The Planning Inspectorate

Appeal Decision

Site visit made on 4 February 2020

by Graeme Robbie BA(Hons) BPl MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 March 2020

Appeal Ref: APP/W5780/W/19/3240935
33 Elgin Road, Seven Kings, Ilford IG3 8LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr N Ruprai against the decision of the Council of the London Borough of Redbridge.
- The application Ref 3205/19, dated 31 July 2019, was refused by notice dated 14 October 2019.
- The development proposed is change of use from a C4 house in multiple occupation to a 8no person house in multiple occupation (sui generis).

Decision

1. The appeal is allowed and planning permission is granted for change of use from a C4 house in multiple occupation to a 8no person house in multiple occupation (sui generis) at 33 Elgin Road, Seven Kings, Ilford IG3 8LL in accordance with the terms of the application, Ref 3205/19, dated 31 July 2019, subject to the following conditions:.

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Management Plan dated July 2019; 33ER/PP/02; 33ER/PP/01; Proposed bin / cycle store details (sheet 1); Proposed First Floor Layout Rev A; Proposed Second Floor Layout Rev B; Proposed Ground Floor Layout Rev A; Proposed bin / cycle store details (sheet 2); existing second floor layout; existing ground floor layout; existing first floor layout; and Design and Access Statement.

    3) The development hereby permitted shall not be occupied until a vehicle parking layout for the proposed development, showing visibility splays, have been implemented in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The vehicle parking shall be retained, and visibility splays maintained clear of obstruction, in accordance with the approved details thereafter.

    4) The use hereby approved shall not be implemented or the building occupied in the manner described in the development description above until such time as the permitted development works approved under reference 1591/19 dated 7 June 2019 have been undertaken and completed in accordance with the submitted plans.

Main Issues

2. The main issues are whether or not the appeal property is an appropriate location for conversion to a house in multiple occupation for up to 8 people, with particular regard to

   - The character and appearance of the surrounding area;
   - The living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance from comings and goings associated with the proposal;
   - The living conditions of future occupiers of the proposed house in multiple occupation (HMO); and
   - Parking provision

Reasons

Character and appearance

3. Redbridge Local Plan (RLP) policy LP6 sets out the Council's approach to the conversion of dwellings and to HMOs. Thus, policy LP6(2) states that the conversion of larger houses into '*buildings in multiple residential occupancy'* (HMOs) will only be supported where the gross floor area of the property exceeds 180sqm, provides a management plan and complies with criteria (a), (c) and (d) of RLP policy LP6(1). To gain support, proposals should be located in metropolitan, district or local centres; should not result in significant loss of character or amenity as a result of increased traffic, noise and / or general disturbance and appropriate parking provision for cars and cycles should be provided.

4. The Council states that the purpose RLP policy LP6 is to protect the existing housing stock, particularly larger dwellings, hence the reference to gross floor area within its provisions. RLP policy LP6(2) deal with proposals for the conversion of larger houses to buildings in multiple residential occupation. It states that such proposals will only be supported where the gross floor area of the property exceeds 180sq.m(a); the proposal provides a management plan (c) and that the requirements of RLP policy LP6(1)(a), (c) and (d) are satisfied (b).

5. The appellant has stated that the property's gross floor area exceeds 180sq.m, something that the Council have not sought to challenge through the production of evidence to the contrary. There is also a management plan which the Council accepts broadly complies with the provisions of the standards set out in the Council's Housing Design Supplementary Planning Document (HD SPD). The proposal therefore accords with RLP policy LP6(2)(a) and (c).

6. With regard to the provisions of RLP policy LP6(1)(a), (c) and (d), suitably worded conditions would ensure appropriate cycle parking provision (d). However, the property does not lie within a defined centre and is therefore contrary to criterion (1)(a) of RLP policy LP6. However, the appeal property is not occupied as a dwelling house, large or otherwise. Rather, the Council have accepted that the property has been used since 2010 as an HMO and was licensed as such and is therefore lawful[1].

[1] LPA Ref No: 1885/19

7. The proposal would not therefore result in the loss of a single family dwelling house as the Council's first reason for refusal claims. Whether or not the area is considered inappropriate for conversion to a building in multiple residential occupation because the area is characterised by family dwellings is largely irrelevant as the appeal property is not a family dwelling.

8. However, I have little in the way of evidence before me either way that the street is, or is not, characterised by either predominantly family dwellings or by buildings converted to multiple occupation. The benchmark in this instance is the lawful use of the property, confirmed by the Council's approval of the use of the building as a small house in multiple occupation[2]. The appellant states that the property would be occupied by up to 8 people as a larger building in multiple occupancy. Although the Council state that it could be occupied by as many as 13 residents due to the indicated room sizes, a suitably worded condition to limit occupancy in line with the appellant's stated intention does not strike me as unreasonable or unworkable.

9. The appeal property is located in a mid-terraced location on a street which leads directly off a busy street in the Seven Kings area. A school is located at the end of the road, with commercial premises and bus and tube links also nearby. From my observations during the course of my visit to the site, the street is not some quiet suburban backwater. Whilst far from a bustling high street, it is nonetheless close enough to the activity and general hubbub of a local centre, even if not lying within one, to have a general background level of activity.

10. Crucially, given the above, I am not persuaded that the occupation of the appeal property by up to 8 people, thereby an additional two residents over and above that of the existing lawful use, would give rise to a noticeable or harmful change in terms of noise, disturbance or comings and goings. I have not been presented with evidence by either party to support their respective arguments regarding the prevailing nature of property occupation along Elgin Road. Nor is it always clear from the observation of properties whether or not they have been converted to buildings in multiple residential occupation. What is clear to me however is that the proposal would not result in the loss of a family house, something which RLP policy LP6 seeks to resist. Moreover, as I have not been presented with any compelling or persuasive evidence that would lead me to conclude that the proposal would otherwise appear to be an incongruous conversion, I conclude that the proposal would not cause harm to the character of the surrounding area.

11. Nor, for the reasons I have set out above, do I conclude that the proposal would cause harm to the amenities or living conditions or occupiers of nearby properties. A condition would restrict occupancy, in line with the appellant's stated intentions, to no more than 8 residents and, when compared with the lawful existing use of the building, it has not been adequately demonstrated that an additional two residents, or 8 in total, would result in a material or harmful increase in noise, disturbance or comings and goings in this location reasonably close to services, businesses, a school and public transport on Cameron Road in Seven Kings.

[2] LPA Ref No: 1885/19

12. The proposal would not be in a metropolitan, district or local centre, but I do not consider that to be fatal to the proposal. For the reasons I have set out above, I find no material conflict with the aims of RLP policy LP6.

13. In addition to the established lawful use of the property in terms of its occupancy as a smaller building in multiple residential occupation, a certificate[3] for the proposed construction of a hip-to-gable extension was also approved by the Council. Those works had not, at the time of my visit to the property, been undertaken but I see no reason why the proposal before me should not be conditioned so as to ensure that the proposed increased occupation is not implemented until such time as the lawful works of extension have been carried out. The proposal would not therefore be in conflict with RLP policy LP26 or the Householder Design Guide.

Living conditions – existing occupiers of neighbouring properties

14. The appeal property benefits from an existing lawful use as a smaller building in multiple residential occupation. With the provisos set out above, most notably a condition to limit occupancy in line with the appellant's intentions, I am satisfied that the proposal would not result in a material increase in comings and goings associated with its occupancy. Nor, for the same reasons, am I persuaded that it would give rise to material or harmful increases in noise or disturbance arising from occupation by an additional two residents. There would be no conflict with RLP policies LP6, LP24 or LP26 in this respect.

Living conditions – future occupiers

15. The proposal would, with the safeguards provided by the suggested occupancy-limit condition, provide a balanced layout of communal and private accommodation spread across the three floors of the appeal property. There is no utility room indicated on the submitted proposed plans but, equally, with restrictions to occupancy by 8 persons in line with the appellant's stated intentions and development description, the kitchen and dining space provided across three floors would ensure adequate internal levels of accommodation for future occupants.

16. In addition to internal space, the Council do not object to the level of external space provided to the rear of the building, nor to the cycle provision provided towards the rear of the appeal plot. I am satisfied that the proposal would not be in conflict with RLP policies LP6 or LP26, or the Householder Design Guide, in these respects.

Parking provision

17. The proposal would result in the occupation of the appeal property by up to two additional residents. The large concrete forecourt provides, as with many other properties along the street, ample space for the parking of up to three vehicles. The Council accept that there is no specific parking provision requirement for houses in multiple, it has not been demonstrated that the proposal would result in a material increase in demand for parking, bearing in mind the lawful existing use of the appeal property, and even if it were to do so, that that would prejudice highway safety or lead to parking pressures that could not be met in what is otherwise a long, straight and reasonably wide residential street. I am not therefore persuaded that the proposal would result in additional or

[3] LPA Ref No: 1591/19

harmful pressure for on-street parking, and there would be no conflict with RLP policies LP22, LP23 or LP26 as a consequence.

Conditions

18. I have carefully considered the Council's suggested conditions in light of the National Planning Policy Framework and Planning Practice Guidance. I agree that time limit and plans conditions are necessary in order to provide certainty and so I have imposed those conditions. Conditions regarding a vehicle parking plan and a management plan (the latter incorporated into the plans condition) are necessary in the interests of highway safety and the living conditions of existing occupiers of neighbouring properties, respectively, whilst I have also attached the appellant's suggested occupancy-limit condition. As this would reflect the development description of an 8-person home in multiple occupancy, I do not consider either party would be prejudiced by my doing so.

Conclusion

19. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR