



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: 29 September 2021

Appeal Ref: APP/Z5060/W/20/3248912

2 Herbert Gardens, Romford RM6 4BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Bharadia against the Council of the London Borough of Barking and Dagenham.
 - The application Ref 19/01895/FUL dated 16 December 2019.
 - The development proposed is conversion of existing dwelling into 2 x 1bed apartments by means of single storey rear extension, front porch and rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing dwelling into 2 x 1bed apartments by means of single storey rear extension, front porch and rear dormer at 2 Herbert Gardens, Romford RM6 4BS in accordance with the terms of the application, 19/01895/FUL dated 16 December 2019, 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:1937_PL01, 1937_PL04, 1937_PL05 and 1937_PL06.
 - 3) 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. The Appellant's description of development refers to the existing property as a 2 bedroom dwelling, for the reasons outlined in this decision I disagree with that description. I consider a more accurate description of the appeal proposal would be to omit this reference accordingly I have adopted an amended description in the heading above rather than the Appellants description of development.

Main Issues

4. This appeal has been lodged following the Council's failure to determine the planning application. The Council in their appeal statement titled 'Delegated Report' has put forward reasons for refusal had they been able to determine the application. The Council considers the main issues in relation to the proposal to be principle of development, dwelling mix and quality of accommodation; design and quality of materials; impact to neighbouring amenity; and sustainable transport issues.
5. The Council considers that the quality of accommodation; design and quality of materials; impact to neighbouring amenity; and sustainable transport issues, subject to the imposition of a planning condition securing cycle parking are acceptable. I do not disagree with this and therefore consider that the main issue raised in respect of this appeal is the effect of the proposed development on the balance of family sized housing within the Borough.

Reasons

6. 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.
7. The existing property is identified by the Council and Appellant as a 2 bedroom property. At the time of my site visit I observed that works had been carried out to extend the property, and understand that approval was granted¹ for a rear extension and loft conversion to provide an enlarged 3 bedroom property. The works carried out were not substantially complete.
8. Notwithstanding the previous approval for an extended family home, the existing submitted plans detail 2 bedrooms on the first floor along with a study. Both parties consider the appeal site to be a 2 bedroom property which would not fall within the definition of a family house as identified in Policy BC4 of the DPD.
9. The Appellant has supplied a copy of the delegated report for an approved planning application relating to demolition of a garage and the erection of a part single/part two storey extension to provide a one bedroom house subdividing the plot previously associated with 2 Herbert Street.² It is clear from the report that 2 Herbert Street was at that time classified as a 3 bedroom property. I have not been provided with substantive evidence to demonstrate that the layout has changed from the 2018 permission nor that the room identified as a study could not be used as a bedroom which it was previously identified as. I acknowledge that the study/bedroom is constrained in size notwithstanding this the property would, in my opinion, be a family home for the purpose of Policy BC4 of the DPD.
10. The proposed development comprises 2 x 1 bedroom apartments which would result in the loss of a family sized dwelling as identified by Policy BC4 of the DPD. The Barking and Dagenham Draft Local Plan 2037 (version September 2020) (the Draft Local Plan) is progressing however has not been formally

¹ Council Reference: 18/01830/FUL

² Council Reference: 18/00319/FUL

adopted and may be subject to further change. Nonetheless the policies in the Draft Local Plan do not conflict with Policy BC4 of the DPD.

11. I find that the proposed development would harm the balance of family sized housing within the Borough. There is 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.
12. There is conflict with the National Planning Policy Framework (2021) (the Framework) which seeks to ensure housing provision reflects local housing need.

Other Matters

13. The Council state that 57% of its housing requirement has been delivered over the last 3 years. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the Framework will be engaged.
14. Under such circumstances, Paragraph 11 of the Framework states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.

Planning Balance, Conclusion and Conditions

15. The proposal would result in benefits in terms of providing much needed additional housing, which could be delivered quickly, in a sustainable location. 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.
16. Notwithstanding the loss of a family dwelling, I have attached significant weight to the constrained size of the study/bedroom in the existing layout which would provide a poor standard of living accommodation for occupiers.
17. On balance, I consider that the harm identified in terms of the loss of a family home would not significantly outweigh the benefits of the proposal.
18. 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.
19. In the interest of safeguarding the character and appearance of the area I have imposed a condition relating to details of the external materials.
20. The Council have suggested conditions relating to cycle and refuse storage however these are detailed on the plans submitted, these conditions are unnecessary. The Council have also suggested conditions relating to landscaping, boundary treatment, highway agreement and driveway, substantive evidence has not been provided to justify the imposition of these conditions, on this basis I do not consider them necessary.
21. For the above reasons I conclude that this appeal should be allowed.

C Pipe

INSPECTOR