



Appeal Decision

Site Visit made on 20 October 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2021

Appeal Ref: APP/E5900/W/21/3278183

105 Burdett Road, London E3 4JN

- 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 East Burdett Limited against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/21/00071/NC, dated 11 January 2021, was refused by notice dated 26 May 2021.
 - The development proposed was originally described as 'Change of use of upper levels of 105 Burdett Road to a five-bedroom HMO with amenity space together with infill extension at first floor level, retention of ground floor as hot food take-away and/or Class E (commercial, business and service)'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, works were being undertaken. However, neither the ground floor or upper floors were in occupation. For clarity, I have assessed the proposals based on the plans submitted with the application.

Main Issues

3. The main issues are:
 - The achievement and maintenance of balanced communities, including the supply of family-sized dwellings; and
 - Whether the proposal provides acceptable living conditions for future occupiers, with particular reference to external amenity space.

Reasons

Housing provision

4. There is no dispute that the proposal would result in the loss of a family sized unit, irrespective of its previous occupation. In this regard, the proposal would conflict with the requirements of criterion 4 of Policy D.H2 of the Tower Hamlets Local Plan (2020) (LP), as provided by the appellant, which requires, for the conversion of such a home, the retention of a three plus bed unit.
5. As a proposed House in Multiple Occupation (HMO), the assessment criteria within Policy D.H7 of the LP is also relevant and this includes, amongst other

things, support where it would not result in the loss of existing larger housing suitable for family occupation.

6. The appeal property provides a large amount of floor space and, although no living room is shown on the floor plans, five bedrooms are shown. As such, the property is large enough to provide flexibility in the layout and use of rooms for living, dining and cooking. Moreover, the Council's Officer report indicates that an earlier scheme has been approved which would alter the layout by extending and providing additional living space. Although I do not have the full details of this, it nonetheless adds to my conclusion that there is adaptability to the unit's layout.
7. The property is split over differing levels which is not in itself unusual for a family home. Whilst the steps would add a degree of inconvenience for families with pushchairs, this would not preclude such occupation and would not render it unsuitable, including for families without pushchair requirements, given the overall size of the accommodation.
8. There is no formal external amenity space shown in the existing plans, though I saw during my site visit that access was possible to the flat roof area. Moreover, the Council's Officer Report indicates that a previously approved scheme for the dwelling included a first-floor terrace. In any case, this area would not provide sufficient useable space for external play for children. However, the appeal site is located on the other side of the road from a large park which includes play equipment. As such, the availability of this convenient space would mitigate the lack of external space at the host property. These factors lead me to conclude that the unit would be suitable for family occupation.
9. I have no reason to consider that there is not a demand for HMO accommodation, which can provide benefits to an area, including the provision of lower cost accommodation. However, it is also clear from the Council's policies that there is a specific need for family housing of three plus bedrooms.
10. The Article 4 Direction removing permitted rights to change from a C3 to C4 use across the borough does not outweigh any assessment against the policies of the LP. Nonetheless it is indicative of an underlying strategy to safeguard suitable family sized housing.
11. As such, the proposal would undermine the Council's ability to provide family housing through the loss of a unit that is suitable for family occupation.
12. I therefore find that the proposal would harm the achievement and maintenance of balanced communities, including the supply of family-sized dwellings. As such, the proposal would be contrary to the requirements of Policies D.H2 and D.H7 of the LP.

Living conditions

13. The proposal would incorporate a small terrace on the existing flat roof area which would provide space to sit outside. However, its size would still be below the requirements laid out in Policy D.H3 of the LP.
14. However, the extensive park on the opposite side of Burdett Road would mean that future occupiers would have convenient access to a large quality outdoor

area. This would supplement the terrace as a space to sit and ensure that future occupiers have good and convenient access to external amenity space.

15. I therefore find that the proposal would provide acceptable living conditions for future residents with particular reference to external amenity space. As such, although the proposal would conflict with the requirements of Policy D.H3 of the LP, there are reasonable grounds to depart from this policy.

Other Matters

16. The extent of external alterations are small and sympathetic to the host property. The removal of the large external flues shown on the existing elevation, which had been removed at the time of my site visit, has improved its appearance from Eric Street. As such, and having regard to my statutory duties, I find that there would be no harm to the Ropery Street Conservation Area.
17. The absence of harm in relation to other considerations, including internal space standards, weighs neither for nor against the proposal.

Conclusion

18. Although I have concluded that the proposal would provide acceptable living conditions for future residents with particular reference to external amenity space, it would harm the achievement and maintenance of balanced communities, including the supply of family-sized dwellings.
19. As such, and for the reasons given above, the proposal would conflict with the development plan and there are no material considerations that outweigh that conflict. Accordingly, the appeal is dismissed.

Mr R Walker

INSPECTOR