



Appeal Decision

Site visit made on 23 August 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 NOVEMBER 2022

Appeal Ref: APP/G5750/W/21/3288213

Max House, 1 Canning Road, Strafford, London E15 3NW

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 W Hassain against the decision of the Council for the London Borough of Newham.

The application Ref 21/00762/FUL, dated 16 March 2021, was refused by notice dated 16 June 2021.

The development proposed is described as a "change of use from 1 x large HMO and 1 x four-bedroom flat to form 4 x one-bedroom units (3x one-bedroom one-person and 1 x one-bedroom 2-person) together with ground floor side extension and external alterations (new windows and doors); amenity space and cycle storage"

Decision

1. The appeal is allowed and planning permission is granted for a change of use from 1 x large HMO and 1 x four-bedroom flat to form 4 x one-bedroom units (3x one-bedroom one-person and 1 x one-bedroom 2-person) together with ground floor side extension and external alterations (new windows and doors); amenity space and cycle storage at Flat 1, Max House Canning Road, Strafford, London E15 3NW in accordance with the terms of the application, Ref 21/00762/FUL, dated 16 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than [3] years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16216 001, 1401/01/001A, 1401/03/001 and 1401/03/002
 - 3) Details of any entrance/security lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted takes place and the buildings are occupied. Development shall be carried out in accordance with the approved details and shall be maintained for the lifetime of the development thereafter.

Preliminary Matters

2. The appeal site has been subject to an upheld enforcement notice appeal, which subsequently granted planning permission for the building to be used residentially as HMOs.¹

Main Issues

¹ Appeal Refs: APP/G5750/C/18/3207328, 3207333, 3207335 & 3207336

3. The main issues in this appeal are the effect of the proposed development on i) the effectiveness and efficiency of industrial land provision; and ii) living conditions for future occupiers with specific regard to standard of accommodation including unit and room sizes; lighting; legibility and outdoor amenity space.

Reasons

The effectiveness and efficiency of industrial land provision

4. The appeal site is located in the Abbey Trading Estate which is part of an area defined by Policy J2 (and table 7) of the Newham Local Plan adopted December 2018 (NLP) as part of the Canning Road East Local Industrial Location (LIL) and consists of a three-storey building located on the eastern side of Canning Road at the junction with Abbey Road in Stratford. The site is in a commercial area which includes several warehouses adjoining the site to the east, a training centre to the west and a London Underground depot to the north. The building itself is utilitarian in appearance and is currently occupied as several HMOs and flats. The appeal proposal is for a modest single story side extension and change of use from an existing HMO and flat into 4 self-contained flats at the ground floor.
5. Policy E5 of the London Plan March 2021 (LP) seeks to manage Strategic Industrial Locations (SIL) to support London's economy, through the encouragement of appropriate industrial type activities and that residential development adjacent to SILs are designed to ensure that activities are not compromised. NLP Policy J2 also seeks to achieve efficient use of employment land to support economic growth sectors and wider growth needs through the retention of suitable locations and capacity.
6. Max House despite its commercial location and appearance has a lawful use for residential accommodation and is currently occupied as HMOs and flat units within the Canning Road East LIL. The existing building has an intensive residential occupancy with the ground floor used as a four-bedroom flat and a five-bedroom HMO; the first floor providing two further HMOs and the second floor containing another single family flat and HMO unit. The proposal would convert the existing ground floor into four self-contained flats, reducing the number of inhabitants occupying the premises at ground floor and thus reducing the existing density. Given the existing residential use, the proposal would as such have a neutral effect within the designated industrial area.
7. I recognise the close proximity of the warehouses and other commercial premises in relation to the appeal site. However, from the evidence before me the existing use does not appear to result in any loss of functionality within the Canning Road East LIL. Given the reduced intensity of occupation of the proposal this would not compromise those matters any further. In addition, provision of residential units and a mix of uses may help to secure a more balanced mix of jobs and homes in the immediate area.
8. In relation to this main issue, the proposal would not adversely impact upon the effectiveness and efficiency of industrial land provision. As such, I can identify no conflict with LP Policy E5 or NLP Policy J2, which amongst other things seek to support economic growth through the retention of, and the efficient use of employment land within designated areas. The proposal would also be consistent with Section 8 of the National Planning Policy Framework

2021 (the Framework) which seeks to provide a strong, competitive economy. Furthermore, I do not find conflict with LP Policies GG4 and D6 or NLP Policy H1, which amongst other things focuses principally upon processes which assist in ensuring the delivery of homes and a high quality of housing design and standards. These policies are of limited relevance to this main issue.

Living conditions for future occupiers

9. Policy D6 of the LP seeks to scrutinise the qualitative aspects of the development design, to ensure that housing schemes should be of high-quality design and provide adequately sized rooms; maximise dual aspect windows and provide adequate private outdoor amenity space. Policies H1, S6, SP2 and SP8 of the NLP amongst other things, also seeks to secure and improve a mix and balance of additional quality housing, and that all new homes should meet the internal space standards of the LP as a minimum, as well as provide adequate external private open space and ensure adequate access to daylight and sunlight.
10. The Government's nationally described space standard, March 2015 (NDSS) contains the minimum internal space requirements for new dwellings. These requirements are also applied in a local context within LP Policy D6 and Table 3.1 and NLP Policy SP8. Under these requirements a one-bedroom, one-person dwelling requires 37m² as the minimum standard with a one-bedroom two-person unit requiring 50m².
11. There is a dispute between the parties regarding Flats A1a and A2 with the Council opining that these are one-bedroom two-person units whilst the appellants consider these units as one-bedroom one-person dwellings. It is clear from the plans before me, that Flats A1a and A2 are indicated as one-bedroom one-person dwellings. In this respect they would accord with the minimum floor space standard of 37m², would meet the 7.5m² floor space standard for single bedrooms and would also meet the built-in storage space requirements. Given that these figures are minimum standards which are intended to act as a benchmark for design quality, the proposal conforms with both the NDSS and the LP in this regard. Whilst these units are modest in size, the minimum required standards have been achieved thus ensuring adequate living conditions for future occupiers.
12. With regard to the provision of adequate lighting all the proposed units are single aspect, thus would conflict with LP Policy D6 which seeks to maximise the provision of dual aspect dwellings. However, it is acknowledged that the constraints of the site prevent any additional windows being provided on the ground floor of the eastern elevation at the rear, given the location of the adjoining warehouses. Nevertheless, the layout of the proposed flats has been designed to provide natural light to all habitable rooms, with only bathrooms being artificially lit.
13. In considering the proposed layout, I have had regard to the living conditions of the existing HMOs and flat, which the previous Inspector did not regard as high quality living accommodation. This is a material consideration in my decision, and the proposed scheme would provide a notable improvement to the living conditions for future occupants over the existing arrangement.
14. In terms of the legibility of the entrance, the existing property is accessed via a main door and entrance hall fronting Canning Road, which whilst modest and

unassuming, nevertheless provides adequate legibility in terms of access to the existing premises. The proposal would retain this entrance for units A1 and A2 and the existing HMOs on the upper floors. The proposal also seeks to reinstate two underused existing doorways for private access to units A1a and A2a from Canning Road. Concerns in respect to the materials and illumination to be used can be mitigated through the use of appropriate conditions.

15. Regarding outdoor amenity space, from the plans before me all the units provide adequate external private open space in excess of the minimum of 5m² requirement for 1-2 person dwellings as stated in LP Policy D6. As such, in terms of quantity supplied this is appropriate. However, the Council raises concerns over the quality of the amenity space, and the reduction of communal space for the existing occupants of the residential units at upper floor levels. The outdoor area associated with the residential accommodation in Max House amounts to no more than what the previous Inspector termed a slither of a yard area by the building's entrance.
16. Consequently, the proposal would have some inadequacies in terms of amenity space when viewed against the development plan and the aspirations incorporated into its provisions. This would conflict with NLP Policies SP2, SP8, S6 and H1 and LP Policies GG4, D4 and D6, as a high quality of development cannot be achieved. However, on the basis of the available evidence, given the weight I attribute to the inadequacies of the existing use of the building, in relation to this main issue, the proposed development would provide adequate living conditions for future occupiers. The change of use from a HMO to self-contained flats would be appropriate, given the proposal would provide an improved standard of accommodation over and above the existing. Furthermore, I do not find conflict with LP Policies GG3, D1, D3, D5 and D11 or NLP Policy SP1, SP3 and SP5 which are more strategic policies, and amongst other things, focus principally upon processes to assist in ensuring the delivery of place making, design quality and a design led process.

Conditions

17. No conditions have been suggested in respect of the proposed development by the Council. Nevertheless, I have had regard to the tests set out at paragraph 56 of the Framework and attached the following conditions to ensure that they meet these tests.
18. I have imposed standard conditions requiring commencement of development within three years and development in accordance with the approved plans for certainty. In the interests of legibility and the living conditions of potential and neighbouring residents I have imposed a requirement for the details of entrance/security lighting to be submitted prior to occupation.

Conclusion

19. Although there is conflict with some LP Policies I have considered the proposal with respect to the development plan as a whole and other material considerations outweigh the conflicts with those policies.
20. For the reasons given I conclude that the appeal should succeed.

Robert Naylor

INSPECTOR