
Appeal Decision

Site visit made on 2 June 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 08 June 2017

Appeal Ref: APP/G5750/W/17/3169990

47 Landseer Avenue, Little Ilford, Manor Park, London E12 6JE

- 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 Muhammad Tanveer against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/03741/COU, dated 22 November 2016, was refused by notice dated 19 January 2017.
 - The development proposed is described as 'change of use/conversion of existing 5 No bedroom residential terrace house to 6 No bedroom/ten person HMO'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposal on the provision of family accommodation in the area; whether the proposal would provide satisfactory living conditions for future residents, with particular regard to internal floor space; the effect of the proposal on the living conditions of nearby residents, with particular regard to noise and disturbance, and; whether the proposal would provide satisfactory facilities for the management of waste and recycling.

Reasons

Family accommodation

3. The appeal site at 47 Landseer Avenue is located within a predominantly residential area. The development would result in the reconfiguration of the existing dwelling to create a small-scale HMO.
 4. Policy H4 of the Newham Core Strategy (CS, January 2012) seeks to protect family housing, resisting the loss of all family dwelling houses through subdivision or conversions to flats or HMOs unless exceptional circumstances prevail. The reasoned justification for CS Policy H4 states that dwelling conversions to flats or to HMOs have seen considerable growth in numbers over recent years in the borough. This has often been at the expense of family-sized accommodation.
 5. Based on its analysis, the Council has concluded that the borough will fail to provide enough family housing if it does not take measures to protect the existing stock. It has found that there is sufficient capacity to meet the
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- demand for flats and HMOs through new build, conversion of non-residential uses and reuse of redundant premises above shops in town centres.
6. In their statement of case, the appellant alludes to a desperate and exceptional demand for the type of accommodation proposed by the appeal scheme. However, they have not submitted any substantive or detailed evidence to support this argument, or to refute the Council's analysis. They also state that a dwelling of the size of the appeal site is difficult to let to a single family, but again, no supporting evidence has been provided to demonstrate this.
 7. I note the appellant's concern that the Council is operating a blanket ban on the development of HMOs. However, this is not borne out by the wording of CS Policy H4, which indicates that proposals for HMOs may be supported if exceptional circumstances can be shown. However, no such exceptional circumstances have been put forward in this case.
 8. With regard to the appeal site, the appellant argues that the dwelling has been extended to provide five bedrooms, and so it is bigger than the surrounding dwellings. Whilst that may be the case, it remains a family-sized dwelling, and thus the proposal falls to be considered against the relevant policy requirements.
 9. In the absence of any exceptional circumstances, or any other compelling reason to set aside the provisions of CS Policy H4, I conclude that the development would result in the loss of a family-sized dwelling, which would unacceptably harm the provision of family accommodation in the surrounding area. The development would thus conflict with the aims of CS Policy H4.

Living conditions

10. Policy H6 of the Newham Local Plan Detailed Sites and Policies Development Plan Document (DSPDPD) requires that to ensure satisfactory living conditions for occupants should be provided. The document entitled 'East London HMO Guidance (4)' (undated) requires 8.5sqm of floor space for a single bedroom and 13sqm for a double bedroom. The proposed single bedroom to the front of the first floor would provide 6.6sqm, and the adjacent double bedroom would provide 11.3sqm, thus falling short of these requirements.
11. The appellant contends that the rooms do meet standards, but offers no further clarification as to which specific standards are referred to, and how these rooms would meet them. I have thus also had regard to the minimum room sizes set out in the 'Technical housing standards – nationally described space standard' (THS, March 2015). The THS requires that a single bedroom should have a minimum floor space of 7.5sqm, and a double bedroom should have a minimum floor space of 11.5sqm. The proposal would also fall short of these requirements.
12. In my view, these shortfalls would result in overly small and confined living spaces which would unacceptably fail to provide adequate living conditions for future occupants.
13. The Council has also voiced concern about the effect of the development on the living conditions of neighbours, particularly in respect of noise and disturbance arising from increased comings and goings. It is proposed that the HMO would accommodate up to ten occupants, who would lead largely independent lives of each other. This would lead to more frequent comings and goings, and more

varied patterns of behaviour than would be the case with a family unit. The resulting potential for noise and disturbance to neighbouring occupiers would thus be materially increased by the high number of occupants.

14. The appellant counters that a family would also be disruptive, citing the possibility of noisy children using the rear garden and being at home all day during holiday periods. I accept that some children are noisy, but by no means all. Furthermore, families generally have settled routines, and participate in shared activities and trips, which tends to limit their impact on neighbouring occupiers. Although the appeal site is a large family house, it is unlikely that a family of ten individuals would occupy it. I am therefore unconvinced that the use of the appeal site as a family home would be more disruptive to neighbours than the proposed HMO development.
15. Drawing these factors together, I conclude that the proposal would conflict with DSPDPD Policy SP8, which seeks to ensure neighbourly development, and DSPDPD Policy H6, which seeks to achieve high quality accommodation.

Management of waste

16. The appeal site has a small garden to the front. I note from the planning officer's report that it is recommended that sufficient storage should be provided for approximately five 360 litre bins for refuse and recycling. I accept that this matter is alluded to by the appellant within the Design and Access Statement. However, there is no detail within the submitted plans of where this number of bins would be sited. The space within the front garden is limited, and I am concerned that around five bins within this area would be unsightly, and would have a harmful impact in terms of unpleasant odours, particularly in warmer weather.
17. It has not been demonstrated that the development would provide satisfactory facilities for the management of waste and recycling within the site. I therefore conclude that the proposal would conflict with DSPDPD Policy SP8, which amongst other things, seeks to ensure a high standard of provision for waste and recycling facilities.
18. The appellant suggests that this matter could be controlled by a suitable condition. However, given the lack of detail before me, the limited size of the available space and the number of bins required, I am not convinced that a satisfactory scheme for the provision of waste storage would be forthcoming. A condition would therefore be inappropriate in this particular regard. The appellant argues that the requirement for a single family would be similar, but there is no evidence to show that this would be the case.

Other matters

19. The appellant raises a number of other issues, including concerns about sub-standard accommodation and overcrowding in the borough. However, these matters have not led me to a different conclusion on the merits of the appeal scheme. The appellant suggests that the proposed HMO would offer affordable accommodation, but offers no detailed evidence to support this statement. I accept that the appeal scheme would provide some amenity space, and reference is made to permissions for flatted developments which provide little or no amenity space. However, in the absence of any detail regarding these schemes, I can give this circumstance little weight in my consideration. Finally,

the proximity of the appeal scheme to services and transport links would not outweigh the harm I have identified.

Conclusion

20. For the reasons above, and taking all other matters into account, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR