



Appeal Decision

Site visit made on 17 June 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Appeal A Ref: APP/G5750/W/25/3362873

Flat 11 Wenlock Place, 35 Greengate Street, Plaistow, Newham, London E13 0BP

- 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 Edward Johnson of Hamways Ltd against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/02560/FUL.
 - The development proposed is the change of use from residential dwelling C3 into small HMO C4.
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Appeal B Ref: APP/G5750/W/25/3362875

Flat 7 Wenlock Place, 35 Greengate Street, Plaistow, Newham, London E13 0BP

- 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 Edward Johnson of Hamways Ltd against the decision of the Council of the London Borough of Newham.
 - The application Ref is 25/00085/FUL.
 - The development proposed is the change of use from residential dwelling C3 into small HMO C4.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As set out above, the two appeals relate to the same development and are located in the same residential block. I have considered each scheme on its individual merits, but to avoid duplication I have dealt with the two appeals together. Where the two decision notices differ in terms of the policies listed by the Council, I have focussed on the policies which are common to both decisions.
4. As the appellant used slightly differing descriptions for the two schemes, I have employed the description of development above, which best describes the development. I have used the address stated by the Council in its decision notices, which clarifies that the appeal property is located at 35 Greengate Street.
5. Although the change of use of a dwelling house (Use Class C3) to a house in multiple occupation (HMO) for between 3 and 6 residents (Use Class C4) is “permitted development” under Part 3 Class L of Schedule 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the London Borough of Newham introduced an Article 4 Direction on 1 July 2013 that requires planning permission to be obtained for such changes of use. Consequently, there is no dispute between the parties that planning permission is required for the development.

6. The appellant's appeal statement confirms that the development has been completed and that the units are occupied by tenants on a shared basis. Section 73A of the 1990 Act allows for the submission of retrospective applications, which are subject to the same considerations as those made prior to development commencing.

Main Issues

7. The main issues in this appeal are the effect of the development on:
 - housing choice and community cohesion (Appeals A and B); and
 - the living conditions of neighbouring residents with particular reference to noise and disturbance (Appeal B only).

Reasons

Housing choice and community cohesion

8. The appeal site is located in a residential area containing a mix of terraced houses and flats. Wenlock Place is a modern three/four storey residential block. The second and third floor flats at the corner of Greengate Street and Perth Road (Flats 7 and 11) have been changed to houses in multiple occupation, each comprising three bedrooms and a shared lounge/diner/kitchen.
9. Paragraph 4.51 of the Newham Local Plan 2018 entitled "A 15 year plan looking ahead to 2033" (NLP) explains that, prior to 2012, there was a considerable increase in the conversion of dwellings to flats and HMOs. This reduced housing choice and challenged the Council's aspiration to stabilise communities, whilst negatively affecting the character of neighbourhoods owing to poor quality conversions and a lack of maintenance, together with increased levels of transience, parking pressure and refuse generation. The Council has further identified that it cannot provide enough family housing if it does not increase the rate of new provision and hold on to existing family stock.
10. Consequently, policies S1, S6 and H1 of the NLP seek mixed and balanced communities, by requiring housing sites to provide a mixture of housing sizes and types, and by aiming to increase family housing whilst restricting the number of HMOs. Similarly, policies GG4 and H10 of the London Plan March 2021 (LP) seek mixed and inclusive communities that provide for identified needs through a range of unit sizes.
11. In addition to these policies, the NLP contains specific policies relating to HMOs and family dwellings. Policy H3 requires that small HMOs be converted from premises other than family-sized dwellings, and be located in town and local centres and key movement corridors. Policy H4 protects 3 bed family houses except in cases where they: are located above an existing, occupied commercial unit; do not have access to external private amenity space; have poorly defined entrances; and their conversion would deliver high quality conventional housing in a town or local centre or along a quality movement corridor or linear gateway within 400 metres of a town or local centre. As the flats each contain three bedrooms they qualify as family dwellings, and thus fall to be considered against these policies.

12. The NLP does however acknowledge the multiple benefits that HMOs can bring and explains that, as a consequence, Policy H4 of the NLP aims to maintain a supply of HMOs by allowing properties less suited to family accommodation to be converted to HMOs. The Council has confirmed that the appeal site is located on a quality movement corridor/linear gateway within 400 metres of a local centre, and to that extent is a suitable location for HMOs. However, the appeal properties are modern, purpose-built flats with well defined shared entrances, private amenity space in the form of balconies (access to a private garden is not a requirement), and are not located above a commercial unit, and thus do not comply with the remaining criteria in the policy
13. The appellant, whilst acknowledging the importance of retaining family housing, argues that the development supports the housing needs of the community in an equally beneficial way by providing a housing solution for individuals who work and contribute to the local economy, and for whom home ownership is not a feasible option because of financial constraints. The appellant points out that restricting HMOs risks reducing housing options for those unable to secure mortgages, which may disproportionately affect low income individuals, key workers, vulnerable groups, and others who make significant contributions to the local community, thus creating further hardship for people who are already struggling to make ends meet.
14. Nonetheless, the appeal properties do not meet the site-specific criteria for conversion to HMOs set out in Policy H4 of the NLP, and consequently are suited to use as family dwellings and should remain as such. In this way, the Council can maintain its stock of family dwellings and support its aim of mixed and balanced communities. My conclusions in this regard are confirmed by previous appeal decisions supplied by the Council, in which Inspectors reached similar conclusions on proposals to change family accommodation into HMOs. Whilst recognising the benefits of the development to those on low incomes, the development would not maintain housing choice or contribute to community cohesion, as required by policies GG4 and H10 of the LP and policies S1, S6, H1, H3 and H4 of the NLP, the aims of which I have outlined above.
15. I consider that the scheme would fail to comply with the National Planning Policy Framework (the Framework), which guides that the need, size, type and tenure of housing required for different groups in the community should be assessed and reflected in planning policies. I do not however find any conflict with Policy H8 of the LP, which aims to maintain the existing level of residential floorspace in London, or policies SP1, SP2 and SP3 of the NLP, which are concerned with place-making, healthy neighbourhoods and urban design respectively.

Living conditions of neighbouring residents

16. The Council has assessed the characteristics of HMO occupants compared with members of a single family, identifying that there are more comings and goings associated with residents leading separate lives and a greater likelihood of different work patterns, and concluded that the different activities associated with a HMO are a significant factor in regard to neighbouring residential amenity. However, whereas in relation to Appeal A the Council's Delegated Report concludes that a potential increase in noise and disturbance would not be unacceptable in the context of the surrounding area, it concludes in relation to Appeal B that the resultant intensification of use would increase noise and disturbance to the detriment of neighbouring amenity.

17. Policy D14 of the LP and Policy SP8 of the NLP seek to avoid significant adverse noise impacts by employing the 'agent of change' approach to ensure that development does not cause problems for existing lawful neighbours. Whilst HMOs have different characteristics to family flats, which can be amplified by the party walls/floors/ceilings and communal areas associated with flats, I agree with the Council's point in relation to Appeal A that HMOs are an acknowledged residential use and to this end a degree of compatibility with regard to surrounding context is recognised. I am persuaded by the fact that the number of bedrooms has not increased as a result of the development, and that the flats incorporate sound insulation measures in accordance with modern standards, that the HMOs would not have a noticeably greater impact on residents' living conditions than family flats.
18. Consequently, I conclude in relation to Appeal B that the proposal would not harm the living conditions of neighbouring residents as a result of noise and disturbance, and would therefore accord with Policy D14 of the LP and Policy SP8 of the NLP, the aims of which I have outlined above. I furthermore do not consider that the scheme would conflict with policies GG1 or GG3 of the LP or policies SP1, SP2 or H3 of the NPL, which do not contain specific criteria relating to residential amenity. I consider that the scheme would comply with the Framework, which seeks the creation of well-designed places which, amongst other things, achieve a high standard of amenity for existing users.

Other Matters

19. The appeal site lies within the zone of influence of the Epping Forest Special Area of Conservation (SAC) and consequently the Council has undertaken a Habitats Regulations Assessment. The appellant has indicated a willingness to provide the necessary mitigation to deal with the potential impacts of the development on the SAC. However, as I am dismissing the appeal, there is no requirement for me as competent authority to consider whether the development is likely to have a significant effect on the integrity of the site.
20. Given that the number of bedrooms remains unchanged, the HMOs are unlikely to generate significant additional waste or result in additional car ownership. However, these factors carry limited weight in the planning balance, and do not outweigh the policy conflict and resultant harm which I have identified.
21. The appellant has queried the Council's practice of seeking both a licence and a planning application for prospective HMOs, but as the licensing regime is not within the scope of this appeal, it does not have a bearing on the outcome of the appeal.
22. As a consequence of the appeal properties already being in use as HMOs, I recognise that the existing occupiers may be forced to relocate. This outcome is regrettable, but it does not alter the moderate weight which I have attached to the benefits offered by HMOs, which is outweighed by the adverse outcomes I have identified for housing choice and social cohesion.
23. The appellant has indicated that vulnerable groups could be impacted by the decision. I have given consideration to whether the occupants of the flats, aside from being on low incomes, include people with protected characteristics for the purposes of the Public Sector Equality Duty, and concluded that, in the absence of

detailed information on this matter from the appellant, there is no evidence that people with protected characteristics would be adversely affected by the decision.

Conclusion

24. For the above reasons, the development conflicts with the development plan, when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeals should be dismissed.

J Heppell

INSPECTOR