



Appeal Decision

Site Visit made on 9 March 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2021

Appeal Ref: APP/Z5060/W/20/3262463

251 Morley Road, Barking, IG11 7DL

- 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 Ylli Murati against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/01478/FULL, dated 16 July 2020, was refused by notice dated 11 September 2020.
 - The development proposed is single dwelling to change to house in multiple occupation (HMO).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 19th January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results show that the London Borough of Barking and Dagenham has delivered 57% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) would be engaged. The Council and appellant have had an opportunity to comment on the implications of this.

Main Issues

3. The main issues are the effect of the development on:
 - the provision of larger family size units;
 - the living conditions of the occupants of neighbouring properties with particular regard to noise and disturbance; and
 - the living conditions of the future occupiers with particular reference to internal space standards.

Reasons

Loss of family housing

4. The appeal site comprises a mid-terrace property, and the plans indicate that the property has 4 bedrooms, however plans have not been provided of the existing second floor and the evidence before me indicates that the dwelling provides 6 bedrooms, arranged over 3 floors.
5. Policy BC4 of the Planning for the future of Barking and Dagenham, Borough Wide Development Policies Development Plan Document (DPD) states that the

Council will resist proposals which involve the loss of housing with three bedrooms or more.

6. The policy seeks to resist the loss of this type of housing, of which there is a recognised shortage within Barking and Dagenham, as evidenced by paragraph 3.4.2 of the DPD. The policy permits the changes of uses to HMOs in other circumstances subject to a number of other criteria, however these would not be applicable where there would be a loss of three bedrooms or more.
7. The existing dwelling has 6 bedrooms and therefore provides accommodation which would be of a size suitable for a family and also has access to private amenity space. As such it would meet the recognised need for larger family housing.
8. It has been put to me that the proposed HMO would contribute to a range of housing types which would align with policy CM1 of the CS which seeks to meet the needs of the local community by making provision of additional housing, creating diversity and choice. However, no evidence has been submitted to demonstrate that there is an identified need for the type of accommodation provided by the appeal or a lack of demand for family housing.
9. Policy BC4 also requires consideration to be given to the percentage of HMOs within the road, the Council has provided evidence to demonstrate that there is one HMO in Howard Road, which is the road which runs parallel to Morley Road and three HMOs within Ripple Road, however two of these (422 and 440) are located some distance from the site.
10. Therefore, there is no substantive evidence before me to demonstrate that the proposal would result in an over concentration of HMOs within the area. In particular, no evidence has been submitted by either party in relation to the number of HMOs within Morley Road. Therefore, I am satisfied that given the relatively low number that have been identified and their distance from the appeal site an undue concentration of such properties would not result.
11. In conclusion, the development would result in a loss of family housing in conflict with Policy BC4 of the DPD. It is also contrary to Policy CM1 of the Council's Core Strategy (CS) and Policies GG4 and H9 of the London Plan (LP), which seek to ensure that identified housing needs are met, housing stock is best used and a suitable choice of homes is provided.

Living conditions

12. The appeal property is a mid terrace property located in Morley Road, a residential street of similar properties, with other dwellings in close proximity to one another. The area is characterised by compact terrace streets and the presence of parked cars along the street leads to a dense urban character.
13. In this context the comings and goings from the occupants of the proposed HMO would not result in any undue increase in noise and disturbance to other residents. I consider that the occupation of the dwelling would be modest and akin to the level of activity that could be similar to a family occupying the property.
14. Therefore, there is nothing to suggest that the occupancy of the building would result in any overcrowding, which can otherwise lead to an unreasonable level of noise and disturbance. Moreover, I have not been presented with evidence

to suggest a harmful level of noise would penetrate through walls into the adjoining properties.

15. Furthermore, I am satisfied that the occupation of the HMO could be limited to a planning condition and that such a condition would meet the relevant tests of the Planning Practice Guidance. I note the appellant's suggestion that the occupation could be limited to five occupants, however this would result in an under occupation of the HMO which is shown to have 6 rooms. Therefore, I consider that noting the size of the proposed rooms it would be reasonable to limit occupation of any permission to 8 occupants, if I were to find the scheme acceptable in all other regards.
16. I therefore conclude that the appeal scheme would not harm the living conditions of the occupants of nearby residents, by virtue of increased noise and disturbance. The proposal would comply with policy BP8 of the DPD which seeks to protect residential amenity.

Internal Space Standards

17. Although not included in the Council's reason for refusal concern has been raised in the Council's officer report with respect to the living conditions of future occupiers with regard to internal space standards. I consider this matter to be a material consideration and the appellant has been given the opportunity to comment on it as part of the appeal process. No-one would therefore be prejudiced by my taking this matter into consideration in the determination of this appeal.
18. Policy D6 of the London Plan requires development to be of a high quality design and provide adequately sized rooms in accordance with the minimum internal floor areas and storage. However, paragraph 3.6.2 states that the minimum space standards apply to all new self-contained dwellings of any tenure. Therefore, based on the evidence before me, as an HMO does not comprise a self-contained dwelling, it does not appear that Policy D6 would be relevant.
19. The internal space standards for HMOs are also covered by separate requirements under the Houses in Multiple Occupation and residential licensing reform, 2018. This requires rooms for single occupation to be 6.51 sqm and double occupation to be 10.22 sqm and the evidence before me indicates that the room sizes would comply with these requirements for occupation by 8 persons.
20. 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, 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.
21. The proposal would therefore provide an appropriate standard of accommodation. It accords with Policy D6 of the LP which seek to ensure that the development provides for adequate living standards.

Other Matters

22. Considering the current shortfall, the provision of additional housing, which would serve more than one household, would attract modest weight. However, some of this benefit would be offset by the loss of the existing dwelling.
23. There would also be social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services.
24. 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.
25. 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.
26. Nevertheless, the identified adverse impacts of the development in respect of loss of family housing are matters which attract significant weight and outweigh the benefits associated with the proposed development.
27. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict.

Conclusion

28. For the reasons given above I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

