
Appeal Decision

Site visit made on 8 November 2017

by B Bowker Mplan MRTPI

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

Decision date: 5th December 2017.

Appeal Ref: APP/Z5060/W/17/3180626
7 Cecil Avenue, Barking IG11 9TA

- 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 Mrs Varsha Patel against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 17/00631/FUL, dated 12 April 2017, was refused by notice dated 13 June 2017.
 - The development proposed is conversion of existing house into a house in multiple occupations (No.5).
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing house into a house in multiple occupations (No.5), at 7 Cecil Avenue, Barking IG11 9TA, in accordance with the terms of the application Ref 17/00631/FUL, dated 12 April 2017, subject to the following 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 the following approved plans: ZAAVIA/7CA/101, ZAAVIA/7CA/102, ZAAVIA/7CA/103, ZAAVIA/7CA/104, ZAAVIA/7CA/105.

Main Issue

2. The main issue is whether the proposed development would result in an appropriate housing mix.

Reasons

3. The appeal site comprises an end of terrace residential property located adjacent to the junction of Cecil Avenue and Somerby Road. The site is surrounded predominantly by terraced residential properties, with commercial uses to the north west.
4. Policy BC4 of the Borough Wide Development Plan Document (BWDP) seeks to preserve family housing by resisting the loss of housing with three bedrooms or more. For proposed HMOs to be considered acceptable, Policy BC4 requires that the number of houses that have been converted into flats and/or HMOs (including unimplemented but valid permissions) should not exceed 10% of the total number of houses in the road, and that no two adjacent properties, apart from dwellings separated by a road, should be converted.

5. The Council have not advanced a case in respect of the remaining criteria set by Policy BC4 for proposed HMOs, which include consideration of amenity, local character, traffic and internal and external space provision. However, in general support of Policy BC4, the Council state that the Outer North East London Strategic Housing Market Assessment (2016) illustrates that 59% of overall objectively assessed housing need in the borough, between 2011 and 2033, will be required for family sized accommodation.
6. The Council have provided no evidence regarding the number of flats and HMOs at Cecil Avenue or within the surrounding area. The appellant states that the adjoining property at No 5 is in use as a 6 bedroom family dwelling and that there are no permitted HMO's on Cecil Avenue. The appellant also states that records indicate that there are only flat conversions at Nos 1, 16 and 77 of the approximate 90 properties at Cecil Avenue. The Council have not contested the evidence put forward by the appellant. Furthermore, my site visit observations indicate that only a limited number of properties along Cecil Avenue are in use as either a HMO or as flats, and that No 5 was not in use as residential flats or a HMO.
7. Therefore the proposed development would result in an appropriate housing mix. Consequently the proposal would accord with BWDP Policy BC4, the requirements of which are set out above.

Other Matters

8. Whilst not a reason for refusal, the Council were unable to establish the minimum ceiling height for the proposed development. In addition, the submitted drawings do not indicate built in storage for future occupants.
9. However, based on my site visit observations and the floor space proposed for each bedroom, I am satisfied that the proposal would provide future occupants with sufficient internal living space, including storage space. Nor does the evidence before me indicate that the proposal would exacerbate local on street car parking to an extent that would be detrimental to highway safety.

Conditions

10. No suggested conditions have been provided by the Council. Nonetheless, I have imposed a condition specifying the relevant drawings as this provides certainty.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the above noted conditions.

B Bowker

INSPECTOR