
Appeal Decision

Site visit made on 18 November 2019

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2019

Appeal Ref: APP/G5750/W/19/3237257

215 Boleyn Road, Forest Gate, London E7 9QH

- 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 Kishor Pandya against the decision of the Council of the London Borough of Newham.
 - The application Ref 19/01516/COU, dated 22 May 2019, was refused by notice dated 24 July 2019.
 - The development proposed was originally described as 'Existing 5-Bedroom House Converting into HMO'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development set out above is taken from the application form. However, the existing floorplans are entitled 'Existing 6 bedroom house converting into HMO'. I noted during my site visit that the appeal property does indeed appear to be a 6-bedroom dwellinghouse; there are 5 bedrooms at first floor level and 1 bedroom on the ground floor in an 'annexe' which also has a separate front and back door, a reception room, kitchen and shower room, and is connected to the rest of the house by an internal door.
3. The proposed plans show the internal door being blocked up, which would result in the creation of a self-contained unit at ground floor level and the remainder of the appeal premises becoming a 5-bedroom HMO. I have considered the appeal on that basis.

Main Issue

4. The effect on the supply of family housing in the borough.

Reasons

5. Policy H4 of the London Borough of Newham Local Plan (LP) seeks to protect the existing housing stock. Specifically, Part 1b of the policy states that the Council will 'protect 3 bed and 4+ bed family housing' to meet an identified need in the borough. The policy includes a criteria-based policy clause that allows subdivision or conversion of existing units in specified circumstances.
6. The change of use of part of the appeal property to a 5-bedroom HMO would result in the loss of a 4+ bed house. The proposed subdivision of part of the

appeal property would create a small self-contained 1-bedroom residential unit. Moreover, it would result in the loss of accommodation which currently forms part of the dwellinghouse and which, situated at ground floor level and with direct access to outdoor amenity space, could readily be used as additional family reception rooms. The appeal proposal does not fulfil the criteria set out in LP Policy H4 Part 2a or 2b.

7. Although the appeal property is situated near the busy high street, I noted during my site visit that Boleyn Road itself was fairly quiet and I see no reason why a family would not wish to occupy a house in this location. That there are other HMOs in the vicinity is not in itself justification for another. Whilst the property currently has 6 bedrooms, I see no reason why the bedroom on the ground floor could not be used as a reception room as described above. There is no evidence before me to support the appellant's assertion that the property has been advertised for rent to a single family without success. Moreover, I do not have any evidence to demonstrate there is a 'significant demand for small units (studio flats) and rooms.' Indeed, this assertion runs counter to the justification to LP Policy H4 which identifies that a significant proportion of the borough's housing stock is occupied as HMOs and that there is a need for family-sized dwellings.
8. Whilst the Council's reasons for refusal do not refer to harm to the living conditions of neighbouring residents likely to arise from the appeal proposal, I note the concerns raised in the Delegated Report in this regard. However, even if I were to conclude there would be no such harm, this would be a neutral factor which would weigh neither for nor against the appeal proposal.
9. For the above reasons I conclude that the proposal would have a harmful effect on the supply of family housing in the borough, contrary to the aims to meet local housing need and achieve mixed and balanced communities as set out in LP Policies S1, S6, H1, H3 and H4, London Plan Policies 3.3, 3.8 and 3.14, Draft London Plan Policies GG4 and H12, the Greater London Authority Housing Supplementary Planning Guidance and the National Planning Policy Framework.

Conclusion

10. For the foregoing reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

CL Humphrey

INSPECTOR