



Appeal Decision

Site visit made on 24 November 2025

by Alison Fish BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: 6000228

School House, Lowen Road, Rainham, Havering RM13 8QR

- 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 Brander against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0192.25.
 - The development proposed is described as 'Erection of a part single and part two-storey rear extension and change of use from a 4-bed HMO (Class C4) to an 8-bed large HMO for 9 persons (Sui Generis) following approvals of applications Y0310.23 and P1785.23'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a part single and part two-storey rear extension and change of use from a 4-bed house in multiple occupation (Class C4) to an 8-bed large house in multiple occupation for 9 persons (Sui Generis) at School House, Lowen Road, Rainham, Havering RM13 8QR in accordance with the terms of application Ref P0192.25, and the plans submitted with it, subject to the conditions in the Schedule at the end of this decision.

Application for costs

2. An application for costs was made by Mr Brander against the Council of the London Borough of Havering. This application is the subject of a separate Decision.

Preliminary Matter

3. I have amended the description in my formal decision for clarity and to remove superfluous wording.

Main Issues

4. The main issues are i) the effect of the appeal development on the supply of smaller family homes; and ii) whether the proposal would make suitable provision for vehicle parking.

Reasons

Supply of smaller family homes

5. The appeal relates to a two storey detached dwelling in a largely residential area. The submitted plans indicate that it originally had three bedrooms on the first floor.

I saw that it has been extended by way of a single storey flat roof extension to the rear, a matter I return to later.

6. The evidence before me indicates that there is a need for three bedroom properties in the borough, meaning the conversion of small family homes to houses in multiple occupation (HMO) would have a particularly negative impact on the supply of family housing. Policy 8 of the Havering Local Plan 2016-2031, adopted 2021(LP) seeks to control the conversion of smaller dwellings to HMO's and as such, requires that the overall floorspace of the original dwelling to be converted should not be less than 120 sqm (square metres).
7. There is no dispute that the original dwelling had a floor area of around 85 sqm. It would therefore be considered to be a small family home, and its conversion to a HMO would therefore conflict with the requirement of Policy 8 of the LP, which I have set out above.

Parking

8. The site has a Public Transport Accessibility Level (PTAL) rating of 1b with poor access to public transport. As such, occupiers of the HMO are more likely to rely on a private motor vehicle to access goods, services and employment.
9. The Council refers to parking stress in the area and congestion on the surrounding highway network. During my site visit, which I undertook at school pick up time, I saw that available on-street parking spaces were limited. Inadequate parking provision for the proposal could therefore lead to unacceptable overspill on the adjoining roads.
10. Policy 24 of the LP requires the provision of 1.5 parking spaces per unit of three bedrooms or more. Even if I applied the requirement of 0.5 spaces for each of the 8 proposed bedrooms, the level of parking provision proposed would exceed this. Therefore, and in the absence of evidence to the contrary, the provision of 5 on-site parking spaces to the front of the property, would appear to me to be a reasonable level of provision.
11. The lack of on-site turning would result in cars reversing out on the road. However, I saw that the road was lightly trafficked and served as an access to a small parking area. In this environment, such manoeuvres would not be inherently unsafe.
12. The area available for the parking of vehicles at the front of the site is limited. However, minor alterations to parking layout could improve manoeuvrability and this could be secured by a condition.
13. I therefore find no conflict with Policies 23 and 24 of the LP which seek to encourage the use of alternatives to the private car but make suitable provision for them on site where there is low accessibility.

Other Considerations

14. There are already permissions in place at the property for ground floor and first floor extensions¹. Moreover, I am told that the plans before me match the extant approvals. I saw that the single storey ground floor extension had already been

¹ LPA Ref: P1785.23 and Y0310.23

constructed. The submitted plans indicate that with these approved extensions the floor area of the property would exceed 120 sqm.

15. In addition, there is some dispute as to whether the property is a Class C3 dwelling or a Class C4 small HMO for up to 6 persons. From the evidence before me, it seems highly probable that even if it were the former, the property would benefit from permitted development rights (PDR)² for such a change, given that the appeal property is excluded from the Article 4 Direction which prevents the conversion of C3 dwellings to Class C4 HMO's. The appellant clearly has the intention to utilise the PDR and use the property as a Class C4 small HMO, if they have not already done so
16. Taken together, this indicates to me that the loss of a small family home would more than likely occur in any event, either by extension or use as a small HMO or both. This, as a realistic fall back position, is material consideration of significant weight.

Other Matters

17. The detached nature of the property and its distance from other residential properties means that additional noise and activity arising from the proposed use would not be harmful to the living conditions of nearby occupiers.
18. There is sufficient distance between the appeal property and neighbouring properties such that overlooking to a harmful extent would not occur. A condition preventing the installation of new windows in the side elevations of the first floor extension would prevent any future loss of privacy to neighbouring occupiers.
19. Some disruption during construction is inevitable. However, the works would be time limited and it would not be reasonable to withhold consent on this basis alone.
20. There is no substantive evidence before me that the appeal proposal would result in anti-social behaviour, illegal activity or pose a risk to children attending the school. There is also no indication from statutory consultees that the appeal proposal would lead to excessive pressure on local services or the drainage system.
21. The Council are satisfied that the proposal meets the requirements of the East London HMO Guidance (4). This includes reference to ratios of occupiers to facilities and fire safety standards. I see no reason to conclude otherwise on the evidence before me.

Planning Balance

22. Whilst I have identified that the proposal would not be harmful in respect of highway safety, the appeal proposal would result the loss of a family home to the housing stock and this brings the proposal into conflict with the development plan read as a whole.
23. However, there are two extant planning permissions for the property. One has been implemented. Together, they would increase the floor space of the property to over 120 sqm. In addition, permitted development rights exist to change the use of the dwelling to a Class C4 small HMO for up to 6 persons. The appellant says that the property is already in use as such.

² Part 3, Schedule 2, Class L(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

24. This means that there would be the loss of a family home, even if the appeal were to be dismissed. This is a fall back position which carries significant weight in this instance, such that it outweighs the harm that I have identified. It indicates that I should make a decision which is not in accordance with the development plan in this regard.

Conditions

25. In addition to the standard time condition and those conditions already mentioned above, it is necessary to specify the approved plans in the interests of certainty. A condition requiring the use of matching materials is necessary to safeguard the character and appearance of the area. A condition to secure the provision of the proposed cycle, refuse and recycling facilities is necessary in the interests of the character and appearance of the area.

Conclusion

26. The proposed development would not adhere to the development plan but material considerations in this particular instance indicate that the appeal should be determined otherwise than in accordance with the development plan. Accordingly, the appeal should succeed.

Alison Fish

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers: P 00; P 01; P 02; P 03; P 04; P 05; P 06 and P 07 except in respect of the vehicular parking shown on drawing numbers P 00 and P 01 to which condition 4 refers.
- 3) The external materials of the extensions hereby permitted shall match those used in the existing building.
- 4) Notwithstanding condition 2, the development hereby permitted shall not be occupied until 5 no. vehicle parking spaces have been provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority. Thereafter those spaces shall be retained for the parking of vehicles only.
- 5) The development hereby permitted shall not be occupied until the cycle, refuse and recycling enclosures have been constructed in accordance with the details shown on drawing numbers P 06 and P 07. Once provided the cycle, refuse and recycling enclosures shall be retained thereafter.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window or other opening shall be constructed on the side (flank) elevations at first floor level.