
Appeal Decision

Site visit made on 1 December 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2026

Appeal Ref: APP/U5930/W/25/3372478

10 Sutherland Road, Walthamstow, Waltham Forest E17 6BJ

- 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 Sabahtin Emin against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 251281.
 - The development proposed is described as “retrospective change of use from (C3) dwelling into C4 (HMO)”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has already taken place. Section 73A of the 1990 Act allows for the submission of retrospective applications, which are subject to the same considerations as those made prior to development commencing. I have deleted ‘retrospective’ from the description of development as this is not an act of development.
3. The appellant’s plans show, and their appeal form and statement confirmed, that the property contains seven bedrooms. The development is therefore *sui generis* (in a class of its own), not C4 as the appellant originally described it. This is the basis on which the Council determined the application. I have therefore used the following description: “Change of use from (C3) dwelling into *sui generis* (HMO)”.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposal on the supply of family housing in Waltham Forest;
 - the effect of the proposal on the living conditions of occupiers with particular reference to internal space;
 - whether the proposal would provide adequate cycle storage; and
 - whether the proposal would provide adequate waste management.

Reasons

Supply of family housing

5. The development is the change of use of a dwelling to a house in multiple occupation (HMO).
6. The Council has explained the difficulties it encounters in delivering 30% of new market homes as family dwellings, in accordance with the preferred dwelling mix set out in Policy 15 of the Waltham Forest Local Plan Part 1 Adopted 2024 (LPP1). Although not directly related to this appeal, the Council introduced an Article 4 Direction that restricts permitted development rights for the change of use of a dwelling house (Use Class C3) to a house in multiple occupation (HMO), to try to retain the current stock of family dwellings.
7. Against this background, Policy 20 of the LPP1 resists the conversion of larger homes to smaller self-contained homes or HMOs where the house has a gross original internal floor space of less than 124sqm. The Council has explained that this threshold was devised to ensure the provision of at least one larger family sized home of 74sqm in converted homes along with a minimum-sized HMO.
8. Policy 20 does not indicate how the original floor space of a dwelling is to be defined. The Council considers the original floor space to be that of the dwelling prior to being extended, which was 73sqm. This quantum of floor space falls below the threshold set by Policy 20, and the development therefore conflicts with the policy.
9. The appellant's application form gives the current gross internal floor area of the property, which has been extended, as 174.5sqm. Were the original floor space considered to be the floor space of the property prior to subdivision, the development would exceed the threshold set by Policy 20. However, even in this circumstance, the development does not re-provide a family dwelling, as envisaged by the policy.
10. In either scenario, therefore, a family dwelling is lost, which reduces the supply of family housing in Waltham Forest. Such an outcome conflicts with Policies 15 and 20 of the LPP1, the aims of which I have outlined above, and Policy 1 of the LPP1, which promotes sustainable development. It would run counter to the aim of the National Planning Policy Framework of providing an appropriate mix of housing types for the local community.

Living conditions

11. The standards set out in Policy 20 of the LPP1 require single occupier bedrooms in shared houses which have a communal living room to measure at least 10sqm. The appellant has argued that flexibility should be applied since the property has two kitchen/living areas measuring a total of 44.5sqm, comfortably in excess of the minimum size set by Policy 20. However, private and communal spaces serve different functions, and an overprovision of communal space does not compensate for a deficiency in private space. At only 7sqm, bedroom 6 is unduly cramped, and is not suited to its intended use as a single occupier bedroom.
12. My attention has been drawn to the Council's Standards for HMOs, which it applies in the exercise of its powers and duties under the Housing Act 2004 and associated legislation. The property benefits from a HMO Licence, albeit for six

bedrooms. However, although the Council's Standards for HMOs require a minimum bedroom size of only 6.5sqm in HMOs with shared living space, this does not override the requirements of Policy 20 of the LPP1.

13. I have afforded limited weight to the appellant's offer to enter into a unilateral undertaking that bedroom 6 be used as an office/study, since no such undertaking has been entered into. Moreover, I have doubts about the enforceability in practical terms of such an undertaking.
14. I therefore conclude that the development provides substandard living conditions as a result of inadequate internal space, contrary to Policy 20 of the LPP1, the aims of which I have outlined above.

Cycle storage

15. The appellant's plans do not show cycle storage, and although there is space at the front of the property, it needs to accommodate both cycle and bin storage. In the absence of a detailed proposal for cycle storage, I cannot be certain that there is sufficient space, and in such circumstances the use of a planning condition to secure such provision would not be appropriate.
16. I therefore conclude that the development makes inadequate provision for cycle storage, contrary to Policy T5 of the London Plan March 2021 (LP) and policies 60, 61 and 66 of the LPP1. Together these policies promote sustainable transport, including through the provision of cycle storage.

Waste management

17. I have not been supplied with the Council's standards for refuse and recycling, and so cannot be certain that the space at the front of the property could accommodate both bins and bicycles. In the absence of a detailed proposal from the appellant illustrating how bin and cycle storage could be provided, it would not be feasible to deal with this matter by condition.
18. I therefore conclude that the development makes inadequate provision for waste management, contrary to policies 57 and 93 of the LPP1, which together require new development to provide sufficient facilities for the storage, collection and disposal of refuse.

Other Matters

19. The Mayor of London's Housing Supplementary Planning Guidance, dated March 2016, explains that collectively HMOs are a strategically important housing resource, providing flexible and relatively affordable accommodation through the private market. The LPP1 highlights that they can form an important part of the housing stock, provided they are of high quality design, provide good quality living standards and adequate space for people to live in. They are expected to be located near to town centres.
20. The appellant has indicated that the property has been refurbished, and includes a rear garden and front hardstanding, and thus provides good quality accommodation. It is also well located, within walking distance of an underground station and local bus services.

Planning Balance and Conclusion

21. I afford weight to the value of HMOs as a housing resource, and the locational suitability of the appeal site. However, these benefits do not overcome or justify the harm I have identified in respect of the supply of family housing, along with the development's impact on living conditions and the lack of cycle storage and waste management.
22. For the above reasons, the proposal conflicts 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 dismissed.

J Heppell

INSPECTOR