



Appeal Decision

Site Visit made on 27 July 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2021

Appeal Ref: APP/G5750/W/21/3268409

19 Corporation Street, Stratford, London E15 3HB

- 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 Ms Patricia Chow against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/02071/COU, dated 22 September 2020, was refused by notice dated 26 November 2020.
 - The development proposed is "Change of use from a single-family dwelling to a small HMO used to accommodate key workers" (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development for which planning permission is sought has already been carried out; specifically, the material change of use of the property from a single family dwelling (C3 use class) to a House in Multiple Occupation (HMO) occupied by no more than six nurses (C4 use class). I have therefore amended the description of development proposed in the banner heading to clarify this, without causing prejudice to any parties.

Main Issues

3. The main issues are the effect of the development on: (i) the supply of family sized housing within the borough; and (ii) the living conditions of neighbouring residents, with particular regard to noise and disturbance.

Reasons

Supply of Family Sized Housing

4. The appeal site comprises a two storey terraced house with dormers and a garden to the rear, and rooms in the roof space. The information before me does not clarify how many people currently occupy the appeal site, but confirms it is in use as a five-bedroom HMO occupied by no more than six nurses. It is proposed that occupants of the HMO could be limited to no more than six people comprising health and social care workers, their spouses, and dependent children.
5. The change of use has resulted in the loss of one five-bedroom family sized house, which is contrary to Policies S1, S6, H1, H3 and H4 of the Council's

Local Plan¹. These seek to protect and increase family housing and restrict HMOs. Policy H3 states that HMOs should be purpose-built or converted from premises other than family-sized dwellings and directed to Town and Local Centres and along Key Movement Corridors.

Living Conditions

6. The use of the appeal property by up to six health and social care workers, their spouses, and dependent children would have a different effect on the surrounding environment than its use as a single family dwelling. I note one objection to the HMO use which claims noise levels have increased since this use commenced, but no further details as to the specific nature of that noise have been provided. The appellant has referred to a conflicting statement from another neighbour, which claims they have not experienced noise or disturbance associated with the HMO.
7. In my view, if allowed, it is likely that the HMO would be occupied by six unrelated adults. The comings and goings of up to six unrelated residents and any guests they may have at the appeal site would far exceed what would reasonably be expected to be associated with its use as a single family dwelling. Those activities are also more likely to be at irregular hours compared to a single family, dependent on the different lifestyles of up to six unrelated individuals. I note certain activities by tenants could be controlled to an extent by a management company, but this would not offer any certainty to affected neighbours that noise and disturbance would be appropriately controlled at all times and in the long-term.
8. In this location, where the appeal site forms part of a terrace of closely arranged similar sized housing, I therefore consider the HMO use would have an unacceptable effect on the living conditions of neighbouring residents by way of noise and disturbance. This would be contrary to Policies SP8 and H3 of the Council's Local Plan, which require, amongst other things, development to achieve good neighbourliness in avoiding unacceptable exposure to noise and disturbance, and to ensure amenities of existing neighbourhoods are protected and enhanced.

Other Matters

9. The appellant has suggested that the change of use constitutes an exceptional circumstance that warrants a departure from the development plan due to the ongoing COVID-19 pandemic. To this end, the appellant has submitted a draft legal agreement seeking to restrict the occupation of the HMO to people who work in health and social care, their spouse, or any dependent children.
10. It is claimed the draft legal agreement could assist in mitigating the impact of an unacceptable development by making it 'circumstantially acceptable' in planning terms, but no evidence has been submitted to show the change of use would be acceptable if the HMO was only occupied by health and social care workers, their spouses, and dependent children. No information has been presented to suggest there is an exceptional demand for HMO accommodation for such workers in this location, or that there are any other special circumstances relating to housing for such workers created by the ongoing pandemic to outweigh the harm caused by the change of use to the supply of

¹ Newham Local Plan (2018)

family housing within the borough, or the noise and disturbance experienced by neighbours.

11. The appellant has also referred to the Council's Authority Monitoring Report from 2018, which is claimed to acknowledge a variety of housing needs. No copy of this document or explanation of the extent of those different housing needs has been provided. I am therefore unable to attach any weight to the unsubstantiated suggestion that there may be a need for the HMO in this location that outweighs the need for family housing referred to by the development plan or the harm that would be caused to the living conditions of neighbouring residents.

Conclusion

12. The proposal would harm the supply of family housing in the borough and the living conditions of neighbouring residents, in conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

L Douglas

INSPECTOR