The Planning Inspectorate

Appeal Decision

Site visit made on 26 November 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2019

Appeal Ref: APP/Z5060/W/19/3236535
285 Ivyhouse Road, Dagenham RM9 5RT

- 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 Amos Fifo against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 19/00465/FUL, dated 14 March 2019, was refused by notice dated 29 May 2019.
- The development proposed is erection of ground floor extension and conversion of an existing house to form one x 3 bedroom flat and one x 1 bedroom flat.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development shown on the Council's decision notice is more precise than the description shown on the planning application form and I have therefore used it in the banner heading and determined the appeal on this basis.

Main Issue

3. The main issues are:

    - Whether the proposed development would provide an acceptable standard of accommodation for future occupiers;
    - The effect of the proposed development on the stock of family housing in the borough;
    - The effect of the proposed development on the living conditions of the occupiers of Nos 283 and 287 Ivyhouse Road, with particular regard to daylight, sunlight and outlook; and,
    - The effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

Reasons

Standard of accommodation

4. Policy 3.5 of the London Plan 2016 states that housing developments should be of the highest quality internally and it seeks to ensure that new developments

meet the requirements in the nationally described space standards (NDSS)[1] for new dwellings.

5. The NDSS states that the minimum gross internal floor area (GIA) for a 3-bed (4 person) 2 storey dwelling is 84sqm, which should include built-in storage of 2.5sqm. The NDSS states that the minimum GIA for a 1-bed (1 person) 1 storey dwelling is 37sqm where it includes a shower room rather than a bathroom. It does not show a greater GIA requirement for a 1-bed (1 person) 2 storey dwelling.

6. The Council states that the proposed 3-bed flat (Flat 1) would have a GIA of 64.2sqm and the proposed 1-bed flat (Flat 2) would have a GIA of 32.67sqm, which fails to accord with the minimum standards referred to above. The appellant does not dispute the floor area calculations provided by the Council, however he states that the NDSS is designed for new-build dwellings rather than those created by conversion of existing buildings.

7. Nonetheless, paragraph 1 of the NDSS states that the standard deals with internal space within new dwellings. It does not state that the standard should only be applicable to new-build dwellings or that new dwellings as a result of conversion are excluded from the standards. Furthermore, Policy 3.5 of the London Plan seeks to ensure than new developments meet the requirements of the NDSS and it contains no exclusion in relation to conversions. Whilst the proposed dwellings would be created through the conversion and extension of an existing dwelling, they would nevertheless be new dwellings. There is no substantive evidence before me to suggest that the standards set out in the NDSS should not be applicable to the appeal scheme.

8. Whilst the size of the bedrooms would meet the NDSS, the GIA of the proposed dwellings would be significantly below the minimum space standards. The substandard nature of the proposed layout is further evidenced by the absence of built-in storage space for Flat 1. Consequently, the proposed development would not provide comfortable living space for future occupiers for day-to-day living activities. The proposed accommodation would feel cramped and it would not provide a high-quality living environment.

9. Moreover, whilst the courtyard area to the rear of bedroom 2 of Flat 1 would provide adequate levels of daylight and sunlight, the outlook on to the facing wall of the rear extension would be poor.

10. For the above reasons, I conclude that the proposed development would fail to provide an acceptable standard of accommodation for future occupiers. The proposal would therefore be contrary to Policy 3.5 of the London Plan 2016, which, amongst other things, seeks to ensure that new homes have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose.

Stock of family housing

11. Policy BC4 of the Barking & Dagenham Borough Wide Development Policies Development Plan Document 2011 ('DPD') aims to preserve and increase the stock of family housing. Consequently, the policy states that the loss of housing with 3 bedrooms or more will be resisted. The supporting text states that it is recognised that conversions to flats can provide a valuable source of housing

[1] Technical housing standards – nationally described space standard. DCLG 2015.

for smaller households and can contribute towards meeting housing need in the Borough. However, it states that the advantages need to be balanced against the need to protect and increase the supply of family housing and consequently a strict approach to preserving family housing and particularly 4 bedroom homes has been adopted.

12. The existing property provides spacious family living accommodation. Whilst the proposal would provide a small increase in the supply of housing, the proposed 3-bed flat would be significantly below the minimum internal space standards set out in the NDSS and therefore would not replace the existing dwelling with adequate family housing. The substandard nature of the proposed layout limits the extent to which the proposed accommodation can be reasonably regarded as desirable family accommodation. I therefore consider that it is unlikely that the proposed flat would be occupied by a family. The proposed development would therefore result in a loss of family housing, contrary to Policy BC4 of the DPD, which seeks to preserve and increase the stock of family housing.

Living conditions of neighbouring properties

13. The appeal property is a mid-terraced dwelling which has an existing flat-roofed single storey extension that extends around 5.5 metres to the rear. The proposed single storey rear extension would continue the length of the side walls by around 1 metre and there would be an additional projection of about 1 metre that would be offset approximately 0.9 metre from the side boundaries. The overall depth of the enlargement would therefore be around 7.5 metres and the existing flat roof would be replaced by a dual-pitched roof with a rear gable.

14. I have had regard to the daylight and sunlight assessment that the appellant has submitted with the appeal. Given that the pitched roof of the proposed development would slope up away from the side boundaries and that the length of the side walls of the enlargement would be increased by a modest amount, the proposal would not cause a significant loss of daylight or sunlight to the rear habitable windows of Nos 283 and 287 Ivyhouse Road. Furthermore, it would not result in a significant increase in overshadowing of the neighbouring gardens.

15. Nevertheless, the combined effect of the additional height of the proposed pitched roof; the provision of a rear gable; and the proposed increase in depth of the enlargement to 7.5 metres would amount to a sizeable increase in built form to the rear of the host dwelling, which would appear overbearing and cause a significant loss of outlook to the rear gardens of Nos 283 and 287.

16. For these reasons, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of Nos 283 and 287 Ivyhouse Road. The proposal would therefore be contrary to Policies BP8 and BP11 of the DPD and guidance in the Barking & Dagenham Residential Extensions and Alterations Supplementary Planning Document 2012 ('SPD'), which, amongst other things, seek to protect residential amenity.

Character and appearance

17. The dual-pitched roof design of the proposed rear extension would respect the form of the host dwelling and it would integrate satisfactorily. Given the single

storey height of the proposed extension and its location to the rear of the property, it would have limited impact on the character and appearance of the host dwelling and the surrounding area.

18. In respect of the effect of the sub-division of the family dwelling, the proposal would create a net increase of one dwelling and there is no substantive evidence before me to suggest that the proposal would cause a significant increase in levels of traffic, noise, generation of refuse and general disturbance.

19. I therefore conclude that the proposed development would not cause significant harm to the character and appearance of the host dwelling and the surrounding area. In this respect, the proposal would accord with Policies BP8 and BP11 of the DPD, which amongst other things, state that all developments are expected to have regard to the local character of the area.

Other Matters

20. The appellant submits that the Council does not have a five year housing land supply, which has not been disputed. As such, relevant policies for the supply of housing, in particular Policy BC4 of the DPD, should not be considered up-to-date in accordance with footnote 7 of the National Planning Policy Framework ('Framework'). In these circumstances, paragraph 11(d) of the Framework should be applied, which means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

21. Whilst paragraph 59 of the Framework refers to significantly boosting the supply of housing, the net increase of one additional unit would make a limited contribution. There would be a small social benefit in providing one additional dwelling. Modest economic advantages would also arise from the construction and occupation of the proposed development.

22. However, the proposed dwellings would be below the minimum space standards in the NDSS and would fail to provide an acceptable standard of accommodation for future occupiers. The proposal would be contrary to paragraph 127 of the Framework, which states, amongst other things, that developments should provide a high standard of amenity for future users. In this respect, I attach significant weight to the adverse impact on the living conditions of the future occupiers of the proposed development.

23. Furthermore, the proposal would result in a loss of family housing, contrary to Policy BC4 of the DPD. Paragraph 213 of the Framework states that due weight should be given to existing policies according to their degree of consistency with the Framework. The Framework does not prescribe the weight to be given to policies deemed to be out-of-date and they should not automatically be disregarded. In this case, Policy BC4 is broadly consistent with paragraph 61 of the Framework in respect that the policy reflects the housing size needed in the community (including families with children). There is no evidence before me to show that there is a need for smaller dwellings that outweighs the need for family housing. I therefore attach significant weight to the conflict with Policy BC4.

24. The proposal would also be harmful to the living conditions of the occupiers of Nos 283 and 287 Ivyhouse Road, contrary to paragraph 127 of the Framework, to which I attach significant weight.

25. Taking the above considerations into account, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not meet the social and environmental roles of sustainable development and therefore would not constitute sustainable development. The conflict with the development plan is not outweighed by other material considerations including the Framework.

26. I have had regard to the concerns raised by local residents, which, in addition to the above matters, include: the current use of the property; overlooking; roof would overhang boundary; parking; and, property damage. However, as I find the proposed development unacceptable for other reasons, these considerations would not alter my decision.

Conclusion

27. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR