



Appeal Decision

Site visit made on 22 September 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/Z5060/W/20/3250366

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 Mr Lakhvinder Singh against the decision of the London Borough of Barking & Dagenham Council.
 - The application Ref 18/02112/FUL, dated 7 December 2018, was refused by notice dated 7 October 2019.
 - The development proposed is the 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.

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 Council's second reason for refusal refers to, among other things, car parking. I have dealt with this as a separate issue as the effect of this only would relate to highway safety. Therefore, the main issues in this case are:
 - whether the development would provide satisfactory living conditions for the future occupants of the appeal property, having particular regard to the provision of outdoor amenity space;
 - the effect of the development on highway safety; and
 - the effect of the conversion on the Borough's stock of family housing.

Reasons for the Recommendation

Living conditions of future occupiers

4. Outdoor amenity space would be provided at the rear of the site. It does not appear that the future occupants of the upper floor flats would have access to, or share, the space. Moreover, even if access was possible, this small rear outdoor area is already limited by the large outbuildings in the rear of the garden. Policy BP5 of the Council's Borough Wide Development Policies Development Plan Document (the 'local plan') states that one bedroom flats
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should have 20sqm each of amenity space and 3 bedroom houses should have 60sqm. The Council calculates the outdoor space at the site to be 68sqm, which is not disputed by the appellant. Clearly, this figure would be less than that required by the policy to serve the proposal as a whole. In any case, I find the space would be insufficient for a 3-bedroom flat and two 1-bedroom flats. I note that the appellant highlights that many new build flats or conversions usually do not have amenity spaces however the need to provide satisfactory living conditions in this respect should not be diminished by the conditions at other properties.

5. Although not referred to in the officer report the decision letter states that there would be insufficient room for cycle storage and the provision of refuse and recycling facilities. It is unclear where these facilities would be located and how this would in-turn affect the space available for the provision of outside amenity space.
6. Nevertheless, the development would fail to provide satisfactory living conditions for the future occupiers of the appeal property in respect of the lack of sufficient outdoor amenity space. It would therefore conflict with policy BP5 which aims to ensure proposals provide appropriate external private or communal amenity space.
7. Although not referred to in the decision letter, the officer report states that the proposal would comply with internal nationally described space standards except for the storage space for the one-bedroom loft flat. Having had regard to the proposed floor plans I am satisfied there would be enough space within the loft bedroom to provide sufficient storage space.

Highway safety

8. On my site visit, I observed that there were bus stops within close walking distance of the appeal property giving access to Dagenham Heathway Underground Station in under 15 minutes. There are also two supermarkets and various shops located within a short walking distance. I find that the site thus has reasonable accessibility to public transport and good access to essential amenities.
9. Furthermore, the type of accommodation provided at first floor would most likely attract residents who are mainly reliant on public transport.
10. As such, although it is unclear from the plans where the proposed parking spaces would be located, and whilst the Council states that the site has a Public Transport Accessibility Level (PTAL) rating of 2 which represents a lower level of accessibility to public transport links, I do not find that demand for parking generated as a result of the conversion would significantly exacerbate the existing pressure on parking which could lead to unsafe parking.
11. Therefore, the development does not harmfully affect highway safety and accords with policy BR9 of the local plan which seeks to ensure proposals do not negatively impact on highway safety.

Loss of family housing

12. The appeal property currently comprises a two-storey end of terrace dwelling located on the eastern side of Marston Avenue within an established residential area. The plans show it is a six bedroomed house.

13. Local Plan policy BC4 aims to restrict the loss of existing houses with three bedrooms or more, suitable for family accommodation. However, the proposed ground floor unit would have three bedrooms. As such, although the ground floor unit would have less bedrooms than the existing dwelling, it would still represent a family sized dwelling. As such the proposal would not result in the loss of housing with three bedrooms or more. Therefore, I find the development does not conflict with Policy BC4.

Other Matters

14. The third reason for refusal refers to a harmful impact on the amenity and character of the area with regard to traffic, noise, generation of refuse and general disturbance. However, no evidence to support this has been provided by the Council and in fact no reference to these issues was mentioned in the officer report. I have no other reason to consider the development would be harmful in these respects and so consider the development would not conflict with the parts of Policy BC4 of the local plan which seek to ensure conversions from a family dwelling to separate residential units do not negatively impact on the living conditions of the occupiers of neighbouring properties or the character of the area. It also would not be contrary to policy BP8 of the local plan which aims to ensure a high standard of amenity for residents.
15. The appellant suggests the development would allow the building to be improved, and would provide housing to contribute to the Council's stock. However, I do not consider the development is essential to the building's improvement, and the provision of two additional housing units carries minimal weight.

Recommendation

16. Overall, I conclude the proposal would fail to provide satisfactory living conditions for the future occupiers of the appeal property in light of the lack of outdoor amenity space. Although I find the development will not adversely impact the stock of family housing in the borough, or negatively impact highway safety, the living conditions of neighbouring occupiers or the character of the area, an absence of harm in this regard could not lend positive weight to the proposal. These factors, and the minimal benefit of the provision of two additional units, would not outweigh the failure to provide acceptable living conditions for the future occupiers.
17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR