



Appeal Decision

Site visit made on 26 November 2019 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2020

Appeal Ref: APP/Z5060/W/19/3236675

36 Victoria Road, Barking, IG11 8PY

- 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 Mrs A Ahmed against the decision of the Council of London Borough of Barking and Dagenham.
 - The application Ref 19/00004/FUL, dated 2 January 2019, was refused by notice dated 18 June 2019.
 - The development proposed is conversion of property into two flat units.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:

- i) The effect of the proposed development on stock of family housing within the area;
- ii) The effect on the living conditions of residents of Victoria Road, having regard to noise, refuse and disturbance;
- iii) Whether or not acceptable living conditions would be provided to the intended future occupiers of the proposal, having particular regard to gross floor space and the provision of storage space.

Reasons for the Recommendation

Planning Policy

4. All planning applications, or appeals, should be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is one such material consideration. Paragraph 11 sets out a presumption in favour of sustainable development. For decision taking that means approving applications that accord with the development plan without delay. If there are no relevant

development plan policies, or if the policies that are most important for determining the application are out of date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.

5. Under footnote 7 of paragraph 11 policies will be considered out of date in situations where a local planning authority cannot demonstrate a five-year supply of deliverable housing land. In this case, the appellant contends that the Council cannot demonstrate a five-year supply and the Council has failed to provide any information to counter that argument. In fact, the delegated officer report is silent on the issue and no statement was submitted by the Council in response to the appeal. Consequently, whilst the evidence before me is extremely limited, I am unable to conclude that the Council can demonstrate a five-year supply of housing land because it has failed to provide any information in respect of the matter.
6. It follows that the policies that are most relevant for determining the appeal should not be considered up to date and the balance at paragraph 11 should be applied. However, notwithstanding paragraph 11, the weight to be attached to any conflict with the development plan remains a matter for the decision maker and that may vary according to the nature of the case, having regard to the purposes of relevant policies and their consistency with the aims of the Framework. I shall return to that matter in the planning balance below.

Family Housing Stock

7. Policy BC4 of the London Borough of Barking and Dagenham's Local Development Framework Borough Wide Development Policies Development Plan Document (the DPD) (2011) addresses the matter of residential conversion and the subdivision of larger homes. It seeks to do this in two ways; by resisting proposals which involve the loss of housing with three or more bedrooms, and by setting out a range of criteria against which other proposals for flat conversions or homes in multiple occupation (HMOs) will be considered.
8. The reasoned justification to DPD policy BC4 states that the Council recognises the value of conversions to flats in catering for smaller households and the role that this can play in meeting housing need in the Borough. However, it goes on to state that this must be balanced against the need to preserve and increase the stock of family housing particularly with respect to 4-bedroom houses. The proposal would involve the conversion of an existing 4-bedroom family dwelling into two 2-bedroom flats. One unit would occupy the ground floor and the second would occupy the first floor and the existing loft space. This would result in the loss of a family dwelling which the Council is seeking to protect.
9. I have considered the appellant's view that the flats would meet the housing needs of a smaller young families who cannot otherwise afford single dwellings. The Council have stated that according to The Outer North-East London Strategic Housing Market Assessment (SHMA) (2016), 59 percent of overall objectively assessed housing need in the borough between 2011 and 2033 will be required for family sized accommodation. Whilst the policy is of some age,

no information has been presented to indicate that the need for family housing has diminished in the meantime and there is no reason to conclude that the need to protect the stock of family housing is any less acute at the present time. From the information before me the aims of the policy are consistent with the aims of the Framework, particularly paragraph 61 which states that the housing needs of different groups should be assessed and reflected in planning policies.

10. The appellant does not dispute this but contends that there is also a defined need to provide for the other 41 percent which would include non-family housing. I accept that there may be a need to accommodate a full range of house types, tenures and sizes to meet the housing needs of the area. Little information has been presented by either party to demonstrate the precise extent of that need or how it is intended to be addressed. In that sense, the creation of one additional flat could be seen as a minor benefit towards meeting the needs of those who do not require family sized housing.
11. However, the aim of policy BC4 is to preserve the family housing stock in the face of a defined need. As stated, there is no evidence to indicate that need no longer exists and the loss of the dwelling at no.36 would harm the family housing stock within the Borough. Accordingly, the proposal would be contrary to Policy BC4 of the DPD which seeks, amongst other things, to preserve the stock of family housing in the Borough.

Living conditions – noise, refuse and disturbance

12. As is the case with the existing dwelling, the proposal would not make any provision for off-street car parking. At the time of my site visit there did not appear to be any particular pressure for parking spaces although I accept that demand will vary across the day. I have not been presented with substantive evidence to demonstrate that the proposal would generate a materially higher amount of traffic than the existing and I am mindful of the lack of objection to the proposal from the Transport Development Management (TDM) Officer. The site lies in an area with good public transport links and high Public Transport Accessibility Level (PTAL) and the proposal would be acceptable in relation to highway and transportation matters.
13. There is also no evidence which suggests that by increasing the number of residential units within the single dwelling at present will increase noise, generation of refuse and general disturbance. The proposal would relate to two modest flats and there is no reason to suppose that the future residents would behave in an unneighbourly manner, nor to suggest that the overall number of residents would increase significantly over and above the number that could be accommodated in a single larger property. In other words, there is no reason to conclude that two flats would have any greater impact in terms of noise or disturbance than a single large family. There is more than adequate space to the rear to accommodate facilities for refuse storage.
14. For all of those reasons I find that the proposal would not have a negative impact on the living conditions of residents of Victoria Road regarding noise, refuse and disturbance. Accordingly, on this matter the proposal would not be contrary to Policy BC4 of the DPD.

Minimum Space Standards

15. Policy 3.5 of the London Plan (2016), which accords with nationally described space standards, requires that new residential development should meet specific minimum space standards regarding gross internal floor area and storage space. To meet with these requirements, guidelines are set for floor area, which requires a minimum gross internal floor area of 61 metres squared and built in storage provision of 2 metres squared for a two-bedroom, three-person, one storey dwelling. A two-bedroom, three-person, two storey dwelling would require a minimum gross internal floor area of 70 metres squared and built in storage provision of 2 metres squared.
16. The Council take the view that, for the purposes of defining the required Gross Internal Area (GIA) as prescribed in the Housing Standards, both the ground floor flat and the first floor and loft flat should be considered as two-bedroom, three person units for which the minimum required GIA is 61 metres squared and built in storage provision is 2 square metres.
17. The Council indicates that the ground floor unit would have a GIA of 70.4 square metres and no provision for internal storage has been identified. The first floor and loft unit would have a GIA of 57.4 square metres and, no provision for internal storage has been identified. The appellant does not dispute these figures but argues that the standards are merely guidelines and not statutory requirements. However, these standards are nationally prescribed and are also embedded within Policy 3.5 of the London Plan (2016) which forms part of the development plan for the area. As such, I am satisfied that the standards provide a sound basis to gauge whether proposals would result in a satisfactory standard of accommodation. The aims are fully consistent with the Framework, particularly paragraph 127 which requires developments to provide a good standard of amenity for future occupants and I see nothing within national policy to indicate that such fundamental standards should be relaxed in situations where there is no 5 year supply of housing.
18. Consequently, the ground floor unit would fail to meet the requirements as set out in the Housing Standards regarding provision for internal storage, and the first floor and loft unit would fail to meet these standards in both GIA and provision of internal storage. Accordingly, there would be conflict with Policy 3.5 of the London Plan. However, the GIA of the ground floor unit would actually be significantly above the 61m² requirement. Despite the absence of 2m² of built in cupboards, any residents would have space to accommodate free standing furniture to meet storage needs and the lack of in built storage would not substantially impair their living conditions.
19. However, the upper floor flat falls below the required GIA and fails to provide adequate built in storage and I also note that the upper bedroom would be contained within the roofspace where headroom would limit the usability of some of the space. Consequently, the flat would fall below the standard set out in policy 3.5 of the London Plan which is a recognised barometer of the space required to provide suitable living conditions. As such, I am not satisfied that it would provide a suitable standard of accommodation for future occupants.

Planning Balance, Conclusion and Recommendation

20. For the reasons given above, the proposal would be contrary to the aims of the Policy BC4 of the DPD which seeks, amongst other things, to preserve the stock of family housing in the Borough. It however would not be contrary to the

same policy with regards to living conditions of residents of Victoria Road pertaining to increased levels of noise, refuse and general disturbance. The proposal would also fail to meet the requirements of the London Plan and nationally prescribed minimum space standards for GIA and provision of internal storage.

21. In view of the above, the proposal would be contrary to the aims of the development plan as a whole. Although the policies that are most important for determining the application are out of date on account of the lack of a demonstrative 5 year supply of housing land, no evidence has been presented to indicate that the need to protect the stock of family housing has diminished since the DPD was adopted and the need to provide acceptable living conditions for future residents is fully consistent with the aims of the Framework. Consequently, I attach substantial weight to the aims of the relevant policies in those respects. Similarly, the aim of providing a good standard of accommodation for future residents fully accords with the aims of the Framework and I see no reason to depart from those standards on account of the lack of a five year supply of housing land.
22. The proposal would add to the stock of smaller accommodation but the weight I attach to that is limited on account of the small scale of the development. Having regard to all relevant considerations I conclude that the harm arising from the proposal would significantly and demonstrably outweigh the benefits such that the scheme would not amount to sustainable development, having regard to paragraph 11 of the Framework. It follows that there are no material considerations to outweigh the presumption in favour of the development plan.
23. For all those reasons, having had regard to evidence before me, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR