
Appeal Decision

Site visit made on 1 November 2016

by David Walker MA MRTPI

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

Decision date: 05 December 2016

Appeal Ref: APP/G5750/W/16/3156263
130 Barking Road, London E6 3BD

- 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 Mrs Seema Javed against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/00842/FUL, dated 17 March 2016, was refused by notice dated 14 June 2016.
 - The development proposed is change of use of light industrial laundry unit and first and second floor rooms to use comprising of 10 bedroom bed and breakfast to include demolition of existing rear extension and formation of new single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on:
 - the investment and regeneration objectives of the area having regard to policies for the location of visitor accommodation;
 - the availability of housing in the area;
 - the living conditions of residents along Barking Road and Thackeray Road with regard to noise and disturbance; and
 - the safety of drivers and pedestrians along Barking Road and Thackeray Road.

Reasons

Investment and regeneration objectives

3. New visitor accommodation in Newham is directed towards identified employment hubs under Policy J1 of the Newham Core Strategy 2012 (the CS) to support the economic infrastructure and competitiveness of Newham as set out at Policy S2 of the CS. The policies of the CS are consistent with the requirement at Policy 4.5 of the London Plan 2016 (the LP) to support the visitor economy and stimulate its growth by improving the range and quality of provision.
4. The CS and LP form part of the development plan for the area. I am required to determine the appeal in accordance with the development plan unless material considerations indicate otherwise¹.

¹ S38(6) of the Planning and Compulsory Purchase Act 2004

5. Although the appeal premises are located in a commercial area with good transportation linkages they do not fall within one of the employment hubs identified at Policy J1 of the CS. At a distance of some 1.6 km away from the Stratford Metropolitan hub the proposal would divert investment away from priority areas and undermine the effectiveness of the CS to deliver agreed regeneration objectives.
6. While I acknowledge that the proposal is for a relatively small bed and breakfast I agree with the recent decision in another appeal² that small scale changes fall within the scope of the spatial policies of the CS. I have been pointed to a number of examples of other small hotels nearby. However, I have no evidence that these were permitted under the current policies of the development plan to be able to draw any parallels between these cases and the appeal before me.
7. It is submitted for the appellant that the existing laundry business is no longer viable. Evidence of marketing³ of the appeal premises indicates that there has been little interest in a commercial use and no offers have been received. While I have some sympathy with the appellant's situation the marketing details provided are limited over the extent of the exercise, the nature or description of the property offered, and price. I cannot be sure therefore that a reasonable period of marketing at a realistic price reflecting the existing use has been carried out for this to attract significant weight.
8. In the absence of any material considerations of significant weight I find the proposal would divert investment away from priority areas and as a result it would conflict with the investment and regeneration objectives of Policies S1, S2, SP6, SP7, J1 and INF5 of the CS and Policy 4.5 of the LP.

Availability of housing

9. There is a disagreement between the parties over whether the upper floors of the appeal property are used as letting rooms or would provide suitable family accommodation. The plans provided show the existing accommodation formed into two separate units, and this would seem to be confirmed by the licensing evidence contained within the officer's report.
10. On this basis, the proposed change of use of the upper floors of the appeal property would result in the loss of two housing units that would be suitable for small families. I acknowledge that the proposal would deliver a different type of accommodation. However, the transient nature of guests at the bed and breakfast would conflict with the aims of Policy H1 of the CS to help create communities where families choose to stay by reducing population churn.
11. Such a reduction in the availability of housing in the area would conflict with Policies H4, S1 and S6 of the CS and Policy 3.8 of the LP that seek to resist the loss of family accommodation in the borough in order to stem the decline of stable, mixed and sustainable communities.

Living conditions

12. I acknowledge that the existing laundry would give rise to noise in the immediate vicinity as a result of the operation of washing and associated

² Appeal Ref APP/G5750/C/15/3097736

³ Letter from Kingdom Property Agents dated 12 March 2016

machines. Such impacts would be confined only to the ground floor of the appeal property and to trading hours. In contrast, the bed and breakfast would be likely to trade well into the evening with potential for guests to arrive and depart at any times of the day and night. Such comings and goings could apply to any of the proposed 10 bedrooms and so affect all three storeys of the building.

13. The appellant submits the proposal would involve only 10 visitors, far less than the 50-70 people per day estimated to use the laundry. However, the room sizes proposed would indicate that double occupancy could be possible. Taking this into account and the additional 6 staff identified within the application form a greater figure of around 20-25 persons using the bed and breakfast would seem a more realistic figure.
14. Such levels of occupancy combined with round the clock movements and activity as could not be prevented would likely result in harmful noise and disturbance for the occupants of the adjoining residential properties along Barking Road and in close proximity along Thackeray Road. Such harm as I find would conflict with the requirements of Policies SP1, SP2 and SP3 of the CS, Policies 7.1 and 7.15 of the LP, and saved Policy EQ45 of the Newham Unitary Development Plan 2001 (the UDP), which seek to reduce the harmful effects of noise.

Highway safety

15. While I acknowledge the availability of public transport in close proximity this cannot be relied upon as the only source of transportation for guests at the bed and breakfast. They may require taxi services or receive visitors by private car. The appellant's suggested Travel Plan would be helpful in pointing to the availability of alternatives to the car but could not prevent the use of private transport.
16. Any use of vehicles would give rise to demand for stopping or parking close to the bed and breakfast where there are parking restrictions in force along Barking Road and only controlled parking available along Thackeray Road. With no parking provision made within the proposal this would give rise to pressure for illegal parking or inconsiderate stopping close to a road junction in a commercial area. It would present an unacceptable risk to safety to pedestrians and to drivers along Barking Road and Thackeray Road.
17. Such risks to highway safety would conflict with Policies SP2 and SP3 of the CS, and Policies 6.10 and 6.13 of the LP relating to highway safety, and with the requirement to minimise the possibility of road accidents set out at saved Policy T14 of the UDP.

Conclusion

18. For the reasons given above, and with regard to the development plan read as a whole, I conclude that the appeal should be dismissed.

David Walker

INSPECTOR