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# Appeal Decision

Site visit made on 27 July 2021

**by T J Burnham BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> September 2021**

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**Appeal Ref: APP/E5900/W/20/3264606**  
**75 Bow Road, London E3 2AN**

- 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 Mrs Grace Sun against the decision of the Council of the London Borough of Tower Hamlets.
  - The application Ref PA/20/01804, dated 25 August 2020, was refused by notice dated 20 October 2020.
  - The development proposed is Change of use from C4 (6-bed, small HMO) to Sui Generis (7-bed, large HMO)
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The description of the proposal has altered from the application form to the decision notice. The original description adequately describes the proposal and I have determined the appeal on this basis. Notwithstanding this, the description of development references an existing use over which there is disagreement. I will address this matter within my reasoning.

## Main Issue

3. The main issue is whether the proposal would result in the loss of a family sized dwelling and if so, whether this loss would be acceptable.

## Reasons

4. The appeal site is an attractive and large terraced property, which is grade II listed and located within the Tredegar Square Conservation Area. Whilst the property is set on the busy A11 (Bow Road), it is afforded some relief by the presence of a pleasant front garden which sets the property back from the road.
5. The property also benefits from a large rear garden. Although spread over four floors, there is nothing that indicates that the property could not be considered larger housing suitable for family occupation. Further, the appellants planning statement describes the property as a 'family house'.
6. There is disagreement between the parties as to the lawful use of the property. I noted on my visit that it had the feel of an HMO and that bedrooms were individually locked. However, in spite of this, there is nothing within the evidence to confirm that the lawful use of the property is anything other than a residential dwelling.

7. On this basis, the change of use would result in the loss of a family sized dwelling to large HMO use. The proposal would therefore fail to accord with Policies D.H7 (1.b.) and S.H1 (1.b) of the Tower Hamlets Local Plan (2020) (THLP).
8. These policies respectively state amongst other things that new houses in multiple occupation will be supported where they do not result in the loss of existing larger housing suitable for family occupation and require that housing needs are met while ensuring development does not undermine the supply of self-contained housing – in particular family homes.
9. The supporting text to Policy D.H7 of the THLP does suggest that there is an increasing demand for HMO-style accommodation within the borough, particularly among young people. The text indicates that high quality, large-scale HMO's can help meet this need.
10. The policy does not therefore indicate that the need for HMO accommodation will be met through single properties such as this, rather provision will be made through larger schemes. In any event this property would make only a very minor, almost inconsequential contribution towards the additional requirement for 'other type households' which include HMO's, projected to rise from 12,295 in 2016 to 16,555 in 2031.

### **Other Matters**

11. The appellant has provided me with a certificate of lawfulness in respect of proposed change of use from C3 (dwellinghouse) to C4 (small house in multiple occupation) dating from 2020.
12. However, the evidence indicates that the Council introduced a direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), hereafter referred to as the 'GPDO', effective from 1 January 2021. The effect of this was to remove permitted development rights which are available under Schedule 2, Part 3, Class L of the GPDO relating to development consisting of a change of use of a building from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (houses in multiple occupation).
13. I am required to consider the situation at the time of determining the appeal rather than at any other stage. Therefore, given the permitted development right has been removed, I afford this matter very limited weight as a fallback position. In any event, the proposal before me is for a large HMO rather than a C4, small house in multiple occupation.
14. I note that the Council do not raise any concerns in relation to the proposal with regard to its transport accessibility, amenity impacts on the surrounding neighbourhood or housing space standards and I have no reason to disagree. The proposal would not therefore conflict with Policy D.H7 of the THLP in relation to these matters. However, the requirements of part 1 of the policy should be met as a whole.

### **Conclusion**

15. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*T J Burnham*

INSPECTOR