
Appeal Decision

Site visit made on 16 September 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2025

Appeal Ref: APP/E5900/W/25/3363894

3 Susannah Street, Tower Hamlets, London E14 6LS

- 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 Quan Zhou against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/24/01852/NC.
 - The development proposed is the erection of a ground floor rear extension and a rear roof dormer and 3x front rooflights, to facilitate the use of the existing property as a House in Multiple Occupation (HMO).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A separate appeal¹ has been submitted concerning whether the appeal property benefits from an established lawful use as three self-contained flats (Use Class C3). That matter has not yet been determined. My decision here is confined to the planning application subject of this appeal and does not prejudice the outcome of the related case.
3. Both parties have made submissions regarding the description of development and the existing use of the appeal property. I note that the existing and established use of the property is in contention and is a subject of dispute. These matters are considered in detail under my first main issue.

Main Issues

4. The main issues are:
 - whether the proposal would adhere to the Council's housing strategy with regards to the provision of family sized dwellings; and
 - the effect of the proposal on the living conditions of the neighbouring occupiers at 5 Susannah Street, with particular regard to outlook, light and sense of enclosure.

Reasons

Family housing

¹ Appeal ref APP/E5900/X/25/3363931

5. Policy D.H7 of the Tower Hamlets Local Plan 2031² seeks to resist the loss of housing suitable for family occupation. The appellant contends that the house has already been converted into three separate units and has submitted documentation including Valuation Office Agency (VOA) records from 2012, recent Council tax bills, TV licensing letters, and polling cards.
6. These documents indicate that, for administrative purposes, the property has at times been recorded as three flats. Internally, the layout and presence of multiple kitchens is also consistent with subdivision. This material points to the possibility that the property has been used in that way at some stage.
7. However, the statutory test for lawfulness is more exacting. Ten years of continuous use as three self-contained units prior to the date of application should be demonstrated. The Planning Practice Guidance confirms that the burden of proof lies with the appellant, and that evidence must be sufficiently precise and unambiguous to justify lawful use on the balance of probability.
8. In this case, there are no tenancy agreements, rent records, utility bills or sworn statements from past occupiers to show actual residential occupation of the three units across the relevant ten-year period. The documentary trail is fragmented: although I note the neighbour's comments and acknowledge the submitted VOA records date back to 2012, much of the supporting evidence dates only from 2023 and 2024. Furthermore, the September 2023 auction particulars described the property as a three-bedroom house, and photographs from that time, together with my own site observations that the building is vacant, are consistent with it not being in established occupation as three separate units. Periods of vacancy would break the required continuity.
9. On the balance of probability, the evidence before me does not demonstrate that the property has been in continuous use as three self-contained flats for the necessary ten-year period. The lawful use remains that of a family-sized single dwellinghouse within Class C3.
10. The proposal would therefore result in the loss of a family-sized dwelling. It would not adhere to the Council's housing strategy and would conflict with Policies S.H1 and D.H7 of the Local Plan insofar as they emphasise the need to retain and increase the supply of family housing and seek to ensure that larger dwellings remain available for households with children and to avoid an over-concentration of smaller units and shared accommodation.

Living Conditions

11. The appeal property forms part of a mid-terrace row. The neighbouring property at No. 5 has windows at the rear facing the appeal site, together with a patio area and garden immediately adjoining the shared boundary.
12. The extension would be visible from these parts of No. 5. However, its modest depth and single-storey height would mean it would rise only slightly above the existing boundary fence. As such, the extension would not materially increase the sense of enclosure when viewed from inside the neighbouring rooms or when using the patio area. The occupants at No. 5 would continue to enjoy a generally

² London Borough of Tower Hamlets Council, Tower Hamlets Local Plan 2031, *Managing Growth and Sharing the Benefits*, adopted January 2020.

open aspect to the rear, and the proposal would not significantly diminish their ability to use the garden comfortably.

13. Although there would be some reduction in daylight and sunlight reaching the closest ground floor rear window and patio area, this change would be modest. In the context of the existing boundary treatment, and given the extension's scale and siting, the reduction in light would not be unacceptable. The upper floor windows at No. 5 would remain unaffected.
14. Taking the windows, patio, and garden together, the proposal would not be overbearing or result in an undue sense of enclosure or a level of light loss that would materially harm neighbouring living conditions.
15. Given this, the proposal would not adversely affect the living conditions of the occupants of 5 Susannah Street with regards to outlook, light or sense of enclosure. It would therefore comply with Policy D.DH8 of the Local Plan insofar as it seeks to ensure that proposals safeguard the amenity of neighbouring occupiers.

Other Matters

16. The enhancement of the property's appearance, layout and maintenance would be beneficial in general terms. However, these are matters of management and upkeep that carry only limited weight in the planning balance. They do not outweigh the conflict I have identified with the development plan.

Conclusion

17. Whilst I have found the development would not harm the living conditions of neighbouring occupiers, the proposed conversion to an HMO would not adhere to the Council's housing strategy and policies relating to the provision of family-sized dwellings. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
18. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR