
Appeal Decisions

Site visit made on 18 June 2019

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2019

Appeal A: APP/Z5060/W/18/3216606

49 Rugby Road, Dagenham RM9 4AJ

- 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 M Dada against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 18/01454/FUL, dated 20 August 2018, was refused by notice dated 16 October 2018.
 - The development proposed is erection of two storey side extension with single storey storey rear extension and front porch in connection with conversion of dwelling into house in multiple occupation (HMO).
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Appeal B: APP/Z5060/W/18/3216604

49 Rugby Road, Dagenham RM9 4AJ

- 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 M Dada against the decision of the Council of the London Borough of Barking & Dagenham.
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Decisions

Appeal A: APP/Z5060/W/18/3216606

1. The appeal is dismissed.

Appeal B: APP/Z5060/W/18/3216604

2. The appeal is dismissed.

Procedural Matters

3. As set out above there are two appeals on this site for different forms of development. Appeal A relates to a 7 bedroom House in Multiple Occupation ('HMO') and Appeal B, a 6 bedroom HMO. Whilst I have considered each proposal on its own merits, in order to avoid duplication, I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

4. In both appeals the Council objects on the grounds of a loss of a family sized dwelling and the effect on highway safety, with particular regard to parking. In Appeal A only the Council also object on the grounds of a lack of adequate amenity space. Accordingly, the main issues are:

For Appeals A and B:

- The effect on the Borough's family housing stock.
- Highway safety.

For Appeal A only:

- The effect on the living conditions of future occupants with particular regard to provision of adequate amenity space.

Reasons

Housing stock

5. The host property was originally a 2 bedroom dwelling. However, permission was granted for extensions to the dwelling¹ and I observed at my visit that the development has been substantially completed. The side extension and front porch proposed in both appeals are the same as that permission, albeit in Appeal A, a single storey rear extension is also proposed. The Council do not object to the extensions per se and I have no reasons to disagree.
6. However, the Council contend the property is now a 4/5 bedroom dwelling. The approved plans show 4 bedrooms at first floor, a bedroom at ground floor with a separate lounge, bathroom and kitchen/diner. There is nothing before me to indicate the approved development has not been carried out other than in accordance with those approved plans, albeit it may not be occupied. Whilst the appellant refers to the intention for an HMO the previous application appears to be for works to a dwellinghouse and the approved plans show an extended family sized dwelling entirely suitable for occupation as such.
7. Policy BC4 of the Planning for the future of Barking and Dagenham Borough Wide Development Policies Development Plan Document ('the DPD'), does not refer to the size of the original house. On my reading, an assessment is required at the time of my decision and consequently the property should be regarded as being a family sized dwelling for the purposes of both appeals.
8. The Council states that 59% of the overall housing need between 2011 and 2033 is for family sized accommodation². On the uncontested evidence before me, there appears to be an acute short supply of larger family houses within the Borough. The supporting text to the policy emphasises that the Council will take a 'strict approach' to preserving larger units and this 'helps to address the loss of family homes and aims to ensure that the current deficit is not worsened by further flat conversions and HMOs'.
9. Overall, in both Appeal A and B the proposal would not preserve and increase the stock of family housing available in the borough. Consequently, in both

¹ 17/01960/FUL.

² Strategic Housing Market Assessment 2016.

cases there would be some conflict with Policy BC4 of the DPD insofar as it seeks to resist proposals which involve the loss of family housing with three or more bedrooms.

Highway safety

10. A number of properties have large areas of the front garden given over to parking and the cul-de-sac pattern of some of the groups of dwellings in this area also means that there are a significant number of properties who do not benefit from access to off-street parking. On street parking is in the form of parking bays on part of the footway and is managed by way of a Controlled Parking Zone which operates Mondays to Fridays between 0830 to 1730 hours. The Council does not have a standard for HMO's and the site has a moderate level of accessibility with a PTAL rating of 3. During my visit, albeit a snap shot in time, I observed heavy on-street (footway) parking, with few opportunities to park. These factors indicate to me that in accordance with the comments of the Council's Transport Officer, there is a high level of parking stress in the locality.
11. In Appeal A, 3 doubles and 4 singles would have a likely occupancy of 10 persons. In Appeal B, there would be 2 doubles and 4 singles, resulting in a likely occupancy of 8 persons. This does not include visitors, guests and deliveries and regardless of licensing the likely level of occupation could be even more given the larger size of some of the single rooms. Whatever the case may be, the general level and pattern of activity associated with an HMO is significantly different to a typical family dwelling of this size. The more transient nature of HMO occupants and the accommodation means they would be more likely to lead separate, individual lives quite unlike the greater reliance on shared trips and deliveries generated from a family dwelling. There would also be a commensurate and greater increase in visitors to the house and movements associated with servicing and deliveries for individual occupiers.
12. It is reasonable that such persons living as individuals would, in an area with only a moderate level of accessibility, have access to and need for a private motor vehicle. There is nothing to prevent occupants from owning such a vehicle and this is something which could not be controlled. I am not persuaded that in such a location, highlighted by existing parking stress, future occupants would necessarily have a low car ownership rate equivalent to, or less than a family dwelling. Although the appellant has provided no details of off-street parking spaces, the site could potentially accommodate 2 off-street spaces albeit in a somewhat impractical configuration for such individuals and from a single access point.
13. Overall, the particular circumstances of this location and my own observations indicate to me that parking stress would be likely to be increased and some future occupants and visitors would have no other option but to park within the already restricted and congested turning area and on-street. Although I accept this may well only mount to a small increase, both proposals would cause some additional inconvenience for pedestrians, cyclists and drivers of other vehicles using the limited parking spaces within the locality. This would increase the risks of conflict between users as vehicles associated with either proposal seek to find a space or access and service the property.
14. For these reasons and in both appeals there would be some harm to highway safety. The proposals would therefore conflict with Policies BR9 and BR10 of the

DPD insofar as the requirement to consider the local environment and accessibility of the site, on-street parking availability and development type, amongst other things, and that proposals are assessed subject to their potential impact on the surrounding transport and road network. I have been referred to the guidance in the National Planning Policy Framework (the Framework') with regard to highway safety but the effects are such that in this particular context the effects would be unacceptable and therefore there would be some conflict with paragraph 109 of the Framework.

External space

15. The Council's adopted standards do not refer to HMO's but when read as a whole the relevant policies of the DP and the London Plan, including its associated supplementary design guidance, seek to deliver high quality residential environments. Whilst not new build dwellings as such, HMO's are a different type of residential living accommodation and it is therefore reasonable that a 7 bedroom HMO with a potential occupancy of 10 unrelated individuals should have access to a quality living environment, including external space.
16. Residential amenity space can take many forms, the appropriateness and amount of which depends on the nature of the housing being provided. The proposed single storey extension would limit functionality and usability of the rear garden space, resulting in a small triangular shaped area at the rear and a larger space to the side, bordered by a short hedge. It would also be dominated on 2 sides by the predominantly blank side walls of the extended appeal property and the side elevation of No. 51 Rugby Road.
17. In the context of a busy residential street and in such proximity to the public footway, the overall quality of the larger space would also not be entirely private or practical for the necessary and reasonable activities associated with such a development including separate leisure, clothes drying, sitting out and other day to day garden activities. I note that Parsloes Park is a short walk from the appeal site and this would provide an additional and accessible open space for the occupiers, should they wish to use it. However, it should not be assumed it would be suitable for all future occupiers and ultimately the space proposed would not be of a sufficient size, form and layout to meet the needs of the likely number of occupiers.
18. For these reasons, in Appeal A the proposal would fail to provide acceptable living conditions for future occupiers in terms of external private amenity space. The proposal would conflict with Policy BP5 of the DP insofar as it requires all new dwellings to provide appropriate external private and/or communal amenity space to meet the needs generated by the development and is private, useable and functional.

Other Matters

19. Whilst I accept that pre-application advice was given the Council's administration and determination of the application are not matters for me to address as part of this appeal. Furthermore, at that time the Council considered the property was a 2 bedroom dwelling and advice was given in relation to demonstrating how parking will be managed and supported, which does not appear to have been followed. In any event, each case must be determined on its own planning merits and in accordance with the development plan, unless

material considerations indicate otherwise. It does not therefore alter my views in relation to the appeals.

Planning balance and conclusion

20. The proposal in both Appeal A and Appeal B would provide some small economic and social benefits, predominantly as part of a range of housing that meets the needs of local people and different groups in the community. However, in the normal planning balance and in both appeals, the benefits would not outweigh the harm and conflicts that I have identified.
21. Although the proposals would comply with parts of the development plan, the conflicts are such that in both cases the proposals should be regarded as being in conflict with the development plan, when read as a whole. In both Appeal A and Appeal B material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan.
22. Having considered all other matters raised I therefore conclude that both Appeal A and Appeal B should be dismissed.

Richard Aston

INSPECTOR