



Appeal Decision

Site visit made on 4 November 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/G5750/W/25/3371432

20 Spencer Road, East Ham, London E6 1HH

- 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 Sorif Uddin against the decision of the Council of the London Borough of Newham.
 - The application ref. is PP-13867806.
 - The development proposed is a change of use from residential (C3) to a 5-bedroom HMO (C4) for up to 6 residents.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The change of use has occurred, and I have dealt with the appeal on that basis but removed 'retrospective' from the description of development in the banner heading above as it does not constitute development.

Main Issues

3. The main issues are:
 - the effect of the development on the provision of family-sized housing;
 - whether the development provides acceptable living conditions for its occupiers, with particular regard to the provision of communal space and layout of the accommodation; and
 - whether the development has an acceptable effect on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

Family housing

4. The development has resulted in the loss of a three-bedroom family-sized house and the creation of a House in Multiple Occupation (HMO). The Strategic Housing Market Assessment (SHMA) indicates that without an Article 4 Direction and policy to resist the further loss of family housing, this would continue until provision would be inadequate and other Newham Local Plan (2018) (NLP) objectives for transience, cohesion and integration would be threatened.
5. The appellant states that London Plan (LP) Policy H8 recognises the conversion of dwellings to small-scale HMOs can be acceptable where the accommodation is of

good quality, and that a single dwelling is not a material loss to family housing supply in strategic terms, whereas the need for HMOs is acute.

6. I have no evidence on housing need other than that cited by the Council. Whilst the SHMA is old, more recent evidence specific to HMOs is not before me. In this context, the loss of a family-sized house is harmful. Furthermore, LP Policy H8 does not refer to the loss of dwellings to small-scale HMOs.
7. Consequently, I conclude that the development harms the provision of family-sized housing, contrary to LP Policies GG4 and H10 and to NLP Policies S1, S6, SP1, SP2, SP3, H1, H3 and H4, which seek to balance communities and allow HMOs to be purpose-built or converted only from premises other than family-sized houses.

Living conditions – occupiers

8. The house does not meet the overall floor space standard for a two-storey, five-bedroom, six-person house at Table 3.1 to LP Policy D6. Whilst each bedroom meets the standards in LP Policy D6 and the kitchen diner is sufficiently large for an HMO of this size, there is nonetheless no other living room. As a result, insufficient communal space is provided.
9. As the front door is the only access from the street, all four other households must pass each ground floor bedroom to reach bedrooms, communal spaces or, in the case of the front bedroom, both. Because a different household occupies each bedroom, it is likely that ground floor occupiers are disproportionately disturbed by the additional comings-and-goings.
10. The development may comply with HMO licensing standards, but HMO licences are granted under separate legislation and cannot be relied upon to be renewed, to control comings-and-goings or to deal otherwise with matters such as layout or the adequacy of communal space.
11. Consequently, I conclude that the development does not provide its occupiers acceptable living conditions in terms of the provision of communal space and layout, contrary to LP Policies GG4, D3, D4, D5 and D6, and to NLP Policies S1, SP1, SP2, SP3, H1, and H4, which seek high quality design including layouts that meet space and quality standards contributing to healthy living environments.

Living conditions – neighbours

12. A 5-bed HMO is likely to be occupied at or near capacity and by up to five households. Each is likely to have different schedules for arrivals, visitors, and deliveries. As the use is therefore likely to be of a different, more intensive character than a 3-bed family home, the development is likely to have increased the potential for disturbance of neighbouring occupiers. Whilst there is no evidence of over-concentration or harm to community cohesion in the locality, these are not necessary for harm to occur through noise and disturbance.
13. The conditions suggested by the appellant to restrict the use to no more than six residents, require a management plan and prohibit amplified music audible from neighbouring properties would neither deal with these impacts nor meet the tests for conditions. The restriction would be unnecessary, as permission would be required to exceed six residents, a management plan could not reduce comings-and-goings to such an extent that the impact would be acceptable without imposing unreasonable restrictions on occupiers, and whilst the prohibition on

amplified music might be effective, it would be unnecessary and unreasonable to impose on domestic premises, as other legislation deals with these issues.

14. For the reasons outlined above, I conclude that the development has an unacceptable effect on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance, contrary to LP Policies GG1, GG3, GG4, D3, D8 and D14, and to NLP Policies S6, SP2, SP3, SP8, H1 and H3, which, amongst other things, require development to avoid harm to neighbour amenity and prevent noise and disturbance from intensification.

Other Matters

15. The site is within the Zone of Influence of the Epping Forest Special Area of Conservation and the appellant has contributed financially to the Strategic Access Management and Monitoring Strategy to mitigate the impact of recreational activity associated with additional households. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 requires an Appropriate Assessment only where the competent authority is minded to permit a plan or project. Given my conclusions on other issues, I need not consider this matter any further.
16. Whilst no evidence on accessibility to public transport has been submitted, I saw the site is within easy walking distance to a range of high frequency bus, metro and heavy rail services, so that more efficient use of housing stock in this location is a benefit. The provision of a more affordable type of market housing and a more efficient use of stock are also benefits, but none of these considerations outweigh the harm that I have identified above.
17. The appellant suggests that the development should be assessed in the context of the presumption in favour of sustainable development set out in the National Planning Policy Framework. However, I have found that the development does not accord with the development plan and there is no evidence the most important policies for determining the appeal are out-of-date. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

18. For the reasons given above, the development conflicts with the development plan as a whole and there are no material considerations that outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

S Simms

INSPECTOR