

Appeal Decision

Site visit made on 22 November 2016

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 January 2017

Appeal Ref: APP/Z5060/W/16/3155685

24 Salisbury Avenue, Barking, Barking and Dagenham IG11 9XW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Ali against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 16/00074/FUL, dated 18 January 2016, was refused by notice dated 4 April 2016.
 - The development proposed is changing the existing dwelling property from a single dwelling house into 2 number 2 bed maisonettes.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of the development set out above, which is taken from the application form, it is clear from the plans that the development is for one 2 bedroom and one 1 bedroom flat. In the interests of certainty, I have considered the proposal on this basis given the greater detail provided in the plans.

Main Issues

3. The main issues are the effects of the proposal on (a) the supply of family sized dwellings and (b) the living conditions of the occupiers of the flats, having regard to internal space.

Reasons

Supply of family sized dwellings

4. The appeal site comprises a two storey terraced house and the submitted plans show four bedrooms, including one within the roofspace. The Borough Wide Development Policies Development Plan Document (DPD) policy BC4 2011 states that the Council is seeking to preserve and increase the stock of family housing in the Borough. The policy further indicates that the Council will resist proposals which involve the loss of housing with three bedrooms or more.
 5. The proposal would result in the subdivision of the existing dwelling to form one 2 bedroom flat and one 1 bedroom flat and therefore, there would be a loss of a house with three bedrooms or more. Within the existing dwelling, one of the four bedrooms is smaller than the requirements of the Technical Housing Standards-nationally described space standards (March 2015). However, even
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discounting this smaller bedroom, the existing dwelling comprises three bedrooms and therefore, the proposal would still conflict with DPD policy BC4.

Living conditions

6. Policy 3.5 of the London Plan (LP) 2016 states that 3 person 2 bedroom one storey dwellings require a minimum gross internal floorspace area of 61m² whilst 3 person 2 bedroom two storey dwellings require a minimum gross internal floor area of 70m². For 2 person 1 bedroom one storey dwellings and 2 person 1 bedroom two storey dwellings, the minimum floorspace area would be 50m² and 58m² respectively. Both flats would comply with the LP requirements for either one or two storey dwellings.
7. The Technical Housing Standards - nationally described space standards also require that a dwelling with two or more bedspaces has at least one double (or twin) bedroom and that such a room should have a floor area of at least 11.5m². The bedrooms in the ground floor flat are smaller than this requirement but this is a matter to be considered under Building Regulations.

Other matters

8. It has been indicated that the housing stock in the area is similar, with many properties converted into maisonettes, and that the conversion would not affect the character of the area. However there is a shortage of family dwellings in the Borough as highlighted in the Barking and Dagenham Housing Strategy 2007-2010 which DPD policy BC4 is seeking to address. For this reason, the development plan policy conflict would not be outweighed by these considerations.
9. Even though the property is being separated into 2 properties, it is to be kept within the same family as both tenants are brothers. However, the effect of the proposed development would remain the same namely the loss of a three bedroom dwelling and in any case, there is no guarantee that these personal circumstances would not change in the future.

Conclusion

10. The proposal would provide adequate internal space for the occupiers of the proposed flats in compliance with LP policy 3.5 based on the evidence before me. However, there would be a loss of a family sized dwelling in conflict with DPD policy BC4. There are no material considerations to outweigh this conflict with the development plan.
11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR