



Appeal Decision

Site visit made on 17 June 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2025

Appeal Ref: APP/W5780/W/25/3361184

15 Vernon Road, Seven Kings, Ilford, Redbridge IG3 8DJ

- 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 T Matak against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 2724/24.
 - The development proposed is to increase the number of occupants from a current 6 person HMO to accommodate a maximum of 7 people (larger HMO - Sui Generis Use Class), including associated refuse storage enclosure and general storage provision.
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Decision

1. The appeal is allowed and planning permission is granted to increase the number of occupants from a current 6 person HMO to accommodate a maximum of 7 people (larger HMO - Sui Generis Use Class), including associated refuse storage enclosure and general storage provision, at 15 Vernon Road, Seven Kings, Ilford, Redbridge IG3 8DJ in accordance with the terms of the application, Ref 2724/24, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 201, 202, 203, 204, 205, 206 and 207.
 - 3) Before first occupation of the large HMO hereby permitted, details of a secure covered cycle store for one bicycle shall have been submitted to and approved by the local planning authority, and thereafter installed and retained in accordance with the approved details.

Applications for costs

2. An application for costs was made by Mr T Matak against the decision of the Council of the London Borough of Redbridge. This is the subject of a separate decision.

Preliminary Matters

3. The appeal was accompanied by a deed of unilateral undertaking under s106 of the Town and Country Planning Act 1990 to secure mitigation measures aimed at protecting the integrity of the Epping Forest Special Area of Conservation. The deed was subsequently revised to incorporate the tariffs requested by the Council. I do not consider that any parties have been prejudiced by the submission of a

planning obligation at appeal stage. I have therefore determined the appeal on the basis of the appellant's deed of unilateral undertaking.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
- the living conditions of future occupiers with particular reference to the internal floor area and communal space; and
 - the integrity of the Epping Forest Special Area of Conservation.

Reasons

Living conditions of future occupiers

5. The appeal site is located in a residential road near the centre of Seven Kings. The area is characterised by terraced properties, many of which have been extended, including the appeal site. The property is used as a 6 person house in multiple occupation (HMO) following the grant of a certificate of lawfulness¹. The proposal is to add a seventh occupier, thereby changing the use of the property from a small HMO (use class C4) to a large HMO (sui generis i.e. outside a use class).
6. The Council has referred to the requirements imposed by Policy LP6 of the Redbridge Local Plan 2015-2020 March 2018 (RLP) when converting larger houses into buildings in multiple residential occupation (as the RLP refers to large HMOs). The appellant disagrees and contends that the policy does not apply, as the property is not a larger house having already been converted to a small HMO. To the extent that the property was formerly a larger house and could potentially revert to one again without the need for planning permission, I give weight to the requirements of Policy LP6, but this weight is tempered by the fact that the building already functions as a HMO and moreover its reversion to a larger house is a theoretical prospect only.
7. Criterion 2(a) of Policy SP6 sets a minimum gross floor area for larger HMOs of 180 sqm. According to the appellant the property measures 154sqm, although the appellant's plans show it measuring approximately 136 sqm. In either scenario, there is a shortfall in gross floor area against Policy SP6. The appellant has drawn attention to the fact that under the Government's Technical Housing Standards – Nationally Described Space Standard, the minimum gross internal floor area of a two storey 6 bedroom 7 person house is 123sqm. However, the standards relate to family dwellings not HMOs, and the appeal property would have 7 bedrooms rather than 6, and therefore this is not a relevant comparison.
8. The only specific harm which the Council has identified as a result of the property being below the 180 sqm minimum gross floor area is the loss of a laundry room, which the appellant has confirmed is no longer used following the relocation of these functions to the kitchen. The Council has characterised the proposed accommodation as low quality and cramped, and although not claiming that the proposed bedroom would be substandard, considers that the kitchens and communal living and dining areas do not meet the minimum sizes set out in

¹ LPA reference 3475/19

Appendix A of the Housing Design Supplementary Planning Document (SPD) adopted September 2019. The SPD is a material consideration.

9. By virtue of having a separate living room and kitchen/dining area, the proposal would comply with the requirement for HMOs with three or more bedrooms to have two living spaces. The Council has calculated that the kitchen/dining room and the living room together measure 29.9 sqm, against the minimum requirement of 31 sqm for 6 person HMOs (there is no set standard for 7 person HMOs), which represents a small shortfall. The living room is less than the minimum 17 sqm floor area required for a 7 person HMO, but the kitchen/dining room comfortably exceeds the minimum requirement of 9.5 sqm for HMOs with 6 or 7 persons.
10. The Council has drawn attention to the lack of a window in the living room, but as this is an existing situation and as light is obtained via the kitchen/dining room, I am satisfied that future living conditions would not be substandard. I have noted on the plans that one of the existing bedrooms is lit only by rooflights, but this is also an existing situation which is unaffected by the proposal.
11. Whilst I recognise that in granting the Certificate of Lawfulness for property to remain as an HMO, the Council would not have been able to assess the quality of the accommodation against either Policy SP6 of the RLP or the SPD, the shortfall in communal space against the SPD standards would be marginal, whilst the proposed level of intensification would be modest. I therefore consider that, notwithstanding the small shortfall which I have identified against the minimum standards contained in the SPD, the proposed large HMO would, by utilising existing communal areas, provide a suitable quality of residential accommodation for future occupiers.
12. Consequently, I conclude that the proposal would provide suitable living conditions for future occupiers, and therefore that material considerations in this instance outweigh the conflict with the minimum gross floor area imposed by Policy SP6. The proposal would moreover accord with Policies SP26 and SP29 of the RLP, which promote high quality design and amenity space standards.

Integrity of the Epping Forest Special Area of Conservation

13. The Epping Forest Special Area of Conservation (SAC) is an ancient semi-natural woodland containing grassland, wet and dry heaths and scattered wetland, which supports a population of stag beetles and beech trees. It is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations), and as such it is incumbent upon me as competent authority to consider whether the development is likely to have a significant effect on the integrity of the site.
14. The Council has identified two main pathways of impact that are currently adversely affecting the health of Epping Forest: recreational pressure, particularly from people living within 6.2km of the Forest; and atmospheric pollution caused primarily by vehicles emitting pollutants on roads close to the Forest. Natural England has advised that any development within 6.2km of the boundary of the SAC requires suitable mitigation to avoid adverse impacts on the integrity of the SAC; the appeal site lies within the 6.2km zone of influence.
15. Policy LP39 of the RLP states that no development which would adversely affect the integrity of the SAC will be permitted except for reasons of overriding public

interest, and only where adequate compensatory measures are provided. The Council adopted a SANG Strategy in November 2022. In 2024 the Council entered into the Epping Forest SAC SAMM Strategy Partnership Agreement with five other Councils to manage access to the Forest (SAMM) and adopted a Natural Greenspace Improvement Strategy to provide alternative natural greenspace in the borough (SANG). A tariff system has been adopted which enables developers to mitigate the impact of their development by making a pro rata contribution related to the size of their proposal.

16. The appellant has completed a planning obligation in the form of a deed of unilateral undertaking under s106 of the Town and Country Planning Act 1990, to ensure that appropriate contributions are made to SAMM and SANG along with a monitoring fee, such that the impact of the proposed development can be mitigated. Having reviewed the obligation, I am satisfied that it meets the three tests of Regulation 122 of the Community Infrastructure Regulations 2010 and paragraph 58 of the National Planning Policy Framework, namely that it is necessary to make the development acceptable in planning terms, it is directly related to the development, and it is fairly and reasonably related in scale and kind to the development.
17. Natural England has been consulted on the appellant's mitigation strategy as set out in the deed of unilateral undertaking, and has confirmed that provided mitigation against recreational disturbance impacts is secured in line with the London Borough of Redbridge Natural Greenspace Improvement Strategy and the Epping Forest SAC SAMM Strategy Partnership Agreement, and supported by the November 2022 SANG Strategy, there will be no likely significant effect on the Epping Forest SAC.
18. I therefore consider that the relevant policy of the development plan, as noted above, has been complied with, and that there will be no likely significant effect on the Epping Forest SAC. The development therefore accords with the Habitats Regulations.

Other Matters

19. The Council has acknowledged that it cannot comply with the Housing Delivery Test and that the presumption in favour of sustainable development therefore applies. However, as I have determined that the proposal accords with the development plan as a whole and there are no material considerations to the contrary, there is no need to consider Paragraph 11 of the National Planning Policy Framework.
20. The two parties have referred to previous appeal decisions in support of their respective cases. The Council has highlighted a dismissed appeal at 16 Warwick Gardens in Ilford², where the conversion of a larger house to a large HMO was found to be unacceptable because the gross internal floor area was below 180 sqm and the communal areas and some of the bedrooms were substandard. However, in that case the property was a house not a HMO, and consequently the circumstances were different from the current appeal.

² PINS reference APP/W5780/W/24/3347299

21. The appellant has referred to an allowed appeal at 164 Kingston Road in Ilford³, where the conversion of a 6 person HMO to a 7 person HMO was found to be acceptable despite conflict with Policy SP6, on the basis that the proposal would not amount to a material change of use and that discrepancies with the SPD in terms of communal spaces were not so significant as to warrant refusal. The approach taken by that Inspector, placing weight on the existence of the HMO and the fact that the proposal would not materially alter the character and appearance of the property or the area, aligns with the approach I have taken. As I am allowing the appeal, I have not given further consideration in this instance to whether or not the proposal constitutes a material change of use.
22. The appellant has queried why the Council did not undertake a site visit before determining the application. The Council has explained that the plans and photos that were supplied were sufficient for it to reach an informed decision. My assessment of the proposal has been made independently, and this matter has not affected the outcome of the appeal.

Conditions

23. The Council has recommended that four conditions be imposed in the event that the appeal is allowed. In assessing the need for the conditions, I have had regard to the policy requirements contained in the development plan and the tests set out in the Framework. I have not attached the suggested condition requiring the submission of a unilateral undertaking which is now superfluous.
24. I have attached the standard conditions relating to the three year time limit (No 1) and the list of approved plans (No 2). I have omitted the appellant's supporting documents from the list of approved plans since these are not relevant.
25. To support alternative modes of transport, the Council has requested a condition requiring that covered cycle parking be provided and maintained for all seven residents. However, such a condition would not comply with the tests set out in the Framework since it would require the provision of cycle parking for the six existing occupiers who are not the subject of this appeal. I have therefore imposed a condition requiring cycle parking for the proposed additional occupier (No 3).

Conclusion

26. For the above reasons, the proposal accords with the development plan, when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

J Heppell

INSPECTOR

³ PINS reference APP/W5780/W/20/3263096