



Appeal Decision

Site Visit made on 22 July 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2021

Appeal Ref: APP/Z5060/W/20/3262354

108 Cornworthy Road, Dagenham RM8 2DF

- 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 Abdul Hamid against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 20/01631/FULL, dated 11 August 2020, was refused by notice dated 4 October 2020.
 - The development proposed is described as 'erection of a single storey side extension and rear extension, alterations to elevations, and sub-division of existing dwelling house to create 1 x 3 bedroom family size property and 1 x 1 bedroom property'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed 'revised application' from the description of the proposal given these words are not a description of development.
3. In the period since the appeal was submitted the Government has published the revised National Planning Policy Framework (the Framework) July 2021 which is being brought into immediate effect for the purposes of decision-making. The London Plan (March 2021) (LP) has also been published during this period. The parties have been provided with an opportunity to provide comments as to whether either of these events has relevance to the appeal and I have taken any comments received into account as part of my assessment.
4. The Council's decision notice refers to several policies within the Draft Local Plan (Regulation 18 Consultation Version, November 2019). However, as the Draft Local Plan may be subject to further change, I only attach limited weight to these policies.
5. Policies GG4 (Delivering the homes Londoners need), H8 (Loss of existing housing and estate redevelopment), H9 (Ensuring the best use of stock), H10 (Housing size mix), D4 (Delivering good design) and D6 (Housing quality and standards) of the London Plan 2021 (LP) are substantively unchanged from the Intend to Publish version, and replace the policies in the 2016 London Plan, both of which are referred to in the Council's decision.

Main Issues

6. The main issues are:

- (i) The effect of the development on the supply of family housing in the Borough including whether the proposal would provide suitable living conditions for its occupants with particular regard to levels of internal space;
- (ii) The effect of the proposal on the character and appearance of the area; and
- (iii) The effect of the proposal on the living conditions of occupiers of the neighbouring dwelling at No 106 Cornworthy Road with particular regards to privacy.

Reasons

Supply of family housing including living conditions for future occupants

7. No 108 Cornworth Road comprises of a two-storey three-bedroomed dwelling. The proposal would split the dwelling into a three bedroomed flat at ground floor and a separate one-bedroomed flat at first floor.
8. Policy BC4 (Residential Conversions and Houses in Multiple Occupation) of the London Borough of Barking and Dagenham Borough Wide Development Policies Development Plan Document (2011) (DPD) seeks to preserve and increase the stock of family housing within the Borough and confirms that proposals which involve the loss of housing with three bedrooms or more are to be resisted.
9. I acknowledge that flats are a form of housing and the ground floor flat proposal would retain a three-bedroomed unit on the site. There is nothing within Policy BC4 specifying that a family house relates to accommodation provided over more than one storey. Policy BC4 confirms amongst other things that other proposals for flat conversions will only be considered acceptable where they meet specific criteria set out in the policy including that internal and external space standards are met. In that regard Policy BP6 of the DPD and the LP sets out the internal space standards.
10. The Council's delegated report acknowledges that both flats would have a cooking, eating and living (CEL) areas which would meet the minimum square metre (sq m) CEL areas set out under policy BP6.
11. The three-bedroomed flat would meet the minimum gross internal floor area requirements for a three-bedroomed four-persons one-storey flat set out under Policy D6 (Housing quality and standards) and Table 3.1 of the LP. Policy BP6 of the DPD requires that each new dwelling provides at least 1 double bedroom and that such a bedroom should have a floor area of no less than 12 sq m. Policy D6 of the LP sets a slightly lower requirement of 11.5 sq m for such bedrooms. The largest of the bedrooms would be 11.44 sq m and would fall marginally below the latter more recently adopted standard.
12. The plans indicate that the first floor flat would be a one-person unit. However, given the size of the bedroom would meet the minimum requirements in the LP and the DPD for a double bedroom there is the potential that it would be utilised as a 2-person flat. In that regard its gross internal floor area of 48.58 sq m would fall marginally below the 50 sq m requirement in the LP.
13. The appellant suggests that the Council has not included the full extent of storage space that would be available under the stairs. Even if I consider the

areas put forward by the Council, these would also only be marginally below the requirements under Policy D6 of the LP.

14. Overall, based on the evidence before me, the internal space deficiencies described would be marginal. Therefore, whilst there would be conflict with the adopted space standards in this instance this would be limited and unlikely to be materially harmful to the living conditions of future occupants in this particular instance.
15. There is no substantive evidence before me to suggest that the conversion of the appeal dwelling would lead to more than 10% of the total number of houses in the road being converted to flats and / or homes in multiple occupation (HMOs) nor that the neighbouring property has been converted to flats. It is also unlikely that the conversion of this single dwelling to two flats would on its own lead to any significant rise in levels of traffic, noise or general disturbance. The plans also indicate that refuse and recycling bin storage could be accommodated to the side of the dwelling. The Council has not raised any specific concerns in terms of the scheme meeting these aspects of Policy BC4.
16. Policy BP5 (External Amenity Space) of the DPD and Policy D6 (Housing quality and standards) of the LP both require that private outdoor space should be provided for dwellings. The ground floor flat would retain access to the existing rear garden. Whilst the first floor flat would have no private outdoor space, the Council suggests that the close proximity of Parsloes Park provides suitable compensation in this particular instance. Based on the evidence before me, I find no reason to disagree and find that there would be no significant conflict with the identified policies in this instance.
17. I conclude that the proposal would not deplete the supply of family housing in the Borough. There would be some limited conflict with the adopted space standards albeit this would be unlikely to be materially harmful to the living conditions of future occupants in this particular instance. In these particular respects the proposal would substantively accord with Policies BC4 (Residential Conversions and Houses in Multiple Occupation), BP5 (External Amenity Space) and BP6 (Internal Space Standards) of the DPD, Policies GG4 (Delivering the homes Londoners need), H8 (Loss of existing housing and estate redevelopment), H9 (Ensuring the best use of stock), H10 (Housing size mix) and D6 (Housing quality and standards) of the LP which amongst other things require that more homes are delivered in a range of unit sizes, that loss of existing housing should be replaced by new housing at existing or higher densities, that the stock of family housing is preserved and that homes have suitable living conditions with adequate levels of space.
18. The proposal would also comply with the Framework insofar as it supports the Government's objective of significantly boosting the supply of homes but also makes it clear that a range of homes as well as the number is important in order to meet the needs of present and future generations.

Character and appearance

19. The appeal site is located within the close-knit Becontree Estate. Dwellings in the area predominantly comprise of two-storey blocks of terraced dwellings set back from front boundaries in single household occupancy. No 108 Cornworthy Road is a two-storey end-terrace dwelling situated on a corner plot. Even accounting for an existing two-storey side extension, the dwelling retains a

substantial gap between its side elevation and the boundary with the highway. In that regard the layout of the dwelling reflects the general spacing seen to most of the other dwellings on corner plots in the area. The opposing corner dwelling at No 66 Cornworthy Road is also set away from its side boundary with the highway. As a result, the layout of buildings at this junction provides a relatively open aspect in views towards the terraces on the adjoining banjo cul-de-sac which themselves are a common feature of the area. Consequently, the prevailing layout, form, mass and width of dwellings in the area gives consistency to the street pattern and positively contributes to the residential character of the area.

20. The proposed side extension would sit close to the side boundary of the site. Even accounting for the single storey scale of the side extension, in combination with the previous side extension, the extended building would appear substantially wider and would sit tighter within its plot than the majority of other corner dwellings in the area.
21. The proposals would also introduce a second front door to the front elevation of the property and the narrow gap that would be retained between the side boundary would be utilised for bin and cycle storage. The layout plans indicate that the bin storage would have side walls. Together with its position adjacent to the boundary, the bins would only be accessible from the public footpath to the side of the property. Therefore, the low-rise fence suggested by the appellant would impede access to the bins and is therefore unlikely to be achievable or effective. This means that there is the potential that there would be a proliferation of bins fronting the adjacent footpath.
22. Taking all the above factors into account, the cramped layout of the proposals would be at odds with the more spacious arrangement of buildings on corner plots generally seen in the area and the second front door and bin arrangements would further emphasise the intensive nature of the proposal relative to neighbouring single household dwellings.
23. My attention has been drawn to an extension at 85 Ellerton Road, Dagenham. This particular example dates back to a 2007 planning application and would therefore have been considered under previous development plan policies and prior to the Framework first being published. The plans also indicate that particular extension did not sit as close to the side boundary as the appeal proposal. In any case, this single example does not persuade me that the appeal proposal would reflect the predominant layout and spacing of buildings on corner plots in the area.
24. I conclude, the development would result in significant harm to the character and appearance of the area. In that regard, the development would conflict with the design objectives and requirements to respect local context and distinctiveness and to protect and enhance the character of the area in Policies CM1 (General Principles for Development), CP2 (Protecting and Promoting our Historic Environment) and CP3 (High Quality Built Environment) of the Barking and Dagenham Core Strategy (2010), Policies BP8 (Protecting residential amenity) and BP11 (Urban Design) of the DPD, Policy D4 (Delivering good design) of the LP and the Framework.

Living conditions for occupiers of No 106 Cornworthy Road

25. The first floor flat would have windows serving an en-suite and a kitchen to the elevation facing No 106. These windows are already present in the rear elevation of the existing dwelling. This elevation also aligns with the side elevation and front garden area serving No 106 rather than the private rear amenity space or main habitable windows serving this neighbouring dwelling. Given that the kitchen area would form part of an open plan living/dining room served by a further window, the rear facing windows could be conditioned to have top-hung opening lights and to be obscure glazed. Taking these factors into account, I am satisfied that the proposal would not result in any material overlooking impact on the occupiers of No 106.
26. I conclude that the development would have an acceptable relationship with the living conditions of No 106 Cornworthy Road with particular regard to privacy. In that particular regard the proposal would comply with the requirements to protect residential amenity in Policy BP8 (Protecting Residential Amenity) and BP11 (Urban Design) of the DPD.
27. The Council's reason for refusal relating to neighbouring living conditions also refers to Policy GG1 (Building strong and inclusive communities), GG3 (Creating a healthy city) and D14 (Noise) of the LP. However, those policies are not concerned with matters relating to privacy. Therefore, I have also not identified any conflict with these policies in respect of this particular main issue.

Conclusion

28. Paragraph 12 of the Framework confirms amongst other things that the development plan is the starting point for decision-making and where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
29. The site is sustainably located close to services and facilities and I have found that the development would be acceptable in respect of the effects on family housing stock in the area. There would be some limited conflict with the space standards in the development plan, albeit not to a level that would be likely to be materially harmful to the living conditions of future occupiers in this particular instance.
30. However, the proposal would result in significant harm the character and appearance of the area and would therefore conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

M Russell

INSPECTOR