



Appeal Decision

Site visit made on 10 March 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State.

Decision date: Tuesday, 28 April 2020

Appeal Ref: APP/Z5060/W/19/3244061
76 Marston Avenue, Dagenham, RM10 7LD

- 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 Lakhvinder Singh against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 18/02112/FUL, dated 7 December 2018, was refused by notice dated 7 October 2019.
 - The development proposed is change of use to existing dwelling to form three self-contained flats comprising of a studio flat, a one bedroom flat and a three-bedroom flat.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Lakhvinder Singh against the Council of the London Borough of Barking and Dagenham. This application is the subject of a separate Decision.

Main Issues

3. The main issues are: 1) the effect of the proposal on the character and appearance of the area; 2) the effect of the proposal on the living conditions of the future occupiers of the proposed flats; 3) the effect of the proposal on the supply of family houses within the Borough.

Reasons

Character and appearance of the area

4. The development plan for the area includes the London Plan 2016 (LP) and 'Planning for the future of Barking and Dagenham', Borough Wide Development Policies, Development Plan Document, March 2011 (DPD). Both of these documents contain policies which seek to protect the character and appearance of the Borough. The LP expects in Policy 3.5 all housing developments to be of the highest quality externally and in relation to their context and the wider environment. The DPD, in Policy BC4, will only consider the conversion of buildings to flatted development if no significant loss of character occurs to the area as a result of increased traffic, noise and/or general disturbance. Additionally, Policy BP8 requires all developments, including conversions to

have regard to the local character of the area and help create a sense of local identity, distinctiveness and place.

5. Marston Avenue and the surrounding streets are characterised by terraced housing. Externally the houses all appear to be occupied as single dwellings with no obvious signs that any have been converted to flats. The additional car parking which would result in the conversion of a single dwelling to three flats, the additional pedestrian movement, the inclusion of a side entrance directly off the street to access the proposed flats would all, when taken together, affect the character and appearance of the area.
6. The appellant has argued that the noise and disturbance caused by a large household occupying the existing property would be similar to that created by the appeal proposal and by implication would not have an effect on the character and appearance of the area. Whilst a larger household could create noise and disturbance, the effect on the character and appearance of the area through the subdivision of the existing house into 3 separate dwellings would be greater than a single dwelling. This would be seen through more journeys being taken at peak times, more cars on or around the site and the potential for multiple social events. I therefore am not persuaded by this argument.
7. The appeal proposal would not respect the existing character, context and wider environment of Marston Avenue for the reasons set out above. I therefore find that the proposal is in conflict with the development plan in particular Policy 3.5 of the LP and Policies BC4 and BP8 of the DPD.

Living conditions – future occupiers

8. The DPD, at Policy BP5, states that the Council will only grant planning permission for new dwellings where they provide appropriate external private amenity space. Any amenity space provided should be private, useable, functional and safe.
9. The Council have argued that the appeal proposal provides 60sq m of amenity space where, according to the standard, 80sq m should be provided. The appellant has argued that 114sq m has been provided, however from the appellant's statement that appears to include car parking spaces. The appellant has made clear in the appeal documents that it is not his intention to provide external space for the smaller flats. Policy BP5 sets out where exceptions can be made to the provision of private external space. These are essentially where a site is located adjoining countryside or extensive parkland or is in a town centre location. In both instances the Council will require a contribution through a s106 agreement towards the provision of open space. The appeal site does not adjoin open countryside or extensive parkland, nor is it in a town centre location and whilst the appellant refers to a s106 agreement I do not have one before me at this appeal.
10. The appeal property lies in a residential area where it would normally be expected that dwellings would have adequate private outdoor amenity space. The two flats to be created in the upper floors of this house would have no outdoor amenity space. Any public outdoor amenity space is some distance from the appeal property. Therefore, the failure to provide any outdoor amenity space for the proposed two flats would result in unsatisfactory living conditions for the potential occupiers of these flats. I therefore find that the appeal proposal is in conflict with Policy BP5 of the development plan.

Supply of family houses within the borough

11. The DPD, at Policy BC4 seeks to protect the existing stock of family houses within the Borough. Specifically, the policy seeks to protect houses with three or more bedrooms from being lost to flat conversions. The explanation to the policy emphasises the importance of retaining 4-bedroom houses and states that a strict approach to preserving family housing, and particularly 4-bedroom houses, has been adopted. The officer's report refers to more recent evidence that demonstrates the importance of retaining larger family sized dwellings within the Borough.
12. Notwithstanding the appellant's argument that the flat on the ground floor of the proposed conversion would provide suitable family accommodation, it is my conclusion that the proposal is in conflict with Policy BC4 of the DPD in that it would lead to the loss of a larger house which would be suitable for accommodating a large family. Whilst the appeal proposal would provide a 3-bedroom flat, the Council has emphasised in the development plan that there is a need for houses in the Borough which are larger than three bedroom. The evidence presented by the Council, which was not disputed by the appellant, shows that despite the age of the development plan, there is still a need for larger family homes within the Borough.

Other Matters

13. I note the appellant has referred to the various discussions he has had with the Council during the course of the application. In reaching this decision I have had regard to the Council's reasons for refusal in coming to its decision on the application and the substantive arguments concerning the merits of the scheme put forward by the appellant.
14. On a general point, none of the plans submitted with the planning application indicate where parking, cycle storage, refuse and recycling provision will be accommodated within the site. It is clear given its location that car parking provision should be made within the appeal site. I consider that given the size of the plot that adequate vehicular parking, cycle storage and the storage of refuse and recycling bins could be satisfactorily accommodated.

Conclusion

15. I find that having regard to all matters before me, including the policies of the development plan, when taken as a whole, the appeal should be dismissed.

Peter Mark Sturgess

INSPECTOR