



Appeal Decision

Site visit made on 1 June 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2026

Appeal Ref: APP/G5750/C/24/3354685

18 High Street North, East Ham, London E6 2HJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Vikram Dhillon on behalf of Orange Square against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 25 September 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission the material change of use of part of the ground floor rear to a self-contained unit of residential accommodation.
 - The requirements of the notice are to:
 1. Cease the use of the ground floor rear (as shown in the approximate location edged in blue on the attached plan) as a self-contained unit of residential accommodation.
 2. Remove the kitchen and bathroom facilities from the ground floor rear (as shown in the approximate location edged in blue on the attached plan).
 3. Remove all internal partitioning and doors from the ground floor rear (as shown in the approximate location edged in blue on the attached plan) installed to facilitate the material change of use to a self-contained unit of residential accommodation.
 4. Remove from the site all debris arising from compliance with the above steps.
 - The period for compliance with the requirements is 5 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice be:
 - Varied by deletion of steps 2 under section 5 (what you are required to do), and substituted therefor by the following step:

“2. Remove the kitchen facilities from the ground floor rear (as shown in the approximate location edged in blue on the attached plan).”
 - Varied by deleting the words “five months” within section 5 (what you are required to do) and its replacement with “7 months”.
2. Subject to these variations, the appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on Ground (a) appeal and the Deemed Planning Application (DPA)

Main Issues

3. The main issues are whether the occupiers of the flat enjoy satisfactory living conditions, having regard to floorspace, the provision of amenity space, outlook, daylight and ventilation; and crime and safety.

Reasons

Living conditions for occupiers of the flat - floorspace, amenity space, outlook, daylight and ventilation

4. The appeal site relates to a three-storey mid terrace building on High Street North with a commercial unit on the ground floor and two floors of residential use above. More recently, the ground floor unit the subject of this appeal, has been sub-divided so that the rear part has been converted into a ground floor one-bedroom dwelling, solely accessed to the rear of the site via a narrow passageway, behind a locked metal gate on Lloyd Road.
5. To ensure that new housing development provides an acceptable level of residential quality and amenity, Policy D6 of the London Plan 2021 (London Plan) requires compliance with the minimum space standards in Table 3.1 and of the London Plan 2021 (London Plan). Policy D6 and Table 3.1 of the London Plan requires a minimum gross internal floor area of 37sq.m for 1 bedroom 1 person dwellings and 50sq.m required for 1 bedroom 2-person dwelling.
6. The Council raised an objection as they consider that the 1-bedroom unit (circa 48sqm), which was occupied by two persons during their site inspection, falls below the 50sq.m minimum space required for 1 bedroom two person units. However, the appellant has clarified that the unit would be for a 1-bedroom 1-person unit, and I observed during my site inspection that only a single bed existed at the time of my visit. Subject to a condition which limits the number of occupiers to no more than 1 person, the overall internal floorspace and layout conforms with Policy D6 and Table 3.1 of the London Plan.
7. With regard to amenity space, Policy D6 of the London Plan requires a minimum amount of private amenity space of 5sqm per 1–2-person unit. However, there is currently no direct access to private amenity space, and the development fails to provide suitable private amenity space contrary to Policy D6 of the London Plan. I do not consider the presence of nearby public open spaces mitigates the lack of any onsite private amenity space for occupiers of this flat.
8. In terms of daylight, ventilation and outlook, the kitchen is positioned towards the centre of the building and does not benefit from any windows, and therefore there is no natural ventilation, daylight or outlook for this room for current and future occupiers. The single bedroom is only served by one relatively small and narrow window positioned in the rear corner of the room. This relatively small window also faces towards and is in close proximity to the main rear wall of the appeal building itself, which results in poor levels of daylight and outlook for occupiers of this bedroom.
9. Similarly, the living room area is only served by one relatively modest narrow window, with the bottom pane obscure glazed, further limiting any outlook. In addition, this window is facing the narrow rear passageway and in close proximity

to the flank two storey brick wall of the neighbouring building on Lloyd Road. This further limit the amount of natural daylight reaching the living/dining room and also results in poor levels of daylight and outlook for occupiers of this ground floor flat.

10. Therefore, whilst the overall internal floorspace of the ground floor flat is acceptable, I conclude that the unauthorised use harms the living conditions for the occupiers of the dwelling, with particular regard to outlook, daylight, ventilation and the provision private amenity space, in conflict with Policies D4, D6 and GG4 of the London Plan, and Policies SP1, SP2, SP3 and H1 of the London Borough of Newham Local Plan, 2018 (LP). Collectively these require that development proposals should deliver appropriate amenity, and that the design of development should provide quality homes that meet high standards of design and provide sufficient daylight and sunlight to new and surrounding housing, whilst avoiding overheating.
11. Furthermore, the unauthorised use is contrary to the National Planning Policy Framework, 2024 (The Framework) which seeks to ensure all developments creates places with a high standard of amenity for existing and future user.

Crime and safety

12. The entrance to the new rear ground floor flat is via a locked metal gate on Lloyd Road which leads onto a narrow passageway, flanked by high brick walls on both sides. This layout results in a lack of natural surveillance from the road which has the potential to increase in crime and anti-social behaviour issues. In particular, there is a lack of clear views of the residential entrance to the flat from Lloyd Road. As such, the development fails to provide a safe and secure entry point for occupiers of this new dwelling.
13. I therefore conclude that the development has the potential to encourage anti-social behaviour, crime and safety issues. In these regards it conflicts with Policy SP1, SP2 and SP3 of the LP and Policies D4 and D6 of the London Plan. Amongst other things these seek to promote community safety, to improve housing quality and reduce crime, insecurity and stress and improve inclusion through better urban design; and requires that development realises a high quality of urban design in the new buildings and spaces created, helping to engender safe, sociable and inclusive mixed and balanced communities.

Other matters

14. The appellant states that the Council cannot demonstrate a five-year supply of housing land supply (HLS) and considers that the Council can only demonstrate 4 years supply. I have no substantive evidence from the Council on this matter. Therefore, I have taken a precautionary approach for the purposes of determining this appeal and Paragraph 11d of the Framework and the presumption in favour of sustainable development is engaged.
15. The existing unauthorised use provides a net gain of one additional 1-bedroom, 1-person dwelling. As such, its contribution to the HLS would be modest and therefore it would only be of limited benefit in this regard. I also note that the site is in a mixed-use location with good accessibility to local shops, services, open space and public transport. Furthermore, there are some modest economic benefits through the occupation of this dwelling in terms of supporting local services and facilities.

16. However, the adverse impacts of the unauthorised use in terms of the harm to the living conditions for the occupiers of the one-bedroom dwelling, with regard to outlook, daylight, ventilation, the lack of private amenity space, and the crime and safety issues significantly and demonstrably outweigh the limited benefits associated with one additional one person flat.
17. Overall, the development is contrary to the development plan as a whole, and the adverse impacts of the unauthorised use significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

Conclusion on Ground (a) and the DPA

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The unauthorised use provides unacceptable living conditions for occupiers of the appeal site, and has the potential to encourage anti-social behaviour, crime and safety issues, in conflict with the development plan taken as a whole. The adverse impacts of the unauthorised use significantly and demonstrably outweigh the limited benefit of one additional one-bedroom one person unit when assessed against the policies in the Framework when taken as a whole. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
19. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the DPA should be refused.

The appeal on Ground (f)

20. The appeal on this ground is "that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters (i.e., the matters alleged in the notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".
21. The enforcement notice requires the use of the ground floor rear as a self-contained unit of residential accommodation to cease; the removal of the kitchen and bathroom facilities and the removal of all internal partitioning and doors installed to facilitate the material change of use. Therefore, the purpose of the notice is to remedy the breach of planning control rather than only remedy any injury to amenity.
22. The appellant states that the removal of the kitchen and bathroom facilities and internal partitioning is excessive since these do not permit day to day independent domestic use. The appellant considers that a lesser step would be to simply remove the bedroom in addition to ceasing the use as a self-contained flat.
23. It is clear that the installation of the kitchen and internal partition walls which have subdivided the former ground floor commercial unit have facilitated the material change of use to a residential flat and to require their removal is not excessive. These facilities are part and parcel of the unauthorised use and should not be viewed in isolation as has been suggested by the appellant. Furthermore, no substantive evidence has been presented to demonstrate that the kitchen and

internal walls which subdivided the rear part of the unit from the front commercial unit existed before the unauthorised change of use took place. Notwithstanding that these facilities may not require planning permission in their own right, a notice directed at a material change of use, as is the case here, may require their removal.

24. However, the plans submitted from a previous planning application indicate that a similar bathroom existed within the ground floor commercial unit prior to the unauthorised material change of use. As such, requirement 2 on the notice requiring the removal of the bathroom clearly goes beyond what is necessary to remedy the breach of planning control. I will therefore replace requirement 2 omitting reference to the removal of bathroom. This would remedy the breach of planning control. Varying the notice on this basis would cause no injustice to either party, as it would not make it more onerous.
25. As such, the appeal on ground (f) succeeds and I will vary the notice to remove the excessive requirement outlined above.

The appeal on Ground (g)

26. This ground of appeal is that the time given to comply with the notice is too short. The appellant asks that the time for compliance is extended from 5 to 12 months, to carry out the necessary remedial works and to give the current tenant sufficient time to find alternative accommodation. The appellant further adds that skilled tradesman, who are in short supply, would need to be appointed to carryout such works and that any such works would need to be programmed for minimum disruption to highway safety the operation of the existing business.
27. The time for completing the requirements should be what is reasonably considered necessary to complete the requirements. The remedial works do not appear to be particularly complicated, or of a significant size to affect the operation of the business or highway safety. In this regard the 12 months requested would be excessive. In my opinion, 7 months would strike a more reasonable and proportionate balance. This would allow sufficient time for the removal of the necessary internal works and provide additional time to the tenant to find alternative accommodation.
28. To this extent, the ground (g) appeal succeeds, and I will vary the notice accordingly.

Conclusion

29. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Satheesan

INSPECTOR