



Appeal Decision

Site visit made on 17 December 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2020

Appeal Ref: APP/Z5060/W/19/3233360

58 Cartwright Road, Dagenham RM9 6JL

- 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 Matt Etiobhio against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/00200/FUL, dated 4 February 2019, was refused by notice dated 22 May 2019.
 - The development proposed is a change of use from single dwelling house (Use Class C3) to care home (Use Class C2).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from single dwelling house (Use Class C3) to care home (Use Class C2) at 58 Cartwright Road, Dagenham RM9 6JL in accordance with the terms of the application, Ref 19/00200/FUL, dated 4 February 2019 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 457-3-01-3, 457-3-01-4.

Procedural Matter

2. I have taken the description of development from the Council's Decision Notice as this is a more precise description of the development proposed.
3. The appellant has outlined that the property is to be used for the purpose of semi-independent living for three people aged 16 plus where there will be 24-hour supervision.

Main Issues

4. The main issues are 1) the supply of family housing, having regard to the provisions of the development plan and 2) the effect of the proposed development on the living conditions of future occupants with regard to the size of the smallest bedroom.

Reasons

Supply of family housing

5. The appeal property is a two-storey mid terrace property. It is located in a predominantly residential area that consists of small terraces of similar two-storey properties and dormer bungalows. The area has the characteristics of an established area of family housing with front and rear gardens, driveways and other domestic features. There is also a primary school to the rear of the appeal site.
6. Policy BC4 of the Barking and Dagenham Development Plan Document (DPD) (2011) outlines that the Council is seeking to preserve and increase the stock of family housing in the Borough. Consequently, when planning permission is required, the Council will resist proposals which involve the loss of housing with three bedrooms or more.
7. At the time of my visit, although the use had not commenced, internal alterations such as a new kitchen, new bathrooms and new flooring had been installed at the property. The property maintains the internal characteristics of a single dwelling house and I find that the proposed use, which is to provide living accommodation with an element of care, would not significantly depart from the prevailing residential character of the surrounding area.
8. The proposal would result in the loss of one dwelling (use class C3) with three bedrooms or more. This would conflict with Policy BC4. However, the proposal would continue to provide living accommodation and the reinstatement of the property to a dwelling house would require little, if any, physical intervention. I am also mindful that there is no requirement for the existing dwelling to be occupied by a family, and the proposal, albeit for a different residential classification, would retain a property that could be considered 'family sized'.
9. The Council have commented that the proposal would remove the first-floor bathroom leaving only a shower room on the ground floor. This is given as an example to the internal changes that would fail to provide accommodation akin to a family dwelling which they are seeking to protect. The appellant has stated that this is incorrect and that there would be a bathroom on the first floor and a shower room on the ground floor as per the proposed plan. I observed that a modern bathroom and shower room had been installed on the first floor and ground floor respectively, as per the proposed plan.
10. I therefore find that whilst although the proposal would not be in accordance with Policy BC4 of the Barking and Dagenham Development Plan Document (DPD) (2011) insofar that the proposal would result in the loss of a dwelling with three bedrooms or more, it would not cause unacceptable harm to the overall supply of family houses with regard to the residential nature of the proposed use.

Living conditions

11. The appeal property has three bedrooms at the first-floor level. There are no alterations proposed to the size of the smallest bedroom as part of the proposed change of use. It would be reasonable to assume that this room has always intended to be, and has previously been, used as a bedroom and its size is not uncommon or unusual in a dwelling of this nature. The proposal would not depart from this arrangement.

12. On my site visit I observed that this smallest bedroom had been furnished with a small double bed (often called a $\frac{3}{4}$ bed or 4ft bed) and a double wardrobe. Circulation space remained around the furniture with the possibility of another small item of furniture being accommodated within the room. I did not find the room cramped or oppressive.
13. The appellant has commented that the measurement given by the Council in their Decision Notice for the area of the smallest bedroom is incorrect. From the plans before me, I also have found a discrepancy in the floor area cited by the Council in their Decision Notice.
14. I therefore find that the proposal would not provide unacceptable living conditions for future occupants. It would comply with Policy 3.5 of The London Plan (2016) which requires, amongst other things, that new homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose.
15. Policy 3.5 of The London Plan recommends that in LDF preparation LDF's should incorporate minimum space standards as outlined in the Technical Housing Standards – Nationally Described Space Standard (NDSS) (2015). In this instance however, the NDSS does not form part of the development plan. I have considered the fact that the proposed third bedroom would fall below the standards as outlined in the NDSS. However, given that its use as a bedroom would have occurred during its use as a dwelling house (as with the other houses in the area with the same layout), combined with the good standard of living space that would be provided overall, I find that the quality of accommodation is acceptable despite the conflict.

Other Matters

16. I note the objections that have been received to the proposal. I have considered the matters relating to the loss of a three-bedroom house and suggested cramped living conditions above. On the matter of possible noise and disturbance from the proposed use, including that from vehicle movement, I find that there is no evidence before me to show that harm would be caused or that this would be greater than the use of the property as a dwelling house.
17. Concerns have been raised in relation to safeguarding of vulnerable children, and whether the premises would be OFSTED registered. These matters would be covered by other relevant legislation regarding the operation of a premises of the nature proposed. There is no evidence before me to suggest that the proposal would give rise to crime or antisocial behaviour.
18. I note that an objection was received to the proposal from the Council's Transport Officer due to the accessibility (or otherwise) of the site to public transport and the absence of adequate off-street parking for safe and efficient accessibility for staff, visitors and emergency vehicles. The concerns expressed in relation to transportation did not however form part of the Council's refusal of planning permission. I do not find that the proposal to be in an unacceptable location in relation to its proximity to public transport due to bus stops located on Hedgemans Road being within walking distance and Dagenham Heathway Underground Station being within 1km of the site. The site includes one off-street parking space and I find that the proposal would not cause highway safety concerns in view of the parking levels or the access for emergency

vehicles, which would be consistent with the existing situation for houses in the surrounding area.

Conditions

19. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty.

Conclusion

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

A M Nilsson

INSPECTOR