



Appeal Decision

Site visit made on 26 August 2025

by **David Wyborn BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 September 2025

Appeal Ref: APP/E5900/W/25/3367330

550 Roman Road, London E3 5ES

- 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 Mohammad Abdullah Al Mamun against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/25/00359.
 - The development proposed is proposed x 3 HMO Units (C4) to rear storage space and retention of the single storey rear extensions. HMO bedroom 1 will have a kitchenette. HMO bedrooms 2 and 3 will share a kitchen and other facilities such as laundry etc. and provisions for cycle parking and bin storage for each unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Plans have been submitted of the ground floor of the appeal building, No 550, which show the pre-existing, existing and proposed layouts. All these show residential uses at the back in the form of a House in Multiple Occupation (HMO) and, in the front section, commercial units that face Roman Road.
3. In terms of the residential details, the submitted plans show a pre-existing ground floor plan with 3 HMO bedrooms and a kitchen/dining room.
4. The existing ground floor plan shows subsequent extensions to the rear of the building into the yard, and 5 HMO bedrooms and a kitchen/dining room, with one of the HMO bedrooms having its own kitchen area and shower room. This corresponds to what I saw at my site visit.
5. The proposed plan, for consideration at this appeal, seeks to retain the rear extensions and to provide 3 HMO bedrooms, one with its own kitchen and shower room. The occupants of the other two rooms would share a kitchen/dining room, toilet, shower and utility rooms.
6. The Council, however, do not consider that there are any lawful HMO rooms on the ground floor. The planning report explains that the ground floor was historically one large commercial unit, having previously operated as a betting shop until circa 2021. The Council comment that no previous planning permission has been sought or given to convert any part of the ground floor into an HMO. Furthermore, there is no application for a certificate of lawful use to confirm any HMO use.
7. On that basis, the Council conclude that the lawful use of the ground floor of the appeal site falls solely within a Class E (Commercial, Business and Service) use.

This information is set out in the planning report and the appellant has had the opportunity to comment on this conclusion, but has not added any detailed further analysis. I consider that until demonstrated otherwise, I intend to progress this appeal based on the Council's conclusions on the use of the ground floor. I would stress that this is not a legal determination and nothing would prevent the appellant coming forward in the future to provide evidence that some form of HMO use was lawful across parts of the ground floor.

8. For completeness, a separate flat, accessed through the rear yard and an external staircase, is located on the first floor. This use is not in dispute.

Main Issues

9. The main issues are:
 - whether or not the resulting business space would be acceptable having regard to the location within the Roman Road East District Centre,
 - whether or not the residential accommodation would provide suitable living conditions for occupants, and
 - whether or not the development would provide housing to meet an identified need and/or would contribute to the long term provision of a form of low-cost accommodation.

Reasons

Business space

10. The appeal premises are located within the Roman Road East District Centre as defined by Policy S.TC1 of the Tower Hamlets Local Plan 2031 (adopted January 2020) (the Local Plan). In such locations, and in relation to Primary Frontages in which the site is located, Policy D.TC2 of the Local Plan establishes the policy approach to protecting retail floorspace.
11. In particular, part 7 of Policy D.TC2 of the Local Plan sets the criteria for considering proposals for a reduction in retail floorspace within a District Centre. The relevant criteria are that development must demonstrate that a) where there is a sub-division of a large unit, the new units are of a size and scale conducive to supporting the role and function of their surroundings, and b) any loss of floorspace is of a scale that will not materially alter the nature of the unit, its future viability and the function of the host shopping area.
12. The supporting text to this part of the Policy explains that there may be instances where some loss of floorspace within Primary Frontages contributes to achieving wider objectives, such as redevelopment of the site or improving access to upper levels. The text says that in such cases, street-level retail units should remain of a size and scale that are viable to current or future occupants and that access to upper levels have been designed so as to not undermine the activity and function of the Primary Frontage. To justify such changes, it is explained that applicants will need to provide examples of other retail units of similar size and layout in the area which are occupied and the types of occupants that such units attract.

13. Policy D.TC2 of the Local Plan pre-dates the revisions to the Use Classes Order in September 2020 and which incorporated retail uses within the Class E (Commercial Business and Service) use.
14. In the case of the appeal site, the starting point is that the whole of the ground floor should be considered to be in commercial use. However, after the betting shop use vacated the site, the single unit has been sub-divided into two main units. One unit is a phone repair and accessories shop (No 550B). The other unit (No 550) is accessed off a single front door and has been internally sub-divided and is a small shop at the front with what appears to be a travel agency to its rear. This layout is not the one shown on the existing or proposed layouts. Nevertheless, commercial uses, with a frontage onto Roman Road, are continuing to operate. It is explained that the commercial uses, that replaced the betting shop use, did not require the rear yard area and it was converted to the HMO residential use.
15. The proposed appeal layout would make some changes to the existing situation. The unit at No 550 would be provided with two rear offices to complement a public frontage space and would have a separate toilet for staff. With the layout shown on the proposed plans, No 550 would be provided with a flexible, useable and reasonable size of commercial floorspace. The other unit (No 550B) would remain the same size but provision would be made for a staff toilet to serve this commercial space. It would, therefore, be able to operate independently. I consider that for the type of retail uses that presently operate from these spaces, and similar types of use are often found in high streets, the extent of space as proposed would provide a useable and flexible space that would be reasonable and attractive for a range of users. The overall proposed space would not be too small or inappropriate as part of a mix of unit sizes within this District Centre.
16. The appellant at the appeal stage has highlighted the planning permission at 588 Roman Road¹. This property fronts Roman Road within that parade of commercial premises. The permission allowed a fairly substantial rear storage area to be converted to a residential use in the form of a single unit, rather than an HMO, and with a reduced shop area at the front. I agree with the appellant that there are some similarities between this case and the present appeal scheme in respect of the reduction in commercial floorspace. In this way, the approval at No 588 provides some extra justification for the appeal scheme.
17. Drawing these matters together, while the appellant has supplied a modest level of information to justify the reduction in overall commercial space on the site, an important factor in favour of the scheme is the commercial frontage onto Roman Road would remain and the units, as proposed, would still be of reasonable size as part of a mix in this shopping area. I consider that the planning case, which has been made in conjunction with the circumstances of the site and proposed layout, is sufficient to conclude that the key requirements of part 7 of Policy D.TC2 of the Local Plan would be met. Specifically, the sub-divided units would be of a size and scale conducive to supporting the role and function of their surroundings and the loss of floorspace is of a scale that would not materially alter the nature of the units, their future viability and the function of the host shopping area. Accordingly, I also find that there would be no conflict with Policy S.TC1 of the Local Plan which concerns the hierarchy of town centres and the need to support town centre uses.

¹ PA/24/02234/A1 approved on 2nd May 2025.

Living conditions

18. The proposed layout seeks to reduce the number of HMO units, add windows and provide more facilities than the arrangement of rooms and facilities to be found at the present time. I have considered the residential accommodation on the basis of what is intended.
19. Despite the efforts to improve the standard of accommodation, the rooms would still be confined to a modest area accessed off a small yard. The surroundings to this space would comprise the back of the building with its somewhat functional appearance of metal steps and other additions, the high brick wall of the adjoining building to the east, and the rear block wall, and the side entrance gate. The external amenity and movement space would be entirely laid to hard surface, very modest in size, with the bins nearby and, at the time of my visit, also occupied by motorbikes for food deliveries. I do not consider that this enclosed yard area would provide a pleasant place to sit out, nor a welcoming entranceway to the accommodation.
20. In terms of the individual spaces, the bedroom along the western side of the yard, nearest the entrance, has a window facing the yard area and would have, as proposed, an obscured glazed, non-openable window with a partial security grill onto Ewart Place. While this room may meet the space standard, it would, because of the orientation of the windows, one with a partial security grill and the other with a view into the yard, be a gloomy room with a poor outlook.
21. The other bedroom along this side of the site, annotated as Bedroom 3, would be even worse with the internal door facing a covered corridor and the obscured glazed, partially gridded, non-openable window, and potentially part of the door, as the light sources. Because of the obscure glazing to the window there would be no outlook at all from this space.
22. These two bedrooms would have access to shower and utility rooms which would be satisfactory. However, the kitchen/dining room, located between these two bedrooms, would suffer from the same poor outlook and I consider would also be a gloomy and an unappealing space to use. There would be no lounge or communal sitting area for the occupants of these rooms, further indicating the poor quality and unappealing standard of accommodation.
23. The L shaped bedroom would have more space and have internal facilities such as the kitchen and shower/toilet. The proposed roof lights would assist with providing more natural light and, together with the main window, this accommodation would be more agreeable, although with a poor outlook. Furthermore, this space could effectively be a separate unit for two persons and therefore in space standards this accommodation would be cramped. Also, this unit would open directly onto the yard area with its sense of enclosure and, in all likelihood, its functional and uninviting appearance.
24. As a consequence of this analysis, I conclude that the HMO units would be unacceptable because two of the units would be gloomy, one would be cramped, and all would have poor outlook and an undue sense of enclosure. The layout and facilities would not create accommodation with a high standard of amenity for future users as required by the National Planning Policy Framework (the Framework). That the accommodation may be for workers associated with the businesses elsewhere on the site is not a justification for providing a poor standard

of accommodation. It follows that the scheme would conflict with Policies D.DH8 and D.H3 of the Local Plan which, importantly in this case, seeks to ensure habitable rooms have an acceptable outlook and ensure adequate levels of daylight and sunlight for new residential development.

Housing need

25. Policy D.H7 of the Local Plan sets out the policy criteria to assess the merits of housing with shared facilities (HMOs).
26. In terms of the detailed Policy D.H7 criteria, and with regard to meeting an identified need, the supporting text explains that the Greater London Authority household projections suggest there is an increasing demand for HMO-style accommodation in the Borough, particularly among young people. However, this is a general comment and there is little clear evidence with the submissions that the site would meet an identified need in this location, other than comments on the broad requirements for more housing including HMO-style accommodation. In the circumstances of a lack of specific evidence to justify this site for the proposed HMO accommodation, I consider that there is a policy conflict.
27. Given the size, nature and environment of the accommodation, it would very likely be more affordable than most other housing and therefore, in principle, add to the supply of low cost housing as required by criterion c) of Policy D.H7. However, this finding must be considered in the context of its poor quality.
28. The reason for refusal highlights the poor transport accessibility of the location. The planning report indicates a PTAL rating of 1b. Consequently, the HMO accommodation on this site would fail the requirements of criterion d) of the Policy D.H7. However, while the train network would not be especially convenient for occupants, there are some local buses and the site is close to services and facilities in this District Centre. While the policy criterion may not be met, in practice the HMO units would be reasonably well located for those occupants without their own private transport.
29. Criterion f) of Policy D.H7 requires that development should comply with the relevant standards and satisfy the housing space standards outlined in Policies D.H3 and D.DH8 of the Local Plan. The supporting text explains that HMO developments must provide high quality living space. I have found in my analysis above that the units would provide poor quality accommodation. Consequently, this criterion would be failed and, with the other concerns outlined above, the scheme would not meet with the housing standard requirements of Policy D.H7 of the Local Plan when considered as a whole.
30. Indeed, with a fundamental element of the Policy D.H7 seeking to provide high quality living space, and with the poor amenity for future occupants in this case, the scheme would not add HMOs with an appropriate standard of accommodation to the stock of housing. I therefore conclude that the scheme would conflict with Policy D.H7 of the Local Plan which sets the approach to the consideration of HMOs.

Other Matters

31. The site lies within the Roman Road Market Conservation Area (the Conservation Area) and I am mindful of the duty to pay special attention to the desirability of

preserving or enhancing the character or appearance of any land or buildings in a conservation area.

32. The significance of the Conservation Area includes its history and architecture, dating from the 19th century and earlier, with the general character a mixture of commercial and retail on ground floors with residential premises above.
33. The extensions which are sought to be retained have little architectural merit, although they are modest in size and contained within the existing yard area. They are only, in part, open to glimpsed views from Ewart Place. With the rendering of the outside wall to improve its appearance, when compared with the present block work finish, the scheme would not have an adverse impact on the heritage significance of the Conservation Area. I therefore conclude that the scheme, in its proposed form, would preserve the character and appearance of the Conservation Area.
34. I have carefully considered the objections to the scheme from the Roman Road Bow Neighbourhood Forum, and I have analysed the main issues that the Forum has raised in the sections above.

Conclusion

35. The changes to the commercial space at the front of the site would not be objectionable when compared to the permitted commercial use across the whole of the ground floor, but would not in itself be a benefit. The scheme would deliver three units of HMO accommodation and involve some economic activity during the changes and in the subsequent occupation. However, I consider that the collective benefits would be minor and should be afforded limited weight.
36. On the other hand, the scheme would deliver substandard accommodation and would not add to the housing stock in a beneficial way, contrary to the approach for the delivery of HMOs. This is a substantial failing and the related harm and policy conflict should afford substantial weight against the scheme.
37. It follows that the proposal would conflict with the development plan when considered as a whole and planning considerations do not indicate that the decision should be made other than in accordance with the development plan. Accordingly, the appeal should be dismissed.

David Wyborn

INSPECTOR