



Appeal Decision

Site visit made on 8 June 2021

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/Z5060/W/20/3253291

171 Ivyhouse Road, Dagenham RM9 5RR

- 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 Bharadia against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/00324/FUL dated 6 March 2020, was refused by notice dated 1 May 2020.
 - The development proposed is described as conversion of existing 2 bed dwelling into 2 x 1bed apartments by means of single storey rear extension and loft conversion with rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing 2 bed dwelling into 2 x 1bed apartments by means of single storey rear extension and loft conversion with rear dormer at 171 Ivyhouse Road, Dagenham RM9 5RR in accordance with the terms of the application, Ref 20/00324/FUL, dated 6 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:1940_PL01, 1940_PL04 and 1940_PL03.
 - 3) Notwithstanding condition 2 the rooflights hereby approved shall not be dual opening, nor open into a balcony. Details of the rooflights including opening mechanism shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the proposed development shall be carried out in accordance with the approved details and retained in perpetuity.
 - 4) The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mr Bharadia against the decision of the Council of the London Borough of Barking and Dagenham. This application is the subject of a separate Decision.

Procedural Matter

3. Since the submission of the appeal the London Plan 2021 has been published and the National Planning Policy Framework (2019) has been superseded by the National Planning Policy Framework (2021) (the Framework). The Council's reasons for refusal include policies within superseded documents. The London Plan 2021 does not diverge significantly from the policies referenced, similarly the Framework does not depart widely from the previous version in respect of this appeal proposal. No party has been prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.
4. The Barking and Dagenham Draft Local Plan 2019-2034, (Regulation 18 Consultation Version November 2019) policies referenced in the reasons for refusal have been replaced by the Barking and Dagenham Draft Local Plan 2037 (version September 2020).
5. The Appellant has provided an amended plan which was not considered by the Council during the determination of the original application. I have considered this appeal on the basis of the plans received prior to the determination of the planning application as this is what the Council based its assessment on.

Main Issues

6. The main issues in this appeal are (i) the effect of the proposed development on the balance of family sized housing within the Borough; and (ii) the effect of the skylight balconies on the character and appearance of the area.

Reasons

Family sized housing

7. Policy BC4 of the Planning for the Future of Barking and Dagenham, Borough Wide Development Plan Policies, Development Plan Document (2011) (the DPD), seeks to preserve existing stock of family houses, resisting proposals which involve the loss of housing with 3 bedrooms or more.
8. The existing property is a 2 bedroom property, the proposed development comprises 2 x 1 bedroom apartments. Whilst the proposal includes works to the property which could provide a 3 bedroom+ family home this does not alter the existing use of the property. The proposed development would not result in the loss of a family sized dwelling as identified by Policy BC4 of the DPD.
9. The Council recognise the value conversions to flats can have in terms of catering for smaller households and the role this can play in meeting housing need within the Borough. Policy BC4 of the DPD seeks to ensure that the subdivision of housing into flats is controlled by ensuring that in any road flats should not exceed 10% of the total number of houses, and that no two adjacent properties, apart from dwellings that are separated by a road, should be converted. I have not been provided with substantive evidence to demonstrate that the subdivision of the property into flats would fail to meet this criterion.
10. I conclude that the proposed development would not harm the balance of family sized housing within the Borough. There is no conflict with Policies BC4 of the DPD, Policies CM1 and CM2 of the Planning for the Future of Barking and Dagenham, Core Strategy (2010) (the Core Strategy), the Draft Local Plan and

the London Plan which amongst other things seeks to ensure a balanced housing supply.

11. There is no conflict with the National Planning Policy Framework (2021) (the Framework) which seeks to ensure housing provision reflects local housing need.

Skylight Balconies

12. The Council confirm that the Becontree Estate is a local heritage asset. Substantive evidence has not been provided by the parties with regard to its local, historic or architectural interest. Notwithstanding this the site is within a residential area facing Parsloes Park, the built form in the area is uniformed in terms design and layout.
13. Notwithstanding this during my site visit I observed a number of properties in the immediate vicinity of the appeal site with rooflights/skylights on the front elevation. When closed the proposed skylights would be similar visually to those of nearby properties. The inclusion of rooflights/skylights in the front roof slope would not be an incongruous feature within the streetscene and would not diminish the visual appearance or setting of the property or area in general.
14. The skylights proposed have dual opening and when open take on the appearance of balconies. This feature would be out of keeping to the property and the surrounding area. The Appellant has drawn my attention to a similar skylight system installed at a property on Bonham Road, I have very little detail about this other than a photograph. Nonetheless each development must be considered on its individual merits, and I have reached my conclusion based on the merits of the appeal proposal.
15. The Appellant has submitted a revised plan which was not considered by the Council during the determination of the application which proposes to replace the skylight balconies with standard rooflights. Notwithstanding the submission of this plan I see no justification as to why the details of the skylight/rooflights could not be controlled through the imposition of a planning condition to restrict opening into a balcony.
16. I conclude that the proposed development would not harm the character and appearance of the area. There is no conflict with Policy BP11 of DPD, Policies CP2 and CP3 of the Core Strategy, the Draft Local Plan and the London Plan 2021, which amongst other things seek to ensure developments have regard to the local character, promote high standards of design and positively contribute to an area.
17. There is also no conflict with the Framework which seek to ensure development are of good design.

Other Matters

18. Whilst not a reason for refusal the Council state in the Delegated Report that there is a lack of external amenity space for the first floor flat set out over two floors contrary to BP5 of the DPD. Policy BP5 confirms that when a site adjoins countryside or extensive parkland and the scheme is designed to benefit from the open aspect there maybe scope for a reduction in the provision of amenity space. The site is located directly adjacent Parsloes Park.

19. Policy BP5 of the DPD also highlights that where there is a reduction in amenity space the Council may seek a contribution towards improvements to existing open space. I note that no contribution has been recommended in this instance. The proposal does not include functional external outdoor space for the first floor apartment. Notwithstanding this due to the proximity of the proposed one bedroom apartment to the park I find that the proposed development would not conflict with Policy BP5 of the DPD.

Conclusion and Conditions

20. I have imposed a standard condition relating to the commencement of development. I have included a condition specifying the relevant plans as this provides certainty.
21. In the interest of safeguarding the character and appearance of the area I have imposed conditions relating to details of the external materials and rooflights.
22. For the above reasons I conclude that this appeal should be allowed.

C Pipe

INSPECTOR