
Appeal Decision

Site visit made on 18 December 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 8th January 2020

Appeal Ref: APP/Z5060/W/19/3237909

41 Campden Crescent, Dagenham RM8 2RS

- 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 Alfred Ferizoli against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/01094/FUL, dated 25 June 2019, was refused by notice dated 21 August 2019.
 - The development proposed is retrospective planning application for retention of 5-room HMO (House into Multiple Occupation).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Retrospective planning permission is sought for the change of use of the appeal property from a single residential dwelling to a House in Multiple Occupation (HMO). I have therefore determined the appeal on the basis that the appeal scheme has already been implemented.

Main Issue

3. The main issue is the effect of the development on the supply of family housing.

Reasons

4. No 41 is an extended 2 storey 5 bedroom end of terrace property in a residential area. It is in use as an HMO and the application form indicates that the change of use from a family dwellinghouse to an HMO was implemented in 2017.
5. Policy BC4 of Planning for the future of Barking and Dagenham Borough Wide Development Policies Development Plan Document Adopted March 2011 (the DPD) seeks to preserve and increase the stock of family housing in the borough, with particular emphasis on avoiding the loss of dwellings with 3 bedrooms or more. The Council does acknowledge the contribution that HMOs can make to meeting housing needs. Nevertheless, it has adopted a strict approach to preserving family housing in recognition of the shortage of such dwellings, as identified in the Barking and Dagenham Housing Strategy 2009-2010.

6. The plans submitted with the appeal illustrate that the property has a minimum of 5 bedrooms and it is suitable to be occupied by a large family. Therefore, the change of use has resulted in the loss of a family dwellinghouse.
7. The Procedural Guide – Planning appeals – England dated August 2019 states that the appellant’s full statement of case should respond to the reasons for refusal set out in the decision notice, focusing on the areas of difference. In this case, the appellant has sought to demonstrate that the development does not result in adverse impacts on the appeal property, neighbouring properties, or the living conditions of neighbouring occupiers. However, no evidence has been submitted in respect of the effect on the supply of family housing and the appellant has not responded to the reasons that the application was refused.
8. Therefore, and in the absence of any evidence to the contrary, I find that the change of use of the appeal property has resulted in the unacceptable loss of a family house with consequent detrimental impacts on the supply of family housing in the area. It conflicts with the development plan, including the housing aims of Policy BC4 of the DPD.

Conclusion

9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. In this case, I have found that the change of use of the appeal property conflicts with the development plan and no other considerations have been identified that would indicate making a decision other than in accordance with the development plan.
10. For this reason, the appeal is therefore dismissed.

Sarah Manchester

INSPECTOR