



Appeal Decision

Site visit made on 25 September 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

Appeal Ref: APP/G5750/W/23/3334539

85 Winsor Terrace, Beckton, Newham, London, E6 6LJ

- 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 Narinder Kumar against the decision of the Council of the London Borough of Newham.
 - The application Ref is 22/02552/FUL.
 - The development is use of property for short-term letting on Airbnb for more than 90 days per calendar year.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. According to the application form, the use of the property for short-term letting commenced in August 2022. Planning permission is therefore sought retrospectively, and I have dealt with the appeal on that basis.

Main Issues

3. The main issues are the effect of the development on:
 - the supply of family housing in the Borough;
 - designated town centres, employment hubs and areas with a particular visitor economy role;
 - living conditions of occupiers of adjacent dwellings with regard to noise and disturbance; and
 - cycle parking and waste and recycling facilities.

Reasons

Supply of housing

4. The appeal property is located within a residential area and comprises a 3-bed end of terrace house with an enclosed garden to the rear and parking to the front. Given its location, size and outdoor garden space, it is well suited to families.
5. Policy H4 of the Newham Local Plan 2018 (NLP) seeks to protect the existing housing stock within the Borough, especially 3-bed and 4+ bed family housing. Policy H9 of the London Plan also requires regard to be had to housing stock and local housing needs when considering applications for the change of use of dwellings to short stay rental accommodation.

6. The appellant states that the Council is meeting its housing delivery targets and that the loss of a single dwelling would not undermine the need for additional homes. I am also advised that there is no evidence to suggest that there is a high concentration of HMOs or short term lets in the immediate vicinity of the site, which is possibly as a result of policies and directions aimed at safeguarding the provision of family homes in the area.
7. However, if every application to convert a family home to another use was permitted on the basis that it was just one home, the cumulative effect of this would be significant. As such, even the loss of a single home would undermine the aims of relevant policies that seek to both deliver and maintain a supply of family homes, which are necessary to meet local needs and to maintain balanced communities. The short-term letting use, rather than contributing to creating a mixed housing community, introduces visitor accommodation, which would not be the main home of its occupiers, and that reduces the number of houses available locally to families.
8. Whilst I acknowledge that no physical alterations have been made or are proposed to the property, and that the property could easily be reverted to use as a family home, the change of use still results in the loss of a family home at the present time and for the foreseeable future, which in turn increases the current need for family homes. The demand for housing in London is widely known and there is nothing before me to demonstrate why the dwelling cannot be sold or let long term as a permanent residential dwelling unit.
9. I therefore conclude that the development results in the unacceptable and unjustified loss of a family home, contrary to Policies H4 of the NLP and H9 of the London Plan.

Location outside town centre

10. The appeal site is well connected to the visitor attractions of London, and I note that there is already a large Premier Inn Hotel at the end of Windsor Terrace, adjacent to Beckton light railway station, and with retail development opposite it on two sides.
11. I have no reason to doubt that there will be a demand for short term lets for larger groups and families wishing to self-cater whilst visiting London for business or leisure purposes. However, the change of use of dwellings in predominantly residential areas, to short term lets, would have cumulative effects on the demand and need for purpose-built visitor accommodation in more appropriate locations. This would in turn, undermine policies that seek to locate new visitor accommodation where it would assist in vitalising and regenerating town centres and employment hubs.
12. The appeal property is not therefore in an appropriate location for visitor accommodation. Accordingly, the change of use fails to accord with Policy J1 of the NLP, which seeks to focus visitor accommodation in town centres, on strategic sites or employment hubs with business and leisure visitor needs and Policy E10 of the London Plan, which whilst supporting a sufficient supply and range of serviced accommodation, directs serviced accommodation in outer London and outside London's Central Activities Zone (CAZ) to town centres and opportunity areas.

Living conditions

13. I acknowledge that short term lets are used differently to single family dwellings with their occupants changing regularly. Furthermore, occupiers will not always be families and may often include groups of people getting together for social and leisure purposes. This tends to result in greater comings and goings than that of a single-family household but would not necessarily have an adverse effect on the living conditions of neighbouring residents.
14. I am advised that the change of use commenced in August 2022. I have not been made aware of any complaints being made since the change of use occurred, and no objections have been raised to the application or appeal by local residents or Environmental Health. The property in this case is an independent unit with its own garden and parking. It does not have a shared entrance or communal space shared with any neighbouring residents. The number of guests is unlikely to be any greater than the number of residents that could occupy the property as a family dwelling. As such the intensification of use is unlikely to be particularly noticeable in this case.
15. I am mindful of the fact that unlike in hotels and B&Bs, the letting accommodation in this case would not benefit from any form of permanent onsite management to deal promptly with any noise or inappropriate behaviour. However, I understand that records of visitors are kept and shared with owners of other letting accommodation, to both deter bad behaviour and to protect property owners. Furthermore, the behaviour of individuals carries limited weight and poor behaviour can be experienced from any type of property.
16. I therefore conclude, that based upon the evidence before me, the change of use is not harmful to the living conditions of occupiers of adjacent dwellings with regard to noise and disturbance. Accordingly, I find no conflict with Policies SP3 and SP8 of the NLP, Policies D13 and D14 of the London Plan or the Framework, which seek to ensure neighbourly development and to avoid problems related to bad neighbour uses.

Cycle and refuse storage

17. The appeal property has a driveway to the front providing parking for a single vehicle. Wheelie bins are also stored to the front of the houses in this area. Although the modern dwellings in the area, including the appeal property, have built in brick stores in their front porches, I have not been advised what purpose these are intended to serve, and they do not appear large enough to accommodate bicycles or bins. The enclosed rear gardens only appear accessible through the dwellings and as such would not provide practical or convenient cycle or wheelie bin storage.
18. However, as the short-term letting use would be unlikely to increase the occupancy of the property above that of its use as a family dwelling, I am not convinced that the amount of waste generated or the need for cycle storage would be notably increased or that it could not be dealt with by conditions.
19. I therefore find no conflict with the NLP, the London Plan or the Framework with respect to the need to encourage sustainable means of transport and to make appropriate provisions for the storage and collection of waste.

Conclusion

20. The change of use from a dwelling to short-term letting accommodation for more than 90 days per year would not result in harm to the living conditions of occupiers of adjacent dwellings or materially increase the need for cycle parking and waste and recycling facilities, which could in any event be controlled by conditions. However, this does not outweigh the conflict with development plan policies that seek to protect family houses and which direct new visitor accommodation to town centre locations and employment hubs. There are no other material considerations before me that would persuade me to make a decision other than in accordance with the development plan.
21. For the reasons given above and having had regard to all issues raised, the appeal is dismissed.

R Bartlett

INSPECTOR