



Appeal Decision

Site visit made on 1 July 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal Ref: APP/G5750/W/25/3359544

198 Green Street, Forest Gate, Newham, London E7 8JT

- 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 Usman against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/01538/FUL.
 - The development proposed is the change of use of part of the existing ground floor from residential (Class C3 (a)) to retail use (class E(a)) including internal alterations with self-containment of the remaining part ground floor, first and second floors to provide a four bedroom family flat unit.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council refers to the preparation of the Draft Newham Local Plan, which is understood to have been subject to consultation between July and September 2024. I have not been supplied with a copy of the emerging Local Plan. However, the Council's reasons for refusal do not identify any conflict with the emerging Local Plan and I note it remains at a very early stage of preparation. I have therefore based my decision on the current adopted Development Plan.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the vitality and viability of nearby designated town and local centres; and
 - whether the proposed development would provide acceptable living conditions for future occupants of the flat with particular regard to internal space, daylight and outlook.

Reasons

Vitality and viability

4. The appeal site comprises a two-storey semi-detached dwelling located in a predominately mixed-use area. The site is outside of the defined Green Street District Centre, the boundary of which terminates at 202 Green Street to the south of Ferndale Road and at 243 Green Street opposite the appeal site. Within the District Centre, surrounding properties typically contain commercial uses at ground floors with residential uses above.
5. The appeal scheme proposes the change of use of part of the existing ground floor to retail use with a small extension to the front of the building. Despite being close to the

District Centre boundary, the proposal would result in the introduction of a main town centre use in a location that is not within a defined town or local centre.

6. One of the aims of policies S1, SP6, SP7, J1 and INF5 of the Newham Local Plan (2018) (the NLP) is to locate main town centre uses in town and local centres in order to, amongst other things, focus investment, economic growth and regeneration in such areas and enhance their vitality and viability. Policies SD6, SD7 and SD8 of the London Plan (2021) (the LP) also outline that the vitality and viability of London's varied town centres should be promoted and enhanced by, amongst other things, ensuring town centres are the primary locations for commercial activity. These policies outline that when considering development proposals, boroughs should take a town centres first approach, discouraging out-of-centre development of town centre uses.
7. Notwithstanding the proximity of the site to the District Centre, or that it is adjacent to a commercial premises that is similarly outside of it, Policy SD7 of the LP states that the sequential test should be applied to applications for main town centre uses. If no suitable town centre sites are available or expected to become available within a reasonable period, consideration should be given to sites on the edge-of-centres that are, or can be, well integrated with the existing centre and public transport networks. Out-of-centre sites should only be considered if it is demonstrated that no suitable sites are (or are expected to become) available within town centre or edge of centre locations.
8. The site is on the edge of the District Centre, however, the application has not been supported by a sequential test and I have not been provided with any substantive evidence to suggest that there are no other suitable town centre sites available, or expected to become available within a reasonable period, within the adjacent District Centre or other local centres within the town centre hierarchy, as defined by Policy INF5 of the NLP.
9. I acknowledge that the adjoining commercial unit is outside of the defined District Centre boundary and that the appellant considers it would be more appropriate to include this and the appeal site within it to round off the boundary, given the presence of commercial units opposite the site. I also note the site is close to other services, facilities and public transport links. However, my attention has not been drawn to any proposed amendments to the District Centre boundary map, which would be beyond my remit under this Section 78 appeal, and this is the defined boundary against which I must base my assessment. Moreover, the fact that the site may be accessible does not alter the fact that it lies outside of the defined District Centre boundary.
10. I also recognise that the size of the unit would be relatively small, it is in close proximity to the defined District Centre boundary, and the intention is to provide a premises to support Green Street's specialist independent retail offering as promoted by Policy INF5 for locations within defined town and local centre boundaries. However, when considering the potential cumulative effect, should other similar proposals be approved within the borough, collectively these types of developments would provide competition to the designated centres and incrementally undermine the coherence of them by eroding their boundaries and creating unfocused ribbon development. This would have the potential to detrimentally affect the overarching aim set out in the development plan which seeks to strengthen, enhance and consolidate the town and local centres. This outweighs the limited economic benefits of the additional retail unit.
11. Consequently, without any substantive evidence to the contrary, I cannot conclude that the development would not have a harmful effect on the vitality and viability of

designated town and local centres. It therefore conflicts with Policies S1, SP6, SP7, J1 and INF5 of the NLP and Policies SD6, SD7 and SD8 of the LP. These policies collectively seek, amongst other things, that developments promote, improve, strengthen and enhance the vitality and viability of town and local centres by consolidating such uses within their boundaries and discouraging out-of-centre development of main town centre uses.

Living conditions

12. The existing dwelling is a 4-bed property with a generous lounge and a separate kitchen and a bathroom at ground floor. The appeal scheme would result in a reduction of residential floorspace at ground floor due to the creation of the retail unit, but four bedrooms would be retained within the property. The ground floor of the 4-bed flat would comprise an open plan kitchen/lounge, entrance hallway and storage areas. The main living space for the dwelling would be reduced and it would be single aspect. However, the room would be served by a large set of patio doors with sidelights which would span much of the rear elevation.
13. In respect of internal space, the appellant states the resultant gross internal area (GIA) for the 3-storey, 4-bedroomed, 5-person flat would be approximately 131 square metres (sqm). The Council has not disputed this figure, and, more generally, have provided no assessment against the quantitative national and local space standards. Policy D6 sets out minimum GIA space standards for new dwellings and the proposal exceeds the minimum GIA of 103sqm for a unit of this type. Policy H1 of the NLP states that all new homes should meet the internal space standards of the LP as a minimum and the proposal would be compliant in this regard.
14. Whilst the appeal scheme would reduce the ground floor living space for the dwelling, there would be sufficient space for furniture and appliances associated with cooking, dining and day-to-day living and for occupiers to move around unobstructed. Alterations are also proposed to the layout of the bedrooms at first floor to increase the size of some of the bedrooms, however, this would not fundamentally change the first-floor arrangement, and the property would retain 4 adequately sized bedrooms. Therefore, whilst the existing dwelling provides for a more spacious living arrangement at ground floor, the reduced ground floor space would not compromise the functionality of the unit and would provide adequate internal space, commensurate with the number of bedrooms it would serve. On this basis the proposal would not adversely affect the existing housing stock.
15. Policy D6 of the LP states that housing developments should normally avoid the provision of single aspect dwellings and provide sufficient daylight and sunlight. The resultant ground floor of the flat would be single aspect, but the first and second floors within the flat would be dual aspect. As such, the dwelling would not be totally single aspect, and I note the policy does not require each floor or room within a dwelling to be dual aspect in this respect. Additionally, the appeal scheme would result in an open plan kitchen/living area which would be served by a large, glazed opening and therefore, whilst the room would be single aspect, there would be sufficient outlook from the main living space. Moreover, given the room would be served by large elements of glazing and would not be excessively deep, it would not be gloomy, dark or insufficiently served by natural light either. The development is therefore acceptable in this regard.
16. Policy H8 of the LP, as referred to in the officer report, states that the loss of existing housing should be replaced by new housing at existing or higher densities with at least

the equivalent floor space. However, as this proposal does not involve the loss of an existing dwelling it is not determinative in my consideration of this appeal. From my reading, this policy does not consider the subdivision of existing dwellings such as presented in this appeal, but in any event, given there would be no net loss of residential units and given my findings above, the appeal scheme would not compromise the existing housing stock in any event.

17. For the above reasons, I therefore find that the development would provide acceptable living conditions for future occupants with particular regard to internal space, daylight and outlook. This accords with Policies SP1, SP2, H1 and H4 of the NLP and Policies GG4, D3, D6 and H9 of the LP. These policies, together and amongst other things, seek to deliver high quality housing that deliver appropriate internal space, outlook and amenity with comfortable and functional layouts which are fit for purpose and meet the needs of future occupants, as well as ensuring the best use and protection of the housing stock. The proposal also accords with paragraph 135 of the National Planning Policy Framework where it promotes a high standard of amenity for future users.

Other Matters

18. The appellant refers to Policy H9 of the LP which seeks to avoid homes being left un-occupied. However, there is no substantive evidence to demonstrate how long or why the property may have been left vacant. Even if I were to consider the proposal to make effective use of a vacant building in an accessible location, this would not justify the schemes failure to demonstrate compliance with the sequential test or overcome the harm that I have otherwise found in this respect. Moreover, even though the scheme may increase the sizes of some of the bedrooms at first floor within the property, this would not provide any significant benefit, and the proposal would not deliver a net increase in housing units.

Planning Balance and Conclusion

19. I have found that the proposal would provide acceptable living conditions for future occupants with particular regard to internal space, daylight and outlook. However, there is conflict with the development plan in respect of effects on the vitality and viability of nearby designated town and local centres, which amounts to conflict with the development plan when taken as a whole.
20. The development would provide additional consumer choice by providing a commercial unit in an accessible location which would also deliver some minor social benefits. There would also be some temporary and ongoing economic benefits arising from the development during construction and through additional employment opportunities. However, given the modest scale of the development I attribute minor weight to these benefits, which do not outweigh the harm that I have identified in respect of the site being an inappropriate location for retail use and the effect on the vitality and viability of designated town and local centres.
21. Therefore, for the reasons set out above, I conclude that the proposal conflicts with the development plan as a whole and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Whitfield

INSPECTOR