
Appeal Decision

Site visit made on 29 July 2025

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Appeal Ref: APP/U5930/W/25/3360222

34 Flempton Road, Leyton, Waltham Forest E10 7NH

- 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 Mohammad Farooq against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 242242.
 - The development proposed is the proposed change of use from single dwelling house (Class C3) into HMO (Class C4).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has made reference to a number of amendments, including a change in the fifth bedroom to an office/study space and to the reconfiguration of the kitchen/living area. Amended plans have not however been provided and the appeal process is not a means to progress an alternative scheme. I have therefore considered the appeal based on the plans as determined by the Council.
3. Reference has been made in the appeal documents to the appeal property already being used as a House in Multiple Occupation (HMO) and the submission includes proposed ('As Built') plans. I have considered the appeal accordingly.

Main Issues

4. The main issues are:
 - i) whether the proposed development has resulted in the unacceptable loss of a dwellinghouse, and
 - ii) whether the proposed development provides satisfactory accommodation for its occupants with regard to internal space standards.

Reasons

Loss of dwellinghouse

5. The appeal site comprises of a mid-terrace property in a predominantly residential area. The area is covered by a Borough-wide Direction made under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The Direction requires planning permission for development within a use falling within Class C4 (houses in multiple occupation) of the Town and

Country (Use Classes) Order 1987 (as amended) from a use falling within Class C3 (dwellinghouses) of that Order.

6. The Council has set out the need to resist the loss of existing family-sized homes. This is reflected in Policy 20 of the Waltham Forest Local Plan Part 1 (Local Plan) which sets out the conversion of a larger home to a HMO falling within a C4 Use Class will not be permitted where the house has a gross original internal floor space that is less than 124sqm. The Council has referenced the internal floor space of the appeal property as 86.75sqm, with the size rising to 101.65sqm if the extension is included. Whichever measurement is used, the proposal is contrary to part A i. of this policy and has resulted in the loss of a family-sized unit.
7. I therefore conclude that the proposal has resulted in the unacceptable loss of a dwellinghouse. As such, it is contrary to Policies 1 and 20 of the Local Plan, which seek, amongst other matters, to prevent the loss of family-sized homes to provide a mixed and balanced housing offer in the Borough.

Living conditions

8. The appeal proposal includes a bedroom in the loft space. The appellant has stated that this bedroom has a head height of between 2.25m and 1.5m, but no cross-section plans have been provided which demonstrate the height across this bedroom. Reference has been made to various standards by the appellant, including the Housing Act 2004 (Section 65) and the Council's licencing policy which are said to require a minimum floor area of 6.51sqm for single occupancy. Local Plan Policy 20 however sets out a minimum size of 11sqm and there is no clear evidence before me that the proposed bedroom in the loft meets this minimum size with an adequate height.
9. Bedroom 5 at around 3.79sqm falls significantly short of the required 11sqm standard set out at Local Plan Policy 20, and the kitchen/living area also fails to meet the required standard. Whilst there may be potential to reconfigure the ground floor to provide a greater shared kitchen/living area, based on the submitted plans, the development currently provides a substandard quantum of space.
10. I therefore conclude for the reasons set out that the proposed development is harmful to the living conditions of its occupants, having regard to internal space standards. As such, it is contrary to Local Plan Policies 16, 20, 48 and 57 and the Technical housing standards – nationally described space standards, which seek, amongst other matters good living standards.

Other Matters

11. I do not doubt the property operates in line with licence conditions under the Housing Act 2004, and that there is a high standard of property management, fire safety and tenant welfare that is consistent with the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018. The current residents have occupied the appeal property continuously for a number of years and have formed a stable and cohesive household. In this respect, the proposed development provides much needed accommodation for working professionals and students. These factors do not however outweigh the harm that I have identified on the main issues.

12. Adequate provision is made for cycle parking and refuse storage, and the development does not have an adverse impact on the character and appearance of the existing building or the area. It is acceptable in relation to the living conditions of neighbouring occupiers and on parking matters and public transport accessibility. These are however neutral considerations and not ones which weigh in favour of the proposed development.

Conclusion

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR