
Appeal Decision

Site visit made on 13 December, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 24th January, 2017

Appeal Ref: APP/Z5060/W/16/3158399

259 Valence Wood Road, Dagenham, Barking and Dagenham, RM8 3AD

- 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. Richard Schwartz against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 16/00028/FUL, dated 7 January, 2016, was refused by notice dated 29 March, 2016.
 - The development proposed is conversion of single family dwelling house (C3) into 6 x bedrooms (HMO).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect on housing supply in the Borough;
 - the effect on the living conditions of occupiers of adjoining dwellings with regard to noise and disturbance;
 - whether the proposal would provide satisfactory living conditions for future occupiers of the appeal dwelling with respect to external amenity space; and
 - the effect on parking conditions in the locality.

Reasons

The effect on housing supply in the Borough

3. Paragraph 11 of the National Planning Policy Framework (the Framework) advises that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Policy BC4 of the Borough Wide Development Policies DPD 2011 (the DPD) seeks to preserve and increase the stock of family housing in the Borough, by resisting proposals which involve the loss of housing with three bedrooms or more.
 4. The appeal building is a modest early twentieth-century structure, originally built as a dwellinghouse. The property is currently arranged as a six-bedroom HMO. Having regard to the size and layout of the rooms, I have no doubt that
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if it were used as a house it would be likely to have at least three bedrooms. Consequently I consider that DPD Policy BC4 is applicable. There is dispute between the parties as to whether the change of use of the appeal building from its later use as a doctor's surgery back to a single family dwellinghouse had occurred before its unauthorised conversion to a house in multiple occupation (HMO). However the application which is the subject of this appeal was for the change of use of a single dwelling house to a 6 bedroom HMO, and I have approached my decision on that basis.

5. No convincing evidence has been put before me to support the appellant's claim that the use of the dwelling in its current form as a six bedroom house would not be viable or marketable. Furthermore, I see no practical reason to prevent its adaptation to a more conventional format through the use of some of the current bedrooms as living and reception areas.
6. I have considered the appellant's argument that the HMO use provides affordable accommodation for existing tenants who would be harmed by being made homeless. This does not, however, alter my conclusions on the planning merits of the case.
7. The conversion of the appeal building to a HMO would therefore entail the loss of a three bedroom family house from the housing stock of the Borough and would be contrary to Policy BC4 of the DPD. No material considerations have been put before me which cause me to alter my conclusion on this point.

The effect on the living conditions of occupiers of adjoining dwellings

8. The appeal building sits at the corner of Valence Wood Road and Wood Lane, which is a busy road which includes a small parade of shops and other local facilities a short distance to one side of the appeal site and a large supermarket to the other. It faces a primary school. This part of the area therefore, while residential, is not particularly quiet, and is the scene of traffic and pedestrian activity.
9. The appellant indicates that the appeal building is currently occupied by eleven occupants, including children, and is already therefore in intensive residential use. While the layout of the appeal proposal has created living rooms adjoining the party wall with No 257 Valance Wood Road, this is no different from situations in which former houses have been converted to flats. No convincing evidence has been put before me to suggest that it currently has a harmful effect on the living conditions of the occupiers of adjoining dwellings, including No 257.
10. I conclude therefore that any additional activity and noise generated by the appeal proposal would not be significant in a busy context, and would not have a harmful effect on the living conditions of the occupiers of adjoining dwellings. It would not therefore conflict with Policy BP8 of the DPD, which seeks to ensure that existing and proposed occupiers are not exposed to unacceptable levels of noise or general disturbance.

Whether the proposal would provide satisfactory living conditions for future occupiers of the appeal dwelling with respect to external amenity space

11. The appeal building benefits from the rear garden space associated with its original use as a dwelling house. Due to its corner location, this space has an irregular tapering shape. While, as a result, it is smaller than the rear gardens of houses along Valence Wood Road, it is of a roughly similar size to those of houses along Wood Lane.
12. I noted while on site that there is communal access to the garden provided by a gate between the appeal building and 361 Wood Lane. While there is access to the garden via a doorway from bedroom 2, this would not therefore be the only access. I noted also that the rear facing windows of bedroom 2 are obscure-glazed to protect the privacy of that room. This is a further indication that the garden is available for use by other tenants.
13. While the Council has set no standards for the outdoor amenity space for HMOs, the garden appears to be reasonably generous, and would meet the space standard for a four+ bedroomed house as set out in Policy BP5 of the DPD. Therefore, it would be capable of providing a reasonable standard of outdoor living space for occupiers of the HMO, to all of whom it would be accessible. I conclude therefore that the proposal would provide adequate external amenity space, and satisfactory living conditions for future occupiers. I find no conflict with Policy BP5 of the DPD which seeks appropriate provision of external amenity space.

The effect of the proposal on parking conditions in the locality

14. The appeal site is close to bus stops linking the site to wider transport links by rail or tube, and therefore has some accessibility to public transport.
15. There is no off-street parking provision on the site. Thus, if it were used as a single dwelling, any parking associated with it would take place on the highway. The Council argues that use as a HMO would generate a greater demand for parking. However, there is no evidence in support of this suggestion. It seems reasonable to assume that occupiers of the HMO would have relatively low incomes and would thus be more likely to rely on public transport. Overall, I see no reason to think that the appeal scheme would result in a material increase in parking demand.
16. The Council considers that the proposal would conflict with Policy BR9 of the DPD, which cross-refers to the London Plan. However, the Council has not identified any standards relevant to HMOs either in the DPD or in the London Plan. In any event, the policy sets a maximum standard. Accordingly, I do not consider that the proposal conflicts with Policy BR9.
17. As I have noted, the appeal site is within reasonable walking distance from a range of local facilities, including a supermarket and primary school, and I conclude that it would not therefore conflict with Policy BR10 of the DPD, which seeks to encourage greater use of sustainable transport options, including walking.

Conclusion

18. In conclusion, I have not identified any conflict with DPD Policies BP8, BP5, BR9 or BR10. Nevertheless, I consider that the conflict with Policy BC4 amounts to a fundamental objection the scheme, such that it should be regarded as being in conflict with the development plan as a whole. I have not identified any factors which lead me to think that the appeal should be determined other than accordance with the development plan. The appeal should therefore be dismissed.

S J Buckingham

INSPECTOR