



Appeal Decisions

Site visit made on 11 September 2025

by **L J O'Brien BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st November 2025

Appeal A Ref: APP/E5900/W/25/3369171

26 New Road, LONDON, E1 2AX

- 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/25/00422.
 - The development proposed is change of use from Dwelling house (C3) of the lower ground, first and second floor levels to x4 bedrooms HMO (C4) with a kitchenette at lower ground unit and shared kitchen for first and second floor units, minor alterations to include reconfiguration of layout to accommodate the HMO. Cycle parking provisions at lower ground and ground floors, introduction of metal staircase to the front light-well and gate to provide access to the lower ground HMO unit, x 8 roof lights on the rear flat roof and other minor associated works.
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Appeal B Ref: APP/E5900/Y/25/3369172

26 New Road, LONDON, E1 2AX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - 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/25/00423.
 - The works proposed are works related to the proposed change of use of the lower ground, first and second floor levels from Dwellinghouse (Use Class C3) to x4 bedroom HMO (Use Class C4) with a kitchenette at lower ground unit and shared kitchen for first and second floor units, minor alterations to include reconfiguration of layout to accommodate the HMO. Cycle parking provisions at lower ground and ground floors, introduction of metal staircase to the front light-well and gate to provide access to the lower ground HMO unit, x8 roof lights on the rear flat roof and other minor associated works.
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Appeal A Decision

1. The appeal is dismissed.

Appeal B Decision

2. The appeal is dismissed.

Preliminary Matters

3. Both appeals relate to No 26 New Road, London which forms part of a Grade II listed building¹ (24 to 32 New Road and attached railings) located within the Myrdle Street Conservation Area (CA). The descriptions of what is proposed and

¹ National Heritage List for England Entry Number: 1242006

the issues within the appeals are similar, though additional reasons for refusal are present in respect of Appeal A. As such I have dealt with them within the same Decision Letter. I have, however, set out two separate formal Decisions.

4. As required by sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Though the potential effect of the proposals on the conservation area did not form part of the Council's reasons for refusal I, nevertheless, have a statutory duty, as set out above, and have considered this as part of my main issues.
5. At the time of my site visit the proposed development/works appeared to have partially commenced and, in a number of ways, the plans labelled as existing did not reflect the reality of the internal arrangements at the property. Indeed, the evidence before me indicates that an enforcement investigation is open². For the avoidance of doubt and in the interests of clarity I have considered the proposals based on the submitted plans.

Main Issues

6. The main issues in these appeals are:
 - the effect of the proposals on the housing stock in the area with particular regard to relevant adopted local planning policies; and
 - whether or not the proposals would provide satisfactory living conditions for future occupiers of the proposed units with particular regard to space, outlook and light; and
 - whether the proposals would preserve the listed building or any features of special architectural or historic interest it possesses and, linked to that, whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

7. The appeal property is a three storey plus basement level mid-terrace property. The plans before me show the existing use of the property as a split between residential and office use; offices are shown at ground and lower ground floor (level 1) with a bedroom and storage room at lower ground floor (level 2), a bedroom, kitchen and shower room at first floor level and two further bedrooms on the second floor.
8. The proposals are for the change of use from a dwelling house (C3) of the lower ground, first and second floor levels to a four-bedroom house in multiple occupation (HMO) along with associated alterations and works.

Housing stock

² Reference ENF/23/00071

9. Policy S.H1 of the Tower Hamlets Local Plan 2031, adopted January 2020, (LP) sets out the Council's policy in respect of meeting housing needs within the Borough. The supporting text to this Policy states that the Tower Hamlets Strategic Housing Market Assessment (2014 and 2017) identifies a high level of need for family housing. As such, the Policy is clear that the Council will ensure development does not undermine the supply of self-contained housing – in particular family homes and goes on to say that the Council will resist development that would result in a net loss of family units.
10. Additionally, LP Policy D.H7 relates specifically to HMOs and sets out that new HMOs will be supported where they meet a number of criteria. These criteria include instances where the proposed HMO would not result in the loss of existing larger housing suitable for family occupation.
11. The appellant argues that the existing accommodation arranged over the first and second floors could be considered a three-bedroom, four-person unit. As such, it is contended that the Nationally Described Space Standards (NDSS) would require the dwelling to provide a minimum Gross Internal Area (GIA) of 84 sqm. These calculations, however, exclude the accommodation on the lower ground floor and do not consider the possibility of arranging the property alternatively so that, for example, it would be classed as a two-bedroom dwelling which could still potentially accommodate a small family.
12. Moreover, the NDSS itself is clear that its requirements are relevant only in determining compliance with this standard in new dwellings and have no other statutory meaning or use. As the existing plans before me indicate that the property appears to be split between commercial and an existing residential use, in my view, the standards for a new dwelling are not determinative in my consideration of this appeal.
13. Whilst I recognise that shortcomings in respect of the size and layout of the property are evident, on the basis of the evidence before me I am not satisfied that the accommodation could not be configured in such a way that it would provide a comfortable standard of accommodation for a small family.
14. In converting the existing unit, which, irrespective of the current arrangement, could potentially provide a larger unit suitable for family occupation, the proposal would be at odds with the Council's aim to ensure that family units are protected and would conflict with the adopted local planning policy, particularly criterion b of LP Policy D.H7. Thus the proposal would have an adverse effect on the provision of housing stock in the area.
15. Additionally, whilst the appellant also states that a legal agreement could be entered into to secure the HMO units as low-cost housing or to provide an appropriate amount of affordable housing, no such agreement is before me. Indeed, with this in mind the proposal would fail to meet criterion C of LP Policy D.H7 in this regard.
16. I accept that the proposed provision of extra units of accommodation would boost the supply of housing locally. I also note that the proposal would be in accordance with a number of planning policies, including some contained within the London Plan, March 2021 (The London Plan) which promote the role HMOs can play in meeting identified housing need. The appellant refers specifically to Policy H2 of the London Plan which supports well-designed new homes on small sites.

17. However, in this instance the conversion to a HMO would be at the expense of a unit of accommodation which meets a specific identified need. The additional accommodation, therefore, is of limited benefit overall in this respect and is not such that it would overcome the harm I have set out above.
18. Reference is also made to Policy H9 of the London Plan. This Policy states that Borough's should take account of the role of HMOs in meeting local and strategic housing needs. Whilst I do not dispute the importance of the role to be played by such accommodation in meeting housing needs overall I have clearly set out my reasons as to why the associated benefits would not be fully manifested in this particular circumstance. The Policy also states that where HMOs are of a reasonable standard they should generally be protected; however, this would seem to me to relate to existing HMOs and this particular aspect of the policy does not, therefore, apply in this instance.
19. For the reasons set out above, I consider that the proposal would undermine the supply of existing self-contained housing and have an adverse effect on the housing stock in the area and would fail to accord with relevant adopted local planning policies. The proposals would conflict with LP Policy S.H1 which sets out that the Council will resist development that would result in a net loss of family units. The schemes would also fail to meet the criteria which the Council state would trigger their support for a new HMO as set out within LP Policy D.H7.

Living conditions

20. In addition to the points which have been explored above LP Policy D.H7 further states that a new HMO will be supported where it complies with relevant standards and satisfies the housing space standards outlined in LP Policies D.H3 and D.DH8. LP Policy D.H3 sets out, amongst other things, that development is required to demonstrate that, as a minimum, it meets with the most up to date London Plan space and accessibility standards. This is supplemented by LP Policy D.DH8 which sets out a requirement for development to protect and where possible enhance or increase the extent of the amenity of new and existing buildings.
21. Policy D6 of the London Plan sets out that a housing development should be of high quality and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose. The policy goes on to reference the space standards set out within the NDSS.
22. The description of the proposals indicates that the building would be converted into a four bedroom HMO comprising two bedrooms and a shower room at second floor level, a bedroom with an en-suite shower room, a kitchen and a utility room at first floor level and a further en-suite bedroom with a kitchenette and a cycle storage area occupying the lower ground floor (level 2).
23. The proposed lower ground floor bedroom would have a GIA of around 13 sqm and therefore meets the requirement to be considered as a two bedspace room (though I note the plans denote it for single occupancy) and ensures that the building would meet the NDSS requirement for a dwelling with two or more spaces to have at least one double or twin room. The other proposed bedrooms would exceed the 7.4 sqm required for a single bedroom.

24. The accommodation would be four bedrooms set over three floors. On this basis a minimum GIA of 103 sqm would be required by the NDSS. The proposal would fall considerably short of this.
25. However, I have noted that the supporting text to Policy D6 of the London Plan states that the standards apply to all new self-contained dwellings and does not reference housing units created by HMOs.
26. Nevertheless, whilst it may not be necessary for the standards set out within the NDSS to be adhered to, those standards exist to make certain that the aims of the aforementioned policies, to ensure that housing units are of a sufficient size and standard, are met. As such, the large shortfall in internal space is a matter of concern.
27. The residents of the top two floors would have access to only one very small kitchen area which would seem to me to have the potential to provide space to cook but not to eat or to relax. I consider that, even simply in respect of cooking a meal, it would be very difficult for more than one resident of the three bedrooms located across these two floors to attempt to use the kitchen on these floors at the same time. With the exception of a cycle storage area, a very small utility and shower room, no further communal spaces are proposed.
28. As such, it is likely that all residents of the HMO would be reliant on their bedrooms to sit and eat or relax. However, as the building would be used as an HMO, and all other parts of the property would be shared with unrelated people, the bedrooms would have to accommodate all of the occupants' personal belongings, as well as a bed and circulation space. In my view, though the rooms would be of a reasonable size they would not be large enough to mean that, in the absence of any reasonably sized communal areas, the occupants would have sufficient space to meet their day-to-day needs.
29. Though the unit on the lower ground floor would be slightly larger than the other bedrooms and would have its own kitchenette and shower room it would not, to my mind, provide adequate space to ensure that its occupant would have a satisfactory standard of living. Furthermore, this room would be served by a single window and door which would open into the light well. The outlook from this room would be directly towards the enclosing wall which would be in extremely close proximity. This reduced outlook, combined with the limited size of the accommodation, would lead to the occupiers of this unit experiencing an oppressive sense of enclosure.
30. Furthermore, due to the location of this unit at lower ground floor level the levels of light reaching this unit would be low and the space within would be dark. Overall, views towards the "outside" would be extremely restricted and the low quality outlook would result in an uncomfortable sense of enclosure for those living within the property. As such, I consider that the proposed unit would have an inadequate outlook and would not provide satisfactory living conditions for future occupiers in this regard.
31. Despite the description of development provided, the lower ground floor unit would not be connected to the main building but would rather have its own facilities and would be accessed via a new proposed stairwell from the street. As such, the Council have considered the scheme on the basis that the lower ground floor unit would be a separate self-contained studio apartment and the first and second floor would comprise a three-bedroom HMO.

32. When viewed as a self-contained unit of housing there is no doubt that the standards set out within Policy D6 of the London Plan and the NDSS would be applicable to the lower ground floor unit. Considered this way the lower ground floor unit, as a self-contained one-bedroom, one bedspace, one storey unit with a shower room would be expected to provide a GIA of 37 sqm. The proposed unit would have a GIA of around 13.22 sqm with a shower room adding a further 2.16 sqm. This falls significantly short of the expectations set out within the NDSS and adopted development plan policy. Furthermore, my findings in respect of the living conditions which would be provided by this unit stand.
33. I do note, however, that whilst the appellant states that this unit would provide one bedspace it would meet the NDSS requirement to be considered a double or twin bedroom. Under this light, the GIA provided would fall further short of the expectations of the NDSS.
34. Considered as a two-storey, three bedroom unit set over two storeys, were the NDSS applied, the remaining HMO unit would also fail to meet the required standard and the concerns I have set out above remain pertinent.
35. I accept that the rooms would be in excess of the required sizes for the HMO licencing regime. However, these rooms sizes are just one element of wider requirements considered as part of a licencing application and are not decisive in their own right. Moreover, the licencing regime works independently in parallel with the planning system and this consideration is not, therefore, sufficient to overcome the concerns I have set out thus far.
36. For the reasons set out above, I consider that, viewed under either of the potential development forms, the proposal would fail to provide satisfactory living conditions for future occupiers of the proposed units with particular regard to space, outlook and light. Consequently, the proposals would conflict with Policies D.H7 and D.H3 of the LP and Policy D6 of the London Plan which, together and amongst other things, set out that development should meet the necessary space standards and provide high quality accommodation with adequately-sized rooms with comfortable and functional layouts which are fit for purpose.
37. The proposal would also conflict with LP Policy D.DH8 which states that development is required to protect and where possible enhance or increase the extent of the amenity of new and existing buildings by, in part, ensuring new and existing habitable rooms have an acceptable outlook and ensuring adequate levels of daylight and sunlight for new residential development.

Heritage

Special interest and significance

38. 26 New Road is part of a Grade II listed terrace of 5 properties dating from the early 19th Century. The properties comprise three storeys over basements and several now contain shopfronts at ground floor level. The terrace is set back from the road behind cast iron railings with urn finials which are a prominent and attractive feature in the area. The railings create a sense of visual cohesion across the properties which is especially important given the varied appearances at ground floor level. The special interest and significance of the listed building stems, in part, from its attractive, polite, architectural detailing and uniformity and aesthetic consistency.

The listing description also refers to original features which are thought to have been retained internally.

39. The appeal site is situated within the Myrdle Street Conservation Area (CA). The heart of the CA is found to the west of New Road. The Myrdle Street Conservation Area Character appraisal and management plan, adopted October 2021 (CAA) sets out that the CA's special architectural and historic interest is illustrated by its rich history and significant architecture, dating from the eighteenth, nineteenth and early twentieth centuries. The CAA also specifies that historic and traditional features within the area contribute to its special character and appearance and the decorative iron work in the area, including the cast iron railings in New Road are given specific mention. As such, it is clear that the appeal property and the listed building as a whole possesses positive qualities which contribute to the character and appearance of the CA as a whole and thus to its significance as a designated heritage asset.

Effects of the proposals

40. The proposals include the addition of an external staircase and gate within the cast iron railings which form part of the listed building. The removal of sections of the existing railings would erode the historic fabric of the listed building. The interruption of the railings would have negative implications on the unity and consistency of the external appearance of the listed building.
41. Any replacement railings would likely have an impact upon the texture, appearance and character of the railings. I have been provided with insufficient detail regarding the treatment of the urn finials. Though the appellant states that the replacement railings would be of a similar heritage design and would be painted black the evidence before me is limited to showing only the positioning of the staircase.
42. Furthermore, the information before me in respect of the internal changes to the building, including the addition of rooflights, changes to the flooring, doorways and doors, joinery and the installation of a number of new kitchen and bathroom facilities and the associated services is further limited. The arrangements for ventilation are also unclear.
43. The lack of drawings and detailed specifications for these detailed elements of the proposals cast doubt over the individual design, subsequent appearances and works involved in their construction. As such, the specific details before me are not sufficient to enable a robust judgement to be reached regarding the potential effect of the proposals on the heritage asset. The proposal would also considerably alter what is likely to be the historic plan form of the building with the removal/relocation of existing partitions and introduction of new partitions and en-suite bathrooms.
44. Consequently, I cannot be certain that they would preserve the listed building and not cause harm to its significance. This is highly undesirable in general terms, but especially given that the property is a Grade II listed building located in a Conservation Area, where great weight is given to the conservation of these designated heritage assets.
45. I note that the appellant has suggested that conditions could be attached requiring further details to be approved. However, such details go to the heart of the proposals and I cannot be certain that conditions would be an effective mechanism for making the proposal acceptable and ensuring that it would not cause harm.

Without evidence to the contrary I must take a precautionary approach in the interests of preserving the listed building and ensuring that any conditions imposed would meet the tests set out by the Framework. Consequently, such conditions would not be suitable.

46. I accept that other similar external staircases and gates are evident in the vicinity. Indeed, the Council are clear that in principle the addition of a gate and a stairway could be acceptable. However, for the reasons I have explored above, in this instance the particular scheme before me is unacceptable.
47. The proposals would cause harm to an asset which adds positively to the significance of the CA. As identified within the CAA, the iron work within the area is particularly a key feature which contributes positively to the significance of the CA. The effect of the proposals on the integrity of this element of the CA is therefore of particular concern and it follows that the proposals would cause harm to the character and appearance of the CA.
48. For the reasons set out above, the proposals would weaken the architectural interest of the listed building overall and would cause particular harm to the external iron work, thereby undermining an important contributor to the significance of the designated heritage assets. The proposal would therefore fail to preserve the special architectural and historic interest of the Grade II listed building. Furthermore, the proposal would fail to preserve or enhance the character and appearance of the CA as a whole.
49. In finding harm to the significance of a designated heritage asset the National Planning Policy Framework (the Framework) requires the category of harm to be identified. The Planning Practice Guidance (PPG) expands upon this by requiring the extent of harm within that category to be clearly articulated. In this instance, given the limited extent and nature of the proposed development and works, the harm to the significance of the designated heritage assets would, individually and cumulatively, be at the lower end of less than substantial. Nevertheless, this harm is of considerable importance and weight.
50. The approach set out in paragraph 215 of the Framework is that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, as in this case, that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Public benefits and heritage balance

51. It is not unreasonable to conclude that the proposals would lead to economic, social and environmental benefits. Amongst other things, these would stem from engaging local professionals, trades and suppliers and a boost to the supply of housing units within the locality. Notwithstanding this, there is no substantive evidence before me which demonstrates that the proposed development and works are necessary to secure the ongoing use of the heritage asset.
52. Whilst a number of these benefits would be private, they would also be such that they could be considered to be of broader benefit to the public. These benefits are, however, limited by the small scale of the proposals and must be considered in that context.

53. On balance, in giving great weight to the assets' conservation and considerable importance and weight to the harm to their significance, I find that this would not be outweighed by the public benefits that the proposed development and works would generate.
54. The proposal would, therefore, conflict with the statutory presumptions of s.16(2), s.66(1) and s.72(1) of the Act. The proposals would also fail to accord with LP Policy S.DH3 which is clear that proposals must preserve or, where appropriate, enhance the borough's heritage assets in a manner appropriate to their significance. Additionally, the proposals would conflict with Policy S.DH1 of the LP. Amongst other things, this policy requires development to meet the highest standards of design by, for example, providing coherent building lines and roof lines, complementing streetscape rhythm and ensuring the scale, composition and articulation of building form complements and enhances their immediate and wider settings.

Other Matters and Overall Planning Balance

55. The benefits of the proposals are set out above in the heritage balance and carry weight in the appeals' favour. However, I have found that the proposals would cause harm to the designated heritage assets. As such, the proposals would fail to meet the relevant requirements of the Act, conflict with relevant policies of the LP and not comply with relevant provisions within the Framework. This attracts substantial weight against the appeals.
56. Consequently, having given careful regard to all of the above considerations, I find that none are sufficient to dissuade me from the conclusions I have reached that the proposal would cause harm to the balance of housing stock in the area, would fail to provide satisfactory living conditions for future occupiers of the proposed units and would cause harm to the designated heritage assets.

Conclusion

57. For the reasons set out above the appeals are dismissed.

L J O'Brien

INSPECTOR