
Appeal Decision

Site visit made on 4 October 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 27th October 2016

Appeal Ref: APP/G5750/W/16/3154230

82 Corporation Street, Stratford, London E15 3HD

- 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 Craig Sanders against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/00707/COU, dated 7 March 2016, was refused by notice dated 9 May 2016.
 - The development proposed is a change of use from single family dwelling house (C3 Use Class) to HMO (C4 Use Class).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original proposal considered by the Council at the application stage indicated that the proposed change of use would yield 5 bedrooms including a small bedroom/study between first and second floor level. The Council determined the proposal on that basis and so shall I.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the loss of family accommodation in the borough;
 - the living conditions of future occupiers with regard to internal space;
 - the living conditions of neighbouring occupiers with regard to noise and disturbance; and
 - whether the proposed development makes adequate provision for any additional need for waste and recycling disposal measures.

Reasons

Loss of a family dwellinghouse

4. The appeal site is located in a predominantly residential area characterised by similar terraced properties. The appeal property is a three-storey terraced house with four bedrooms at first and second floor level, incorporating one bedroom in the converted roof space. The original proposal, as shown on the
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- originally submitted plans would change the use of the property from an existing family dwelling to a five bedroom House in Multiple Occupation (HMO).
5. The appellant states that the provision of suitable and affordable housing specifically for teaching staff in the area would constitute the exceptional circumstances sought in Council policy. I understand that there may be a need for single person accommodation in the area in relation to the teaching profession and that the type of shared accommodation proposed may provide an affordable place to live for this group. Furthermore, there is a willingness from the appellant to accept conditions which would restrict the occupancy of the appeal property to ensure that such circumstances remain unchanged.
 6. However, whilst the proposed development would potentially help to meet a local housing need, this would not be any different to meeting any other specific housing need. Therefore, I find that the proposed use of the appeal property as described would not amount to exceptional circumstances. In addition, the imposition of a condition restricting use would not be reasonable or appropriate and would be difficult to enforce. Therefore, having had regard to the above matters, I find that they would not outweigh the harm resulting in the loss of a single family dwellinghouse in the area and the impact it would have in promoting some level of transience in the population which Policy H4 of the Newham Core Strategy (the Core Strategy) is seeking to reduce.
 7. Consequently, I conclude that the proposal would not constitute exceptional circumstances. Furthermore, the change of use to a HMO would perpetuate a situation where family accommodation in the area would be unavailable for family use and would result in the unacceptable loss of a single family dwellinghouse. This would undermine the aims of the Council's relevant policies which seek to increase the amount of family accommodation as a means of stabilising the community and reducing transience within the area. As a result, the proposed development would be contrary to Policy 3.8 of The London Plan 2016, Policies H1, H4, S1 and S6 of the Core Strategy and Policies H5 and H7 of the proposed Detailed Sites and Policies Development Plan Document (DPD). Amongst other matters, these policies seek to protect and increase family housing in the area and resist conversions to HMOs unless exceptional circumstances exist.

Living conditions: internal space

8. The proposed internal layout of the appeal property indicates that the development would yield five bedrooms. Whilst the first floor middle bedroom only marginally fails to comply with the internal space standards set out in National Technical Housing Standards, I note that the smallest bedroom, situated on the second floor and indicated on the submitted plans as 'bedroom/study', would fall significantly below those standards.
9. I acknowledge that during the appeal process, the appellant has indicated that a condition restricting the use of that room to a study could be imposed. This is supported by the submission of an amended plan (Drawing No: 11059 Rev A) by the appellant and would result in limiting the occupancy of the property to four occupiers. Notwithstanding this, the plans submitted at the application stage indicated that the proposal would provide five bedrooms. The Council has determined the proposal on that basis and I have determined the appeal on that basis. In any event, the appellant's suggestion that conditions limiting the use of a room within the property and placing a restriction on occupancy levels

would not be reasonable or would necessarily guarantee the intended outcome and it would be difficult to enforce.

10. I appreciate that the accommodation proposed would be of a good standard in terms of quality. However, from what I have seen and read, the proposed scheme would provide inadequate space in terms of standards for room sizes for two of the five bedrooms proposed. The accommodation would therefore not provide sufficient internal space for five occupiers which would result in a poor standard of accommodation and would be to the detriment of the living conditions of existing and future occupiers.
11. Consequently, I conclude that the proposal would be contrary to Policies 3.5, 3.8 and 7.1 of the London Plan 2016, Policies SP2, SP3 and H1 of the Core Strategy, Policies SP8 and H6 of the proposed DPD and saved Policy H17 of the Newham Unitary Development Plan 2001 (UDP). Amongst other matters, these policies seek to ensure that development provides high quality accommodation and ensures appropriate provision for private amenity space in multiple-user buildings (including HMOs).

Living conditions: noise and disturbance

12. The internal layout of the proposal, with five bedrooms, would mean that additional people could occupy the property as a HMO compared with its use as a single family home. Whilst it is plausible that a family of five could live in the property, the intensification of use of the internal space by five individuals rather than a single family would be likely to lead to additional activity, such as the general coming and going of people.
13. The appellant states that the existing occupiers of the property are professional individuals who are quiet and respectful. I appreciate that this may be the case. However, there is no certainty that future occupiers would be the same. Furthermore, the transient nature of HMO occupants, who would be more likely to lead separate, individual lives unlike the greater reliance on shared trips within a family, would mean that such levels of activity would give rise to harmful noise and disturbance impacts.
14. Consequently, I conclude that the proposed change of use would unduly harm the living conditions of neighbouring occupiers with regard to noise and disturbance. It would therefore be contrary to Policies SP2 and SP3 of the Core Strategy which, amongst other matters, seek to avoid bad neighbour uses and resist development that has an unacceptable noise effect. It would also conflict with the core planning principle of the National Planning Policy Framework (the Framework) which seeks to secure a good standard of amenity for all existing and future occupiers.

Waste and recycling

15. The Council state that the proposal has failed to demonstrate sufficient on-site waste and recycling measures and therefore there would be an unacceptable adverse impact on the surrounding amenity and streetscene. During the site visit, I noted that most properties in the street store waste and recycling bins within their small front gardens and behind the front boundary walls. The appellant refers to guidance from other local authorities which indicate that the size and number of bins required by an HMO with six or fewer occupiers would be the same as that required for a single household. The Council's guidelines

indicate that for properties with three or more bedrooms, a larger bin is recommended for non-recyclable waste with an additional bin for recyclables. No distinction is made between a single household and a small HMO. This being the case, the proposed development would require a larger recycling and waste disposal bin. The appellant has provided no substantive details as to how these larger bins would be accommodated on the site. Therefore, the proposal would not comply with relevant policies and guidance on this matter.

16. On the basis that the proposal development would have a minimum of four bedrooms were the smaller bedroom to become a study, the proposed development would not provide sufficient waste and recycling receptacles to meet the Council guidelines. I acknowledge that the property is currently well maintained and well-kept and that the present occupiers would continue to have an interest in maintaining the property. However, the granting of planning permission would run with the land and may give rise to future amenity issues around waste and recycling requirements were the present occupiers and appellant to move on.
17. Consequently, I conclude that the proposed development does not provide sufficient information in terms of waste and recycling facilities and therefore would be contrary to Policies 3.5, 5.3, 7.1, 7.4 and 7.5 of The London Plan 2016, Policies SP2, SP3 and INF3 of the Core Strategy, Policies SP8 and SC5 of the proposed DPD and saved Policies H17 and EQ45 of the UDP 2001 and the Framework. Amongst other matters, these policies seek to ensure that development provides storage facilities for waste and recycling containers in accordance with the requirements of the local authority and minimises and mitigates the impact of waste management on residents.

Other Matters

18. The Council have referred to a number of appeal decisions relating to refused HMO developments within the Borough and the appellant has made a general reference to these appeals. Furthermore, the appellant has stated that the proposal has attracted no objections from neighbouring occupiers. Whilst I have given such matters due regard, I can confirm that I have considered the proposal before me on its own merits.

Conclusion

19. I appreciate that the proposed development would provide some balance within the local housing stock and contribute to meeting a local housing need. However, these benefits would not outweigh the harm I have identified above. Therefore, I conclude that the proposed development would be contrary to the Council's policies seeking to limit the use of family dwellings to being single household dwellings. Furthermore, I conclude that it would not comply with the relevant policies and guidance, as set out above, in terms of its impact on the living conditions of future and neighbouring occupiers in terms of internal space and noise and disturbance and waste and recycling facilities.
20. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR