding area. For the reasons given I have found the information before me shows that the accommodation would not be satisfactory, and there would be harm arising from highway safety. This outweighs the benefits of providing accommodation, and I conclude the development conflicts with the development plan and Framework as a whole. The appeal is therefore dismissed.

C J Leigh
INSPECTOR