



Appeal Decision

Site visit made on 2 October 2024

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 February 2025

Appeal Ref: APP/G5750/W/24/3341485

365-367 Romford Road, Forest Gate, London E7 8AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Hussein Ridha of Shuttleworth UK Ltd against the decision of the Council of the London Borough of Newham.
- The application Ref is 23/01851/VAR.
- The application sought planning permission for proposed alteration, extension and remodelling of Hartley Hotel including upgrade of the existing buildings and their surrounds and construction of two additional wings. without complying with a condition attached to planning permission Ref 20/00301/FUL, dated 28 September 2022.
- The condition in dispute is No 2 which states that: *The development hereby approved shall only be carried out in accordance with the approved plans and documents listed below:*
 - Drawing Title: Location Plan – Drawing Number: PL010 – Received by the Council: 10.02.2020
 - Drawing Title: General Arrangement Strip Out/ Demolition Works - Drawing Number: 580 01 - Dated: January 2020
 - Drawing Title: General Arrangement Strip Out/ Demolition Works - Drawing Number: 580 02 - Dated: January 2020
 - Drawing Title: Proposed Site Block Plan - Drawing Number: 580 06 - Dated: January 2020
 - Drawing Title: General Arrangement External Works - Drawing Number: 580 10 F – Dated: 24.04.2020
 - Drawing Title: General Arrangement Ground Floor Plan - Drawing Number: 580 11 'I' – Dated: 28.04.2020
 - Drawing Title: General Arrangement First Floor Plan - Drawing Number: 580 12 C – Dated: 24.04.2020
 - Drawing Title: General Arrangement Roof Plan - Drawing Number: 580 13 B - Dated: 30.01.2020
 - Drawing Title: General Arrangement South and East Elevation - Drawing Number: 580 14 E – Dated: 24.04.2020
 - Drawing Title: General Arrangement Section & Elevations - Drawing Number: 580 15 C – Dated: 30.03.2020
 - Drawing Title: General Arrangement Section & Elevations - Drawing Number: 580 16 C – Dated: 30.03.2020
 - Drawing Title: General Arrangement West Elevations - Drawing Number: 580 17 B – Dated: 30.01.2020
 - Drawing Title: Proposed Site Elevation – Drawing Number: 580 20 A – Dated: 22.11.2019
 - Drawing Title: North Elevation - Drawing Number: 580 21 - Dated: January 2020
 - Drawing Title: General Arrangement Room Plan - Drawing Number: 580 Room Plan 12 – Dated: Sept 2019
 - Drawing Title: Proposed Capsule Room – Floor Plan (Mosaic tiled bathroom, mural decorated bedroom wall) – Received by the Council: 10.02.2020
 - Drawing Title: Proposed Capsule Room (Mosaic tiled bathroom, mural decorated bedroom wall) – Room Sections – Received by the Council: 10.02.2020
 - Drawing Title: Door & Window Schedule - Drawing Number: 580 31 – Dated: March 2020

- *Drawing Title: External & Boundary Works - Drawing Number: 580 32 – Dated: March 2020*
- *Drawing Title: Signage - Drawing Number: 580 33 – Dated: March 2020*

No other drawings or documents apply.

- The reason given for the condition is: *To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s) to ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to satisfactorily protect the residential amenities of nearby occupiers.*
-

Decision

1. The appeal is allowed and planning permission is granted for proposed alteration, extension and remodelling of Hartley Hotel including upgrade of the existing buildings and their surrounds and construction of two additional wings at 365-367 Romford Road, Forest Gate, London E7 8AA in accordance with the application Ref 23/01851/VAR, without compliance with condition number 2 previously imposed on planning permission Ref 20/00301/FUL dated 28 September 2022 and subject to the conditions in the schedule attached to this Decision.

Preliminary Matters

2. The Government has published its Housing Delivery Test results alongside the publication of a revised National Planning Policy Framework (The Framework) in December 2024. Both main parties were given the opportunity to comment on any relevant implications for the appeal.
3. The appellant has submitted a Unilateral Undertaking in respect of matters including car free and travel plan monitoring fees, highway obligations, and parking permit restrictions. This has been provided to the Council which raised no comments other than in respect of the payment of fees and costs. The appellant has confirmed that these have been paid. The UU meets the tests set out in paragraph 58 of the Framework and I have had regard to it accordingly.

Main Issue

4. The main issue is the effect on the quality and standard of accommodation, with due regard to accessible and inclusive design.

Reasons

5. As set out in the Council's Officer Report, the original approved scheme provided for 74 rooms consisting of:
 - 15 Family rooms/rooms appropriate for those with auditory or visual impairments.
 - 49 Double rooms.
 - 8 Disabled rooms.
 - 2 Specialist rooms for carers.
6. The scheme which would result from the appeal proposal includes a slightly reduced number of 72 rooms consisting of:
 - 30 Double rooms.
 - 34 Single rooms.
 - 8 Disabled rooms.
7. In effect, the appeal proposal would introduce a significant number of single rooms with a reduction in double rooms; and the removal of family rooms/for those with

auditory or visual impairments and specialist rooms for carers. The number of disabled rooms would remain the same.

8. Policy E10 of the London Plan 2021 relates to visitor infrastructure. Policy E10(H) sets out provisions to ensure sufficient choice for people who require an accessible bedroom, including at Policy E10(H)(1) that development proposals should provide 10% of new bedrooms to be wheelchair-accessible in accordance with the relevant British Standard. Based on the evidence before me, the proportion of disabled rooms to be provided as a result of this appeal would meet the provisions of Policy E10(H)(1).
9. Policy D5 of the London Plan requires that development proposals should achieve the highest standards of accessible and inclusive design. However, as set out in the supporting text, Policy E10 addresses this by specifying options so that serviced accommodation would meet this requirement. This includes the option set out in Policy E10(H)(1) which the proposal would comply with. The appeal proposal would therefore meet the requirements of development plan policy with regards to achieving the highest standards of accessible and inclusive design.
10. Although the mix of rooms in the original permitted scheme may have some benefits, this carries little weight due to the lack of supporting evidence to justify this mix as opposed to the requirements set out in development plan policy. That is the case even allowing for the loss of rooms appropriate for those with auditory or visual impairments, as it has not been demonstrated that the provision of disabled rooms in accordance with Policy E10 would not be suitable for occupants with those impairments. Similarly, it has not been demonstrated that the loss of the limited number of specialist carers rooms cannot be met by the mix of rooms proposed in accordance with the London Plan.
11. In terms of more general accommodation, the appeal proposal would result in the loss of family rooms, the loss of a number of double rooms and the provision of single rooms. However, although I am mindful of the diverse population who may use the hotel, there is no policy requirement or evidence of need for the mix as originally proposed, or that the mix of rooms which would result from the appeal would be unsuitable.
12. The Council has expressed concerns about the size of the proposed rooms and the lack of depicted furniture, as well as the size and form of shower rooms. Rooms of a limited size have previously been accepted by the Council as part of the original planning permission, which has been described as a 'micro-hotel' concept. However, the Council emphasises that the majority of rooms now proposed are smaller than those previously approved. Nevertheless, there is no planning policy requirement that hotel rooms should be of a specific size. Although the rooms which would result from the appeal proposal would be of a constrained nature, it has not been demonstrated that they would be unsuitable for their intended purpose.
13. The Council emphasises the extensive engagement with Officers that led to improvements in the original scheme, and the significant weight given to the diverse range of accommodation proposed. However, I have not been provided with a policy or evidential basis for the range of accommodation originally proposed. The Council refers to Policy D4 of the London Plan, and that minor changes to a proposal can have a substantial effect on the quality of a scheme.

However, even considered as a whole, the proposed amendments would not conflict with development plan policy.

14. Based on the evidence before me, the proposal would provide accommodation of a suitable quality and standard. The proposal would comply with Policies D5 and E10 of the London Plan which seek to achieve the highest standards of accessible and inclusive design for visitor infrastructure. The proposal would also comply with the wider requirements of Policies GG1 and D4 of the London Plan and Policies S1, S6, SP1, SP2, SP3 and SP8 of the Newham Local Plan 2018 with regards to achieving good design that builds strong and inclusive communities. The proposal would also not conflict with the Framework with regards to providing the social and recreational facilities that the community needs.

Other Matters

15. The appeal site is within the Woodgrange Estate Conservation Area (CA). The CA is primarily residential in nature and its importance as a designated heritage asset stems from its character arising from late Victorian speculative housing development. The appeal site is included in part of the CA characterised by a mixture of former linked villas, now mostly converted to commercial uses and places of worship. The appeal building has been altered in a manner commensurate with its existing use, although some elements of the form of the original buildings are apparent on the main front elevation reflecting the historic development of the CA. The appeal site is in a prominent position in the CA and the submitted evidence indicates that the site is a non-designated heritage asset.
16. The Council has concluded that the original proposal would make a positive contribution to the CA, and the appeal proposal would not materially alter its character and appearance. The Council has also not identified any harm to the appeal site as a non-designated heritage asset. Based on what I have seen and read, the proposal would preserve or enhance the character and appearance of the CA and would not harm the significance of this non-designated heritage asset.
17. Due to the effect on the rooms appropriate for those with auditory or visual impairments and the loss of rooms for specialist carers, I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2010. However, I have found that the proposal would comply with development plan policy with regards to achieving the highest standards of accessible and inclusive design. The Council has also not provided substantive evidence to justify the form and mix of accommodation originally approved. Given the lack of substantive evidence and compliance with development plan policies that specifically address the issue of accessible and inclusive design, I conclude that any harm that would arise to persons with the protected characteristic of disability would be proportionate.

Conditions

18. The Council has suggested a number of conditions which reflect those placed on the original permission, albeit with some amendments in response to details approved in relation to the original permission.
19. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty. A condition in respect of a demolition and construction logistics plan is required in the interests of the living

conditions of nearby occupiers and highway safety. Provisions in respect of an archaeological programme are necessary in the interests of conserving heritage assets of archaeological interest. Conditions requiring the approval of materials, details of windows and a canopy, and restrictions on rainwater pipes, flues or grilles are necessary in the interests of character and appearance. The provision of cycle parking facilities is appropriate in the interests of sustainable transport. A condition in respect of hard and soft landscaping is required in the interests of character, appearance and biodiversity.

20. The provision of signage and marking in respect of vehicle movements is required in the interests of highway safety. I have amended the suggested condition to require the implementation of the approved scheme. The submission of a Travel Plan is appropriate in the interests of highway safety and sustainable transport. A Deliveries and Servicing Management Plan is required in the interests of highway safety and the living conditions of nearby occupants.

Conclusion

21. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition but substituting others and restating those undisputed conditions that are still subsisting and capable of taking effect.

David Cross

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall only be carried out in accordance with the approved plans and documents listed below:
 - Drawing Title: Location Plan – Drawing Number: PL010 – Received by the Council: 10.02.2020
 - Drawing Title: General Arrangement Strip Out/ Demolition Works - Drawing Number: 580 01 - Dated: January 2020
 - Drawing Title: General Arrangement Strip Out/ Demolition Works - Drawing Number: 580 02 - Dated: January 2020
 - Drawing Title: Proposed Site Block Plan - Drawing Number: 580 06 - Dated: January 2020
 - Drawing Title: General Arrangement External Works - Drawing Number: 580 10 'A' – Dated: June 2022
 - Drawing Title: General Arrangement Ground Floor Plan - Drawing Number: 580 51 – Dated: November 23
 - Drawing Title: General Arrangement First Floor Plan - Drawing Number: 580 52 – Dated: November 23
 - Drawing Title: General Arrangement Roof Plan - Drawing Number: 580 53 - Dated: June 2020
 - Drawing Title: General Arrangement South and East Elevation - Drawing Number: 580 54 A – Dated: June 2020

- Drawing Title: General Arrangement Section & Elevations - Drawing Number: 580 55 – Dated: June 2020
- Drawing Title: General Arrangement Section & Elevations - Drawing Number: 580 56 – Dated: June 2020
- Drawing Title: General Arrangement West Elevations - Drawing Number: 580 57 – Dated: June 2020
- Drawing Title: Proposed Side Elevation – Drawing Number: 580 20 – Dated: June 2020
- Drawing Title: North Elevation - Drawing Number: 580 34 - Dated: June 2020
- Drawing Title: Door & Window Schedule - Drawing Number: 580 31 'A' – Dated: June 2020
- Drawing Title: External & Boundary Works - Drawing Number: 580 32 – Dated: June 2020
- Drawing Title: Signage - Drawing Number: 580 33 'A' – Dated: June 2020

No other drawings or documents apply.

- 3) The Demolition and Construction of the development hereby approved shall be carried out in accordance with the details approved by the Local Planning Authority under application 23/02803/AOD dated 07.03.2024.
- 4)
 - a) No demolition or development shall take place other than in accordance with the Stage 1 Written Scheme of Investigation approved by the Local Planning authority under application 23/02780/AOD dated 06.02.2024.
 - b) If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:
 - i) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - ii) Where appropriate, details of a programme for delivering related positive public benefits.
 - iii) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
- 5) No above ground works shall commence until sample of roof tiles and new brickwork to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained thereafter.
- 6) Notwithstanding the requirements of condition 2 of this permission and what is shown on the approved plans and documents, no above ground works shall commence until and unless details for the provision secure, integrated,

and accessible cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the building and shall thereafter be made permanently available for the occupants and visitors of the buildings.

- 7) Notwithstanding the requirements of condition 2 of this permission and what is shown on the approved plans and documents, no above ground construction works shall commence unless and until full details (including plans, sections and elevations at 1:20) of the proposed new/replacement windows and canopy have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to first occupation of the development.
- 8) Notwithstanding the requirements of condition 2 of this permission and what is shown on the approved plans and documents, prior to first occupation/operation of the building hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a full planting schedule and plan, and details of hard landscaping including car parking layout, exterior lighting, the green roof, maintenance schedule, and any landscape features or art works, furniture and play equipment.

The approved hard landscaping shall be implemented as approved prior to first occupation/operation of the building and the soft landscaping shall be carried out in the first planting season following the first occupation/operation of the building. Any trees, shrubs or plants that die within a period of five years from the completion of the development or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species. The approved maintenance schedule shall be adhered to for the lifetime of the development.

- 9) Prior to first occupation and/or use of the development hereby permitted, details of on-site signage and any paving markings for the one way operation of the forecourt area to the front of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation and/or use of the development hereby permitted and maintained for the lifetime of the development.
- 10) Prior to first occupation and/or use of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented and adhered to for the lifetime of the development.
- 11) Notwithstanding the requirements of condition 2 of this permission and what is shown on the approved plans and documents, prior to first occupation and/or use of the development hereby permitted a fully detailed Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. Delivery and Servicing arrangements shall thereafter be undertaken in accordance with the approved Delivery and Servicing Plan for the lifetime of the development.

- 12) No rainwater pipes, flues or grilles, other than those shown on the approved plans shall be visible on any publicly visible elevation.

End of Schedule