



Appeal Decision

Site visit made on 18 October 2025

by **A U Ghafoor BSc (Hons) MA MRTPI FCMi fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2025

Appeal Ref: APP/G5750/C/23/3330448

163 Chandos Road, Stratford, London, E15 1TX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “1990 Act”).
 - The appeal is made by Mr B Ludi against an enforcement notice issued by the Council of the London Borough of Newham.
 - The enforcement notice was issued on 12 September 2023.
 - The breach of planning control as alleged is the material change of use to a Use Class C4 house in multiple occupation (HMO).
 - The requirements of the enforcement notice are to cease the use as a Use Class C4 HMO.
 - The period for compliance is six months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the 1990 Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act, for the development already carried out, namely, material change of use to a Use Class C4 house in multiple occupation.

Reasons

2. The main issue is the effect of the HMO on 1) the supply of family sized dwellings in the Borough, having regard to the objectives of the relevant development plan policies, and 2) the living conditions of existing and future occupiers, having regard to noise and disturbance.
3. Supply of family housing: No. 163 is a five bedroom and two-storey terrace property located in a residential area. Occupiers share a kitchen, a washroom and have access to the rear garden. In this location, the external appearance of most of the properties suggested to me that the area is mainly characterised by houses occupied as family dwellings, although there are telling signs of multiple occupation. Presently, the appellant maintains that the property is occupied by members of the same family but grant of planning permission permits the potential use of the property as a small HMO occupied by not more than six unrelated residents.
4. An article 4 Direction, which was put in place due to the loss of family housing in the Borough to other forms of residential uses such as HMOs, prevents the use of the dwellinghouse as a HMO. The Council is correct in asserting that the development results in the loss of a much-needed family house from its stock. However, for the following reasons, I do not share concerns about the potential effect of this property’s loss. Firstly, while I understand the reasons why the authority seeks to protect family housing stock as a strategic aim, the loss of no. 163 is unlikely to have a significant and material impact on the availability of family housing in the area.

5. Secondly, when the limited scale and kind of accommodation is considered together, the HMO is likely to make a valuable contribution to the mix of housing stock in this location. Thirdly, the property's layout, size and siting opposite public open space lends itself to provide reasonable accommodation of the type required by unrelated residents. Finally, each site and proposed HMO use should be assessed on its individual merits. The evidence before me does not indicate an over-concentration of HMOs in this location. Given the setting and positioning of no. 163, there is no evidence to suggest that the grant of planning permission for this specific HMO is likely to have a significant adverse impact on community cohesion or stabilisation.
6. Taking all the above points in combination, I conclude that the development is unlikely to have an undesirable effect on the supply of the Borough's single-family housing stock. Accordingly, taken as a whole, I find that the small HMO use enforced against does not materially conflict with Policy GG4 of The London Plan (2021), and Policies H1, H3, H4, S1, S6, SP1, SP2 and SP3 of The London Borough of Newham Local Plan (LP) (2018), housing advice found in the National Planning Policy Framework (NPPF).
7. Living conditions: The Council is concerned about the overall arrangement and density of occupation and submitted details of the property's internal layout together with measurements. That said, this is a two-storey five-bedroom dwelling which, in theory, could be occupied by a large family albeit acting as a single household. Nevertheless, I consider that the available facilities are reasonably capable of meeting demands arising from the property's use as a HMO, due to its size. The building provides satisfactory level of accommodation because there is enough storage, circulation and amenity space. I do not consider the property provides low quality housing nor is it undersized.
8. In a similar vein, I am not persuaded by the arguments that its use as a small HMO is likely to harm neighbours' living standards. Noted that the pattern of the HMO use is probably different, however, when the makeup and layout of the street and dwellings is considered in combination with the overall size and quality of the available accommodation, any increase in comings and goings is likely to be unnoticeable. Indeed, there is nothing before me to indicate significant level of complaints. The scale of the development is unlikely to generate additional disturbance because of the property's intensified use for residential purposes.
9. Drawing all the above points together, the development does not conflict with Policies D4, D6 and D14 of The London Plan (2023) and LP Policies S1, SP1, SP2, SP3 and SP8, H1 and H4, and NPPF124. On this issue, I conclude that the HMO use is unlikely to cause material harm to the living conditions of existing and future occupiers.

Overall conclusions¹

10. For the above reasons and having regard to all other matters raised, I conclude that the deemed application on ground (a) should be allowed.

A U Ghafoor

INSPECTOR

¹ There are no conditions submitted to me for consideration, and I have not thought of any myself.