



Appeal Decision

Site visit made on 15 April 2025

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

an Inspector appointed by the Secretary of State

Decision date: 23 April 2025

Appeal Ref: APP/G5750/W/24/3355512

121 Green Street, London E7 8JF

- 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 Yahya Khan of Al Fateh Lands Ltd against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/01171/FUL.
 - The development proposed is retrospective application use of two self-contained units to the rear of 121 Green Street.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal has been submitted retrospectively, and I saw that development had commenced and that the dwellings were occupied at the time of my visit. However, there were some variations in the development as carried out compared to the submitted plans, including in respect of internal layout and the provision of rooflights. For the avoidance of doubt, I have determined this appeal on the basis of the plans and documents submitted with the appeal.
3. The Government published its Housing Delivery Test (HDT) results alongside the publication of a revised National Planning Policy Framework (The Framework) in December 2024. Both main parties have had the opportunity to comment on any relevant implications as part of the appeal process.

Main Issues

4. The main issues are the effect of the proposal on the:
 - Living conditions of future residents in respect of internal and external space, ventilation, outlook, and light; and
 - Living conditions of nearby residents in respect of noise and disturbance.

Reasons

Living Conditions - Future Residents

5. Policy H1 of the Newham Local Plan 2018 (the Local Plan) states that all new homes should meet the internal space standards of the London Plan as a minimum. Table 3.1 of the London Plan 2021 sets out that the minimum gross internal floor area for dwellings of the form proposed should be 37sqm.

6. The larger of the 2 dwellings has a floor area of 31sqm. This is a significant shortfall from the standards of the London Plan and is not as slight as contended by the appellant. The smaller dwelling would be only 14.2sqm, which is a substantial underprovision of internal living area with regards to the required space standards. The appellant refers to the open plan nature of the proposed units and the low occupancy level, but these factors would not mitigate for the inadequate provision of internal living space and the subsequent effect on the living conditions of residents.
7. The appellant also refers to the arrangement of the smaller unit as being similar to a room within a house in multiple occupation (HMO). However, there would typically be shared facilities within an HMO which would provide extra living and amenity space, and in any event this does not negate the requirement to meet the space standards of the London Plan. The commentary on whether a dwelling should provide a single or double bedspace also does not lead me to a different conclusion on the living space required by development plan policy.
8. Both of the dwellings would be served by a rooflight, and one would include a window. However, given the size and position of the rooflights and the limited size of the window serving one of the dwellings, I am not persuaded that these would be sufficient to provide suitable levels of natural light and ventilation for residents. Although the appellant contends that these would provide a sufficient amount of light, they have provided no substantive evidence to demonstrate this. In any event, the rooflights would not provide a suitable outlook for residents, and the outlook provided by the window in one dwelling would be very limited.
9. Furthermore, neither of the dwellings would provide any external amenity space. Not only would this be contrary to the London Plan which requires a minimum of 5sqm, this would also compound the harm arising from the inadequate internal living space as residents would not have access to a private external area for providing natural light and fresh air.
10. I therefore conclude that the proposal would lead to significant harm to the living conditions of future residents due to inadequate provision of internal and external space, ventilation, outlook, and light. The proposal would therefore be contrary to the housing quality requirements of Policies D3 and D6 of the London Plan; and Policies S6, SP2, SP3 and H1 of the Local Plan. The proposal would also be contrary to the Housing Supplementary Planning Guidance 2016 in respect of housing quality. The proposal would also not meet the specifications of the Technical Housing Space Standards – Nationally Described Space Standard. The proposal would also be contrary to the Framework which seeks to achieve a high standard of amenity for users of places.

Living Conditions – Nearby Residents

11. The appeal site is accessed via a lane which serves the rear of properties on Green Street. These properties include commercial uses on the ground floor, with other uses including what appear to be residential on upper floors.
12. The access to the appeal site is in close proximity to dwellings and rear gardens on Sherrard Road and Halley Road. The Council contends that the proposal would introduce more comings and goings and a different pattern of use compared to the previous storage use of the site associated with a shop on Green Road.

13. However, the intensity of use and scale of activity resulting from the proposal would be very limited, and I do not consider that this would generate unacceptable levels of noise and disturbance to nearby residents, even allowing for the proximity to rear gardens. Furthermore, it has not been demonstrated that the hours of operation of commercial uses on Green Road which utilise the rear lane are limited to specific times.
14. Considered objectively and in context, the appeal proposal would not harm the living conditions of nearby residents in respect of noise and disturbance. The proposal would therefore not conflict with the noise and well-being requirements of Policy D14 of the London Plan; and Policies SP2, SP3 and SP8 of the Local Plan in respect of nearby residents. On this main issue, the proposal would also not be contrary to the Framework in respect of amenity.

Planning Balance and Conclusion

15. The HDT indicates that the consequence for the Council is 'presumption', which means that the 'tilted balance' of paragraph 11(d) of the Framework is triggered with regards to the presumption in favour of sustainable development. This states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole having particular regard to key policies.
16. I have had regard to the benefits of the scheme. The proposal would add to the supply and mix of housing in an area with good access to services. But, even given the Council's HDT results, the benefits arising from the provision of 2 substandard dwellings would be very limited at most. That would be the case even having regard to key policies of the Framework including directing development to sustainable locations, making effective use of land, and providing affordable homes.
17. Notwithstanding my conclusions in respect of the living conditions of nearby residents, I have concluded that the proposal would lead to significant harm to the living conditions of future residents of the scheme. The adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole and the key policies. The proposal would therefore not represent sustainable development.
18. The proposal would conflict with the development plan when read as a whole with regards to the living conditions of future residents. There are no other considerations, including the Framework, that outweigh this conflict. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR