



Appeal Decision

Site visit made on 24 May 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 20th June 2022

Appeal Ref: APP/E5900/W/21/3286454

Flat 38 Loweswater House, 22 Southern Grove, London E3 4PY

- 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 Charles Silver against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/21/01260, dated 3 June 2021, was refused by notice dated 16 July 2021.
 - The development proposed is change of use of flat from C3 (residential) to C4 (small HMO).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would accord with the Council's development plan strategy for the loss of family housing;
 - whether the proposal would provide a suitable living environment for future occupiers with regard to internal space and private amenity space.
 - whether the proposal would provide adequate cycle parking.

Reasons

Loss of family housing

3. Policy D.H7 of the Tower Hamlets Local Plan 2031 Adopted January 2020 (LP) supports new houses in multiple occupation subject to a number of criteria including where they meet an identified need and do not result in the loss of existing larger housing suitable for family occupation.
4. The evidence indicates that a number of other dwellings in the building are Houses in Multiple Occupation (HMO) and that the district has a growing population. I also acknowledge the evidence regarding overcrowded housing in general. However, there is little substantial evidence before me to indicate that there is an identified need for HMOs in the area.
5. Since the dwelling has three bedrooms, it is suitable for family occupation. As the proposal consists of a change of use to an HMO, it would result in the loss of family housing. Therefore, even if there was an identified need for HMOs in the area, the proposal would conflict with this Policy.

6. Although I note the evidence regarding rental rates and the history of the property, since the proposal fails to meet at least two of the criteria for the new HMOs, it would conflict with LP Policy D.H7. In addition, the proposal would conflict with LP Policy D.H2 which permits the conversion of family homes provided that a 3-plus bed unit is retained in the new development.
7. Consequently, the proposal would fail to accord with the Council's development plan strategy for the loss of family housing. In particular, it would conflict with LP Policies D.H2 and D.H7 which together resist the loss of family units.

Internal space and private amenity space

8. Policy D6 of The London Plan The Spatial Development Strategy for Greater London March 2021 (London Plan) sets out the minimum standards for internal space. For a three-bedroom six person dwelling over two storeys, as per the proposal, the Gross Internal Area (GIA) is required to be a minimum of 102sqm.
9. Although I note the Appellant's assertion that the dwelling meets the space and accessibility standards, from the evidence the GIA for the dwelling is in the region of 86sqm and therefore falls significantly short of the requirement. Even if the smallest bedroom was considered to be for a single person occupancy, the GIA would still fall significantly short of the requirement.
10. With respect to the size of the bedrooms, the width of the two larger bedrooms falls short of the required width of 2.75m, and the width of the smallest bedroom falls short of the required width of 2.15m, albeit the shortfall is modest. Even if the storage area adjacent to the smallest bedroom was included in the floor area, the width of the room would still fall below the requirement set out in London Plan Policy D6. While the largest bedroom meets the floor area requirement, the other two bedrooms fail to meet the required standard set out in the Policy.
11. As I observed during my site visit, the larger bedrooms are capable of accommodating a double bed and some furniture for storage and the smallest bedroom could contain a single bed and wardrobe. However, the circulation space appeared to be limited such that the sizes of the rooms would result in an uncomfortable and inadequate living environment for future occupiers of the proposed HMO.
12. Since the dwelling does not include private amenity space, the proposal would conflict with London Plan Policy D6 which seeks a minimum of 5sqm of private outdoor space. Although there is a park opposite the site, since the dwelling is on an upper floor of the building, accessing the park would require a convoluted route through the building and across the road. Therefore, while I note the evidence regarding accessibility of the park for families, the proposal would nevertheless result in an inadequate living environment for future occupiers in this particular respect and would result in conflict with the Policy.
13. Consequently, the proposed development would not provide a suitable living environment for future occupiers with regard to internal space and private amenity space. Therefore, it would conflict with LP Policy D.H3 and London Plan D6 which together require adequately sized rooms and appropriate living environments and development that meet, as a minimum, London Plan space and accessibility standards.

Cycle storage

14. The proposal does not include the provision of cycle storage. Therefore, it would conflict with LP Policy D.TR3. While there is cycle parking for Loweswater House on English Street, there is no certainty that there would be adequate space for the additional occupiers of the dwelling. Similarly, while I note the evidence regarding communal cycle storage on Southern Grove, since these appear to be available for public use, there would be no certainty that cycle storage would be available for the future occupiers of the dwelling.
15. Consequently, the proposal would not provide adequate cycle parking. Therefore, it would conflict with LP Policy D.TR3 which requires developments to comply with the parking standards for vehicles and bicycles.

Other Matters

16. I note the evidence regarding a change of use at 77 Hitchin Square. However, limited further details are before me to enable a direct comparison to be made with this appeal.

Conclusion

17. For the reasons given above the proposal would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR