



Appeal Decision

Site visit made on 24 June 2025

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2025

Appeal Ref: APP/E5900/W/25/3365548

6 Taft Way, London E3 3DH

- 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 A Latif against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/24/01614.
 - The development proposed is described as a conversion of existing property (C3) to sui generis (7 people).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As set out in the application form, development has started and is now complete. However, my assessment of the proposal is based on the plans before the Council at the time of the planning application. I will refer to the proposed development in the future tense throughout my decision, although certain aspects may already be completed.
3. The Appellant suggests that the proposal is already a six person HMO ("House in Multiple Occupation"). However, this is not what is applied for on the application form. In addition, while the Appellant has provided evidence of the Council's intention to grant a HMO licence at the appeal site, this document is caveated that planning permission must be sought separate to the licence.
4. The HMO licence document also confirms that Article 4 directions which restrict permitted development rights cover large sections of the borough, and the HMO licence does not provide approval under planning legislation. The Appellant has not provided evidence to show that Article 4 directions do not apply in this case, or that planning permission has been granted to permit a C4 HMO use at the appeal site.
5. Therefore, and in the absence of evidence to show that a change of use from C3 (Dwellinghouse) to C4 (HMO) has lawfully occurred, I have treated the existing site as a C3 use, as set out on the application form, for the purposes of proceeding with this appeal.

Main Issues

6. The main issues are whether the proposal would:
- Accord with the Council's development plan strategy for the loss of family housing; and
 - Provide a suitable living environment for future occupiers with particular reference to internal space.

Reasons

Family Housing

7. Policy S.H1 of the Tower Hamlets Local Plan 2020 states, amongst other things, that the Council will secure the delivery of at least 58,965 new homes across the borough between 2016 and 2031. The Policy says that this will be achieved by ensuring that development does not undermine the supply of self-contained housing – in particular, family homes and resisting development that would result in the net loss of family units.
8. The Appellant suggests that a family dwelling would be retained on site, however, the proposed development is for a change of use from a C3 use to a seven-bedroom sui generis HMO. It has not been robustly shown how this would protect the stock of self-contained family homes. The proposal is contrary to the policy requirements set out above and would result in the net loss of a self-contained family home.
9. The Appellant also suggests that the appeal site could revert to family housing if the need arises, however, the Appellant has applied for a seven-bedroom HMO. There is no certainty in evidence that the appeal site would return to a C3 self-contained family use once it was in sui generis use.
10. Policy D.H7 sets out criteria under which housing with shared facilities (HMOs) may be supported. Part a of this policy indicates that new HMOs need to meet an identified need. The supporting text of the Local Plan¹ acknowledges that there is an increasing demand for HMO-style accommodation in the borough, however the supporting text confirms that any demand will need to be demonstrated with regards to the specific scheme and location. The appeal scheme does not include evidence or demonstration that the proposal would meet an identified need for this specific scheme in this specific location.
11. Part c of Policy D.H7 supports HMOs where they can be secured as a long-term addition to the supply of low-cost housing or otherwise provide an appropriate amount of affordable housing. Very limited evidence has been presented to show that the proposal would contribute to the long-term supply of additional low-cost housing or genuinely provide affordable housing.
12. Part b of Policy D.H7 also seeks to protect existing larger housing suitable for family occupation. It is not clear if 'larger' is defined anywhere in the Local Plan or elsewhere. Even if the proposed development was not a larger family home its conflict with Policy S.H1 and the other sections of Policy D.H7 as indicated above outweigh any potential compliance with part b of the Policy.

¹ Paragraph 9.69

13. Tying these considerations together, the proposed development would result in the loss of a family sized dwelling with limited evidence to show a need for this specific scheme in this location or that it would contribute to low-cost housing.
14. Consequently, the proposal would not accord with the relevant provisions of Policies S.H1 and D.H7 of the Local Plan. These, amongst other things, seek to ensure that development responds to the identified need for different types of housing and prevent the loss of family-sized dwellings.
15. In coming to this finding, I have considered the other decisions put to me in evidence². These are both different as they were changes of use from C4 to sui generis. As indicated in my Preliminary Matters above, this appeal has an existing C3 use and consequently the assessment is different. The other decisions therefore have limited bearing on my overall decision.
16. There is also no evidence before me to suggest planning conditions or obligations would make this development acceptable.

Internal Space

17. The Appellant states that the site area is 130sqm. The Council assumes this includes the front and rear garden and after removing the garden space the Council raises concern that the proposed development would be below the required gross internal floor area of 123m² as set out at Table 3.1 of the London Plan 2021.
18. The Appellant confirms that the total floor area for the building would be circa 130sqm and internal floor space for the building would exceed the minimum required space standards set out at Table 3.1. I note the proposed drawings have figured dimensions and during my site visit I entered every room within the appeal property as well as the circulation spaces.
19. Having reviewed all the evidence before me, I am satisfied that the proposed development's gross internal floor area would exceed 123m². As a result, it would provide a suitable living environment for future occupiers with particular reference to internal space. The proposal would, therefore, accord with the relevant provisions of Policy D6 of the London Plan and Policy D.H3 of the Local Plan. These, amongst other things, seek to ensure that development provides an acceptable standard of accommodation for future occupiers.

Other Matters

20. This small windfall site would make an effective use of brownfield land in an area of high public transport accessibility, and cycle parking would also be provided. Given the limited quantum of development proposed I ascribe these benefits moderate positive weight.
21. However, family sized dwellings are protected under planning policy, and this ensures development contributes towards maintaining mixed and balanced communities. Development which undermines this supply would generate significant harm.

² References: PA/24/02119/NC and PA/23/01221/NC

22. As a result, the significant harm I have identified would not be outweighed by the moderate benefits to tip the planning balance in the appeal scheme's favour when set against its conflict with the development plan.

Conclusion

23. The proposal would conflict with the development plan when taken as a whole and for this reason the appeal should be dismissed. There are no material considerations of sufficient weight to indicate a decision should be made contrary to this conclusion.

N Praine

INSPECTOR