



---

## Appeal Decision

Site visit made on 30 September 2025

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

an Inspector appointed by the Secretary of State

Decision date: 05 December 2025

---

**Appeal Ref: APP/U5930/W/25/3367490**

**28 Pendlestone Road, Waltham Forest, Walthamstow E17 9BH**

- 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 Mahboob Rubbani against the decision of Waltham Forest London Borough Council.
  - The application ref. is 241581.
  - The development proposed is conversion of house from C2 class (care home) into C4 class (House in Multiple Occupation).
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council changed the description of development to omit reference to the use from which the property is proposed to be converted, without the consent of the appellant. I have determined the appeal based on the description applied for.
3. I invited further comments from both parties in relation to the implementation of the planning permission reference 041312, on which the appellant relies for the lawful use within Class C2. Neither party had evidence that it had been implemented.
4. The Council noted that after that permission was granted, a residential extension was granted permission under reference 041794, based on drawings that showed the building used as a dwellinghouse, and that a site visit found no evidence of use as a care home.

### Main Issues

5. The main issues are the effect of the proposed development on the supply of family housing and whether it would provide adequate living conditions for future occupiers, having particular regard to living space.

### Reasons

#### *Family housing*

6. The appeal site contains a two-storey mid-terrace Victorian house on a street of the same within an area of similar streets. The parties agree that the original gross internal floor space is less than 124sqm.
7. The appellant states that the site has permission to be used as a care home within Class C2. Permission was granted to change its use from a dwellinghouse within Class C3 to a residential care home within Class C2 some 20 years ago. I have no

evidence as to when the permission was implemented, if ever. If it was not, and was subject to a standard time limit condition, it would no longer be extant.

8. Most care homes are regulated in some way, so evidence is likely to be available if the use had been implemented, but none is before me. When the Council visited recently, the property appeared to be being used as a house in multiple occupation (HMO), and the appellant supplies a recent HMO licence.
9. In the absence of evidence of past use as a care home, I consider the lawful use to remain as a dwellinghouse in Class C3. As a result, the proposal would result in the loss of a larger family sized home, defined by Policy 20 of the Part 1 Waltham Forest Local Plan (2024) (WFLP) as (at least) 74sqm. It is common ground that this policy would not permit the conversion of larger homes into HMOs where the house has a gross original internal floor space less than 124sqm, as in this case.
10. Although the current gross internal floor space, including the extension, is more than 124sqm, the policy restriction is not without purpose, as it seeks to protect various sizes of family homes, including those that have been extended, ensuring variety in the housing market, regardless of other designations or restraints.
11. I therefore conclude that the proposal would harm the supply of family homes, contrary to Policy 20 of the WFLP as described above.

#### *Living conditions*

12. The proposal would retain the existing dining room, which measures 17sqm and is adjacent to the kitchen, which measures 6sqm. Whilst located in the extension, the kitchen is effectively contiguous with the dining room, there being no door or other division of these spaces. Therefore, it is reasonable to treat them as a combined living room and kitchen, the standard for which is 22.5sqm in Policy 20 of the WFLP. The combined area proposed would therefore comply.
13. As such, I conclude that the proposal would provide adequate living conditions for future occupiers, having particular regard to living space, complying with Policy 20 of the WFLP, which requires minimum kitchen and living room sizes in HMOs.

#### **Other Matters**

14. The HMO would provide affordable market housing, making an efficient use of land, but I have no evidence that the need for it outweighs that for family housing. Whilst an HMO license has been granted, it cannot be relied upon to be renewed or to secure planning objectives.
15. The proposed development is sustainably located, could be converted back to a family dwelling without physical changes and provides adequate external amenity space, car and cycle parking, refuse storage and living standards. These factors represent either compliance with policy or lack of harm and are therefore neutral in the planning balance.

#### **Conclusion**

16. Overall, for the reasons given above, I conclude that the proposal would conflict with the development plan, as a whole, and there are no material considerations, including the provisions in the National Planning Policy Framework and the

benefits of the proposal, which indicate that the development should be determined other than in accordance with it. Therefore, the appeal is dismissed.

*S Simms*

INSPECTOR