



Appeal Decision

Site visit made on 17 June 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal Ref: APP/U5930/W/25/3363617

39 Farnborough Avenue, Walthamstow E17 6HX

- 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 S & W Enterprise (UK) Ltd against the decision of Waltham Forest London Borough Council.
 - The application ref. is 242906.
 - The development proposed is a change of use of the existing C3 residential dwelling to a C4 HMO for 6 persons together with provision of cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicates that no new building is proposed, but the proposed ground floor plan shows cycle and waste stores in the front garden. A detailed plan and elevations are provided of the cycle store, but not of the waste store. I have dealt with the appeal on the basis that both are also proposed.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the provision of needed housing types
 - whether the proposal would provide adequate living conditions for its future occupiers, with particular regard to space, and
 - the adequacy of waste storage arrangements

Reasons

Needed housing types

4. The Council states that it introduced an Article 4 Direction in 2014 removing permitted changes of use from Class C3 dwellinghouses to Class C4 houses in multiple occupation (HMOs), to prevent the loss of larger family-sized homes, and that its Authority Monitoring Report 2022/23 identifies a shortfall in the provision of 3+ bedroom dwellings over ten years against the requirement in Policy 15 of the Waltham Forest Local Plan (2024) (WFLP).
5. The requirements are set as proportions of new provision, and I have no evidence as to the existence or scale of any absolute shortfall. However, the appellant does not dispute this point. Therefore, on balance, I find that the proposal would harm

the provision of the greater-needed housing type, contrary to Policy 15 of the WFLP, which prefers a dwelling mix that would tend to be undermined by the proposal. I attach significant weight to this policy conflict.

Living conditions

6. The proposal would use 8.5sqm and 8.75sqm bedrooms for single- and 14.98sqm and 14.74sqm bedrooms for double-occupancy. The kitchen would be 8.5sqm and the living room would be 11.8sqm in area, within a dwelling of 108sqm total area.
7. These are less than the 10sqm and 16sqm standards for single- and double-occupancy, the 14sqm for kitchens, the 17sqm for living rooms or the 124sqm for total original floor area, which in this case would be 78sqm without extensions.
8. This would provide inadequate living conditions, contrary to Policy 20 of the WFLP, which would only permit the conversion of larger homes into HMOs with resulting room sizes to standard. I attach significant weight to this policy conflict.

Waste storage

9. The proposal would install cycle and waste stores on the front garden. Whilst the Council is content with the cycle store, it is concerned there may not be sufficient space for the three bins its collection service requires. Whilst the appellant has submitted a Waste Management Plan, it does not contain the number or size of bins required. The submitted site plan shows space for two wheelie bins.
10. On balance, I cannot be sure the proposal could comply with Policy 93 of the WFLP, which requires provision to its specification, or would not result in either an unduly large store for the location or unstored bins, contrary to Policies 53 and 57, which seek high quality design and to protect the living conditions of occupiers and neighbours. I attach significant weight to these policy conflicts.

Other Matters

11. The appellant refers to a case where the Council granted permission for a similar change of use, but cites and encloses an appeal decision in Northampton, the main issue in which was different. I therefore attach only modest weight to this.
12. The appellant refers to the East London HMO Guidance. Whilst the proposal may comply with aspects of this, I have no copy before me and cannot be sure it relates to planning and not licensing. I therefore attach only modest weight to this.

Conclusion

13. For the reasons given above the appeal should be dismissed.

S Simms

INSPECTOR