



Appeal Decision

Site visit made on 16 December 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/G5750/W/19/3235125

791 Romford Road, Manor Park, London E12 5AN

- 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 Suresh Kumar against the decision of the Council of the London Borough of Newham.
 - The application Ref 18/03619/FUL, dated 19 December 2018, was refused by notice dated 13 February 2019.
 - The development proposed is a loft conversion with a rear dormer and change of use of existing commercial and four-bedroom residential premises into a hotel (C1).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of development from the Council's Decision Notice as this is a more precise description of the development proposed.

Main Issues

3. The main issues are 1) having regard to development plan policy whether the proposal would detract from investment, and restrict regeneration, in town and local centres 2) the effect of the proposed development on the living conditions of surrounding residents with regard to noise and disturbance and 3) the effect of the proposed development on promoting sustainable travel options.

Reasons

Investment and regeneration in town and local centres

4. The appeal site comprises a three-storey building with a travel agency on the ground floor and a four-bedroom residential property on the first and second floors, with a rear yard that is accessed via a car park from Carlyle Road. It is located on a section of Romford Road which contains a number of commercial uses such as shops, food establishments and other service providers. There are also residential properties, including adjoining the appeal site, however these are mainly confined to the floors above the ground floor commercial units.
5. Policies S1, S2, S6 and SP6 of the London Borough of Newham Local Plan (2018) seek to focus uses such as that proposed to be located in town and local centres in order to, amongst other things, focus investment, economic growth and regeneration in such areas.

6. Policy 4.5 of The London Plan (2016) and Policy E10 of the Draft London Plan (2017 plus minor suggested changes 2018) require, amongst other things that, new visitor accommodation outside the Central Activities Zone should be focused in town centres and opportunity and intensification areas where there is good public transport access to central London.
7. Policy 4.7 of The London Plan (2016) states, amongst other things, that leisure developments which are not within town centres, or if no in-centre sites are available, should be on sites on the edges of centres that are well integrated with the existing centre and public transport.
8. Policy SD6 of the Draft London Plan (2017 plus minor suggested changes 2018) states, amongst other things, that hotels in town centre locations, especially in outer London should be enhanced and promoted.
9. The appeal site is located outside a defined town or local centre boundary. The proposed use constitutes a main town centre use. Although the proposal is a relatively small-scale hotel operation comprising eight bedrooms, and in a busy area with good public transport, it remains within the context of the above development plan policies.
10. I have not been provided with any substantive evidence to suggest the scheme would not harm the vitality and viability of nearby town and local centres. Nor have I been provided with any evidence that a sequential approach has been followed in relation to the availability of appropriate units within a town or local centre in which the proposed use could be located.
11. It may be argued that the impact of the proposal on investment and regeneration in nearby town and local centres would be very low, however the cumulative impact of such incremental changes would have significant effects.
12. The proposal would also conflict with guidance contained in the National Planning Policy Framework (2019) 'the Framework' which requires a sequential approach for main town centre uses that area not in an existing centre nor in accordance with an up-to-date development plan.
13. The appellant contests that the existing use of the premises as a House in Multiple Occupation (HMO) is a similar use class to that proposed. I do not agree. The proposed use is a main town centre use as opposed to the existing use which is not. I have considered the other examples of tourist accommodation in the local area put forward by the appellant, however I have not been provided with any further details in relation to their planning history that would support the appeal. I have considered the perceived benefits put forward by the appellant in relation to employment opportunities, enhancement of the appearance of the property and the need for the development. These matters do not outweigh the harm I have identified in relation to the conflict with the aims of the development plan policies.
14. Therefore, the use of the appeal property as a hotel unacceptably harms the Council's economic, investment and regeneration objectives for the Borough, contrary to the aims of policies S1, S2, S6 and SP6 of the Local Plan, Policies 4.5 and 4.7 of The London Plan, Policies E10 and SD6 of the Draft London Plan and guidance contained in the Framework.

Effect on living conditions

15. The appeal site adjoins properties that have commercial uses on the ground floor with residential properties above. The Council consider that the proposed use would increase footfall to the appeal property, including during the evening and night time, to the level that there would be an unacceptable impact on the living conditions of the occupants of these properties due to increased noise and disturbance.
16. The upper floors of the appeal property are currently used as an HMO. There will be a certain level of comings and goings at all times in relation to the current use. I find that taking into account the existing use, and the relatively small-scale size of the proposed use, that there will not be an unreasonable level of noise and disturbance created. This also takes into account the location of the appeal site on a busy road that is likely to experience traffic movements at all times.
17. Due to its 24-hour operation, the Council refer to the hotel use as forming part of the night-time economy when considering the impact on living conditions. Whilst the proposed use would evidently be in operation at all times, I find that such a use would be at the lower end of the night-time economy hierarchy in terms of the generation of noise and disturbance. And, whilst there would inevitably be some comings and goings during the evening and night-time, the primary purpose of such a use is to provide overnight accommodation.
18. I therefore conclude that the proposal would not cause unacceptable harm to the living conditions of surrounding residents in relation to noise and disturbance. It would comply with Policy SP8 of the London Borough of Newham Local Plan (2018) that seeks, amongst other things, to avoid negative environmental impacts and ensure development proposals do not cause unacceptable noise and disturbance.
19. The proposal would also comply with Policy 7.1 of the London Plan (2016) which states that people should have a good quality environment in an active and supportive local community. I do not find conflict with Policy 7.2 of the London Plan (2016), however this policy is concerned with access and inclusivity for all in the built environment and not relevant to the matter of impact on living conditions. I also do not find conflict with Policy D7 of the Draft London Plan (2017 plus minor suggested changes 2018) however this policy is concerned with the provision of quality public realm and not relevant to the matter of impact on living conditions.
20. The proposal would comply with guidance contained in the Framework which outlines, amongst other things that planning decisions should promote well-being.

Effect on promoting sustainable travel options

21. The appeal site is located on a busy road that is well-served by buses. Manor Park Train Station is also within approximately 500m of the appeal site which I consider to be within walking distance.
22. The appeal site has a rear yard that is accessed via a car park from Carlyle Road. At the time of my site visit, the rear yard was accommodated by 3 parked cars. In an objection to the proposal a resident has questioned the validity of the use of the access to the rear yard, however I have not been

provided with any substantive evidence that would support this, and I did not observe any physical barriers or other notices that would prevent this arrangement to continue in relation to the proposed use.

23. I consider that the amount of parking that would be available would provide sufficient access for those who need to travel to the hotel by car. To ensure optimum use of area in terms of parking numbers this would likely require management by the hotel operators as spaces would not be independently accessible.
24. The failure to incorporate any cycle parking has been referred to by the Council in their reasons for refusal. Although no cycle parking is shown on the proposed plans, I consider that there would be ample space in the rear yard, even with the parked cars that I observed, to provide sufficient cycle parking. The details and provision of cycle parking could be secured by condition.
25. I therefore conclude that the proposal would not be contrary to the aims of encouraging sustainable methods of travel, nor would it provide insufficient vehicular access. The proposal would comply with Policy INF2 of the London Borough of Newham Local Plan (2018) that seeks, amongst other things, to promote sustainable travel, including measures to encourage and facilitate cycling, and provide appropriate car parking.
26. The proposal would comply with Policies 6.1, 6.9 and 6.13 of the London Plan (2016) which, amongst other things, seek to improve the capacity and accessibility of cycling and cycle parking, and achieve a balance between providing excessive car parking and encouraging sustainable travel.
27. The proposal would comply with Policies T1, T5, T6 and T6.4 of the Draft London Plan (2017 plus minor suggested changes 2018) which, amongst other things, seek; to promote sustainable travel including by cycling, on foot and public transport; the provision of appropriate cycle parking; and the restriction of car parking provision in line with levels of existing and future public transport accessibility and connectivity. In relation to hotel and leisure uses, these policies outline that parking at a location with good public transport accessibility, should be limited to operational needs.
28. The proposal would comply with guidance contained in the Framework (2019) which outlines, amongst other things that planning decisions should promote sustainable transport.

Conclusion

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

A M Nilsson

INSPECTOR