



Appeal Decision

Site visit made on 6 September 2021

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/G5750/W/20/3265777

7 Flint Close, Stratford, London E15 4QP

- 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 Marin Jakisic against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/01763/FUL, dated 18 August 2020, was refused by notice dated 3 November 2020.
 - The development proposed is the construction of a single storey rear extension and a rear dormer, and conversion of an existing 6-bedroom Class C4 house in multiple occupation (HMO) into a sui generis HMO.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey rear extension and a rear dormer, and conversion of an existing 6-bedroom Class C4 house in multiple occupation (HMO) into a sui generis HMO in accordance with the terms of the application Ref 20/01763/FUL, dated 18 August 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3791-02.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
 - 4) Prior to the first occupation of the property as a sui generis house in multiple occupation as hereby permitted, details of the provision and management of refuse and recycling bins shall be submitted to and approved in writing by the local planning authority. The approved bins shall be provided before first occupation and shall be retained and managed thereafter in accordance with the management plan.
 - 5) Prior to the first occupation of the property as a sui generis house in multiple occupation as hereby permitted, secure and weatherproof cycle storage facilities including rack systems for a minimum of 8 cycles shall

be provided in accordance with details first submitted to and approved in writing by the local planning authority. The approved cycle storage facilities shall thereafter be retained permanently available for use as cycle storage by the occupants of the property.

- 6) No more than 8 people shall reside at the sui generis house in multiple occupation hereby permitted at any one time.

Procedural matters

2. Since the Council refused this application the London Plan 2021 (LP) has been adopted, taking the place of the London Plan 2016, and a revised version of the National Planning Policy Framework (the Framework) has been published. The appellant and the Council were both given an opportunity to comment on these new policies, which I have considered as part of this decision.

Main issues

3. The main issues are the effects of the proposal on:
 - i) the mix and balance of housing in the Borough; and
 - ii) living conditions at neighbouring properties in terms of noise and disturbance.

Reasons

Mix and balance

4. Flint Close is a gated development of flats and houses laid out around a central parking area, set within an area of mixed uses near to the A118 Romford Road. No 7 is a terraced house now occupied as an HMO under Class C4 of the Use Classes Order¹, i.e. for occupation by up to 6 residents living in at least 2 separate households and with some shared basic amenities. The proposal would: (i) add a single storey rear extension and a dormer roof extension; and (ii) change the use of the building from a Class C4 HMO to a larger HMO for more than 6 people. These larger HMOs are not classified under the Order and are instead termed '*sui generis*' – in a class of their own.
5. Newham Local Plan 2018 (NLP) Policy H1(1c) aims to secure the delivery of a mix and balance of housing types, including a significant increase in family housing to replace that lost to conversion. A major part of this concern is about the loss of single family dwellings through conversions to HMOs, which Policy S6(1d) aims to restrict. Policy H3(2f) allows for HMO conversions only in Town and Local Centres and along Key Movement Corridors (KMCs).
6. The appellant states that the NLP designates the A118 Romford Road to be a KMC and the Council does not dispute this. No 7 is a short walk from the A118 with its public transport provision and services including education facilities. The Council agrees that the site has relatively good access to public transport. I find that the proposed larger HMO would be reasonably and sustainably located along the KMC as required by NLP Policy H3.
7. Furthermore, the proposal is not for conversion of a single family dwelling into an HMO. The property is already in HMO use as confirmed by a Lawful

¹ Town and Country Planning (Use Classes) Order 1987 (as amended)

Development Certificate. For these reasons, I find no conflict with the requirements of NLP Policies S6 and H3.

8. The Council is also concerned that increasing the size of the HMO would make it less likely that it could ever be converted back to a single family dwelling. NLP Policy H4(1c) supports the de-conversion of flats and HMOs back to family dwelling houses.
9. The 2 proposed extensions have previously been confirmed as permitted development through prior approval and lawful development certificate processes. They could therefore be constructed now, without the need for any further planning permission, but only if the use of the property is within Class C4. I see little prospect that this would happen unless permission is given here for a larger HMO so that more than 6 people could live there. I therefore give little weight to the existing approval and certificate as a fall-back position.
10. Nevertheless, NLP Policy H4 does not place any specific restrictions on the expansion of existing HMOs. It is a positively worded policy that supports certain proposals, rather than restricting others. I find no conflict with its terms. The potential future use of the property is to a large extent a matter of speculation outside of the scope of this appeal.
11. The proposal would slightly increase the amount of accommodation available locally by the provision of well-located new HMO accommodation within an existing HMO. I conclude that it would not harm the mix and balance of housing in the Borough. As set out above, I find no conflict with key NLP Policies S6, H1, H3 and H4. The proposal furthermore accords with the more general aims of NLP Policies S1, S6, SP1 and SP3 and LP Policies GG4, H8 and H10, to ensure the delivery of more homes at a higher density and in mixed and inclusive communities, protecting against the loss of existing housing.

Living conditions

12. The Council's concern here is that the increase in the number of people living at the property would cause noise and disturbance to neighbours due to increased comings and goings and a change to the pattern of movements and activities inside and outside the premises. There is some concern amongst local objectors that increasing the number of bedrooms from 6 to 8 could result in up to 16 people living at the property instead of the maximum of 6 at present. This would be a substantial intensification. The appellant states, on the other hand, that a maximum occupancy of 8 people is planned and suggests that this point can be dealt with by a planning condition. An increase from 6 to 8 people would be a much more marginal change.
13. The property is only accessed from the front, via Flint Close and the communal parking area. That area already serves a large number of dwellings so a relatively small increase in the number of people in the Close would not be significant. The row of houses on Tavistock Road at the back of No 7 should not be affected by comings and goings to and from the property.
14. The residents of other properties on Flint Close and the Tavistock Road houses could, however, be significantly affected by noise from increasing activity in the building and in the back garden. Whilst the addition of 2 more people at No 7 would not be expected to add much extra noise, increases above that level would be much more likely to cause disturbances. A condition limiting the

occupancy of No 7 to a maximum of 8 people as suggested would therefore be necessary in order to protect the living conditions at neighbouring properties.

15. The Council has brought some other appeal decisions to my attention in regard to this issue². In those decisions the Inspectors found that conversion from a single family dwelling to an HMO would harm the living conditions of neighbours due to noise and disturbance. Those decision are not directly relevant to a case like this where the unit is already an HMO. I have assessed this case on its own merits.
16. Subject to a condition limiting the number of residents to 8, as set out above, I conclude that the proposal would not unduly affect living conditions at neighbouring properties by reason of noise and disturbance. The proposal accords in this respect with the aims of NLP Policy SP8 and LP Policies D3 and D14, to avoid significant adverse noise impacts on the health and quality of life of neighbours. It also accords with the more general strategic aims of NLP Policies S6, SP1, SP2, SP3, H1, H3 and H4 and LP Policies GG1, GG3, GG4 and D8, to create and protect inclusive, healthy communities.

Other matters

17. The University Conservation Area lies a short distance to away, but is separated from No 7 by large buildings. This small scale proposal would not significantly affect the setting, character or appearance of the conservation area.
18. I have also considered the other issues raised by local objectors. In particular, the dormer extension would be separated from the Tavistock Road properties by sufficient lengths of back gardens so that it should not have a dominating or overbearing effect on the outlook from those properties or cause undue loss of privacy or light. The proposal would retain a good part of the long existing garden as green space, so that there would still be open space between buildings. Finally, the lack of additional car parking provision is acceptable for this minor increase in HMO occupancy in a sustainable location.

Conditions

19. I impose a condition specifying the relevant plans to provide certainty and a condition requiring the use of matching materials to protect the character and appearance of the local area. Conditions regarding waste management and cycle parking are necessary in the interest of local amenity and sustainability. A final condition limiting occupancy is needed, as explained above.

Conclusion

20. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR

² APP/G5750/C/18/3207322 & APP/G5750/W/18/3207295; APP/G5750/W/17/3190798; APP/G5750/A/14/2216883; and APP/G5750/W/15/3137443