
Appeal Decision

Site visit made on 10 January 2016

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 18th January 2017

Appeal Ref: APP/Z5060/W/16/3157907
16 Gordon Road, Chadwell Heath RM6 6DD

- 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 Sunil Kumar against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 16/00858/FUL, dated 5 June 2016, was refused by notice dated 1 August 2016.
 - The development is described as “existing 6 bedroom bungalow converting into 2 dwellings”.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form indicated that conversion of the appeal property into two separate dwellings had already been completed. I saw at my site visit that this is the case, and that the separate parts of the dwelling appeared to be occupied by discrete households. However, the proposed parking arrangement had not been implemented. I have thus treated the appeal as retrospective in terms of the conversion works and related change of use of the appeal dwelling, but not in terms of the proposed parking arrangement.

Main Issues

3. The main issues in this appeal are firstly, the effect of the appeal scheme on the Borough’s housing mix; and secondly, whether the appeal scheme would make adequate arrangements for parking.

Reasons

Housing Mix

4. The appeal property is a single-storey dwelling with accommodation in the roof space, in a broadly residential area. I saw at my site visit that the appeal property has already been sub-divided to provide two dwellings as per the submitted plans, both with two bedrooms.
 5. Policy BC4 of the Barking and Dagenham Boroughwide Development Policies Development Plan Document (the DPD) sets out the Council’s approach to residential conversions. In order to ensure an adequate supply of family housing within the Borough, the policy is restrictive of conversions that would
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result in the loss of dwellings with three bedrooms or more. The policy's reasoned justification explains that due to the need to protect and increase the supply of family housing that there is a strict approach to preserving family housing of four bedrooms or more. I have been supplied with no substantive evidence to suggest that the evidence base that supports Policy BC4 is out of date. Furthermore, this policy is consistent with paragraph 50 of the National Planning Policy Framework, which states, amongst other things, that "local planning authorities should plan for a mix of housing based on... the needs of different groups in the community", including but not limited to, families with children.

6. The appeal scheme has removed a family dwelling of considerable size from the local housing supply. The resultant units are both considerably smaller, and whilst they meet the relevant space standards for two-bedroom dwellings, do not offset the loss of family housing that the DPD seeks to safeguard. Consequently, the appeal scheme clearly conflicts with the DPD in this regard.
7. Whilst I note that the details of this scheme have been amended following the refusal of a previous planning application, and that there has been a reduction in the number of bedrooms from that previous scheme from three to two bedrooms for one of the units, these matters do not address the appeal scheme's clear conflict with the relevant development plan policy. Similarly, the modest increase in the amount of housing in the borough created by the appeal scheme is a limited benefit that is clearly outweighed by its reduction of the availability of larger family housing.
8. Accordingly, as the appeal scheme removes a family-sized dwelling from the local supply it has a harmful effect on the Borough's housing mix, and conflicts with Policy BC4 of the DPD in this regard.

Parking

9. The submitted drawings of the existing layout of the appeal property indicate that two parking spaces are available, and the proposed layout shows that this would be increased to three spaces. However, I saw at my visit that the limited depth of the appeal property's front garden would mean that any additional parking would not be practicable, with vehicles overhanging the pavement to a considerable degree, which would be likely to cause conflict with the users of the pavement and thus not result in a safe or convenient parking arrangement.
10. However, I am mindful of the National Planning Policy Framework which states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. The appeal scheme has replaced a large family dwelling with two smaller units. The very limited, if any, increase in residential occupancy and consequent number of private vehicles at the site would be unlikely to be of a scale that would cause a significant increase in parking demand.
11. I noted at my morning site visit that parking spaces close to the appeal property were available. Whilst, given the area's relatively low Public Transport Accessibility Level rating, demand for parking spaces may increase at different times of the day, I consider that the appeal scheme would not increase the demand for on-street parking spaces to a degree that would have severe effects to the operation of the highway, or its safety in its immediate environs.

12. Consequently, whilst the proposed off-street parking arrangements would clearly be at variance to Policies BR9 and BR10 of the DPD; and Policy 6.13 of *The London Plan: The Spatial Development Strategy for London-Consolidated with Alterations Since 2011* insofar as those policies seek to ensure that parking arrangements are safe and convenient, I consider that the appeal scheme would not create a level of parking demand that would make the additional off-street parking space necessary. Consequently, I consider that the adequacy of the proposed parking arrangements in this regard would not constitute a reason to dismiss the appeal.

Other Matter

13. I note the appellant's comment that they would welcome the opportunity to amend and improve the design. However, this decision has focused on the plans and details as submitted as part of the planning application that led to the appeal, and I am mindful of the guidance in the Planning Inspectorate's *Procedural Guide: Planning Appeals- England*, in this regard, which states that: "If an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application"; and "If an appeal is made the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought." Consequently, any amendments to the details of the scheme are outside the scope of this appeal.

Conclusion

14. I have found that the appeal scheme would not lead to a material increase in the demand for parking, and thus that the inadequacy of the proposed off-street parking arrangements would not constitute a reason to refuse the appeal. However, in removing a family-sized dwelling from the Borough's supply, and its replacement with smaller units the appeal scheme would fail to supply a housing mix in line with Policy BC4 of the DPD. The appeal scheme's conflict with the development plan in this regard demonstrably outweighs the lack of harm I have found in regards to the adequacy of its parking arrangements.
15. Accordingly, as no material considerations outweigh the conflict with the development plan, for the reasons given above, and having regard to all other matters raised I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR