



Appeal Decision

Site Visit made on 12 July 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/Z5060/W/21/3266569

149 Marlborough Road, Dagenham RM8 2EX

- 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 Mansukh Jethwa against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 19/01700/FUL, dated 2 November 2019, was refused by notice dated 12 November 2020.
 - The development proposed is described as 'Proposed conversion of existing dwelling to two separate dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development in the banner heading above is taken from the application form. It differs from that used on the appeal form and the Council's decision notice, which state that the proposal is for the 'conversion of existing dwelling house into 1 x 4 bedroom and 1 x 3 bedroom houses'. However, it is clear from the reasons for refusal and the officer report, that the Council has based its assessment of the proposal on the basis of a two bedroom dwelling (referred to as Property 1) and a five bedroom dwelling (referred to as Property 2). The appellant has not disputed that this is the case. I have therefore considered the appeal on that basis.
3. On 20 July 2021, a revised version of the National Planning Policy Framework (the Framework) was published. The main parties were given the opportunity to comment on the relevance of this to the appeal. I have had regard to any comments received and the revised Framework in my decision.
4. The London Plan March 2021 (the LP) was published subsequent to the submission of the appeal. The Council were asked to provide copies of the relevant London Plan policies with their appeal documents. The appellant was advised of this request. When the Council provided copies of the policies, they acknowledged the publication of the 2021 iteration. Insofar as relevant to this appeal, the adopted policies are the same as the versions listed in the Council's decision notice. The appellant had the opportunity to comment on those as part of their statement. I have proceeded on this basis, accordingly referring to the 2021 London Plan.
5. The reasons for refusal also contain reference to policies within the Barking and Dagenham Draft Local Plan (the DLP). However, as the DLP has not been

formally adopted and may be subject to further change, in accordance with paragraph 48 of the Framework, I only attach limited weight to these policies.

Main Issues

6. The main issues are the effect of the development proposed on:

- The living conditions of the future occupiers of the development, with particular regard to internal space and external amenity space.
- The supply of family housing.
- The living conditions of neighbouring occupiers, with particular regard to waste, light, noise and disturbance.
- The character and appearance of the host property and the surrounding area.

Reasons

Living conditions of future occupiers

7. The appeal property is an end terraced dwelling occupying a corner plot at the junction of Marlborough Road and Babington Road. The appeal property has been extended under a recent planning permission¹ so that it contains 8 bedrooms arranged over three floors. The surrounding area is residential and is characterised by two storey terraced properties which generally have small front gardens or driveways and larger, private rear gardens.
8. The Council states that the gross internal floor space of the two units proposed would meet the minimum space standards for these property types as set out in the Technical housing standards – nationally described space standard March 2015 (NDSS) and Policy D6 of the LP. However, one of the bedrooms in Property 2 would have a floor area of 5.57 sq.m which falls short of the minimum requirement of 7.5 sq.m for a single bedroom. This unit would be served by a small WC, which, according to the Council would have a floor area of 1.57 sq.m. That would not be of sufficient size for a five bedroom property, particularly as there would be no other bathroom facilities in the property. Property 2 would therefore not provide an adequate standard of accommodation and would fail to comply with the NDSS and Policy D6 of the LP in terms of bedroom size.
9. The appellant makes no reference to the top floor room proposed in Property 1, nor does the Council, and I have therefore not treated it as a bedroom in terms of NDSS and Policy D6 of the LP.
10. The appellant states that there would be scope to enhance the bedroom space and bathroom/toilet facilities and they would agree to a condition requiring the submission of details of the internal layout. However, I have no details before me of how any such amendment to the internal arrangements would address the above concerns and I am mindful that the appeal process should not be used to evolve a scheme. In the interests of fairness and transparency I have considered the appeal in accordance with the plans that were submitted to, and considered by, the Council.

¹ Council ref. 18/00403/FUL

11. The existing property is served by a driveway to the front and a yard to the rear, part of which is taken up by a detached domestic outbuilding. Policy BP5 of the Planning for the future of Barking and Dagenham, Borough Wide Development Policies Development Plan Document 2011 (DPD) requires a minimum of 50 sq.m of external private and/or communal amenity space for a two bedroom house and 75 sq.m for a 4+ bedroom house. The policy also advises that rear gardens should have a minimum depth of 12 metres. The overall size of the private amenity space is unclear from the submitted drawings as is whether it would be subdivided between the two dwellings. However, based on my observations on site the private external amenity space would be significantly below the minimum required by Policy BP5. Although I accept that Policy D6 of the LP has lower requirements than those contained in Policy BP5 of the DPD, the external space proposed would nevertheless be very restricted in size, hemmed in by walls and so very confined in nature, such that it would not provide an adequate space to cater for the intended number of occupiers.
12. The appellant refers to the availability of nearby public open spaces. However, these are not private spaces and therefore I do not consider that these would provide sufficient mitigation for the shortage of private outdoor amenity space. Consequently, the proposal would not provide sufficient private outdoor amenity space for the future occupiers of the proposal, to the detriment of their living conditions.
13. On this main issue, I conclude that the proposal would result in harm to the living conditions of future occupiers as a result of the standard of both the internal floor area and external amenity space. Thus it would be contrary to Policies D4, D5 and D6 of the LP, Policy BP5 of the DPD, and the Framework, where they seek to ensure that development would provide good design and a high standard of amenity for future occupiers.

Loss of family housing

14. Policy BC4 of the DPD states that the Council seeks to preserve and increase the stock of family housing in the Borough. Consequently, proposals which involve the loss of housing with three bedrooms or more will be resisted.
15. As extended, the appeal property is a large family home. The proposed conversion would provide two dwellings one of which would have at least three bedrooms. However, both dwellings would be significantly smaller than the existing dwelling. I find that the internal living arrangements and external amenity space of the proposed dwellings would be inadequate, for the reasons that I have identified above. Thus the proposal would result in the loss of a larger sized family dwelling, of which there is an identified shortage in the Borough.
16. The proposal would therefore be harmful to the supply of family housing in the Borough. This would conflict with policies CM1 and CM2 of the London Borough of Barking and Dagenham Core Strategy (the CS), Policy BC4 and BP10 of the DPD, Policies GG4, H8, H9 and H10 of the LP, and the Housing Supplementary Planning Guidance (March 2016, Updated August 2017), which, amongst other things, seek to meet community needs, manage housing developments and resist proposals which involve the loss of housing with three bedrooms or more. It would also conflict with of the Framework which seeks to ensure that

the size, type and tenure of housing needed for different groups in the community is assessed and reflected in planning policies.

Living conditions of neighbouring occupiers

17. The appeal site is within close proximity of neighbouring properties and shares a boundary with No 151 Marlborough Road to the east and No 75 Babington Road to the north. There is no evidence to demonstrate that the use of the existing large property has caused any issues with waste, light, noise or disturbance to neighbouring residents or that the development proposed would exacerbate any such issues.
18. I accept that the proposed conversion of the building into two dwellings would be likely to result in more comings and goings. However, taking into account the position of the property at the end of the terrace and given that the development would not increase the floor space of the building, the use of the building as two dwellings would be unlikely to result in any significant increase in noise, disturbance, light nuisance or waste.
19. For these reasons, I consider that the appeal scheme would not harm the living conditions of the occupiers of nearby properties, with particular regard to waste, light, noise and disturbance. In this respect, there would be no conflict with Policy BP8 of the DPD, Policies GG1, GG3 and D14 of the LP, or the Framework, which, amongst other things, require development to protect the amenities and quality of life of existing occupiers.

Character and Appearance

20. The development proposed includes the formation of an additional front door in the existing front porch to provide a separate entrance to the additional dwelling. The porch extends across the width of the two-storey side extension and already includes a front door serving the existing dwelling. The proposed new door would be positioned close to the existing door with a window in between. The property is located within the Becontree Estate, which, though not designated as a conservation area, is identified as being of historic importance because it was an area built as Homes for Heroes in the period 1921 to 1934.
21. Given the increased width of the property as a result of the two-storey side extension, the additional door would be proportionate to the front elevation of the building. Furthermore, during my site visit I observed that a common feature of terraced properties in the surrounding area is that their front doors are often positioned alongside one another with very little space between. Consequently, the proposed additional door would not appear out of place on the property or be detrimental to the wider street scene.
22. For these reasons, the proposal would not be harmful to the character and appearance of the host property or the surrounding area. Thus it would not conflict with Policies BP2 and BP11 of the DPD, Policies CP2 and CP3 of the CS, Policies D4 and HC1 of the LP, and paragraph 127 of the Framework which, amongst other things, seek to ensure that development would be sympathetic to local character and history, including the surrounding built environment.

Conclusion

23. The development would provide an additional unit of housing, however, this benefit would be offset by the loss of the large family dwelling. The proposal would also have economic benefits through the creation of employment opportunities during the construction phase of the development and spending in the local area by future occupiers. I have attached some weight to these factors. However, given the modest scale of the development proposed, the weight attributable to these matters is limited.
24. I find that the proposal would not be harmful to the living conditions of neighbouring occupiers or the character and appearance of the area. However, I consider that the proposal would result in significant harm due to the loss of a larger sized family dwelling and would not provide acceptable living conditions for future occupiers of the development. I have considered the benefits of the proposal; however, these matters do not individually or cumulatively outweigh the harm I have identified.
25. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Mark Ollerenshaw

INSPECTOR