



Appeal Decision

Hearing held on 26 November 2019

Site visit made on 26 November 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2019

Appeal Ref: APP/G5750/W/19/3230147

207 Romford Road, Forest Gate, London E7 9HL

- 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 Room Board Ltd against the decision of the Council of the London Borough of Newham.
 - The application Ref: 18/01907/FUL, dated 21 June 2018, was refused by notice dated 18 December 2018.
 - The development proposed was originally described as a "full planning permission retain the rear extension with alterations to existing flat roof to multi-pitched roof matching to the existing building design, alterations to the façade to reinstate the original features of the building with first and second floor side extension, addition of one disabled compliant passenger lift serving all floors, wheelchair access at entrance level, enlarged lounge and breakfast hall, introduce improved landscape, add a car parking space for disables (*sic*), addition of covered and secured cycle parking, relocation and provide an enclosed refuse storage."
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Decision

1. The appeal is allowed and planning permission is granted for the re-development of the existing hotel to a 39 bedroom hotel. A rear extension and a formation of multi-pitched roof, alterations to the facade of the building with first and second floor side extension, wheelchair access at entrance level, associated landscaping and car and cycle parking and refuse storage at 207 Romford Road, Forest Gate, London E7 9HL in accordance with the terms of the application, Ref 18/01907/FUL, dated 21 June 2018, subject to the conditions in the attached schedule.

Procedural Matters

2. The description of development in the banner heading above has been taken from the planning application form. Based on information provided with the appeal submission, there was a subsequent agreement between the appellant and the Council to change the description to the "re-development of the existing 33 bedroom hotel to a 39 bedroom hotel. Retention of the rear extension and a formation of multi-pitched roof, alterations to the facade of the building with first and second floor side extension, wheelchair access at entrance level, associated landscaping and car and cycle parking and refuse storage."

3. Nevertheless, it was clear at the hearing that there is a dispute between the main parties over the 'existing' number of bedrooms in the hotel, as is set out in the description. As a consequence, I have considered the changed description in as far as it relates to the proposed development, namely the creation of a 39 bedroom hotel and the associated works. This was on the basis for which planning permission was sought and is reflected in the description in my decision paragraph, excluding the superfluous elements.
4. The Council made its decision on the basis of the plans submitted with the planning application and, accordingly, so have I. It was evident from my site visit that works to the hotel are already underway. In the event that what has been carried out does not entirely reflect the proposed plans is a matter for the main parties and is not for my consideration under this appeal.

Main Issues

5. The main issues are (i) the effect of the proposal on the vitality and viability of centres; (ii) whether the proposal would provide suitable visitor accommodation, in particular concerning access for disabled persons and families; (iii) the effect of the proposal on the character and appearance of the building and the area; and (iv) on highway safety and the free flow of traffic by way of the proposed car parking arrangements.

Reasons

Vitality and Viability

6. The appeal property is a large building that was last in use as a hotel. It has been extended by way of a 4 storey flat roofed rear extension, including a basement level. This has provided additional bedrooms, as shown on the existing plans. The site is located in a predominantly residential area and is outside of designated centres under the Newham Local Plan (2018) (NLP).
7. Policy S1 of the NLP sets out that major development opportunities are to be focussed on Beckton, the Royal Docks, Canning Town and Custom House, West Ham and Stratford, known as the 'Arc of Opportunity'. For the purposes of Policies S1 and S6 of the NLP, the site lies within Urban Newham which will see a more incremental and smaller scale change in a 'Web of Opportunity' focused on Town and Local Centres and Crossrail stations. On related lines, Policy J1 of the NLP focusses visitor attractions and facilities on named sites and town centres.
8. Similarly, Policy 4.5 of the London Plan (2016) (LP) sets out to ensure that new visitor accommodation is in appropriate locations and beyond the Central Activities Zone, states it should be focussed on town centres and opportunity and intensification areas, where there is good public transport access to central London and international and national transport termini. The site falls outside of areas designated under the NLP and LP policies.
9. Much of the evidence which has been put to me as regards viability and vitality concerns the planning history of the site and how this relates to the hotel in terms of its visitor accommodation. Specifically, this concerns the rear extension and the number of bedrooms in the hotel. It is not my role in dealing with an application for planning permission to conduct an exercise as to lawful use or operation. I am however required to carry out some assessment

of the weight to be ascribed to this evidence in order for my deliberations to be properly informed by it.

10. Planning permission¹ was granted for a rear extension to the hotel in 2006. The building control plans that the Council has referred to show differences in the plans with the planning permission, in particular in relation to the basement area. Furthermore, the Council provided evidence that the building control plans were not ultimately signed off. The photographic evidence the Council referred to also indicates that there was no such extension on the site in 2012, some 6 years after permission was granted. Nor do the plans with the planning permission appear to accurately depict what has been constructed. I therefore attach limited weight to the permission from 2006.
11. The number of existing bedrooms led to much debate at the hearing. There was not disagreement, however, that the existing plans were accurate as far as they physically depict the building. I find that it would be reasonable to use these plans as the basis of the number of bedrooms, excluding the rear extension. The Council considers this shows in the region of 21 bedrooms. The proposal would therefore result in an addition of 18 bedrooms. In the event that due to the configuration of the original hotel building with the extension that a slightly different number could be derived does not alter my overall conclusion on this issue.
12. The appellant considers that, in any event, the number of bedrooms in the existing hotel could simply be increased and so negating concerns over the expansion of bedroom numbers under the proposal. This does not appear to be a genuine 'fallback' because it would not be consistent with the appellant's position of improving the visitor accommodation in the hotel. Moreover, the bedrooms in the extension and under the proposal would still need to be considered in their own right as regards the vitality and viability issue.
13. The appellant also referred me to a Planning Officer Report concerning a 2018 permission² for a residential redevelopment of the site. The report states that "*the lawful use of the site is limited to a maximum 40 room hotel*". It is not, though, apparent of how this figure was derived at that time and it does not appear to reflect the plans that are before me. Overall, there would be an increase of visitor accommodation on the site which I consider would be on a moderate scale, based on the additional number of bedrooms.
14. The appellant has also questioned the relevance of the policies cited in the Council's reason for refusal because the existing use is established. However, there is nothing in those policies that would seem to exclude operational development associated with visitor accommodation, nor extensions. The proposal falls to be considered within the ambit of these policies.
15. That being said, there is also limited evidence before me on what centre(s) the Council consider would be likely to be harmed by the proposal as regards viability and vitality, beyond what is stated in the policy framework. The proposal would clearly not constitute a new hotel and this may temper somewhat the effect on the vitality and viability of centres when the increase in the number of rooms is also considered.

¹ Council ref: 06/00183/FUL

² Council ref: 16/03448/FUL

16. I have to conclude, though, on the effect on the vitality and viability of centres that the proposal would not comply in this regard with Policies S1, S6 and J1 of the NLP, and with Policy 4.5 of the LP concerning the location of visitor accommodation and with the associated economic, investment and regeneration objectives. It would also not accord with the National Planning Policy Framework (Framework) where it concerns the role that town centres play at the heart of the local community and for main town centre uses to be focussed in town centres.

Visitor Accommodation – Disabled Persons and Families

17. It is intended that 4 of the rooms would make provision for wheelchair users. These rooms would be at ground and basement levels, with lift access. The rooms would appear larger than those for other guests to enable circulation by wheelchair users and would offer similar facilities as are found in other rooms. There is no obvious provision for carers, notwithstanding there are rooms that would be adjacent to those that would make provision for wheelchair users. In addition, there would be a ramp access at the main entrance and corridor access would be provided internally without steps. A toilet facility would also be provided in the foyer area.
18. In relation to family accommodation, the submitted plans indicate that 2 such rooms would be provided. Whilst the submitted plans show sizes and configuration of the beds in each room, as these would be moveable structures, they could be changed in order to meet particular family needs. The size of these rooms also would not appear to be unreasonable.
19. As visitors would be likely to be there for a short duration and use the accommodation as a base for leisure or business visits, the limited outlook from the basement rooms would not render the accommodation unacceptable. In my view, it would not be appropriate in these terms to apply the same standards as would be applied for permanent residential accommodation.
20. A number of the matters which have been raised in relation to the detail of the internal layout and fire regulations would fall outside of what the planning system can be reasonably be expected to control. When this is also considered, the appellant has not given an unacceptable level of attention to the visitor accommodation in the planning submission.
21. I conclude that the proposal would provide suitable visitor accommodation, in particular concerning access for disabled persons and families. Therefore, it would comply in this regard with Policies S1, S6, SP2, SP3, SP8 and J1 of the NLP, and with Policies 7.1, 7.2 and 7.6 of the LP, which collectively seek for high quality in development, including access, egress and circulation. It would also accord with Policy 4.5 of the LP because at least 10% of the hotel bedrooms would be wheelchair accessible, and with the Framework where it seeks to address the needs of people with disabilities and reduced mobility.

Character and Appearance

22. The existing building is well proportioned and is in the Victorian architectural style. Its noticeable features include its hipped roof arrangement and a projecting front gable and bay windows on the front elevation. The external materials are in keeping with its surroundings. To the side are subservient elements to the main building. The flat roofed rear extension is clearly

discordant and as it projects past the rear elevation of the original building, it is visible from the streetscene as well as from the neighbouring properties to the rear. More broadly, the area retains some elements of similar architecture and well-proportioned buildings. There is overall, though, a mix of developments, including a number of more contemporary designed apartment type buildings.

23. The proposed alterations would include a hipped roof over the rear extension with rear facing gable features. The extension would then also project around the side elevation. The overall effect would be to increase the massing of the building and the subservient elements of it would be diminished. However, it would give the building a more uniform appearance.
24. The overall form of the roof, whilst larger in size, would maintain a hipped roof form with gable features. The roof over the rear extension would sit below the main ridgelines on the original building and whilst I understand why the Council considers it would not properly interconnect, the existing hipped and gable roof structure is already fairly complicated in its arrangement. The appellant explained at the hearing how the roof would marry up in response to the Council's concerns that the proposed elevations were contradictory. In the event there are minor discrepancies, this is a matter that could be addressed prior to its implementation and it does not ultimately affect my views on character and appearance.
25. The number of windows in the existing rear extension is also not sympathetic with the original building. The proposed number and arrangement would be considerably more in keeping and the uncharacteristic square shape of the windows would not make the proposal unacceptable in these terms, especially with the reduced number and as visibility would be fairly limited. In relation to lack of detail of external pipework, this is not untypical for drawings submitted at the planning stage. In total, the information that the appellant has provided in relation to the design of the building is commensurate.
26. I have set out my position in relation to the status of the rear extension earlier in my decision. Accordingly, I have based my views on that it is for me to consider its design merits incorporating the alterations that are proposed, as I have set out above.
27. In relation to the broader effects on the area and the public realm, the proposal would sit comfortably in these surroundings with the variety of buildings, and as it would successfully manage to retain its particular qualities and how these are reflected in the local character. In this respect, I have had regard to that it would be clearly visible from the streetscene and lies on a defined key movement corridor and linear gateway under Policy SP7 of the NLP, which results in it having an important role to play in creating high quality places.
28. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. Thus, it would comply in this regard with Policies S1, S6, SP1, SP3, SP7 and J1 of the NLP, as well as with Policies 4.5, 7.1, 7.4, 7.5 and 7.6 of the LP, which require a high quality of urban and architectural design that responds well to local character, positively contributes to the streetscene and relates to its context, as well as the importance of design on key movement corridors and linear gateways. It would also accord with the Framework where it sets out the importance of good design, design quality and local character.

Highway Safety

29. A total of 8 off street car parking spaces would be provided and it is understood this is a similar amount to what has been accommodated previously on the site in a more informal layout. Two vehicular accesses off Romford Road give access to the parking spaces. The site is fairly constrained in this regard and it would be unlikely that more than 8 spaces could be realistically provided. The manoeuvrability would also be restricted. This is demonstrated by the parking layout submitted as part of the planning application and the proposed car parking plan that was provided at the hearing. Parking restrictions in the area also limit the potential for on-street car parking
30. Concerning parking standards, Policy INF2 of the NLP refers to an appropriate level and to the LP parking standards, which do not set a standard for hotels other than setting out that there is no maximum and an approach related to the Public Transport Accessibility Level (PTAL) when applications are referred to the Mayor. Policy INF2 also refers to the consideration of the PTAL and parking stress.
31. The Council's Appeal Statement sets out that the site has a PTAL of 2 to 3. This generally indicates a poor to moderate level by distance from frequent public transport services. There are bus stops in both directions along Romford Road and the services are accessible within a minute from the site, as is acknowledged in the Planning Officer Report. The representation to the planning application made by Transport for London also indicates a high frequency of bus services along Romford Road. Forest Gate station is around an 11 minute walk away.
32. With the public transport services that are available, the site's location is more 'moderate' than 'poor' for the purposes of PTAL. Whilst the Council consider that there would be less of a propensity for visitors to use public transport than residents, I consider the opposite to be true. On the basis that stays would be likely to be short term, many visitors would be more likely to be able to go about their activities without the need for a car and use other modes of transport, in particular the public transport options that are locally available. As such, visitors would be unlikely to unduly contribute to parking stress in the area.
33. In the event that luggage would make public transport less practical, a taxi would be an obvious option to the station or other destinations. This would be far from unusual for a hotel. Even with the limitations of the parking on the site, the dual access would allow for a prompt pick up or drop off. The same applies as regards the use of service and delivery vehicles.
34. As a consequence, the limitations of the on-site car parking, manoeuvrability and on-street parking are not considered decisive on this issue when the nature of the use and the public transport accessibility is considered.
35. I conclude that the proposal would not be unacceptable concerning highway safety and the free flow of traffic by way of the proposed car parking arrangements. It would comply in this regard with Policies S6, SP2, SP3, SP7, SP8, INF2 and J1 of the NLP, and with Policies 4.5, 6.3 and 6.13 of the LP, where they are concerned with avoiding unacceptable adverse impact on the capacity or environment of the highway network, safety and safe movement of traffic along linear gateways and key movement corridors, parking provision

and encouraging the use of public transport. It would also accord with the Framework in relation to where it concerns promoting sustainable public transport, and minimising travel and the scope for conflicts between pedestrians, cyclists and vehicles.

Planning Balance

36. It is clear from the appeal written submissions and what was said at the hearing by both main parties that the hotel has somewhat of an untoward past. In my view, this would have had a marked detrimental impact on the local community, as well as on the quality of the visitor accommodation that was on offer. The appellant has set out that legal proceedings had to be undertaken in order to achieve possession of the property.
37. The proposal involves significant alterations and improvements to the property compared to its former state. It is clear from the proposed plans, in comparison to both the pre-existing and the existing plans, that the proposal would represent a wholesale upgrade of the hotel. The rooms would be laid out more akin to modern standards, and with facilities for visitors such as a breakfast and lounge area. I have set out above that suitable visitor accommodation for disabled persons would be provided. This would also be much enhanced compared to what is shown on the existing plans.
38. Having such an improved hotel facility, in my view, would be of significant benefit. It would draw a line over the hotel's past and in this regard it would clearly represent an improvement to the local community. There would also be associated economic benefits with the hotel being a more attractive proposition of where to stay. This would include a modest increase in employment, as well as benefits to other businesses that would provide services to the hotel.
39. In relation to the appeal decisions³ at Second Avenue and Woodhouse Grove, Manor Park that I have been referred to, I have come to a similar overall conclusion on viability and vitality matters. These decisions do not, though, indicate that evidence was presented relating to potential benefits and, moreover, there are the particular circumstances to the case before me relating to the hotel's past. Hence, these appeal decisions attract limited weight in my decision.
40. I am also aware that there are already a number of other hotels along Romford Road. Whilst the Council expressed concerns of the potential implications of precedent, as I have acknowledged, the location of the proposal does not accord with the policy framework as far as it lies outside of a centre. In relation to the other matters of dispute, these are dependant on the detail of the proposal and the particular site circumstances. My decision would not therefore prejudice the Council's position in dealing with other hotels. In light of my overall conclusion, the fallback position of implementing the residential permission on the site also does not inform my deliberations any further.
41. The Council's reasons for refusal refer to policies contained within the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018). Since the issue of the decision the Consolidated Changes Version (2019) of the Draft

³ Appeal refs: APP/G5750/C/15/3097741, APP/G5750/C/15/3097709, APP/G5750/C/15/3097720.

London Plan has been published. The draft policies it contains do not significantly change the approach from the adopted LP in relation to the issues before me, and hence they do not have a significant bearing on my decision.

42. The adverse impacts concern the effect on the vitality and viability of centres and it would not comply with the policy framework in this regard. The evidence I have, though, on the effect on the centres is of a limited nature and the expansion of the number of rooms would be on a moderate scale. This also limits the weight to be attached to the conflict with these policies. Set against this are the significant benefits of the proposal, in particular what I consider to be a much improved hotel facility, when its past and the nature of the works proposed are considered. All other issues raised carry neutral weight.
43. Taking these matters together, the benefits would outweigh the harm. In this case, it is a material consideration that outweighs the conflict with the development plan as a whole and indicates that planning permission should be granted for development that is not in accordance with it.

Conditions

44. I have imposed a condition concerning the approved plans for the purposes of certainty. This concerns the submitted proposed plans that are before me for my consideration. As I have set out earlier in my decision, in the event that what has been carried out does not entirely reflect the proposed plans is a matter for the main parties and is not for my consideration under this appeal.
45. A condition is imposed to ensure that a minimum 10% of the rooms are accessible to wheelchair users, in the interests of an inclusive, safe and practical provision. In the interests of highway safety and the free flow of traffic, I have also imposed a condition concerning the car parking details and in order to resolve the practicality of some of the spaces on the proposed car parking plan. I have imposed a separate condition concerning the landscaping details, in the interests of protecting the character and appearance of the area. For the same reason, a condition is also applied regarding the rainwater pipes and other external apparatus.
46. A condition is also imposed concerning cycle parking and refuse storage, in the interests of promoting sustainable travel modes and protecting the living conditions of the occupiers of the nearby residential properties, and as the details shown on the submitted plans are of a limited nature. I have not imposed a condition relating to construction and demolition management plan as the effectiveness of such a condition would appear to be limited as works have already commenced on site, and so such a condition is not necessary. I have imposed a condition controlling the construction hours in the interests of protecting the living conditions of the occupiers of the nearby residential properties.
47. I am not unsympathetic to the position of the Council concerning the imposition of a condition controlling the use for visitor accommodation. It is not evident, though, that similar controls apply as regards the use of the original building as a hotel. I am not therefore persuaded that such a condition would be reasonable.
48. I have not imposed a condition for the usual time limit for implementation, as works have already commenced on site. Where, I have altered the wording of

other conditions put forward by the Council I have done so in the interests of precision and without changing their overall intention.

Conclusion

49. For the reasons set out above, I conclude that the appeal should be allowed, subject to the conditions.

Darren Hendley

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Scale 1:1250, 8704 Rev 1 - Proposed basement & ground level plans , 8705 Rev 1 - Proposed first & second level plans, 8706 Rev 1 - Proposed elevations, 8707 Rev 0 – Existing and proposed sections.
- 2) A minimum of 10% of the hotel rooms hereby approved shall conform to the requirements of Approved Document M (Volume 2 – Buildings Other Than Dwellings) of the Building Regulations 2010 (HM Government 2015) for wheelchair users.
- 3) The development hereby approved shall not be brought into use until the car parking provision has been implemented in accordance with details of the number, size, layout, identification, location and swept path analysis of car parking spaces including parking spaces for people with disabilities that have been previously submitted to and agreed in writing with the local planning authority and thereafter shall be retained for their intended purpose at all times.
- 4) The development hereby approved shall not be brought into use until details of landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include the hard paving materials, and the number and species of plants and vegetation. The hard landscaping works shall be carried out in accordance with the approved details prior to the development being brought into use. The soft landscaping works shall be carried out in accordance with the approved details in the first planting season following the development being brought into use. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) No rainwater pipes, flues, grills, or meter boxes other than those shown on the approved plans shall be installed on any exterior elevation of the building without the prior written permission of the local planning authority and shall be implemented and retained in accordance with the permitted details.
- 6) Notwithstanding the details shown on the approved plans, the development hereby approved shall not be brought into use until details of the secured and covered onsite cycle and refuse storage facilities have been submitted to and approved in writing by the local planning authority. These facilities shall be carried out in accordance with the approved details before any part of the development is brought into use and thereafter retained.
- 7) No demolition, construction or building works shall be carried out on the site except between the hours of 08:00 and 18:00 on Mondays to Fridays and between 08:00 and 13:00 on Saturdays and at no other time including Sundays and Bank Holidays/Public Holidays.

APPEARANCES

FOR THE APPELLANT:

Surjan Singh	Room Board Ltd
Dilawar Singh	Room Board Ltd
Jonathan Wills	Counsel
Olesea Morozan	Maplin Engineering Ltd
Teymour Ali	Maplin Engineering Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Hannah Richardson	Council of the London Borough of Newham
Ian Rees Phillips	Counsel

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Submissions on behalf of the Appellant
- 2 Planning Decision ref: 8540A date stamped 19 Jun 1954
- 3 Plan refs: 11001 Rev 0 Ground Level Plan, 11002 Rev 1 Elevations. Overlays of the development subject of the approved application ref: 16/03448/FUL with the appeal proposal
- 4 Plan ref: 11003 Rev. 1 Ground Floor Plan – Proposed Car Parking
- 5 Planning application form and decision notice, ref: 06/00183/FUL
- 6 Building Control notice, correspondence and site meeting record, ref: 06/03124/OTHFP/B
- 7 Enforcement Notice and Planning Enforcement Report, ref: 15/00109/ENFC