



Appeal Decision

Site visit made on 16 October 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2025

Appeal Ref: APP/U5930/W/25/3370439

First Floor Flat 2, 14 Short Road, Leytonstone, Waltham Forest E11 4RH

- 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 Prem Pabila against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 250401.
 - The development proposed is change of use from first floor residential unit at 14 Short Road (1x5-bed) (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4) comprising up to 5 persons.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the change of use of a dwelling house (Use Class C3) to a house in multiple occupation (HMO) for between 3 and 6 residents (Use Class C4) is “permitted development” under Class L of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the London Borough of Waltham Forest introduced an Article 4 Direction on 16 September 2014 that restricts permitted development rights for such a change of use. Consequently, planning permission is required for the proposal.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the living conditions of future occupiers, with particular reference to internal and external space;
 - whether the proposal would provide adequate cycle storage;
 - whether the proposal would provide adequate storage for refuse and recycling; and
 - the effect of the proposal on the supply of family housing in Waltham Forest.

Reasons

Living conditions

4. The appeal site comprises a first floor flat which includes accommodation within the roof space. It is proposed to change the use of the flat to a HMO for five people. A previous application for the same development was refused in 2023¹, albeit against a different policy context because the Waltham Forest Local Plan Part 1 Adopted 2024 (LPP1) had not yet been adopted.
5. For homes to be considered suitable for conversion to HMOs, Policy 20 of the LPP1 requires them to have a gross original internal floor space of at least 124sqm, and to meet minimum standards relating to room sizes, on-site cycle parking, refuse and storage facilities, and outdoor space.
6. The gross original internal floor space of the home is disputed. The appellant considers the original floor area to be that of the house before it was subdivided into two flats, which I have been advised was 148sqm. The Council considers the original floor area to be that of the first floor flat before its roof space was extended, which they state was 56sqm. I consider the appellant's approach to be the correct one since, prior to being subdivided, the house exceeded the minimum size of 124sqm set by Policy 20.
7. Aside from the above, the standards in Policy 20 require single occupier bedrooms in shared houses with a communal living room to measure at least 10sqm, notwithstanding that the Government's Technical Housing Standards – Nationally Described Space Standards require single bedrooms in dwellings to be a minimum of 7.5sqm in area. Since the property would be a HMO as opposed to a dwelling, the minimum requirements set by Policy 20 must prevail, to ensure satisfactory living conditions for occupiers. Four of the bedrooms would be smaller than 10sqm, with one of these being less than 7.5sqm, and as a consequence, most of the bedrooms would be unduly cramped. Moreover, the combined living room/kitchen falls 3.7sqm short of the minimum size of 20.5sqm set by Policy 20, and since it is a minimum standard, any accommodation which falls appreciably below the standard must be considered substandard.
8. The appellant has argued that Policy 56 does not contain a specific standard for outdoor space for HMOs, but as Policy 20 requires the provision of outdoor space for HMOs, it is reasonable to conclude that the standard for communal external space set by Policy 56 encompass HMOs. I have placed limited weight on the appellant's offer to make a financial contribution towards offsite open space, since no mechanism for making such a contribution has been proposed, and it has not been specifically demonstrated how such a contribution would improve access to outdoor space for future occupiers.
9. I conclude that the proposed internal accommodation would be unduly cramped and that no provision would be made for outdoor space. As a result, the proposal would not provide suitable living conditions for future occupiers, contrary to policies 20, 53 and 56 of the LPP1, the aims of which I have outlined above.

¹ LPA reference 230387

Cycle storage

10. Policy 20 of the LPP1 requires the provision of cycle storage for HMOs. The Council's minimum cycle standards are set out in Appendix 1 of the LPP1, and require HMOs to provide one cycle space per habitable room, which in this case equates to six spaces (five bedrooms and a shared living room/kitchen). The appellant's plans do not show where such storage would be located, and whilst I note that there is space to the front and side of the property, this space would need to accommodate cycle and bin storage for both the ground and first floor units. In the absence of a detailed proposal for cycle storage, I cannot be certain that there is sufficient space, and in such circumstances a planning condition would not be appropriate in the event that I were minded to allow the appeal.
11. I therefore conclude that the proposal makes inadequate provision for cycle storage, contrary to Policy 20 and Appendix 1 – Parking Standards of the LPP1, the aims of which I have outlined above.

Storage for refuse and recycling

12. Policy 57 of the LPP1 requires new development to provide sufficient facilities for the storage, collection and disposal of refuse. Whilst I have not been supplied with the Council's standards for refuse and recycling, significant space would be required to store bins for both the ground and first floor units, along with cycle storage. In the absence of a detailed proposal from the appellant, it would not be feasible to apply a planning condition.
13. I therefore conclude that the proposal makes inadequate provision for the storage of refuse and recycling, contrary to Policy 57 of the LPP1, the aims of which I have outlined above.

Supply of family housing

14. The Council has explained the need for larger family housing in the borough and the difficulty of consistently delivering such accommodation.
15. The Council has not elaborated as to why it considers the upper floor flat to comprise a single family dwelling, but I note that Policy 20 refers to a 'larger sized family home' being a unit with at least three bedrooms and a floor area of at least 74sqm. Although the upper floor flat potentially comprises five single person bedrooms, it has a floor area of less than 74sqm. Taking these factors together, I find that the proposal would not result in the loss of a family dwelling, as the floor area of the existing flat is too small to be suitable for a family.
16. I therefore conclude that the proposal would not harm the supply of family housing in Waltham Forest, and would not conflict with Policy 20 in this specific regard, the aims of which I have outlined above.

Planning Balance and Conclusion

17. The proposal would provide a HMO near a town centre and public transport links, and the LPP1 identifies that HMOs can form an important part of the housing stock. However, these benefits do not overcome or justify the harm I have identified in respect of the main issues.

18. The proposal would conflict with the development plan as a whole, and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

J Heppell

INSPECTOR