The Planning Inspectorate

Appeal Decision

Site visit made on 27 October 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2020

Appeal Ref: APP/Z5060/W/20/3253031
603B Heathway, Dagenham RM9 5AY

- 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 A Cikanavicius against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 20/00406/FUL, dated 19 March 2020, was refused by notice dated 7 May 2020.
- The development proposed is described as 'conversion of property into small HMO'.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposal on the supply of family housing; (ii) the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance; and (iii) whether the proposal would provide an appropriate standard of accommodation for the occupiers of the development in respect of internal space.

Reasons

Supply of family housing

3. The appeal site comprises an end of terrace property which is set back from Heathway by a small open space that runs parallel with the highway. The drawings show that the property includes 4 bedrooms and it is proposed that 5 people would occupy the House in Multiple Occupation (HMO), with one of the bedrooms accommodating a couple.

4. Policy BC4 of the Council's Borough Wide Development Policies Development Plan Document (DP) seeks to preserve and increase the stock of family housing in the borough. It states that proposals involving the loss of housing with 3 bedrooms or more will be resisted. It is explained that this approach has been adopted because there is a shortage of family sized homes in the area. The policy permits changes of use to HMOs in other circumstances subject to several criteria being satisfied; however, they are not applicable where there would be a loss of 3 bedrooms or more.

5. The proposal would result in the loss of a house with more than 3 bedrooms. In addition, the number and size of the rooms mean that it is presently suitable

for occupation by families. While it features a relatively small rear garden; this in itself does not render it inappropriate. DP Policy BP5 sets out standards for external amenity spaces, but these only apply to proposed development.

6. The appellant puts forward that HMOs are an important part of housing provision. However, no evidence has been submitted which demonstrates that there is a need for HMOs or a lack of demand for family housing in the borough or more locally. It is also argued that the property originally featured 2 bedrooms and thus it was not intended for family use. Whilst that may be the case, it nonetheless has more than 3 bedrooms now and is suitable for occupation by a family.

7. The proposal would result in a loss of family housing in conflict with DP Policy BC4. It is also contrary to Policy CM1 of the Council's Core Strategy (CS) and London Plan (LP) Policies 3.3 and 3.8, which seek to ensure that community needs are met and a suitable choice of homes is provided.

8. The proposal also conflicts with Draft London Plan[1] (DLP) Policies GG4 and H9, which seek to ensure that identified housing needs are met and housing stock is best used. It conflicts with Policies DM2 and DM4 of the Council's emerging Local Plan[2] (eLP) too, which seek to ensure that development meets local housing need and does not result in the loss of family housing.

9. The decision notice also refers to CS Policy CM2 and LP Policy 3.5 in respect of this main issue. However, these policies are not directly relevant as they relate to housing growth management and the quality and design of housing. Additionally, the Council refers to DLP Policies D4, H8, H10 and H12 and eLP Policy DM3. However, they are also not directly relevant as they relate to the delivery of good design, the replacement of existing housing at higher densities, housing size mix and supported and specialised accommodation.

Living conditions of the occupiers of neighbouring properties

10. The Council has raised concerns that the property could be occupied by up to 8 people. However, the appellant seeks permission for the HMO to be occupied by no more than 5 people and the proposal should be considered on this basis.

11. The HMO would likely be occupied by unrelated adults, except possibly those occupying the same room, whereas a family would likely include people from varying age groups. Unrelated adults are more likely to have individual daily schedules, deliveries and visitors and less likely to undertake activities together than a family and thus generate more noise and disturbance. There would also likely be an increase in the number of comings and goings to and from the property, albeit there would not be private motor vehicles moving to and from it as it is not served by a carriageway.

12. Heathway appears to be a relatively busy main road and, in that context, the additional comings and goings of pedestrians to and from the property are unlikely to have a significant impact on the neighbours' living conditions. Although the property adjoins 603A Heathway, it is set away from the dwelling at 613 Heathway on its other side. While it is nonetheless likely that there would be more noise and disturbance generated by the occupiers of the HMO,

[1] The London Plan – Intend to Publish version
[2] Barking and Dagenham's Draft Local Plan 2019-2034

for the reasons identified, this would not be to the extent that the neighbours' living conditions would be harmed significantly.

13. The Council has stated that the appeal property and the adjacent one at No 603A already have HMO licences. In addition, I have been appointed to make a decision on an appeal scheme[3] that seeks permission for No 603A to become a small HMO. No 603A is located in the middle of the terrace and thus it provides a degree of separation between the appeal property and the rest of the terrace. It is also not directly accessible via private motor vehicles. I do not consider that the cumulative effects of the 2 properties becoming HMOs as proposed would be significantly harmful to the living conditions of the neighbours.

14. There is sufficient space to the front of the property for the storage of waste containers and no firm evidence has been put forward which suggests that waste storage would be mismanaged. I therefore have no reason to conclude that the neighbours' living conditions would be harmed by waste related issues.

15. The proposal would not result in significant harm to the living conditions of the occupiers of neighbouring properties. It accords with DP Policy BP8 and LP Policies 7.1 and 7.15, which seek to protect quality of life and prevent noise and disturbance from causing significant harm to living conditions. It also accords with DLP Policies GG3 and D14 and eLP Policies DM4, DM11, DM25 and SP4, which set out similar objectives. The decision notice also refers to LP Policies 3.5, 7.4 and 7.6, DLP Policy GG1 and eLP Policy DM16; however, these are not directly relevant to quality of life and noise and disturbance matters.

Standard of accommodation

16. The Council has stated that the proposal would fail to accord with the Space Standards[4] for a 4 bedroom, 8 person, 3 storey property in respect of its gross internal area. It is also contended that the size of the proposed kitchen and lounge areas are inadequate on the basis that up to 8 residents could occupy the property.

17. As set out above, the proposal should be assessed on the basis upon which it has been made. I note that the property would exceed the gross internal area required by the Space Standards for a 4 bedroom, 5 person property, based on the Council's calculations.

18. The Council has not referred to any specific standards relating to the size of communal spaces within HMOs. I see no reason to conclude that the occupiers would be unable to spend time together comfortably in the communal areas. Moreover, I have already identified that it is likely that the occupiers would have different daily schedules and thus it is unlikely that they would want or need to use the communal facilities at the same time.

19. The proposal would therefore provide an appropriate standard of accommodation. It accords with LP Policy 3.5 and DLP Policy D6, which seek to ensure that the development provides for adequate living standards. The Council has also referred to eLP Policy DM3 in respect of this matter; however, it relates to specialist housing and thus is not relevant.

[3] Appeal reference: APP/Z5060/W/20/3253030
[4] Technical housing standards – nationally described space standard

Other Matters

20. The DLP is at a final stage in its preparation; however, it is still subject to further modification. I therefore attach moderate weight to the identified policies. In addition, as the eLP has not been examined and is subject to change, its policies attract limited weight.

21. I note that the property is reasonably close to a range of services and facilities and the occupiers of the HMO would benefit from its location. However, this matter does not outweigh the harm I have identified. Moreover, a family would benefit from the property's location too.

22. I have no reason to find that the occupiers of the HMO would have limited involvement in the local community or that the property would not be managed appropriately. I also acknowledge that HMOs can operate to a high standard and be occupied by those who work. However, these matters do not outweigh the harm identified.

Conclusion

23. The proposal conflicts with the development plan. There are no material considerations which indicate that a decision should be taken other than in accordance with the development plan.

24. For the above reasons, the appeal is dismissed.

Mark Philpott

INSPECTOR