



Appeal Decision

Site visit made on 24 March 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 May 2025

Appeal Ref: APP/G5750/W/24/3353452

42 Birchdale Road, Forest Gate, Newham, London E7 8AR

- 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 Mustak Durga against the decision of the Council of the London Borough of Newham.
 - The application ref. is 24/01022/FUL.
 - The development proposed is change of use to children's home for up to four children (C2 Use Class) including insertion of roof lights to flat roof.
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Decision

1. The appeal is allowed, and planning permission is granted for a change of use to children's home for up to four children (C2 Use Class) including insertion of roof lights to flat roof at 42 Birchdale Road, London E7 8AR in accordance with the terms of the application, ref. 24/01022/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - SBP Block Plans
 - P501 Proposed Plans
 - P502 Proposed Elevations
 - 3) The premises shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter, the approved facilities shall be retained in perpetuity.
 - 4) The premises shall not be occupied for the use hereby permitted other than in accordance with a management plan, which must first have been submitted to and approved in writing by the local planning authority and which must include arrangements for its periodic review.

Preliminary Matters

2. Drawing number P502 is labelled 'Proposed Plans' but clearly shows elevational detail. I have referred to it in the conditions as 'Proposed Elevations'.

Main Issues

3. The main issues in this appeal are the need for family sized dwellings within the Borough and the need for the proposed development.

Reasons

4. The site comprises a rendered and painted two-storey four-bedroom mid-terrace Edwardian house in a tree-lined street of same, with similar streets parallel to the west and east and perpendicular to it to the south. There is no off-street parking, a residents' parking scheme operates from 8am to 6:30pm, Monday to Saturday, and there is a bicycle hangar, in which space may be hired, at the southern end of the street. Bus stops are 300m away on Romford Road.
5. The terraces are continuous with no alleyways to the rear, so that bins are stored in front gardens, which are about 3m deep behind a low brick wall. Rear gardens are about 12m deep behind outriggers. The application states that the existing use of the house is as a dwellinghouse within Class C3, albeit what would have been the (front) living room is shown used as a bedroom. The proposal would change its use to a children's home within Class C2 and insert roof lights to the kitchen diner.

Family Sized Dwellings

6. Policy H8 of the London Plan (LP) (2021) resists the loss of housing generally. The only specific types that it requires to be re-provided are hostels and staff, shared or supported accommodation. The replacement of a dwellinghouse with a children's home would not lead to a net loss of housing, but rather the replacement of one type with another. The proposal therefore complies with LP Policy H8.
7. Policies S1 and S6 of the London Borough of Newham Local Plan (LBNLP) refer to the protection of family housing, but protect it from higher density development, houses in multiple occupation (HMOs) and flat conversions. The proposal is not for any of these. Similarly, LBNLP Policy H1 aims to deliver an increase in family housing, but does not specifically prohibit its loss.
8. LBNLP Policy H4 does specifically protect family housing, which the Glossary defines as houses or flats within Class C3 containing three or more bedrooms, albeit the supporting text relates the history of its loss to HMOs. Whilst I accept that the proposed use may be similar in character to a dwellinghouse, the proposed development nonetheless does not comply with this policy.
9. Since adoption of the LBNLP, the Authority Monitoring Report (AMR) for the period from 2019 to 2022 shows that good progress has been made on delivering new family housing and that very little has been lost. This is a material consideration that weighs in favour of the proposal, to which I attach moderate weight.

Need for the Development

10. LP Policy H12 supports the delivery of supported and specialised housing which meets an identified need, including for young people with support needs. The proposal would deliver this and so complies with this policy.
11. LBNLP Policy H3 supports the provision of accommodation within Class C2, which is directed towards local need, creates mixed, balanced communities, provides

adequate transport and facilities, has a management plan and no more than 33% of total residents from outside Newham.

12. It is proposed that all children in the home would come from the Borough. A lack of spaces, particularly in London, suggests that the proposal will serve a local need and meet the percentage target. There is no evidence of an over-concentration of uses like that proposed, which thus could only lead to a more mixed and balanced community. Access to public transport is good, and, whilst a management plan was submitted, I attach condition requiring its resubmission and periodic review to minimise safeguarding risk, maximise social and support opportunities, and ensure neighbourliness. The proposal would therefore comply with LBNLP Policy H3.
13. Paragraph 63 of the National Planning Policy Framework states that the need for housing for looked after children should be assessed by reference to the local authority's Children's Social Care Sufficiency Strategy and reflected in policies. The Ministerial Statement of 23 May 2023 makes clear that this should also be reflected in decisions. The Newham Strategy for the period from 2019 to 2022 reported that, out of 44 children it had placed in homes, only one was within the Borough, demonstrating a clear shortage of local provision.
14. Similarly, the AMR for the period from 2019 to 2022 shows that, whilst there had been net loss of accommodation in Classes C2, C3, C4 or larger HMOs and a notable reduction in losses of family housing, the actual provision of specialist accommodation in Class C2 had seen less improvement. I am also mindful that the proportion of the shortfall in children's homes addressed by the proposed development is greater and much clearer than any in family dwellings.
15. The Ministerial Statement supports the development of children's homes and makes clear that it is not acceptable that children are living far from where they would call home. Together with the evidence of undersupply and the relative lack of progress since adoption of the LBNLP, these are material considerations that weigh in favour of the proposal, to which I attach significant weight.

Other Matters

16. LBNLP Policy INF2 seeks secure cycle parking and sets 800m as a maximum distance people should have to travel to bus stops. I attach a condition on cycle parking and the proposal is close to bus stops, so complies with this policy. LP Policy SI 7 and LBNLP Policy INF3 require adequate, flexible and easily accessible waste storage, which, as the proposal is unlikely to materially change demand, the present arrangements should achieve.
17. LP Policy T6 sets maximum parking standards for cars, with which the proposal complies. LBNLP Policies SP1, SP3 and SP8 are design policies that also require provision for waste and cycle storage. The proposed rooflights will improve natural light and the existing waste storage arrangements are adequate, as the existing and proposed cycle parking would be, given the proximity of bus stops. The proposal therefore complies with these.
18. Whilst I note that the site is within the 6.2km Zone of Influence for the Epping Forest Special Area for Conservation (SAC), the proposal would not create any new floor space or, therefore, recreational pressure on the SAC. It would not, therefore, be fair, reasonable or necessary to require contributions to Strategic Access Management and Monitoring (SAMM) measures.

Conditions

19. LP Policy T5 requires two long- and two short-stay cycle spaces. The street hangar will provide the long-stay spaces and the two proposed in the front garden will provide the short-stay spaces. I have attached a condition requiring the latter, subject to details to be approved, to ensure compliance with this policy.
20. LBNLP Policy H3 requires specialist housing to have a management plan and to meet quality standards, where applicable. A management plan was submitted and, whilst the standards listed at LBNLP Policy H3 part 3.b.ii. are not applicable, the appellant intends to register the home with Ofsted. As I do not have the views of relevant consultees on the management plan, I have imposed a condition requiring its submission, approval, implementation and periodic review.

Conclusion

21. Whilst the proposed development conflicts with LBNLP Policy H4, I am persuaded that the need for it outweighs that for family housing.
22. Therefore, whilst the proposal would conflict with the development plan, material considerations indicate that a decision should be made other than in accordance with it. Consequently, the appeal is allowed.

S Simms

INSPECTOR