



Appeal Decision

Site visit made on 4 August 2025

by **C Carpenter BA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2025

Appeal Ref: APP/G5750/W/25/3360258

46 St Georges Road, Forest Gate, London E7 8HY

- 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 Annah Miah against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/02326/FUL.
 - The development proposed is described as: "Part-Retrospective application for a Change of Use from a single dwellinghouse (Use Class C3) to HMO (Use Class C4) ".
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a single dwellinghouse (Use Class C3) to HMO (Use Class C4) at 46 St Georges Road, Forest Gate, London E7 8HY in accordance with the terms of the application, Ref 24/02326/FUL, and the plans submitted with it titled Location Plan and P-01/Rev 1 Proposed Plans, subject to the following conditions:
 - 1) Unless within 3 months of the date of this decision the approved waste storage and management arrangements, as shown on P-01/Rev 1 Proposed Plans and in the Waste Management Plan (October 2024), are implemented in full, the use of the site as a house in multiple occupation shall cease until such time as the approved waste storage and management arrangements are implemented. The waste storage and management arrangements shall thereafter be retained and operated for that purpose.
 - 2) Notwithstanding the approved plans, unless within 2 months of the date of this decision a scheme for the storage of cycles is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the use of the site as a house in multiple occupation shall cease until such time as a scheme for the storage of cycles is approved and implemented.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site as a house in multiple occupation shall cease until such time as a scheme approved by the local planning authority is implemented. Upon implementation of the approved cycle storage scheme specified in this condition, that cycle storage shall thereafter be retained for that purpose.
 - 3) The house in multiple occupation hereby approved shall be occupied by no more than five people at any one time and shall be operated in accordance with the submitted HMO Management Plan (October 2024).

Preliminary Matters

2. The description in the banner heading above is taken from the application form. In my decision, I have removed words not describing acts of development for clarity.
3. The parties agree the change of use has taken place and the appeal premises is in use as a house in multiple occupation (HMO), but internal alterations and external works (cycle and waste storage) shown on the plans have yet to take place. I have therefore considered the appeal on this basis.
4. The appeal site is within an area covered by an Article 4 Direction¹, which withdraws permitted development rights for change of use from a dwellinghouse (Class C3) to an HMO (Class C4). This Direction came into force in July 2013.

Main Issues

5. The main issues are the effect of the proposal on:
 - the supply of family-sized accommodation in the area;
 - the living conditions of neighbouring occupiers, with particular reference to noise and disturbance; and
 - the integrity of protected European sites.

Reasons

Supply of family-sized accommodation

6. The appeal premises is a terraced house with four bedrooms on upper floors in addition to ground floor habitable rooms.
7. Policy H3 of the Newham Local Plan 2018 (NLP) states HMOs should be purpose-built or converted from premises other than family-sized dwellings, subject to other policy requirements. These include NLP Policy H4, which protects 4-bed family housing from conversion or sub-division, unless several criteria are satisfied.
8. The strategic context for this approach, and for the Article 4 Direction noted above, is provided in NLP Policies H1, S1, SP1, SP2 and SP3, with further explanation in supporting text to all the Policies cited above. Read as a whole, these Policies seek, *inter alia*, to achieve inclusive, stable, healthy and balanced communities, with high quality residential neighbourhoods that include a mix of housing types and an increase in family housing to replace that lost to conversion.
9. Policies GG4 and H10 of the London Plan 2021 (LP) seek to create mixed and inclusive communities with good quality homes that provide for identified needs, having regard to factors including robust local evidence where available, the nature and location of the site, and the need for additional family housing. LP Policy H8 applies to the loss of existing housing, so is not directly relevant because an HMO is a form of housing, and no loss of housing has occurred.
10. There is no suggestion any of the criteria set out in NLP Policy H4 are met in this case. Consequently, the change of use of the appeal premises from a family-sized house to an HMO is not consistent with the NLP Policy approach set out above.

¹ made under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order

11. However, according to the Council's decision report, the Newham Strategic Housing Market Assessment (SHMA) underpinning the NLP's protection of family-sized dwellings was undertaken in 2010. The local SHMA data is therefore some fifteen years old and no more recent evidence of local housing need and supply is before me. Consequently, I cannot be sure the circumstances affecting the need for and supply of family-sized housing in the Borough at the time the NLP was prepared still prevail today. I also cannot be sure of current need for HMO accommodation in the area.
12. Having regard to the LP provisions noted above, and the objective in the National Planning Policy Framework (the Framework) to meet an area's identified housing need, including with an appropriate mix of housing types for the local community, this shortfall in comprehensive and up to date evidence of local housing need reduces the weight I attach to the policy conflict I have found.
13. On the evidence before me, the appeal premises has been let as an HMO, and therefore not occupied by a family, for several years. The evidence of lettings demonstrates there is demand for HMO-type accommodation in the area, so the appeal premises has been helping to meet an aspect of current housing need during this period. Further, although not in a town centre, the appeal site is nevertheless within reasonable walking distance of the Tube and buses, irrespective of its relatively low Public Transport Accessibility Level. The location is therefore moderately well-suited to HMO use, as recognised within the criteria in NLP Policies H3 and H4. These factors weigh in favour of the development.
14. I do not have full details of the other appeal decisions brought to my attention². That said, based on the information provided they appear to have been determined around the time the NLP was adopted, so the supporting evidence would have been more up to date than I have found it to be in this case. In addition, one of the appeals appears to relate to a proposed rather than pre-existing change of use, so is not directly comparable to the circumstances before me. Consequently, I give these other decisions limited weight.
15. Taking all this together, I conclude the development has had a harmful effect on the supply of family-sized accommodation in the area, resulting in the policy conflict identified above. However, for the reasons given, the level of harm is low and outweighed by the other material considerations I have outlined.

Living conditions of neighbouring occupiers

16. The parties agree the appeal premises is suitable in principle for occupation by up to five people in four bedrooms, living as unrelated households. It is reasonable to assume the comings and goings associated with four such households are greater than those of one household occupying the house as a single dwelling. This additional activity is likely to cause some additional noise and disturbance for neighbouring occupiers.
17. That said, St Georges Road is a relatively densely developed terraced street and there is a school directly opposite the appeal site. Therefore, the local urban environment is one in which a degree of noise is to be expected, including noise from neighbours. The scale of the HMO is relatively modest and there is little to demonstrate its effect on the established character of the area. As noted above,

² Refs APP/G5750/C/21/3269000 and APP/G5750/W/18/3207252

No 46 has been let as an HMO for several years, but there is no pertinent evidence of complaints or objections about noise and disturbance during that period. Further, a proportionate HMO Management Plan has been provided, and compliance with local HMO licensing requirements has been demonstrated, in accordance with the criteria in NLP Policy H3b). These factors help mitigate risks of additional noise.

18. Taking all this together, I find no compelling evidence of an unacceptable level of noise and disturbance to neighbours resulting from the development.
19. Based on the extracts provided from other appeal decisions³, my assessment of comings and goings associated with an HMO compared to a single dwelling appears to be broadly consistent with that of the Inspectors in those cases. However, as I am not aware of all the circumstances affecting these decisions, I cannot be sure they are directly comparable to those before me. Accordingly, I give these other decisions little weight.
20. For the above reasons, I conclude the development does not result in an unacceptable level of harm to the living conditions of neighbouring occupiers, with particular reference to noise and disturbance. Accordingly, I find no conflict with LP Policies GG1, GG3, GG4, D3, D8 or D14, or with NLP Policies SP1, SP2, SP3, SP8, H1 or H3 which, read together, seek to achieve strong, mixed, inclusive, stable and healthy communities with good neighbourliness, and to avoid, minimise or mitigate significant adverse noise impacts. I also find no conflict with the Framework, where it seeks to prevent existing development from being put at unacceptable risk from noise.

Integrity of protected European sites

21. The appeal site is within the zone of influence of the Epping Forest Special Area of Conservation (SAC). The SAC is a European site protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Under the Habitats Regulations, an appropriate assessment is required in relation to the effect of the development on the integrity of the site. This responsibility falls to me as competent authority in the context of this appeal.
22. The SAC covers some 1,600 hectares and is designated for its three habitats (Northern Atlantic wet heaths, European dry heaths and Atlantic acidophilous beech forests) and its population of Stag Beetles. The conservation objectives of the SAC are to ensure its integrity, including the extent, distribution, structure, function and supporting processes of the habitats, and population and distribution within the site of each of the qualifying features, is maintained or restored.
23. There is a threat to the SAC and its qualifying features from recreational activity, such as walking and dog-walking. It is likely the occupants of the HMO make use of the site for recreational activity, thereby increasing levels of recreational disturbance. Such an increase, alone or in combination with other plans and projects, would be likely to have a significant effect on the integrity and conservation objectives of the SAC.
24. The appellant has made a financial contribution in accordance with Epping Forest Strategic Asset Management and Monitoring Measures (SAMMS) and the Council's

³ Refs APP/G5750/C/18/3207322, APP/G5750/W/18/3207295, APP/G5750/W/15/3137443

Interim Habitats Funding Statement. The sum would be put towards an agreed programme of strategic mitigation measures. Natural England has been consulted as part of this appropriate assessment and has confirmed that a contribution in line with the Epping Forest SAMMS is sufficient to avoid an adverse impact on the integrity of the SAC. I am also satisfied in this regard.

25. For the above reasons, I conclude the proposal would not have a significant effect on the integrity of the SAC. Accordingly, I find no conflict with the Framework, which requires adequate mitigation if significant harm to sites protected under the Habitats Regulations cannot be avoided.

Conditions

26. As the development has already taken place, a condition relating to the time limit for implementation is not necessary. I have listed the approved plans in my decision for certainty.
27. Conditions to secure the approved waste storage/management arrangements and a scheme for the storage of cycles are necessary to achieve effective waste management and to promote cycling as an alternative to the private car. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use negatively worded conditions to secure these provisions before the development takes place. The conditions will ensure the development can be enforced against if the requirements are not met.
28. A condition limiting the number of people occupying the HMO and requiring its operation in accordance with the submitted HMO Management Plan is necessary to maintain adequate living conditions for occupiers of the development and to protect the living conditions of neighbours.

Conclusion

29. I have found no harm in relation to the second and third main issues, but I have identified a conflict with the development plan in relation to the first main issue. However, other material considerations, including the Framework, indicate that a decision should be taken otherwise than in accordance with the development plan. Therefore, the appeal should be allowed.

C Carpenter

INSPECTOR