



Appeal Decision

Site visit made on 9 September 2019

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2019

Appeal Ref: APP/Z5060/W/19/3226854

27 Wood Lane, Dagenham, Essex, RM8 3ND

- 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 Tawhid Bashar against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 18/01943/FUL, dated 27 November 2018, was refused by notice dated 23 January 2019.
 - The development proposed is change of use to house of multiple occupancy.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On the basis of the submitted evidence it appears that the development has been carried out. I have therefore determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the stock of family housing in the borough.

Reasons

4. Policy BC4 of the Borough Wide Development Policies Development Plan Document (March 2011) (the DPD) relates to residential conversions and houses in multiple occupation and seeks to preserve and increase the stock of family housing in the borough by resisting proposals which involve the loss of housing with 3 bedrooms or more.
5. There is no dispute between the parties that prior to conversion to use as a house in multiple occupation (HMO) that the property was a 4-bedroom house and therefore this paragraph of the policy is directly relevant to the proposal.
6. The second paragraph of the policy deals with a different situation; proposals for the conversion of properties other than those which are houses with 3 bedrooms or more. It is criteria-based and identifies some factors for consideration where the use of a property as an HMO is proposed.
7. In support of Policy BC4, the Council state that the Outer North East London Strategic Housing Market Assessment (2016) (the SHMA) illustrates that 59% of overall objectively assessed housing need in the borough, between 2011 and 2033, will be required for family sized accommodation. The SHMA states that a

- total of 27,800 houses are needed in the borough between 2011 and 2033 and, out of this total, 16,300 are needed to be 3 bedroom or more houses.
8. The appellant stated that regard should be had to Policy 3.8 Housing Choice of the London Plan (2016) (TLP) which they consider to be more relevant to prevailing housing conditions as a consequence of its adoption since the National Planning Policy Framework (the Framework) and which they consider Policy BC4 of the DPD contradicts.
 9. Policy 3.8 of TLP requires that Londoners should have a genuine choice of homes that they can afford, and which meet their requirements for different sizes and types of dwellings. It states that boroughs should ensure that, amongst other matters, new development offers a range of housing choices in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these. The supporting text advises where new proposals for HMO use come forward and are constrained by, for example, Article 4 Directions, that boroughs should take into account the strategic as well as the local importance of HMOs.
 10. I find there is no conflict between Policy BC4 of the DPD and the requirements of Policy 3.8 of TLP as the Council have found a balance between addressing their need for family housing as well as recognising that HMO uses can be suitable subject to various criteria set out in Policy BC4. I also consider that Policy BC4 is consistent with paragraph 61 of the Framework which states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. As such, I afford significant weight to this policy in decision making terms.
 11. The appellant referred to statistics produced by the Council, 'Key Facts' (produced October 2016) however, whilst the appellant stated that this data suggests that 12,500 people are living in rented property, it does not provide information about the numbers of those who are living in HMOs, despite the appellant's assertion that a very small number of those are in HMOs.
 12. Further, whilst the population size is increasing, the evidence before me does not demonstrate that the average household size is declining. In any event, in the absence of analysis or explanation, I find that these matters themselves do not lend support to the appellant's conclusion that this combination is leading to an increase in demand for HMOs.
 13. The appellant stated that there are no houses within the surrounding area classed as HMOs and that they have undertaken extensive research to identify a lack of HMOs. They have referred to information provided by Barking and Dagenham Council Property Licensing, which revealed that since 2016 of 270 HMO licenses issued, only one involved a 3-bedroom property on Wood Lane. This information in fact demonstrates that HMO licenses have been issued and as such it appears that there are HMOs in the borough.
 14. The property is occupied by 4 Young Care Leavers and I acknowledge the effort and cost that the appellant has gone to in making the accommodation suitable for such use. I appreciate that the occupants are attending nearby colleges and undoubtedly having to leave the property would have some impact on them. Further, I appreciate that suitable, similar, alternative accommodation will have to be sourced which may take some time and involve some expense. However,

whilst I have some sympathy, little information has been provided about the specific circumstances of the occupants and in the absence of substantive evidence to demonstrate that other suitable accommodation is not available, I afford only limited weight to these matters in my assessment.

15. The development has resulted in the loss of a family house contrary to Policy BC4 of the DPD, and there is no evidence before me which would justify setting the requirements of the policy aside.

Other Matters

16. I have had regard to the planning history of the property and understand the difficulties the appellant experienced with misuse by previous tenants. However, this and that the appellant was not aware of the need for planning permission before carrying out the development, that the use has been ongoing since around 2016, that the house was never occupied as a traditional 4-bedroom house and that it is not especially large, are matters which have no bearing on the planning merits of the proposal.
17. The appellant referred to and provided copies of appeal decisions relating to the development of and proposed development of HMOs elsewhere in the borough. In both cases the Inspectors allowed the appeals, in the first case it was not demonstrated by the Council that the property was a house with 3 or more bedrooms prior to the change of use and as such this is not comparable to the case before me. In the latter case I have limited details of the development, specifically whether the house in that case consisted of 3 or more bedrooms, as such I cannot be certain that the circumstances are sufficiently similar, and this has no bearing on my assessment of the planning merits in this case.
18. There is no evidence which demonstrates that the borough wide Article 4 direction is the cause of an inappropriate housing mix in the borough and this has no bearing on the merits of the appeal proposal.

Conclusion

19. For the reasons given above and having regard to all matters raised, the appeal is dismissed.

Felicity Thompson

INSPECTOR