



Appeal Decision

Site visit made on 5 March 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2024

Appeal Ref: APP/G5750/W/23/3329107

109A Wakefield Street, East Ham, London, Newham E6 1NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Daniel Bloom of Roquebrune Investments Limited against the decision of the Council of the London Borough of Newham.
 - The application Ref is 23/01443/FUL.
 - The development proposed is change of use of first floor flat from residential (Use Class C3) to HMO (House in Multiple Occupation) (Use Class C4) including erection of a rear dormer roof extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above I have used the description of development given on the appeal form and the decision notice, rather than that given on the planning application form. This description, which has been agreed between the appellant and the Council, best reflects the development for which planning permission is sought and does not change anything fundamental.
3. The revised National Planning Policy Framework (the Framework) was published in December 2023. I do not consider in this case that this raises any matters that require me to seek any further representations from the parties and I am satisfied that no interests have been prejudiced in this regard.

Main Issues

4. The main issues are the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to noise and disturbance; and the effect of the proposal on the supply of family sized housing in the Borough.

Reasons

Living conditions of neighbouring occupiers

5. The appeal site relates to an existing first floor flat located within a two storey end terraced building located at the junction of Wakefield Street and Katherine Road. The flat is accessed from Katherine Road via an external steel staircase to the rear of a two storey outrigger. The ground floor of the building is also in use as a self contained flat. The property is located within an area of mixed character which includes residential properties and commercial premises along Wakefield Street and Katherine Road.

6. Occupiers of the proposed HMO would continue to access the first floor via the existing external staircase to the rear. I am mindful that the staircase is close to and elevated relative to the ground floor flat, as well as 107 Wakefield Street, which appears to contain residential accommodation. It is also within proximity of residential occupiers to the rear on Katherine Road. There is a certain level of noise and activity due to the mixed character of the area, which includes various shops and a public house. However, during my site visit I saw that such activity is concentrated on the business premises which front Wakefield Street and Katherine Road. The rear of the appeal property and this stretch of Katherine Road is more residential and quieter in comparison.
7. According to the appellant the proposed three bedroom HMO would be occupied by four persons. That would not be a significant increase in the likely number of occupiers of the existing flat. However, the future occupiers of the HMO would be more likely than not to lead independent lives from one another with their own work patterns and daily routines. The comings and goings of occupiers along with those of their visitors would lead to a level of activity that would be more intensive than that which would be expected from the existing modest two bedroom flat. Consequently, there would be an increase in noise and disturbance, which would be particularly noticeable to the adjacent neighbours, including occupiers of the ground floor flat and No 107. Such noise and disturbance would be exacerbated by the likely increased use of the external staircase.
8. The appellant refers to an application for a change of use from a dwelling to HMO at 320A High Street North, where the Council found that the proposal would not have an unacceptable effect in terms of noise and disturbance. However, I do not have the details of that case before me and so cannot be sure that it represents a direct parallel to the appeal proposal, which I have assessed on its own merits.
9. For the above reasons, I conclude that the proposal would be harmful to the living conditions of the neighbouring occupiers with regard to noise and disturbance. It would conflict with Policies S6, SP1, SP2, SP3, SP8, H1 and H3 of the Newham Local Plan (2018) (Local Plan), which seek to ensure that Newham is an attractive place to live, creating healthy and quality neighbourhoods and ensuring neighbourly development. It would also conflict with Policies D3, D14, GG1, GG3 and GG4 of the London Plan (2021) where these seek to reduce and mitigate noise and protect quality of life, and with the Framework, where it seeks to ensure a high standard of amenity for existing users. Conflict with Policy D8 of the London Plan is referred to in the reason for refusal, but this relates to the public realm and is not relevant to this appeal.

Supply of family housing

10. It is evident that there is a specific identified need to provide additional family housing and to protect existing 3 plus bedroom houses in the Borough. Policy H4 of the Local Plan seeks to protect 3 bed and 4 plus bed family housing and supports the de-conversion of flats and HMOs back to family dwelling houses. The justification to Policy H4 states that it is very clear from analysis of requirements that Newham will fail to provide enough family housing if it does not both increase the rate of new provision (as per Local Plan Policy H1) and hold onto existing family stock. Policy H3 of the Local Plan says that large and

small HMOs should be purpose built or converted from premises other than family sized dwellings.

11. At my site visit I observed that the flat has two bedrooms to the front of the property (though only one is shown on the existing plans), together with a lounge and a separate kitchen within the rear outrigger. I note that planning permission has previously been granted for a dormer extension and loft conversion to create an additional (third) bedroom. However, that consent was not implemented and has lapsed.
12. Although the proposal would create a three bedroom unit, the existing property does not meet the Council's definition of a family-sized dwelling as it currently contains two bedrooms. Moreover, since the property provides limited internal floorspace, does not have external private amenity space and has a poorly defined entrance, it does not particularly lend itself to family accommodation. Consequently, the proposal would not result in the loss of an existing family dwelling for the purposes of Policies H3 and H4 of the Local Plan.
13. The proposal would not be located in a Town or Local Centre or along a Key Movement Corridor, and in this respect would not strictly accord with the locational requirements of Policy H4 of the Local Plan. However, in this case the development would be located within proximity of the various commercial premises on Katherine Road and East Ham Town Centre, and it would not have an unacceptable effect on the Borough's supply of family sized housing.
14. I have had regard to the appeal decision referred to by the Council but as this relates to the loss of an existing family dwelling with different circumstances, it is of limited relevance to this appeal.
15. For the above reasons, I conclude that the proposal would not have a harmful effect on the Borough's supply of family sized housing. Therefore, despite the minor conflict identified with Policy H4, the proposal would comply with the overall aims of Policies S1, S6, SP1, SP2, SP3, H1 and H3 of the Local Plan and Policies GG4, H8 and H10 of the London Plan. Amongst other matters, these policies seek to protect and increase the amount of family housing by resisting the loss of family dwellings through conversion or sub-division, create mixed and inclusive communities and provide high quality residential accommodation. It would also comply with paragraph 63 of the Framework which seeks to ensure that the size, type and tenure of housing needed for different groups in the community is assessed and reflected in planning policies.

Other Matters

16. Other concerns have been raised by an interested party, including the effect on daylight, sunlight and privacy. These matters do not form part of the Council's reasons for refusal and I have no reason to reach a different conclusion based on my observations on site. The siting and scale of the proposed dormer are such that it would not be likely to have any significant effect on the neighbours in terms of daylight, sunlight or privacy.
17. The appeal site is within the 6.2km Zone of Influence of the Epping Forest Special Area of Conservation (SAC). The SAC is protected under the Conservation of Habitats and Species Regulations 2017. Had I found the proposal to be otherwise acceptable, it would have been necessary to consider its effect on the integrity of the SAC as part of Habitats Regulation Assessment

and Appropriate Assessment. However, as the appeal is being dismissed for the reasons set out earlier, I have not considered this matter any further.

Planning Balance and Conclusion

18. For the reasons given above, I find that the proposal would not be harmful to the supply of family sized dwellings in the Borough. However, lack of harm in respect of this matter is neutral rather than weighing positively in favour of the proposal. I have also found that the proposal would be harmful to the living conditions of neighbouring occupiers. I have considered the benefits of the proposal which include the provision of cheaper housing accommodation close to public transport, shops and other facilities. However, given the scale of the development the weight attributable to these benefits is limited and insufficient to outweigh the harm I have identified.
19. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. For the reasons given, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR