



Appeal Decision

Site visit made on 10 May 2019

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/W5780/W/18/3218842
41 Romford Road, Stratford, London E15 4LY

- 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 Rida Bukhari against the decision of London Borough of Newham.
 - The application Ref 18/02188/FUL, dated 26 July 2018, was refused by notice dated 19 November 2018.
 - The development proposed is Change of use from Class C4 HMO to Class C1 B&B Guest House.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. In their decision notice the Council refer to a number of policies in the Newham Core Strategy 2012 which is now superseded by the adoption of the Newham Local Plan (adopted December 2018) (NLP) which is now comprised in the development plan; I have dealt with this appeal accordingly.

Main Issues

3. The main issues are:
 - whether the loss of the HMO harmfully reduces the provision of such accommodation, and
 - whether the use accords with the provisions of the development plan with particular regard to its location, and
 - whether the resultant accommodation would be accessible and inclusive.

Reasons

4. No.41 Romford Road is a mid-terrace House in Multiple Occupation (C4) (HMO) with 10 bedrooms and communal facilities arranged over three levels and a basement. The building occupies a prominent location on Romford Road within a row that includes premises identified as hotels at Nos. 35, 43 and 47 Romford Road.

Change of Use

5. The NLP takes a robust approach to the retention of all types of residential accommodation, reflecting the pressures within the Borough. Policy H4 1(a) states that 'all housingwill be protected unless replaced with at least equivalent floorspace'. A sui-generis (C4) HMO is a form of housing, whereas the proposed use (C1) is not; there would therefore be a loss of housing.
6. I note that the appellant suggests H4 'emphasises' family housing. To my mind, the burden of delivering and retaining all types of housing is not diminished by the attention given to the specific issue of family housing. Nor, as the proposal is for a 'Guest House' (C1 use class), am I persuaded that the proposal could be regarded as specialist accommodation such as that addressed by Policy H3.
7. It is contended that the 'Bed and Breakfast' accommodation proposed would respond to problems in the availability of short term and emergency accommodation referred to in the Council's Housing Strategy. However such accommodation does not meet housing need according to the definition of general housing terms published by the MHCLG¹. Even if the nature of occupancy is put to one side, the proposal would nevertheless reduce the amount of accommodation available from 10 rooms to 8 being the number of letting rooms shown on the plans submitted. The proposal does not replace housing with equivalent floorspace on either count.
8. The loss of housing to short-term provision (up to 90 days) is to be resisted according to Policy 3.14(C) of the London Plan 2016 (London Plan). Although the appellant identifies need for emergency bed and breakfast accommodation for periods 'in excess of 6 weeks', that would largely (if not wholly) fall within the definition of short-term.
9. I therefore conclude that the proposal would conflict with Policies H1 and H4 of the NLP; Policy 3.14 of the London Plan 2016 and Policy H10 of the Draft London Plan 2017. Taken together these seek to protect, retain and enhance existing housing stock within the overall housing strategy for the Borough.

Location

10. The appeal site is in a prominent main road location with other hotel-type accommodation in proximity and facilities nearby. Although the refusal reason states that hotel accommodation should be located in central Stratford or the Royal Docks, this point has not been amplified. To my mind, given the intended nature of occupancy, any conflict with the development plan on this aspect of the proposal would attract little weight in the overall planning balance.

Access to and within the property

11. Accommodation is currently arranged over four main levels and there are steps up to the front entrance and between the front and rear parts at ground and first floor levels. Although the appellant refers to the license for the operation of the premises as an HMO, this does not mandate the premises as being compliant with other legislation such as the Equalities Act 2010 or with part M of the Building Regulations.
12. From the plans provided it seems to me the proposal would make no provision to improve accessibility for persons with limited mobility, in addition to the

¹ Published 14 November 2012 by Ministry of Housing, Communities & Local Government

stepped entrance, en-suite toilets and showers appear cramped. Meals would be taken in the basement which (as with other parts of the building) is only accessible by stairs, which are in some cases narrow and steep.

13. Conversions of existing buildings are often constrained by inadequacies of existing layout and design in this way. However, I have nothing before me to indicate the premises would be more inclusive and accessible for the proposed new use or, in the alternative, evidence as to why such changes could not reasonably be made. The Planning Statement says that the access will remain as existing. I therefore conclude that the development would not accord with Policy 7.2 of the London Plan such that new development can be used safely, easily and with dignity by all regardless of economic circumstance; nor with Policy D3 of the draft London Plan which requires high standards of accessible and inclusive design.

Other Matters

14. The Council's notice refers to the proposal as 'affecting the setting of a Listed Building and is in the University Conservation Area' (UCA) and locally listed but neither party has made submissions on this aspect of the proposal. Whilst there are listed building(s) in proximity, the development does not involve any works which would affect the appearance of the building. The proposed change of use would not, to my mind, so change the nature and character of activity in the Conservation Area such that this (or any other aspect of the proposal) would require consideration under Section 66 or Section 72 of the Listed Buildings Act. Accordingly, these matters do not attract weight in the planning balance.

Conclusion

15. Whilst the proposal would provide a form of accommodation for which there is undoubted need, it would do so at the expense of longer-term housing provision which the development plan expressly sets out to protect. Notwithstanding my neutral conclusion on the second main matter, having regard to all matters raised the proposal would conflict with the development plan as a whole and there being no other material considerations to guide otherwise, the appeal cannot succeed.

Andrew Boughton

INSPECTOR