



Appeal Decision

Site visit made on 7 October 2019 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2019

Appeal Ref: APP/Z5060/W/19/3233309

93 Wilmington Gardens, Barking IG11 9TR

- 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 R Hoque against the decision of London Borough of Barking & Dagenham.
 - The application Ref 19/00529/FUL, dated 22 March 2019, was refused by notice dated 21 June 2019.
 - The development is a single storey rear extension and Change of Use from single dwelling (C3) to Small house in multiple occupation (C4).
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and Change of Use from single dwelling (C3) to Small house in multiple occupation (C4) at 93 Wilmington Gardens, Barking IG11 9TR in accordance with the terms of application Ref 19/00529/FUL, dated 22 March 2019 and the plans numbered Proposed Location Plan (dated 20.02.2019), Proposed Block Plan (dated 20.02.19), Existing Plans & Elevations 001, and Proposed Plans & Elevations 002, subject to the following conditions:
 - 1) The materials to be used in the construction of the external surfaces of the rear extension hereby permitted shall match those used in the existing dwelling.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The application was submitted retrospectively as the house already functions as a House in Multiple Occupation (HMO). However, works on the single storey rear extension have not commenced. Accordingly, I have considered the proposal on this part-retrospective basis.

Main Issues

4. The Council raises no objections to the single storey rear extension and I have no reason to consider otherwise. The main issues therefore are:
 - The effect of the change of use on the Borough's stock of housing suitable for family occupation;
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- The effect of the change of use on the living conditions of the occupiers of neighbouring properties, with particular regard to noise, traffic, refuse, and general disturbance;
- whether the change of use provides satisfactory living conditions for current and future occupiers of the appeal property with regard to the internal layout of Room 4; and
- The effect of the change of use on highway safety.

Reasons for the Recommendation

Loss of family housing

5. The appeal property comprises a two-storey terraced dwelling with a rear dormer situated within an established residential area, opposite the Eastbury Community School. It is currently functioning as a 5-bedroom House in Multiple Occupation (C4) having been converted from what was originally a family dwelling (C3).
6. Policy BC4 of the Council's Borough Wide Development Policies Development Plan Document (the 'local plan') aims to restrict the loss of existing houses with three bedrooms or more, suitable for family accommodation. The Council's evidence suggests that there is a need for family housing in the borough. The Outer North-East London Strategic Housing Market Assessment (SHMA) (2016) is quoted to highlight that 59 percent of overall objectively assessed housing need in the borough between 2011 and 2033 will be required for family sized accommodation.
7. The appellant, on the other hand, has provided figures from the Office for National Statistics to substantiate the claim that there is a shortage of shared accommodation and HMOs in the ward of Abbey, in which the appeal property is located. The appellant emphasises that the figures, sourced from the 2011 Census, show that only 4.7% of household spaces were shared houses in the ward. I can only give limited weight to this figure as it dates from 2011 and only relates to the ward of Abbey and fails to consider the rest of the borough. I find that the Council's SHMA, which is a more recent study dating from 2016, is a more practical tool in assessing housing needs. It is therefore acknowledged that there is a greater need for family accommodation in the borough.
8. Policy BC4 sets out other criteria to gauge the acceptability or otherwise of HMO proposals. I find that there is nothing before me to indicate that the change of use has led to more than 10% of the total number of properties in the road being converted to flats or HMO's or that it has resulted in two converted properties being adjacent to each other. According to this criterion therefore the development is acceptable.
9. Although I acknowledge the need for family housing, as this site is in an area where family housing vastly predominates, I do not consider the loss of one family house from the stock by its conversion to a HMO, which would still provide residential accommodation, would be harmful. Therefore, I find the development does not conflict with this part of Policy BC4 of the local plan in respect of the loss of housing suitable for family accommodation.

Living conditions of occupiers of neighbouring dwellings

10. The change of use to a 5-bed HMO may mean a higher level of occupancy when compared with a family dwelling with three to four bedrooms. However, this would be marginal and does not necessarily mean there has been or will be an increase in activity, noise and general disturbance, and indeed I have no evidence before me to suggest that is the case. As such, I do not find that the change of use has or would unreasonably and materially impact on the living conditions of the occupants of neighbouring properties with regards to noise and general disturbance.
11. Furthermore, I also have no evidence to suggest that traffic generated as a result of the change of use has been or would be materially greater than that created by the occupation of the building as a family house. The site is in an urban location with a railway station in close proximity and therefore not all occupants would necessarily need to own a car. Indeed, the Council also states that the site is located in an area with public transport accessibility level (PTAL) of 6A which means it has "excellent" accessibility.
12. Also, there is nothing to indicate that the HMO fails to make adequate provision for waste storage and recycling collection.
13. Therefore, I do not consider the development harmfully affects the living conditions of neighbouring occupiers. As such, it does not conflict with the parts of Policy BC4 of the local plan which seek to ensure changes of use from a family dwelling to an HMO do not negatively impact on the living conditions of the occupiers of neighbouring properties. It accords with policy BP8 of the local plan which aims to ensure a high standard of amenity for residents.

Internal layout

14. Although Room 4, as indicated on the plans, has a floor area that is slightly under the minimum floor area standards as set out in the Technical Housing Standards – Nationally Described Space Standards guidance document, I find it is adequately sized for a single bedroom and has access to acceptable levels of daylight. The development does not fail to provide satisfactory living conditions for current and future occupiers of the appeal property and therefore it accords with Policy 3.5 of the London Plan which seeks to ensure proposals are well-designed and provide adequate internal living standards.

Highway safety

15. Although the Council states that demand for on-street parking is high on Wilmington Gardens due to the proximity of Eastbury Community School, I do not find that traffic and demand for parking generated as a result of the change of use has, or would in the future, significantly exacerbate the existing pressure. The site is located in an area with an excellent public transport accessibility level, with Barking Station and Upney Station within close walking distance. It is therefore likely that most of the occupants do not rely on a car and indeed this type of accommodation would most likely attract residents who are mainly reliant on public transport.
16. Therefore, the development does not harmfully affect highway safety and accords with policies BR9 and BR10 of the local plan which together seek to ensure proposals do not negatively impact on highway safety.

Conditions

17. The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal was successful. I have considered the suggested conditions against the advice on conditions set out in the NPPF and the Planning Practice Guidance.
18. I have not imposed the standard condition relating to the commencement of development as the development has already commenced, but have included reference to the relevant plans within the terms of the decision in the interests of certainty. I have included a condition requiring the external finishing materials of the extension match the main house, to protect the character and appearance of the area.

Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR