



Appeal Decision

Site visit made on 17 June 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/Z5060/W/25/3362629

12 Fanshawe Avenue, Barking, Barking and Dagenham IG11 8RG

- 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 Afzal Nomani against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 24/01713/FULL.
 - The development proposed is change of use from a single dwellinghouse (Use Class C3) to 5 bedroom, 7 person HMO (Sui Generis).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the appeal site:
 - is a suitable location for a House in Multiple Occupation (HMO), with particular regards to the supply of family housing and the effect of the proposal on the living conditions of neighbouring residents, with regards to the potential for noise and disturbance and to the provision of waste storage; and
 - provides adequate and well-located cycle parking.

Reasons

Suitable location for an HMO

3. The appeal site is a mid-terrace dwellinghouse at the edge of a residential area and adjacent to the predominantly commercial area along Longbridge Road. The submitted drawings show the property as having four bedrooms.
4. Policy DMH5 of the London Borough of Barking and Dagenham Local Plan 2020-2037 (2024) (LBBDLP) sets out the criteria that development of new HMOs would have to meet. These criteria include where an HMO would meet an identified need, would not result in the loss of existing family housing or a dwelling capable of accommodating a small family with children, and would not result in the loss of character or amenity of the area including with regards to noise and general disturbance.
5. The appellant has provided responses to an Internet advertisement, however the advertisement is for a two bedroom flat, which could be used by a small family, and not for individual rooms in an HMO. Furthermore, many of the responses

appear to be from estate agents or relocation companies with only a small number of responses from actual prospective tenants. For these reasons, the advertisement responses do not demonstrate a significant demand for HMO accommodation at the appeal site.

6. HMOs form an important part of the housing mix and provide affordable accommodation. However, even if there would not be an over-concentration of HMOs in the area, there is no evidence before me to demonstrate an identified local need for HMO accommodation.
7. The existing property is a four-bedroom dwelling which also contains habitable rooms and garden space which would be suitable to family accommodation. As such the proposal would result in the loss of existing family housing or a dwelling capable of accommodating a small family with children.
8. Whilst the intensity of the proposed use may differ from a single family house, I do not consider that the change from a four-bedroom family house to a five-bedroom seven-person HMO use would be likely to materially affect the living conditions of neighbouring residents, since the use of the house by a single family could generate a similar amount of activity, noise and disturbance in and around it.
9. The Council has referred to a previous appeal decision¹ where an Inspector concluded that the HMO in question would generate more noise and disturbance than a house with a large family. Full details of this previous appeal scheme have not been provided. However, the Inspector noted that some of the increased noise and disturbance would come from vehicles moving on and off the drive and parking near to it. The current appeal site has no driveway and on-street parking is prohibited outside the appeal site. As such, the previous appeal is not directly comparable to the scheme before me, which has been determined on its own merits.
10. Even if the current bin capacity would be inadequate for the proposed HMO, there would be sufficient space at the front of the property for additional bin capacity. Further bin capacity, to meet the requirements of the Barking & Dagenham Planning Advice Note on Waste and Recycling Provisions in New and Refurbished Residential Developments, could be secured by a condition. The proposal would therefore not cause any harm to the living conditions of neighbouring residents through waste storage.
11. During the original application, a representation was received from a neighbouring resident. The creation of a single HMO, which could have a similar number of occupiers as the existing family house, would not cause a harmful impact on the security of neighbouring residents. The representation also raised concerns regarding a roof extension, however no external alterations are proposed and consequently there would not be any loss of sunlight or privacy.
12. The proposed HMO would therefore not result in the loss of character or amenity of the area including with regards to noise, general disturbance and waste storage. However, the proposal would fail to meet an identified need and would result in the loss of existing family housing or a dwelling capable of accommodating a small family with children, resulting in an adverse effect on the supply of family housing. For these reasons, the appeal site would not be a suitable location for an HMO.

¹ Appeal ref. APP/Z5060/W/20/3253029

13. Consequently, the proposal would conflict with LBBDL Policy DMH5 and with LBBDL Policy SP3 which seeks, amongst other things, for new residential development to not limit the supply of self-contained family housing.
14. The proposal would accord with LBBDL Policies SP7, DMD1 and DMSI3, insofar as they require development to consider its impact on the amenity of neighbouring properties including with regards to noise and nuisance. The proposal would also, subject to a condition, comply with LBBDL Policy DMSI8, insofar as it seeks for developments to include sufficient space for waste storage.
15. The Council's officer report makes reference to other policies in the LBBDL and the London Plan (2021) (LP) in its assessment of the proposal on the living conditions of neighbouring residents, however the officer's report does not conclude against or cite conflict with these policies. The policies have also not been referred to in the reasons for refusal. Even if I were to take these policies into account, they would not alter the harm or policy conflicts identified above.

Cycle storage

16. Section 8.5.3 of the London Cycling Design Standards 'Cycle Parking' (2016) (LCDS) states that residential cycle parking should be well located by being close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways and tight corners.
17. The proposed cycle storage would be in the shed in the rear garden. As there is no external access to the rear garden, a bicycle would have to be taken through the house. Access to the garden would involve passing through a narrow hallway, around tight corners at the bottom of the stairs, and through the kitchen whilst avoiding any kitchen furniture or appliances. As such, even if sufficient cycle parking could be provided in the rear garden, it would not be well located. Furthermore, there is no evidence before me to demonstrate that the front garden area could accommodate the required cycle parking as well as the necessary bin storage. As such, the proposal would not satisfy the guidance in the LCDS and, consequently, would not provide adequate cycle parking.
18. Consequently, the proposal would conflict with LP Policy T5 and LBBDL Policy DMT3, insofar as they require developments to provide appropriate levels of cycle parking and for cycle parking to be laid out in accordance with the LCDS.

Other Matters

19. The proposed HMO would be in a residential area, and I have no substantive evidence before me to demonstrate that there is an over-concentration of HMOs in the area. Notwithstanding the harm identified above with regard to the supply of family housing, the conversion of one family house to an HMO would result in a limited change to the housing mix that would not meaningfully alter the character of the area.
20. Potential structural damage would be a private matter to be dealt with between the relevant parties. Property values and financial stability are not material planning considerations.

Planning Balance and Conclusion

21. The appellant asserts that the Council is currently under-delivering with its supply of housing. However, even if this is the case, and taking into account that the HMO could provide benefits by adding to the supply of housing and is well located close to services and facilities, given the small scale of the development and the harm identified to mixed and balanced communities, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework (the Framework) taken as a whole. This is because paragraphs 129 and 135 of the Framework require that developments consider the need for different types of housing, sustain an appropriate mix of development and as I have found above that the proposal would not achieve this resulting in significant harm in this regard. Consequently, the proposal would not constitute sustainable development.
22. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

D Ellis

INSPECTOR