
Appeal Decision

Site visit made on 21 June 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2022

Appeal Ref: APP/G5750/W/21/3288259

50 Manbey Grove, Stratford, London E15 1EX

- 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 Mykolas of Swifty Solutions Ltd against the decision of London Borough of Newham Council.
 - The application Ref 21/02086/COU, dated 12 August 2021, was refused by notice dated 26 October 2021.
 - The development is conversion of dwelling to HMO¹ (C4 use).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development was described in the planning application form as retrospective conversion of dwelling to HMO. The appellant and the Council agree that the development has already been carried out, and I have considered the appeal on the same basis.

Main Issues

3. The effects of the development on: (i) the supply of family dwellings in the Borough; and (ii) the living conditions of neighbouring residential occupiers, with particular regard to noise and disturbance.

Reasons

Family housing

4. The appeal site is a two-storey end of terrace dwelling with rooms in the loft. The 'pre-existing' plans show the property was a 7-bedroom dwelling prior to its conversion. The appeal development, and the current use, is use of the property as a 6-bedroom HMO.
5. There is a significant emphasis in the Newham Local Plan (2018) ("NLP") on stabilising the population in suitable housing for all residents, particularly families. This is expressed in several policies and the text supporting them. Among them, the text supporting policy H4 states that Newham will fail to provide enough family housing if it does not both increase the rate of new provision and retain existing family stock.

¹ House in Multiple Occupation

6. I note the appellant claims the property has not performed the function of a family dwelling since 2009, but that evidencing that has been difficult due to changes in ownership since that date. Nevertheless, no such evidence has been put before me, no planning permission exists for its use as a HMO, and I must consider the development on the basis on which it has been submitted, which is the conversion of a dwelling into a HMO.
7. The development clearly conflicts with NLP Policy H3 which requires that HMOs should be purpose-built or converted from premises other than family sized dwellings. It also conflicts with NLP Policy H4 which protects 4+ bed family housing. Although Policy H4 makes provision for conversion of such housing in certain specific circumstances, the development does not provide new or replacement family dwelling units, and meets none of the other criteria which may facilitate conversion.
8. The appellant considers the appeal site to be in a suitable location for use as an HMO, has obtained an HMO license, and advises it has been used as an HMO for several years. Nevertheless, the NLP identifies a clear need to retain family homes.
9. The development therefore adversely affects the supply of family dwellings in the Borough and undermines the NLP's strategy for building sustainable mixed communities. It conflicts with London Plan (2021) ("LP") Policies GG4, H8 and H10 and NLP Policies H1, H3, H4, S1, S6 and SP3, and with Section 5 of the Framework. Together these policies seek to meet the needs of the community and provide a balanced mix of housing stock, particularly family housing. The Council also referred to other policies which I have not found to be relevant to this issue.

Living conditions

10. The Council are concerned about the potential for an increase in noise and disturbance as a result of increased comings and goings, and the pattern of movements and activities inside and outside the premises.
11. The appellant claims the use has occurred since 2009 and that they have a HMO license, run the facility to a very high standard, are aware of no complaints relating to noise or disturbance, and that there were no complaints to the previous application in 2019.
12. As an end terrace dwelling, the appeal site adjoins one neighbouring dwelling and its garden. The side of the appeal site also adjoins several gardens and a yard associated with properties on Water Lane.
13. In terms of internal layout, the plans show no physical changes to the property, internally or externally, associated with the development. Only four rooms share a party wall with the neighbouring dwelling, and all those at first floor are bedrooms. The loft rooms do not abut rooms in the neighbouring property, and the only window facing the neighbouring property is from a bathroom. There is therefore no particular incompatibility with the attached property arising from the internal layout of the building.
14. Nevertheless, considering the nature of the use, it is probable that unrelated occupiers of the HMO will lead more independent lives than a family, resulting in a greater number of visits, and greater use of the rear garden. With six adults in occupation, different work schedules and more activity in the evenings

may also occur. In contrast, a family is likely to share more common activities and make shared trips, generating less comings and goings. Overall, it is probable that there would be less activity associated with a dwelling house.

15. Considering all these matters, the nature of a Class C4 HMO use is that the pattern of use generated at the property is likely to cause an increase in noise and disturbance which would be harmful to the living conditions of neighbouring occupiers, even if well managed through a management plan.
16. The development would therefore be contrary to LP Policies GG3, D3 and D14, NLP Policies S6, SP3, SP8, H1 and H3, and with Section 5 of the Framework. Together these policies seek to ensure provision of housing in appropriate locations providing neighbourly development. The Council also referred to other policies which I have not found to be relevant to this issue.

Other Matters

17. There are no external changes to the appeal site, and the development would therefore not have a harmful impact on the setting of 43 Water Lane nearby, which is a Grade II listed building.
18. The appeal site is within the zone of influence of the Epping Forest Special Area of Conservation. However, as I am dismissing the appeal there is no need to consider this matter further.
19. The development would provide a house in multiple occupation for up to 6 people in a highly accessible location, which attracts limited weight. However, it would do so at the cost of family accommodation for which there is a significant need, increase noise and disturbance for neighbouring occupiers, and conflict with development plan and national policies, which together attract significant weight.
20. Therefore, neither the benefits of the development, nor any other matter, would outweigh the conflict with the development plan.

Conclusion

21. For the above reasons, having regard to the development plan as a whole, relevant policies of the Framework, and all other relevant considerations, the appeal is dismissed.

Peter White

INSPECTOR