



Appeal Decision

Recommendation by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2020

Appeal Ref: APP/G5750/W/20/3244188

8 Moncrieff Close, Beckton, London E6 5TF

- 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. Alain Ndee MBE against the decision of the Council of the London Borough of Newham.
 - The application Ref 19/01023/FUL, dated 8 April 2019, was refused by notice dated 25 June 2019.
 - The proposed development is change of class of use from Dwelling House C3 to C4.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. A recommendation by an Appeals Planning Officer is set out below, to which the Inspector has had regard before deciding the appeal.
3. In response to travel restrictions currently in place due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available. Both the appellant and the Council have been consulted on this approach and neither has objected to the appeal proceeding on this basis.

Main Issue

4. The main issues are:
 - i) whether the loss of a single family dwellinghouse would be acceptable.
 - ii) whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to the provision of private external amenity space.
 - iii) the effect of the proposed development on the living conditions of the nearby residents, with particular regard to noise and disturbance.

Reasons for the Recommendation

Loss of single family dwellinghouse

5. The appeal site accommodates an end-of-terrace, four-bedroom dwellinghouse with a rear garden. From the submitted floor plans, the size and arrangement of the property is suitable for a family. The site is subject to a borough-wide Article 4 direction which restricts the conversion of C3 dwellinghouses to C4
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small Houses in Multiple Occupation ("HMOs" hereafter) as permitted within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

6. The need to protect existing family-sized dwellinghouses, as well as to increase the supply of such accommodation, is clearly stated within Policies S1 and S6 of the Newham Local Plan (2018). Policy H3 explicitly states that large and small HMOs should be purpose built or converted from properties other than family-sized dwellings, while Policy H4 further asserts that the Council will specifically protect family housing which comprises three bedrooms or more. The reasoned justification to Policy H4 states that the proportion of the borough's stock of family housing has been significantly reduced over the years as a result of HMO and flat conversions, and that the Council will fail to provide an adequate future supply of family housing unless it restricts further conversions. Although Policy H4 outlines certain circumstances in which the conversion of family housing may be acceptable, the proposal would meet none of these criteria. As such, the proposal would clearly conflict with the aims and objectives of the Council's development plan by adversely reducing the stock of family housing in the borough.
7. While Policy H1 states that there is a need for a mix of differing housing types, it is also stated that there must be a balance of housing types, with the need for family housing clearly prioritised. Furthermore, regardless of the amount of conventional housing within the surrounding area, the proposal would reduce the availability of family housing and would therefore be unacceptable for reasons set out above.
8. For the above reasons, I conclude that the loss of a single family dwellinghouse would not be acceptable. The proposal would therefore conflict with Paragraph 61 of the National Planning Policy Framework ("NPPF" hereafter) (2019), Policies 3.3, 3.8 and 3.14 of the London Plan (2016), Draft Policies H12 and GG4 of the Draft London Plan (2018), and Policies H1 and SP3 of the Local Plan (2018) which broadly state that a sufficient supply of adequate housing stock should be retained for different groups in the community such as families. The proposal would also conflict with Policy H10 of the Draft London Plan (2018), which states that existing housing should be replaced by new housing at higher densities. The proposal would also conflict with Policies H3, H4, S1 and S6 of the Local Plan (2018), as set out above. However, I do not consider that the proposal would conflict with Policies S5, SP1 or SP2 of the Local Plan (2018) as these are high-level strategic policies which do not relate specifically to the protection of family-sized accommodation.

Living conditions for future occupants

9. From the existing site plan, it appears that future occupants would only be able to access the rear garden through a ground floor bedroom. However, they would have access to an even larger front garden. Due to the position of the front garden away from passing pedestrian and vehicular traffic, the front garden would be as private as the rear garden and so would provide future occupants with adequate external private amenity space without the need for them to use the rear garden or prejudice the living conditions of any other occupant. Additionally, as the site is in close proximity to Beckton Park to the southeast, future occupants would have convenient access to public external

amenity space and so would not be limited in terms of both private and public open space.

10. For the above reasons, I conclude that the proposed development would have provide acceptable living conditions for future occupants with particular regard to the provision of private external amenity space. The proposed development would therefore comply with Paragraph 124 of the NPPF (2019), Policy 3.5 of the London Plan (2016), Policies GG4, D1 and D4 of the Draft London Plan (2018) and Policies H3, SP2 and SP8 of the Local Plan (2018) which broadly state that development should provide high standard living accommodation for future occupants. However, I do not consider that Policies S1, S5 or SP3 are relevant in this regard, as these are strategic policies which do not concern the provision of external amenity space.

Effect on living conditions of nearby residents

11. The number of future occupants would be limited to a maximum of 6 persons as this is the maximum number which can be accommodated within a small HMO (Use Class C4). It is not evident that a small HMO of six occupants would cause much more noise or disturbance than a four-bedroom family dwellinghouse which might reasonably accommodate five occupants, even accounting for the possibility of a different pattern of movements compared to a family house, nor has any substantive evidence been put forward by the Council in support of its position. As such, I consider that the proposed conversion would likely be comparable to the existing dwellinghouse in terms of activity and noise, and so would be acceptable on this basis.
12. For the above reasons, I conclude that the proposed development would not cause unacceptable harm to the living conditions of the nearby residents with particular regard to noise and disturbance. The proposed development would therefore comply with Paragraph 127 of the NPPF (2019), Policy 7.1 of the London Plan (2016), Policy D1 of the Draft London Plan (2018) and Policies S1, H1, H3, SP2, SP3 and SP8 of the Local Plan (2018), which broadly state that development should preserve or improve the quality of life in neighbourhoods and communities. The proposal would also comply with Policy 7.15 of the London Plan (2016) and Policy D13 of the Draft London Plan (2018), which state that development should avoid significant adverse noise impacts.

Conclusion and Recommendation

13. While I have found that the proposed development would provide acceptable living conditions for future occupants with regard to private external amenity space and would not cause unacceptable harm to nearby residents with particular regard to noise and disturbance, I have found that this is outweighed by the unacceptable loss of a single family dwellinghouse.
14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR