



Appeal Decision

Site visit made on 20 January 2026

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal Ref: APP/U5930/W/25/3374804

14 Grove Green Road, Leytonstone, Waltham Forest E11 4EJ

- 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 Manconi against the decision of Waltham Forest London Borough Council.
 - The application Ref is 232710.
 - The development proposed is conversion of residential dwelling into HMO (6 rooms for 6 people).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal relate to:
 - The effect on the supply of family housing in the Borough;
 - Whether the proposal would provide satisfactory living conditions for future occupiers with regard to amenity space; and,
 - The effect on the highway network with regard to parking provision.

Reasons

Supply of family housing

3. The appeal site relates to a two-storey mid-terrace house, where it is proposed to convert it into a six-bedroom House in Multiple Occupation (HMO) with shared communal areas. Bin and bicycle storage is proposed within the front garden.
4. Policy 20 of the Waltham Forest Local Plan Part 1 2024 (the Local Plan) relates to HMOs and states that the conversion of a larger home to an HMO (Use Class C4) will not be allowed where: i) the house has a gross original internal floor space of less than 124sqm or ii) the proposal will result in the over concentration of HMO conversions in one street or in the wider local area.
5. The planning application form states that the gross internal floor area of the house measures 182sqm. However, the Council has indicated that this measurement includes previous extensions and the original gross internal floor area is approximately 106sqm. There is no substantive evidence to explain how the appellant reached their calculation, nor have I seen any evidence to dispute the Council's calculation. In the absence of evidence to the contrary, I can only conclude that the original gross internal floor area of the house is less than 124sqm. Even if

the number of HMOs in the area is low, the house does not meet the policy criteria for conversion based on its size.

6. The Council relies on the most recent Strategic Housing Market Assessment and Housing Monitoring Report in their Delegated Report, indicating that there is a 40% housing requirement for larger family homes within the Borough. The proposed change of use would result in the loss of an existing single-family dwelling. Irrespective of whether there is other single-dwellings along the road, the Council has demonstrated that there is a clear and evidenced need for this type of housing. It is recognised that HMOs are an important source of affordable private sector housing for various people, particularly in the current economic climate and with the barriers to home ownership, but this would not alter the need for the proposal to comply with Policy 20 of the Local Plan.
7. For the above reasons, I conclude that the proposal would cause harm to the supply of family housing in the Borough, conflicting with Policy 20 of the Local Plan, the purpose of which is described above.

Living conditions for future occupiers

8. The rear garden would be below the 50sqm minimum as set out in part C. iv of Policy 56 of the Local Plan. As a result of the proposed layout, there would be no communal access to the rear garden, as it could only be reached through Rooms 1 and 2. This means the remaining occupiers would not have convenient access to this outdoor space. Although the appeal site is close to public parks, these do not serve the same purpose as private amenity space. In particular, they do not offer a place where residents can relax in privacy or carry out tasks such as drying clothes. Public open space is therefore not an adequate substitute for private amenity space, and the proposal would result in insufficient provision.
9. While the appellant has suggested amendments to the internal layout, these are not reflected on the submitted plans. The concern identified arises directly from the layout as proposed. This is a fundamental element of the scheme and cannot be resolved through planning conditions. Planning conditions are intended to regulate or control development, not to secure significant alterations to a proposal. Reconfiguring the internal arrangement would amount to a material change that requires assessment through a revised application rather than being imposed by condition.
10. For these reasons, I conclude that the proposal would provide unsatisfactory living conditions for future occupiers with regard to amenity space. Accordingly, the proposal would conflict with Policies 20 and 56 of the Local Plan. These policies, amongst other things, require HMOs to have appropriate provision for amenity space and for it to be accessible to all residents.

Highway network

11. The appeal site is located within a controlled parking zone (CPZ). Although not referenced in the reason for refusal, the Council explain in their Delegated Report that they will seek to effectively manage parking by encouraging car-free and car-capped development in locations that have high levels of parking stress in line with Policy 66 of the Local Plan. They state that the proposal would be capable of housing six separate households, which would put a strain on the existing street residential parking. This means that the development should be classified as car-

free, with future residents prevented from obtaining parking permits through a section 106 obligation.

12. The appellant asserts that the proposal would be a car-free development due to the lack of on-street parking. However, the appropriate mechanism to secure a car-free development would be through entering into a planning obligation to restrict future occupiers' eligibility to apply for a parking permit. This could not be negated through the provision of cycle storage.
13. Having regard to the Planning Practice Guidance¹, I have not identified any exceptional circumstances that would justify the use of negatively worded conditions requiring a planning obligation or other agreement to be entered into as an alternative to a planning obligation. As such, it is not possible to impose a condition requiring a section 106 obligation to be entered into. This matter can therefore not be resolved by planning condition.
14. For the above reasons, the proposal conflicts with Policy 94 of the Local Plan, which amongst other things, requires proposals to make adequate contributions towards measures to directly mitigate their impact and make them acceptable in planning terms.

Other Matters

15. The appellant has expressed their dissatisfaction with how the Council handled the planning application. However, this is not a matter for me to address in determining this appeal. I have reached my findings on the main issues based on the planning merits of the proposal.
16. Whilst the Council raised no objections in terms of impact on neighbouring properties, compliance with planning policies in this regard would be required in any case. This is therefore a neutral matter, and neither weighs in favour nor against the appeal scheme.

Planning Balance

17. The proposal would cause harm to the supply of family housing in the Borough, would provide unsatisfactory living conditions for future occupiers with respect to amenity space and would not make adequate contributions towards measures to directly mitigate its impact. As such, the proposal conflicts with Policies 20, 56 and 94 of the Local Plan. It therefore conflicts with the development plan as a whole. I apportion significant weight to this conflict and the associated harm.
18. The proposal would introduce a residential use in an existing residential area that is accessible by public transport. It would provide an important alternative type of accommodation, with communal space and bedrooms that each have an en-suite. Cycle storage provision would be provided, and adequate refuse storage arrangements would be made. However, none of these matters would provide sufficient benefit to outweigh the conflict with the development plan and the harm associated with it, as outlined above.

¹ PPG paragraph: 010 Reference ID: 21a-010-20190723

Conclusion

19. 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. Therefore, the appeal should be dismissed.

L Reid

INSPECTOR