



Appeal Decision

Site visit made on 6 March 2026

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

Appeal Ref: APP/G5750/W/25/3376606

7 Abbey Road, London E15 3JZ

- 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 Kazi Arif against the decision of the Council of the London Borough of Newham.
- The application Ref is 25/00674/FUL.
- The development proposed is described as the 'conversion of the existing side extension to a self contained Studio Flat.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. For reasons of precision, I have taken the address used in the heading above from the submitted appeal form. The red line on the location plan clearly includes 7 Abbey Road, as well as the existing side extension.
3. The Council refers to the preparation of the Draft Newham Local Plan, which is understood to be at Regulation 22 stage. I have not been supplied with a copy of the emerging Local Plan. However, the Council's reasons for refusal do not identify any conflict with the emerging Local Plan and I note it remains at an early stage of preparation. I have therefore based my decision on the current adopted Development Plan.
4. At appeal stage, the appellant has submitted a site plan showing a structure to house a covered bicycle stand to the rear of the extension, in the rear garden area of the appeal property. No elevations have been provided, so the exact size of this structure is unclear. If the appeal were to be allowed, the structure would be situated in the rear garden of 7 Abbey Road, which would be separate to the studio flat. This amendment therefore involves a substantial difference to the application. In this case, it is my view that the appeal must be determined on the basis of the plans as originally submitted to the Council and upon which it based its decision, and which has been subject to consultation. To do otherwise would prejudice the interests of the Council, interested parties and consultees, who have not been consulted on this amendment and who may have observations to make.
5. The appellant outlines how the side extension is sometimes rented out as a separate unit of accommodation. It is unclear if this benefits from planning permission, however within the context of an appeal made under section 78 of the Town and Country Planning Act 1990 (the Act) it is not within my remit to formally determine the lawful use of the extension. I have considered any evidence relating to the existing use of the extension so far as is material to this appeal.

Main Issues

6. The main issues in this appeal are:

- whether the loss of floor space of an existing family sized home would be acceptable;
- whether the proposed development would provide acceptable living conditions for future occupiers with regard to the provision of internal space, outdoor amenity space and privacy; and
- whether the proposed development would provide adequate cycle storage.

Reasons

Loss of floor space

7. The appeal property relates to an end of terrace property on Abbey Road. Surrounding development comprises mainly residential development, including terraced dwellings and blocks of flats.
8. The appeal property benefits from an existing single storey side extension. The extension consists of a bedroom, kitchenette and bathroom. The appellant outlines how this is sometimes rented out as temporary accommodation. It has its own numbering and council tax is also paid on it. However, based on the evidence before me, it does not appear that this use benefits from planning permission. For the purposes of this appeal, I have therefore assessed the extension as forming part of the main dwelling. The dwelling comprises a total of four bedrooms.
9. The Newham Local Plan (NLP) spatial strategy supports the stabilisation of communities and protection of family housing. Policy S1 of the NLP states that mixed and balanced communities should be achieved where homes are not created at the expense of the provision and protection of family housing. Under the NLP, family housing is defined as houses or flats that contain three or more bedrooms.
10. The appeal seeks to convert the existing side extension into a self-contained studio flat. The host property would therefore lose one bedroom and have a total of three bedrooms. In this regard, the appeal property would still be considered a family dwelling under the NLP.
11. Notwithstanding the above, Policy H4 of the NLP sets out that the subdivision or conversion of large family dwellings (4+ bedroom) may be appropriate where all resulting new units are 4+ bedrooms family dwelling units, amongst other things. Proposals to subdivide or convert 3+ bed housing must also meet various other criteria set out under paragraph 2a. These are where proposals are located in town or local centre, above an existing, occupied commercial unit, do not have access to external private amenity, and have poorly defined entrances.
12. The resultant development would create a one room studio flat. The appeal property is not situated within a town or local centre or above a commercial unit. It also benefits from a rear garden and a legible entrance. The scheme would therefore fail to accord with Policy H4 of the NLP.
13. The appellant contends that there is a high demand for small units of accommodation. I accept that there is a general need to boost the supply of

housing and provide a variety of housing types and sizes, including those suited to single people and recent graduates. However, there is no empirical evidence before me to demonstrate a specific unmet need for this type of accommodation in the area. It is also suggested that the side extension did not form part of the original dwelling. However, the evidence outlines how the extension has been in situ for over twenty years. In any case, this does not justify noncompliance with Policy H4.

14. Overall, the loss of floor space of the existing family sized home would be unacceptable in that it would not result in the creation of a 4+ bedroom family dwelling and would fail to meet the criteria set out under paragraph 2a of Policy H4. Overall, the scheme would therefore be contrary to Policy H4 of the NLP.
15. I however do not find conflict with Policy H1, S1, SP1, SP2 and SP3 of the NLP and Policy GG4, H8 and H10 of the London Plan (LP). Collectively, amongst other things, these policies seek to protect family housing and promote mixed and balanced communities.

Living conditions

Internal space

16. The Council refer to the scheme's noncompliance with the Technical housing standards- nationally described space standard. However, I have not been directed to any planning policy which requires compliance with these standards. Notwithstanding this, the studio flat would measure 27 square metres (sqm). This would fall significantly below the required size for a one bedroom, one person dwelling, as set out in Policy D6 of the LP. Whilst the scheme may meet the requirements regarding bedroom width, ceiling height and storage provision, this would not outweigh the substantial shortfall in its overall size.

Outdoor amenity space

17. Policy D6 of the LP requires a minimum of 5sqm of private outdoor space for a 1–2-person dwelling. The appellant contends that the studio flat would benefit from front and rear communal garden space. However, the only door would be situated on the side of the flat. Based on the plans before me, future occupiers of the flat would therefore be unable to access the rear amenity space which serves the appeal property. Whilst occupiers may be able to access the front amenity space, it is unclear how this arrangement would work. Firstly, on my site visit there was a car parked in this area. This would clearly affect its usability. Additionally, occupiers would have to enter the main access way to No.7, which, if the appeal were to be allowed, would be a separate unit of accommodation. Notwithstanding this, even if the occupiers were able to use this space, it faces directly onto the footpath along Abbey Road, offering occupiers little privacy. Overall, for the reasons set out, I am not satisfied that the scheme would provide practical private outside space for future occupiers.

Privacy

18. The two windows on the rear elevation of the studio flat would face into the garden area of No.7, which as set out, if the appeal were to be allowed would be a separate unit of accommodation. This would result in overlooking from the garden area, offering future occupiers little privacy. The window on the front elevation

would also face out onto the footpath along Abbey Road. Whilst this arrangement is common within the surrounding area, most properties do not appear to be studio flats with only one room. Therefore, if occupiers of other properties wanted more privacy they could simply go into a different room which does not face onto the footpath. To contrast, future occupiers of the flat would not have this option and there would be no relief from any overlooking from the footpath. I am not satisfied that the planting of shrubs would overcome this issue as they would likely be too small to offer any meaningful screening. Overall, for these reasons, the scheme would fail to ensure adequate privacy for future occupiers.

19. To conclude on the main issue, the scheme would fail to provide acceptable living conditions for future occupiers, with regard to the provision of internal space, outdoor amenity space and privacy. This would be contrary to Policies S1, SP2, SP3, SP8 and H1 of the NLP and Policies GG4 and D6 of the LP. Collectively, amongst other things, these policies seek to promote high quality design, health and well-being and ensure acceptable standards of living for future occupiers.
20. The Council's refusal reason refers to the proposal being contrary to Policy D4 of the LP. This policy concerns the use of tools for design analysis, design review processes and maintaining design quality through to completion, which I do not find to be relevant to the determination of this appeal.

Cycle storage

21. Policy T5 of the LP emphasises the importance of removing barriers to cycling and creating a healthy environment in which people choose to cycle. It requires one cycle space for a one-person dwelling. The studio flat would not provide any cycle storage. This would discourage and potentially prevent future occupiers from cycling. Whilst the scheme has excellent access to public transport, this does not outweigh the need to provide cycle storage.
22. Overall, the scheme would be contrary to Policies S6, SP2, SP3, SP8 and INF2 of the NLP and Policies D3, T1 and T5 of the LP. Collectively, amongst other matters, these policies seek to promote sustainable travel patterns, health and well-being and ensure cycle storage facilities.

Other Matters

23. The scheme may not result in harm to neighbouring living conditions or the character and appearance of the area. It would not involve construction works and there may be no harm relating to exposure to light, odour, dust, vibration, contamination, radiation and other pollutants. The appeal may comply with various planning policies in these regards. The site is not situated within a conservation area, and the appeal property is not a listed building. These matters are however considered neutral factors and would not weigh in favour of, nor against, the appeal.
24. The appellant sets out that following their children moving out of the family home, the side extension is unused. Whilst it is sometimes rented out, there are restrictions on how long it can be rented out for. I acknowledge the appellant's willingness to pay any relevant taxes if the appeal were to be allowed. These considerations however do not outweigh the harm identified or justify the development.

25. The appellant suggests that the existing property would not meet the requirements of Paragraph 2b of Policy H4 of the NLP in that it does not provide 45sqm of private amenity space with a minimum width of 4 metres. However, it appears that the property does benefit from more than the required amount of outdoor amenity space. In any case, this point would not overcome the harm identified above.
26. Whilst the National Planning Policy Framework applies a presumption in favour of sustainable development in certain circumstances, for the reasons set out above, I do not consider the scheme to be sustainable development.

Planning balance

27. The scheme may make efficient use of land in an existing residential area that has excellent access to public transport and is adjacent to an industrial location. It would also utilise a small site and contribute to housing targets as set out in the LP. However, given the small scale of the development, I afford these benefits limited weight in favour of the appeal. The benefits of the proposed development would not outweigh the harm in relation to the loss of floor space of a family home, the living conditions of future occupiers and the lack of cycle storage.

Conclusion

28. For the reasons set out above, the proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. For the reasons given above, I conclude that the appeal is dismissed.

S Burch

INSPECTOR