



Appeal Decision

Site visit made on 10 January 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2023

Appeal Ref: APP/G5750/W/22/3302212

40 Shackleton Way, Beckton, London, E16 2JT

- 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 Grace Sun of Thecityrooms.com Ltd against the decision of London Borough of Newham.
 - The application Ref 21/03030/FUL, dated 2 December 2021, was refused by notice dated 17 March 2022.
 - The development proposed is the change of use from existing C3 Dwellinghouse to C4 Small House of Multiple Occupation
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the appeal property was unoccupied at the time of my site visit, it would appear that it has been previously occupied on a basis similar to the appeal proposal. Nevertheless, I have determined the appeal on the basis of the submitted plans.

Main Issues

3. 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 future occupiers, with particular regard to the provision of outside space and a safe means of fire escape; and,
 - the effect of the proposed development on the living conditions of neighbouring occupiers.

Reasons

The supply of family housing

4. The appeal property is located within a residential tower block and comprises a 3-storey maisonette. The appeal development proposes the change of use of the existing maisonette to a house in multiple occupation (HMO). A utility room/bike store including refuse storage together with a communal kitchen/living area would be located on the ground and first floor respectively whilst 4 bedrooms would be provided across the first and second floors.

5. The reasoned justification to Policy H1 of the Newham Local Plan 2018 (Local Plan) indicates that the greatest housing need within the Newham Borough is for 3-bedroom homes. Local Plan Policy H4 further explains that there will be a shortfall of such housing if the Council does not increase the rate of new provision and also hold onto existing family stock. Accordingly, Policy H3 of the Local Plan indicates that large and small HMOs should be purpose-built or converted from premises other than family-sized dwellings, whilst Policy H4 specifically protects 3 bed and 4+ bed family housing. These policies together with the Article 4 Direction which removed permitted development rights relating to the change of use of C3 (dwellinghouse) to C4 (HMO) indicate a clear presumption against the loss of family housing within the borough.
6. The appeal development would result in the loss of a single, 3-bedroom dwelling which, by virtue of its size and configuration would provide suitable accommodation for a family. The Council's delegated report indicates an overall decline in family housing within the borough as evidenced by the Strategic Housing Market Assessment 2010. Due to the housing shortfall, it is understood that many families leave the area which, in turn raises concern regarding population transience with implications for convergence, community cohesion and integration brought about by the population churn. The loss of the appeal property would further undermine the housing shortfall and also compromise the strategic desire to stabilise and reinforce communities within the borough. Moreover, the proposal would not satisfy any of the design and technical exceptions that Local Plan Policy H4 permits for such a conversion.
7. The Local Plan indicates that sufficient capacity for flats and HMOs is anticipated through purpose-built new builds and the conversion of non-residential uses. It has been put to me by the appellant that the proposed development would offer alternative accommodation for young professionals which would be within reasonable proximity of public transport. That said, there is no substantive evidence before me to indicate a clear need for such accommodation at this location, or that such a need could not be met alternatively. These factors therefore do not outweigh the harm that would result from the loss of a family dwelling.
8. Accordingly, I find that the proposed development would adversely affect the supply of family contrary to Policies GG4, H8 and H10 of the London Plan 2021 (the London Plan) together with Policies S1, S3, S6, SP1, SP2, SP3, H1, H3 and H4 of the Local Plan. Collectively, and amongst other aspects, these policies seek to secure the provision and retention of family housing within the borough, improve housing quality and reinforce communities and resilience. The proposal is also inconsistent with the objectives of the National Planning Policy Framework (the Framework) which seek to ensure identified housing needs are met through the retention of the existing supply and delivery of future housing.

Living conditions – future occupiers

9. There is an enclosed balcony area located to the rear of the appeal property which, based on the submitted plans is currently accessed via the living room. Although this area is not particularly private, it provides a defined and personal space for socialising, leisure and domestic paraphernalia. The proposed plans indicate that access to the balcony area would be via Bedroom 4, which given the external keypad locks already installed would mean that access would be

controlled or indeed limited to the occupant of Bedroom 4. Consequently, whilst occupants of the proposed development would have access to areas of public open space located within the wider tower block development, the proposal would fail to provide adequate outside space for the private use of all of the occupants of the proposed HMO.

10. Whilst it may be the case that a balcony can be considered as an alternative means of escape, access to the rear patio area would be restricted as outlined above. Therefore, this could not be relied upon as a safe means of escape in the event of a fire. Furthermore, although the fire escape routes on the ground floor (street level) and second floor would be largely unchanged, given that future occupants would have individual control of their rooms and would be more likely to function independently of each other, escape options on the second floor would be restricted. Therefore, notwithstanding the appellant's assertion that London Fire Brigade safety advice would be adhered to, no substantive evidence has been provided to persuade me that the proposal would continue to provide sufficiently safe means of escape.
11. For these reasons, I find the proposed development would fail to provide satisfactory living conditions for future occupiers with particular regard to outdoor space and a safe means of escape. The proposal is therefore contrary to Policies D4, D6 and D12 of the London Plan and Local Plan Policies S1, SP1, SP2 and SP3, H1 and H4. Amongst other objectives, these policies seek to secure quality urban design and suitable housing standards, including the provision of outside space in the interests of healthy neighbourhoods and personal well-being. Policy D12 of the London Plan refers specifically to fire safety and requires all developments to achieve the highest safety standards and thus indicates that a suitable and convenient means of escape must be provided. The proposal is also inconsistent with the objectives of the Framework which seek to create places that are safe and provide a high standard of amenity for future users.

Living conditions – neighbouring occupants

12. The appellant indicates that the occupation of the appeal property would be limited to 4 occupants. Were I minded to allow the appeal, I am satisfied that a condition restricting the maximum number of occupants could be imposed. I have therefore considered the appeal on this basis.
13. The property is accessed via a private entrance lobby and does not share any internal space or landings with any other dwelling located within the tower block. Although occupants of HMOs are more likely to live independently of each other and generate movements beyond those of a single household, given the configuration of the appeal property and scale of the proposal, I am satisfied that the proposal would not generate unacceptable noise levels or disturbance through the associated comings and goings of future occupiers.
14. Accordingly, I find that the proposal would not harm the living conditions of the occupants of neighbouring dwellings and therefore the scheme accords with Policies GG1, GG3, GG4, D3 and D14 of the London Plan together with Local Plan Policies SP1, SP2, SP3, SP8, H1, H3 and H4. Collectively, these policies seek to secure high quality development, which is appropriate in form and land use and minimises/manages noise impacts in the interests of good neighbourliness. The proposal is also consistent with the objectives of the

Framework which seek to ensure a high standard of amenity for existing occupiers.

15. Local Plan Policy S2 is cited on the Council's decision notice. However, this policy relates to the strategic location of development within the borough. Consequently, it is not relevant to this issue.

Other Matters

16. The Council's Delegated Report indicates that the appeal site falls within the 6.2 km Zone of Influence for the Epping Forest Special Area of Conservation. For the reasons outlined above, I find that the scheme is unacceptable and therefore in dismissing the appeal, it has not been necessary for me to consider the effect of the proposal on the aforementioned site.

Conclusion

17. 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