



Appeal Decision

Site visit made on 26 September 2022

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/E5900/W/22/3291759

43 Cowden House, Flat 12, William Whiffin Square, London, E3 4RD

- 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 Arun Jayapaul against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/21/01392, dated 18 June 2021, was refused by notice dated 24 August 2021.
 - The development proposed is described as the change of use class from C3 (Dwelling House) to C4 (Small House in Multiple Occupation).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. It would appear from my site visit that the appeal property is currently occupied on a basis similar to the appeal proposal.
3. I have used the description of the development as set out in the Council's Decision Notice. This is more concise than that set out on the planning application form.

Main Issues

4. The main issues are;
 - the effect of the proposed development on the supply of family housing;
 - whether the proposed development would provide satisfactory living conditions for the occupiers, with regard to the provision of internal and private outdoor space;
 - whether the proposed development would provide sufficient cycle storage facilities, and;
 - whether the proposed development would provide sufficient facilities for the storage and collection of waste.

Reasons

The Supply of Family Housing

5. Amongst other criteria, Policy D.H7 of the Tower Hamlets Local Plan (LP) 2020 states that new houses in multiple occupation (HMO's) will be supported where they meet an identified need, would not result in the loss of existing larger housing suitable for family occupation and can be secured as a long-term addition to the supply of low-cost housing.

6. Whilst no substantive evidence demonstrating the need and supply of family housing in the area has been provided by either party, the supporting text to Policy D.H2 of the LP confirms that the Borough faces an acute housing need, particularly in respect of affordable family housing. Further to this, the Council's decision to implement an Article 4 Direction removing permitted development rights relating to the change of use of C3 to C4 implies a desire to prevent the unjustified loss of such housing and also highlights the vulnerability of this housing type to HMO conversion. The proposed development would result in the loss of a single, 3-bedroom dwelling capable of occupation by a larger family, to the detriment of the identified housing need.
7. The appellant contends that the projected increase in the Borough's population, a shift towards private rental, proximity to the City including the University and high transport accessibility demonstrates a need amongst young professionals and students for shared housing. While noting the rental interest, the tenant enquiries fail to demonstrate the basis on which the property was advertised or the period of time it was marketed. Therefore limited conclusions can be drawn from this. As such, whilst it may be the case that there is only one licensed HMO within the William Whiffin Square development, the appeal fails to clearly evidence a proven need for shared housing at this location. Furthermore, irrespective of the rental figures suggested by the appellant, there is no formal mechanism before me to secure the long-term addition of low-cost housing. I am therefore not persuaded that the development is justified on this basis.
8. Although the appellant argues that the appeal property could be rented to 2 unrelated individuals, this has no bearing on my considerations of the planning merits of the appeal proposal.
9. Therefore, I find that the proposed development would adversely affect the supply of family housing contrary to Policies D.H2 and D.H7 of the LP.

Living Conditions

10. The appellant indicates that the occupation of the appeal property would be limited to 3 occupants. Were I minded to allow the appeal, I am satisfied that a condition restricting the maximum number of occupants could be imposed as whilst a breach could be difficult to detect, it would not be impossible. A suitably worded condition would therefore be enforceable and I have considered the appeal on this basis.
11. Part 1 of Policy D6 of the London Plan 2021 requires a 3 bedroom, 6 person residential dwelling over 1 storey to provide a minimum gross internal floor area (GIA) of 95m². Part 2 of Policy D6 thereafter states that a dwelling with 2 or more bedspaces must have at least 1 double (or twin) bedroom that is at least 2.75 metres wide and every other additional double (or twin) bedroom must be at least 2.55 metres wide. The planning application form indicates that the appeal property has a GIA of 87.76m² whilst the proposed floor plan indicates that the widest bedroom measures 2.74 metres and the smallest 2.69 metres. It is unlikely that the marginal short fall in the largest bedroom's width would compromise usability whilst the overall GIA would provide sufficient internal space for 3 occupants.
12. Whilst the floor to ceiling height of the appeal property is unknown, based upon my own observations from my site visit, I am satisfied that the living conditions of occupants in regard to internal space would be acceptable.
13. The appeal property features a private balcony which I am told by the appellant extends to approximately 7.63m² whilst they would also have access to a communal garden area. On the basis of 3 occupants, sufficient private outdoor space would be provided.

14. For the reasons outlined above, I am satisfied that the proposed development would provide satisfactory living conditions for the occupiers with regard to the provision of internal and private outdoor space. As such, the proposed development accords with Policy D.H3 of the LP and Policy D6 of the London Plan.

Cycle Storage

15. I am told by the appellant that the occupiers would have access to secure underground parking and cycle storage. In addition to this and as noted on site, there are cycle storage facilities scattered around Cowden House and the wider William Whiffin Square development. On this basis, I am satisfied that the proposed development would provide sufficient cycle storage facilities compliant with Policy D.TR3 of the LP.

Waste Storage and Collection Facilities

16. Cowden House has a large communal waste storage facility (general waste and recycling), accessible at street level. There is also sufficient space within the kitchen area for waste to be sorted and stored. Therefore, in accordance with Policy D.MW3 of the LP, I am satisfied that the proposed development would provide sufficient facilities for the storage and collection of waste.

Other Matters

17. The appellant's comments regarding the Council's failure to undertake a site visit and delay in determining the application are acknowledged. This however has no bearing on my considerations of the planning merits of the proposal. Similarly, whilst it may be that no third party objections were received by the Council, the lack of objections does not indicate that the development is acceptable.

Conclusion

18. In concluding this appeal, having regard to the development plan as a whole and all relevant material considerations, the appeal is dismissed.

H Wilkinson

INSPECTOR