



Appeal Decision

Site visit made on 17 April 2025

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2025

Appeal Ref: APP/G5750/W/24/3348445

82 Tennyson Road, Stratford, London E15 4DR

- 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 Ms M Moe against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/00321/FUL.
 - The development proposed is single storey rear extension and change of use to a C4 HMO.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 15 May 2025.

Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension and change of use to a C4 HMO at 82 Tennyson Road, London E15 4DR in accordance with the terms of the application, Ref 24/00321/FUL, and the plans submitted with it, subject to the following conditions
 - 1) The development hereby permitted shall be carried out in accordance with drawing numbers:
 - Site Development Plan 1036 A101 Rev B
 - Proposed Ground and First Floor Plan 1036 A102 Rev C
 - Proposed Roof Plan 1036 A103 Rev A
 - Proposed Front and Rear Elevation 1036 A104
 - Proposed Side Elevation 1036 A105 Rev A
 - Proposed Section 1036 A106 Rev A
 - 2) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing building.
 - 4) Prior to occupation, details for the provision of secure, integrated, and accessible cycle parking facilities shall 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 as an HMO and shall thereafter be made permanently available for the occupants of the building.

Main Issues

2. The main issues are;

- whether the proposal would provide adequate living conditions for future occupiers with particular reference to communal space and bathroom facilities;
- whether the proposal would make adequate provision for cycle parking, and;
- the effect of the proposal upon the integrity of the Epping Forest Special Area of Conservation.

Reasons

Living conditions

3. The proposed plans indicate that the four-bedroomed House in Multiple Occupation ('HMO') would be provided with a communal area, stated as being 11.99 square metres and annotated as "K/L/D". The Council has interpreted this as meaning "Kitchen/Living/Dining" and the appellant has not disputed this.
4. Newham Local Plan ('NLP') Policy H3 states that proposals for HMOs should achieve applicable quality standards including Newham and Pan-London Private Sector Rental Licensing benchmark criteria.
5. The East London HMO Guidance document ('the guidance') provides standards in relation to the configuration of HMOs. However, the status of the document and whether it has been subject to any public consultation or formal adoption as part of the development plan is unclear. The document acknowledges that it is only guidance and is intended to be flexible. The weight to which I afford it is therefore reduced. Nevertheless, it provides a useful starting point as an indication as to the level of basic facilities that should be provided to residents in order to achieve suitable living conditions.
6. The guidance sets out that kitchens in HMOs must be of adequate size and shape. Where shared by four residents, they should be a minimum of 7.5 square metres. It is expected that kitchen facilities should be no more than one floor away from a letting, and where this is not practicable, that a dining area should be provided on the same floor as the kitchen. This indicates that the guidance envisages that meals can reasonably be consumed within individual bedrooms, providing they are appropriately located in relation to proximity to the kitchen.
7. Therefore, as all lettings would be within one floor of the kitchen, which would be of an adequate size, there is no requirement for a dining room to be provided within the appeal scheme. Furthermore, while the guidance is clear in stating that a landlord *may* provide a communal living room, but does not stipulate that this *should* be the case. The guidance sets out minimum bedroom sizes, depending on whether communal living space is provided, and this indicates that the guidance envisages situations where communal space is not provided. There is no suggestion that the size of the proposed bedrooms would be of such a size that communal space would be required, and I have no reason to disagree.
8. Therefore, although the provided plans suggest a mixed-use for the "K/L/D" space, and that if it was performing such a role, that it would be smaller than the suggested area of 14 square metres set out in the guidance, its use as such, or

simply as a kitchen alone, would not result in unacceptably poor living conditions for future occupiers, given the size of the appeal property and proximity of bedrooms to cooking facilities.

9. With regard to bathroom and toilet space, the guidance indicates that for a property occupied by four residents, that a single bathroom should be provided with at least one bath or one bath with overhead shower or fixed shower, and one toilet. Facilities should be within one floor of bedrooms, and shared facilities accessible from communal spaces.
10. The appellant has stated that a bathroom with bath and toilet would be provided on the first floor, and that the bath would have a shower over it. It is also stated that the ground-floor bedroom would be provided with an ensuite bathroom containing a toilet and shower. The provided plans are not wholly clear in this respect; the bathroom on the first floor is labelled "Shower", but appears to indicate a bath within it, and appears to be of sufficient size to accommodate a bath.
11. The indicated first-floor bathroom would provide adequate facilities for the proposal and would be located such, that it would be accessible from a communal area, and would be within one floor of the ground-floor bedroom. On this basis alone the proposal would accord with the guidance in this respect. The additional ground-floor ensuite facilities would represent an addition beyond the minimum level of provision set out in the guidance.
12. The proposal would provide suitable living conditions for future occupiers with particular reference to communal space and bathroom facilities. It would be in accordance with Policies S1, H1, SP2, SP3, SP8 and H3 of the Newham Local Plan ('NLP') and Policies GG4, D3 and D5 of the London Plan ('LP'). Together, and among other factors these policies seek to ensure development delivers a high standard of accommodation and good quality design.
13. The Council, on its decision notice has also referred to NLP Policy H4, however I have not been directed to any text within the policy which is of direct relevance to this main issue, and it has not, therefore, been determinative in my decision.

Cycle parking

14. LP Policy T5 indicates that future occupiers should be provided with secure cycle parking facilities for two bicycles. Due to the small front garden, it would not be feasible to provide these at the front of the property. However, I saw that the appeal property is served by a rear garden, and it appeared to be of sufficient size to accommodate cycle parking, as suggested by the appellant.
15. This would require the carrying of bicycles through the property in order to make use of them, however as I understand that there is no secure cycle parking at present, this would be no worse than the current arrangement. Overall, this issue can be adequately by means of an appropriately worded planning condition in order to secure the required storage facility.
16. On this basis the proposal would make adequate provision for cycle parking. It would accord with LP Policy T5, the requirements of which I have set out above, and NLP Policies INF2 and SP8 which together seek to secure a more sustainable pattern of movement within Newham and promote neighbourliness through the provision of adequate storage.

Special Area of Conservation

17. Epping Forest Special Area of Conservation ('the SAC') is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended. The SAC is a large ancient wood pasture with habitats of high nature conservation value including ancient semi-natural woodland, old grassland plains, wet and dry heathland and scattered wetland. It also serves a strategic regional need in terms of open space amenity value, which means that recreational activities must be mitigated. The current appeal concerns residential accommodation, and due to its proximity to the SAC, there is a reasonable likelihood that its residents would access the SAC for recreational purposes. I have sought the views of Natural England ('NE') regarding this.
18. The proposal would replace a three-bedroomed dwelling that already exists with a four-bedroom HMO. The proposal would therefore lead to an increase in the number of residents living within the Zone of Influence, with an associated increase in recreational pressure upon the SPA, potentially leading to the disturbance of habitat. While the increase in the number of residents would be small, taken together with other developments, the proposal would lead to a likely significant effect on the SPA and be harmful to the conservation objectives of the site.
19. As the competent authority in this case, I am obliged to ascertain that there would be no harm to the conservation objectives of the SAC before granting planning permission. NE has stated that it considers that the proposal would not lead to an additional residential unit, which aligns with the appellant's view. However, the additional bedroom would be likely to be occupied as an individual household due to the use of the property as an HMO. It would, therefore, result in an additional residential unit, and therefore represent an increase in population. Consequently, the proposal would have a harmful effect on the SPA and mitigation measures are required.
20. The Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation produced by Natural England sets out a number of schemes and resources to mitigate the harm of increased recreational pressure on the SAC as a result of new residential development. The London Borough of Newham Council Interim Habitats Funding Statement April 2019, produced in light of advice from Natural England, sets out that as numbers of visitors to the SAC arising from the London Borough of Newham are low, contributions towards the costs of implementing the Strategic Access Management and Monitoring Strategy will only be sought from major developments.
21. I am satisfied that this approach would address any effects associated with the proposed development and its likely effects on the SAC. I therefore find that, subject to the proposed mitigation in relation to major developments, the proposal would not result in an adverse effect on the integrity of the SAC.

Conditions

22. I have attached the standard time limit condition and a condition requiring adherence with the approved plans in the interests of certainty. A condition requiring the materials used in the proposed extension to match those of the existing property is required in the interests of the character and appearance of the area. I have also attached a condition requiring details of secure cycle parking facilities to be agreed and provided before the use commences. This is required in

the interests of promoting sustainable modes of travel and addressing climate change.

Conclusion

23. For the reasons given above I conclude that the proposal accords with the development plan when read as a whole, and there are no material considerations which indicate that a decision should be taken other than in accordance with it. The appeal should therefore be allowed, and planning permission granted.

C Harding

INSPECTOR