



Appeal Decision

Site visit made on 7 October 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

Appeal Ref: APP/G5750/W/25/3369301

62 Third Avenue, Manor Park, Newham, London E12 6DU

- 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 Shamsul Zaman against the decision of the Council of the London Borough of Newham.
 - The application Ref is 25/00092/FUL.
 - The development proposed is described as 'conversion of existing HMO into 1 x 3-bedroom flat and 5 person HMO'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. Even though the appellant states that the appeal site benefits from a 15-person single household license, valid until May 2028, the Council has previously refused planning permission for a change of use of 62 Third Avenue (No 62) to an 8-bed House in Multiple Occupation (HMO)¹. Following the submission of the planning application relating to this appeal, the appellant confirmed to the Council that the existing use of No 62 is as a dwellinghouse falling within Class C3², and not as a HMO. This position is reflected in both the Council's decision and appellant's appeal form. I have therefore determined this appeal on the basis of the revised description of development, this being the conversion of the existing Use Class C3 dwellinghouse into a 1 x 3-bedroom flat and a 5 person HMO.
3. The Council's decision refers to Policy S6 of The London Plan (2021) (TLP) which relates to public toilets and is not relevant to the appeal proposal. The accompanying officer report instead cites Policy S6 of the Newham Local Plan 2018 'A 15-year plan looking ahead to 2033' (2018) (LP) relating to Urban Newham. I shall have regard to Policy S6 of the LP insofar as it is relevant to the main issues.
4. The Council's second reason for refusal relates to the quality of accommodation. It is clear from the Officer report that this relates to several matters and I have taken these into account in defining the third main issue.

¹ Council ref: 23/00885/FUL

² Town and Country Planning (Use Classes) Order 1987 (as amended).

Main Issues

5. The main issues are:

- the effect of the proposed development on the supply of family-sized homes in the Borough;
- the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to noise and disturbance; and
- whether suitable living conditions would be provided for occupiers of the proposed development with particular regard to space standards, the provision of outdoor amenity space including bin and cycle provision, outlook, and noise and disturbance.

Reasons

Supply of family sized homes

6. No 62 comprises a two-storey, mid-terrace dwelling containing 4+ bedrooms. It has both front and rear gardens and backs onto dwellings along Second Avenue. The surrounding buildings on this part of Third Avenue are mainly in residential use.
7. The Council indicates that there has been a decline in the proportion of family housing within Newham's overall housing stock. In response, an Article 4 Direction was introduced in 2013, removing permitted development rights³ for the change of use of a dwellinghouse (Use Class C3) to a HMO (Use Class C4)⁴.
8. The appeal proposal involves the subdivision of a large dwellinghouse, currently suitable for family occupation, into two separate units comprising a 3-bed dwellinghouse occupying the basement and ground floors, and a 5-person HMO occupying the first and second floors.
9. Policy S6 of the LP sets out strategic priorities for Newham, including the protection and increase of family housing and the restriction of HMOs and flat conversions. Similarly, Policy H4 of the LP states the Council will specifically protect 3-bed and 4+ bed family housing, while acknowledging that subdivision or conversion may be appropriate in certain instances. Although the identified need for 4-bed homes is modest compared to the need for other housing sizes, the justification to Policy H4 emphasises the importance of retaining existing large units to ensure a broad market offer.
10. While the proposal includes a 3-bed dwellinghouse and therefore does not result in the net loss of a family unit, it nonetheless fails to meet the requirements of Policy H4. This policy requires that all resulting units from the subdivision of a large 4+ bed dwellinghouse must also be 4+ bed family units. Furthermore, the proposal does not satisfy the criteria for the subdivision or conversion of 3+ bed housing, as No 62 has a well-defined entrance, is not located above a commercial unit and from what I have read, does not lie within a town or local centre or along an identified movement corridor.

³ Part 3 (Changes of Use) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

⁴ Town and Country Planning (Use Classes) Order 1987 (as amended).

11. In addition, the proposed HMO would not comply with Policy H3 of the LP which requires HMOs to be purpose-built or converted from premises other than family-sized dwellings. Even if the HMO were otherwise policy compliant, I have no substantive evidence before me to confirm that the proposal would meet the locational criteria set out in Policy H3 of the LP.
12. I acknowledge the general need to boost the supply of housing and recognise the role HMOs can play in meeting London's diverse housing needs. However, Paragraph 63 of the National Planning Policy Framework (the Framework) requires policies to reflect the housing needs of different groups in the community, including families with children. There is no substantive evidence to suggest that there is no need for 4+ bed dwellinghouses nor that there is a specific unmet need for HMOs within the Borough. The proposed HMO and 3-bed dwelling represent only two forms of housing within a broader mix required to meet overall housing needs, which includes the continued provision of larger family homes.
13. I conclude that the proposed development would result in the loss of a 4+ bed family home and would therefore have a detrimental effect on the supply of large family sized housing within the Borough. In this regard, the proposed development would be contrary to Policies S6, H1, H3 and H4 of the LP which seek to protect and increase family housing, deliver a mix and balance of house types, and for HMOs to be purpose built or converted from premises other than family-sized dwellings.
14. The Council refers to Policy D6 of the TLP, however this relates to housing quality and standards and is not determinative in the consideration of this main issue.

Noise and disturbance effects on neighbouring occupiers

15. The proposed HMO would likely result in increased activity due to the nature of occupation by unrelated adults, who tend to have fewer shared routines and a higher frequency of visitors. Although there are no controls over the number of occupiers in a dwellinghouse and the existing front entrance would continue to be used, the cumulative effect of multiple comings and goings potentially over short timeframes would be materially different from that of a Use Class C3 dwellinghouse. This heightened level of activity, including from residents, visitors and deliveries, would be especially noticeable given the close-knit arrangement of dwellings along Third Avenue, and would likely result in greater noise and disturbance to neighbouring occupiers.
16. The use of the proposed kitchen and living room at first-floor level could further contribute to noise and disturbance, especially given the mid-terrace location. While the Council's Environmental Health Officer has not objected and the appellant indicates that any impacts could be addressed through mechanisms such as a HMO licence and building regulations, limited information has been provided. It is unclear whether existing sound insulation is adequate or whether further measures are needed and achievable. As such, a condition requiring a scheme of sound insulation would not provide sufficient certainty that any potential harmful noise effects could be effectively mitigated.
17. I conclude that the proposed development would have an unacceptable effect on the living conditions of neighbouring occupiers with particular regard to noise and disturbance. In this regard, the proposed development would conflict with Policies GG1, GG3, GG4 and D14 of the TLP and Policies SP1, SP2, SP3, SP8, H1, H3

and H4 of the LP which require an assessment of the potential impacts of development proposals on health and wellbeing, seek to reduce manage and mitigate noise and to ensure neighbourly development.

Living conditions for occupiers

Proposed HMO

18. The proposed HMO would comprise four bedrooms, one at first-floor level (bedroom 2) and three at the loft level (bedrooms 1, 3 and 4). Bedrooms 2, 3 and 4 would be single occupancy and bedroom 1 would be double occupancy. A shared kitchen and living room and two bathrooms, one on each floor, would also be provided.
19. Whilst the East London HMO Guidance (4) (the HMO Guidance) is intended to be applied flexibly, it is a material consideration in assessing whether the accommodation would provide an adequate standard of living.
20. There is no dispute between the main parties that the proposed kitchen and living room would meet the HMO Guidance standards. Although compact, the provision of two bathrooms exceeds the requirement for one bathroom for a 5-person HMO, each containing a wash basin, fixed shower and toilet. Both bathrooms appeared during my site visit to offer sufficient space for bathing and dressing without risk of injury, in line with the HMO Guidance.
21. However, bedrooms 3 and 4 would be particularly small, offering limited private and quiet space, an important consideration given the unrelated nature of occupiers. Bedroom 1 would also feel cramped due to the reduced ceiling height on one side, restricting headroom and inhibiting its usability. In these respects, the proposal would fall short of the minimum floorspace requirement of 8.5 sqm for single bedrooms and may not meet the minimum ceiling height of at least 2 metres over 75% of the floor area, as set out in the HMO Guidance.
22. Cycle and bin storage is proposed to the front of No 62 and the submitted plans indicate the partial demolition of the front boundary wall to facilitate access. However, no rear garden access would be provided for HMO occupiers. As a result, residents would be entirely reliant on internal living space, which is already constrained. The absence of outdoor amenity space, where occupiers might hang washing, take fresh air or relax, would exacerbate the harm already identified in relation to the quality of accommodation provided. Nearby public open spaces such as Manor Park Flats and Little Ilford Park would not mitigate the lack of private amenity space provision.
23. Although bedrooms 1-3 are currently used as bedrooms, this is in the context of No 62 being occupied as a Use Class C3 dwellinghouse. In such a setting, smaller rooms are more likely to be used by children or for other domestic purposes. Their current use does not justify their suitability for HMO occupation, for the reasons set out.
24. While the proposed development would be subject to licensing requirements, compliance with these and other standards does not necessarily mean that the accommodation would function well or provide a high standard of amenity from a planning perspective, conflicting with the aims of the Framework.

Proposed 3-bed dwelling

25. The proposed floor plan indicates the provision of two single-occupancy bedrooms (bedroom 2 in the basement and bedroom 3 at ground floor level) and one-double occupancy bedroom (bedroom 1 in the basement). Whilst the mix of one double and two single occupancy rooms is not atypical of a family dwelling, the location of bedrooms 1 and 2 within the basement raise concerns. These rooms would be served solely by lightwells only, which from my observations on site, offer a bleak and limited outlook. This results in a poor-quality living environment for the occupiers of each room.
26. Although these rooms are currently used as bedrooms, it is likely that, were No 62 retained as a family dwelling, rooms with better outlook on upper floors would be preferred for use as bedrooms. The proposal would remove the flexibility for the basement rooms to be used for alternative domestic purposes, such as storage, a playroom, or study, further compromising the quality of accommodation.
27. In addition, the lightwell serving bedroom 1 is located immediately adjacent to the front door, cycle parking and bin storage areas. As a result, the occupiers of this room would be more exposed to increased activity associated with the proposed HMO, particularly during warmer months when windows are likely to be open. Frequent door slamming and bin usage could result in unacceptable levels of noise and disturbance, further detracting from the poor standard of amenity for occupiers of this room.
28. The total floorspace indicated on the plans is 84m² which meets the minimum gross internal floor area for a 3-bed, four person, two-storey dwelling in accordance with table 3.1 of Policy D6 of the TLP and the nationally described space standard⁵. Although the Council refers to a lesser figure of 82.5m², the basis for this discrepancy is unclear. The Officer report does however raise concerns specifically in relation the size of the bathroom and storage areas.
29. There is no specific size standard for bathrooms set out in the Housing Supplementary Planning Guidance (2016). While the Council refers to furniture standards and notes the bath and wash basin fall short of these, I observed during my site visit that the bathroom would be sufficient to meet the needs of a family. I also noted that the lean-to conservatory provides a useful utility area for white goods. Although the proposed internal storage area beneath the staircase may be slightly compromised in terms of accessibility, additional storage appears to be available elsewhere within the dwelling, including an outbuilding in the garden. The garden itself would offer a usable private outdoor amenity area.
30. Therefore, while I find no harmful conflict with the space standards, for the reasons outlined, I am not satisfied that the living conditions of occupiers of the 3-bed dwelling would not be compromised, particularly due to the poor-quality basement bedrooms and the proximity of bedroom 1 to high activity areas.

Living conditions for occupiers of the proposed development conclusion

31. I conclude that the proposed development would not provide suitable living conditions for all occupiers of the proposed development with particular regard to space standards, the provision of outdoor amenity space, outlook and noise and

⁵ Technical Housing Standards - Nationally Described Space Standard (March 2015) Department for Communities and Local Government.

disturbance. In this regard, the proposed development would be contrary to Policies GG4, D3 and D6 of TLP and Policies H1, H3, SP2, SP3 and SP8 of the LP.

Together, and amongst other things, these policies require the provision of good quality homes, adequately sized rooms with comfortable and functional layouts which are fit for purpose, an appropriate standard of amenity and achievement of good neighbourliness.

32. The Council's decision refers to Policy D1 of the TLP and Policy SP1 of the LP. However, these policies relate to strategic principles, the spatial strategy for the borough and the capacity for growth. Therefore, these policies are not determinative in my consideration of this particular main issue.
33. The proposed development would also conflict with the requirements of the Framework which seeks to ensure new development avoids noise that gives rise to significant adverse impacts on health and the quality of life.

Other Matters

34. The site falls within the Zone of Influence of the Epping Forest Special Area of Conservation (SAC), which is a European site as defined by The Conservation of Habitats and Species Regulations 2017 (as amended). Had I been minded to allow the appeal, it would have been necessary for me to seek clarification on any potential mitigation measures required, consult Natural England and undertake an appropriate assessment to determine whether the proposal would result in a significant effect, either alone or in combination with other development, on the integrity of these sites. However, as I am dismissing the appeal for other reasons, it is not necessary for me to consider whether there would be a Likely Significant Effect on the integrity of the European Site or to undertake an appropriate assessment.
35. The Council has identified no other harm including in relation to car parking, urban design, light, ventilation, fire safety or biodiversity net gain. However, this is not a reason to allow the appeal.

Planning Balance

36. The Council has confirmed that it is unable to demonstrate a 5-year housing land supply, at 2.2 years. As such, Paragraph 11 d) of the Framework is a relevant consideration.
37. When a 5-year HLS cannot be demonstrated, the Framework advises that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the proposal. Habitat sites are such areas/assets. It is possible that the outcome of an appropriate assessment in relation to the SAC, could disengage the requirements of Paragraph 11 d) of the Framework.
38. Even if 11 d) of the Framework does apply, I have concluded that the proposal results in the loss of a 4+ bed family home and therefore adversely affects the supply of family-sized housing in the Borough. I have also found that the scheme fails to provide acceptable living conditions for all of the future occupiers and neighbouring occupiers, contrary to the aforementioned policies of the LP and TLP. Such harm would be significant and would also conflict with the policies of the Framework I have identified.

39. While the scheme would not add in numerical terms to the provision of family housing, it would maximise the use of the site by providing a HMO that could accommodate 5 unrelated individuals alongside a 3-bed dwelling. The site benefits from good access to several transport links and occupiers would support local services and facilities. The refurbished building would also broaden housing choice including for individuals seeking HMO accommodation in the area. This would align with policies within the Framework which seek to boost the supply of homes. However, set against these benefits would be the loss of a 4+ bed dwelling, which the Development Plan specifically seeks to protect. Therefore, even though the housing shortfall is substantial, the benefits associated with this scale and nature of the proposed development would be limited. Accordingly, even when taken collectively, the benefits attract limited weight.
40. Overall, taking into account the above conclusions, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, even if it were applicable to the appeal proposal, the proposed development does not benefit from a presumption in favour of sustainable development and paragraph 11 d) of the Framework indicates that permission should not be granted.

Conclusion

41. The proposal conflicts with the development plan as a whole and the material considerations, including the provisions of the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

H Marriott

INSPECTOR