



Appeal Decision

Site visit made on 16 July 2019

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2019

Appeal Ref: APP/E5900/W/19/3228861

43 Capstan Square, London E14 3EU

- 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 S Perkins against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/19/00180, dated 22 January 2019, was refused by notice dated 8 April 2019.
 - The development proposed is change of use from residential to a large HMO.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my visit the property had been arranged internally similar to the submitted plans for the House in Multiple Occupation (HMO) accommodation. There also appeared to be some occupation of the rooms.
3. I note that the application form refers to the existing use as 'residential share use 4 plus rooms'. Further the planning application form indicates that the development has started but is not yet complete. However, I have determined the appeal based on the description of development on the application form and on the decision notice.
4. Whilst the description of the proposal on the application form refers to previous planning permissions these are not referred to in my description in the banner heading as they are not part of the proposed development. However, I have had regard to these permissions in coming to my decision.

Main Issues

5. The main issues are:
 - the effect of the development on neighbouring amenity and the character of the area; and
 - the effect of the loss of a family sized house on the wider need for family housing.

Reasons

Amenity and Character of the Area

6. The appeal property is an end of terrace four storey house with three storey extension located in Capstan Square where the houses are similar. The wider area is predominantly residential with a variety of house types. Commercial and retail businesses and a range of public transport are within a reasonable walking distance. On-street parking is restricted to permit holders during the day, Monday to Friday. Parking is unrestricted in the evenings and at weekends.
7. At my site visit I observed that Capstan Square is a quiet residential area with central shared amenity space. There is vehicular access into and around the square with a pedestrian through route that joins the footpath on Folly Wall. I saw that the appeal property is at the Square's periphery with its front elevation and pedestrian access addressing Folly Wall. The properties parking spaces are accessed from Capstan Square as well as, single garage and alternative pedestrian entrance. The appeal property's Capstan Square elevation faces the side of the adjacent end of terrace house.
8. I have been provided with the internal arrangement of the approved extension which shows that the property, as extended, would have four bedrooms and a study. The bedroom space is balanced proportionally with the kitchen, dining and living accommodation providing a good sized four bed roomed house. Given the approved layout the evidence does not support the appellant's view that the proposed large HMO is comparable with an eight bed roomed family house.
9. I find that the proposed internal layout, where most of the accommodation is away from the neighbour's joint wall is acceptable. However, I have not been provided with information about how the external space would be organised to provide access and adequate amenity and refuse facilities.
10. A reasonable expectation is that each occupant of the HMO would have their own domestic arrangements. As a consequence, there would be a higher level of comings and goings and an increased demand on the properties external space than would be expected from a single-family who are likely to share common activities and make shared trips. Based on the evidence before me, the comings and goings and numbers of occupants of the HMO would result in a significant increase in the level of activity through Capstan Square. This would lead to noise and disturbance that would be detrimental to the tranquil residential character I have identified. Consequently, I find that the HMO would not function acceptably without detriment to the amenity of neighbouring residents or the character of the area.
11. I conclude that the proposed HMO would harm neighbouring amenity and the character of the area with regard to occupancy level, noise and activity in conflict with the requirements of Policy 7.4 of the London Plan (2016) which seeks to protect local character, Policy SP10 of the Core Strategy Development Plan Document 2025 adopted September 2010 and Policies DM24 and DM25 of the Tower Hamlets Local Plan Management Development Document adopted April 2013 which, among other things, seeks to protect the amenity of surrounding residents and the public realm.

Loss of Family Size House

12. Policy DM3 of the Tower Hamlets Local Plan Management Development Document adopted April 2013 states at point 5 that 'Development that would

involve a net loss of residential floorspace, residential units or any family housing will be resisted'. The text to the policy clarifies that to manage the current shortage of family homes, the council will resist proposals to convert family homes into smaller self-contained flats. This includes residential uses identified as hostels or other forms of shared accommodation.

13. The emerging local plan is referenced in the appellant's and Council's appeal statements. Although I am aware that the plan is advanced, no clarification about the status of the policy has been provided. Based on the evidence before me, I can attach only limited weight to this emerging policy. However, I note that draft Policy D.H7 of the emerging Tower Hamlets Local Plan is specific to houses in multiple occupation and states that new houses in multiple occupation will be supported where they do not result in the loss of existing larger housing suitable for family occupation. It seems to me that in principle the adopted and emerging policies are similar in their aim to ensure that there is no loss of larger houses suitable for family accommodation.
14. Although I note the appellant refers to an extract from the Strategic Housing Market Assessment 2017 which indicates that there is an excess of 4+ bedroom market housing, in the affordable and intermediate categories there appears to be a need. I am also mindful that the Residents Association confirms that the housing in Capstan Square includes social housing.
15. I have not been provided with any compelling evidence that family housing is not required in this location and in the absence of this I conclude that the loss of the family house conflicts with adopted local plan Policy DM3.
16. The loss of a single unit may be considered minor, but cumulatively, the loss of such family sized accommodation would harm the objectives for delivering homes in the Tower Hamlets. Consequently, I conclude that the development would result in the loss of a family sized house which would be harmful to the wider need for family housing in Tower Hamlets Council area contrary to Policy DM3 of the Tower Hamlets Local Plan Management Development Document adopted April 2013.

Conclusions

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Diane Cragg

Inspector