



Appeal Decision

Site visit made on 3 December 2019

by Debbie Moore BSc (HONS), MCD, MRTPI, PGDip

an Inspector appointed by the Secretary of State

Decision date: 11 December 2019

Appeal Ref: APP/Z5060/C/19/3223759

582a Longbridge Road, Dagenham RM8 2AR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Balvinder Singh of Attico Limited against an enforcement notice issued by the Council of the London Borough of Barking & Dagenham.
- The enforcement notice was issued on 1 February 2019.
- The breach of planning control as alleged in the notice is without planning permission, the unauthorised material change of use of a first-floor flat to a house of multiple occupation.
- The requirements of the notice are:
 1. Cease the use as a house of multiple occupation;
 2. Remove all alterations and fixtures enabling the conversion to a house of multiple occupation;
 3. Remove all consequent waste material from the land.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the 1990 Act as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision.

The appeal on ground (a) and the deemed planning application

Preliminary Matter and Main Issues

1. The appeal on ground (a) is that planning permission should be granted for the matters stated in the notice. The terms of the deemed planning application are derived from the allegation, hence, planning permission is sought for the change of use of the first floor flat to a house of multiple occupation.
2. The main issues are the effect of the development on: (i) the stock of family housing in the Borough; (ii) the living conditions of present and future occupants and neighbours with regard to noise and disturbance and; (iii) car parking.

Reasons

Family Housing

3. No 582 Longbridge Road is a terraced property comprising a retail premises on the ground floor with residential accommodation over the upper floors (No 582a). I saw from my site visit that there were five bedrooms in total; one single and four double, along with shared kitchen and bathroom facilities. Access to the residential accommodation was from the rear service road.

4. The Council is concerned about the loss of family housing and cites Policy BC4 of the Development Policies¹, which seeks to preserve and increase the stock of family housing in the Borough. However, this policy was adopted before the publication of the National Planning Policy Framework (the Framework)², which makes it clear that the size, type and tenure of housing need for different groups in the community should be assessed and reflected in planning policies. The justification to Policy BC4 refers to the Barking and Dagenham Housing Strategy (2007-2010). However, I am not provided with any up-to-date evidence of housing need which considers the type of housing required to accommodate different groups in the community.
5. I accept that there is likely to be demand for family housing, but it is also highly likely that there is an additional demand for a mix of housing to cater for smaller households. The policy does not provide a definition of 'family housing' other than that which provides three bedrooms or more. While the appeal property could provide five bedrooms, or four if one were to be used as a living room, there is no amenity space. In addition, the means of access is via the rear service road is not ideal. On this basis, I question whether it would be the type of property that would adequately meet the needs of a family with children.
6. I conclude on this matter that the development would not meet the requirements of Policy BC4 as it involves the loss of a residential property with three bedrooms or more. However, I am not satisfied that the property would be suitable as family housing due to its lack of amenity space and access arrangements. Moreover, the circumstances in this case mean that the premises provides accommodation for smaller households thus also meeting a housing need in accordance with the wider policies of the Framework. I consider that the provision of accommodation for smaller households is a significant benefit which outweighs the conflict with Policy BC4 in this case.

Living Conditions

7. The appeal premises is located on a relatively busy road, within an area characterised by a mix of commercial and residential uses. I saw that the ambient noise levels were relatively high due to the road traffic and the adjoining garage, and people accessing the shops and/or food establishments. A level of activity is likely to continue into the evening.
8. The Council is concerned about the impact of the more intensive use of the appeal property on occupants and neighbours. The occupants of a premises in this location would reasonably expect a higher level of noise and disturbance than a purely residential area. This disadvantage is weighed against the benefits offered by the proximity to local services and bus routes.
9. Similarly, although the occupants of a house in multiple occupation would generate more comings and goings than a single household, this is unlikely to have a material impact on neighbours. As explained, there is already a level of noise and disturbance and nearby residents would expect more activity than that which would be considered reasonable in a purely residential area. Also, access to the appeal property is from a rear service road which would probably

¹ Barking and Dagenham Borough Wide Development Policies: Development Plan Document (adopted March 2011).

² February 2019.

generate noise and disturbance irrespective of any activity from the occupants of the appeal premises.

10. I conclude, therefore, that the use of premises as alleged would not result in a material increase in levels of noise and disturbance to the detriment of the living conditions of occupants or other people living nearby. The development meets Policy BP8 of the Development Policies, which seeks to protect residential amenity.

Car parking

11. The Council claims that there is inadequate car parking for the number of residents. I saw that there is limited on-street parking in the area due to traffic restrictions. There was evidence of regular parking along the rear service road but the space available would not cater for all the occupants of the appeal premises.
12. Policy BR9 acknowledges that the local environment and accessibility of the site, development type and public transport will be taken into account when considering parking provision. In this case, the nature of the development, as a house in multiple occupation, indicates that parking demand may not be significant, especially as the site is well-located for access to services and public transport. Overall, there is very limited evidence that the development would lead to parking demand. In any event, it is not clear what effect demand for parking would have on the area. Whether the Council is concerned about highway safety or simply inconvenience for residents is not apparent from the submissions.
13. I conclude on this issue that the development is unlikely to generate significant demand for car parking and, hence, the development meets the aims of Policy BR9 of the Development Policies which concerns parking standards.

Other Matters

14. In its appeal statement, the Council suggested that the development does not respect the character of the surrounding area. As explained above, the area is characterised by mixed commercial and residential uses. I was not able to determine whether the residential uses in the immediate vicinity are predominantly family housing, and the Council provides very limited evidence to support its objection to the development. Therefore, I am satisfied that the use of the upper floors of the building as a house in multiple occupation is not out-of-character in this location, in accordance with Policy BP8 of the Development Policies.
15. The Council comments that the appellant has made no effort to regularise the development through a planning application. The enforcement regime is not punitive and this consideration carries limited weight.

Conclusion

16. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted for the use as described in the notice.

Formal Decision

17. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the use of the building at 582a Longbridge Road, Dagenham RM8 2AR, as shown on the plan attached to the notice, as a house of multiple occupation.

Debbie Moore

Inspector