
Appeal Decision

Site visit made on 25 October 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2021

Appeal Ref: APP/Z5060/W/21/3269781
100 Beccles Drive, Barking IG11 9HZ

- 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 G Toot against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 20/02436/FULL, dated 10 December 2020, was refused by notice dated 29 January 2021.
 - The development proposed is described as 'conversion of property into two bedroom dwellinghouse'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A new London Plan (LP) was published in March 2021. This forms part of the development plan for the area and post-dates the Council's refusal notice. I have had regard to the policies in the LP as part of the determination of this appeal and the main parties were afforded the opportunity to comment on the implications of the LP from the point of view of determining this appeal. I have also taken it into account.
3. The National Planning Policy Framework was revised in July 2021 (the Framework) and this post-dates the Council's refusal notice. The main parties were afforded the opportunity to comment on the implications of the Framework from the point of view of determining this appeal. I have also taken it into account.
4. The evidence indicates that the Council is reviewing its development plan in the form of the Draft consultation Regulation 19 Local Plan 2037, dated September 2020 (DLP). As it has not yet reached a very advanced stage, I am unable to afford its policies significant weight in decision making terms having regard to paragraph 48 of the Framework. However, the policies are still material considerations to weigh in the planning balance.
5. The description of the proposed development in the banner heading above is taken from the planning application form. The description of development in the Council's refusal notice more precisely describes the proposal as '*the conversion of the dwellinghouse into a 1 x 3 bedroom dwellinghouse and a 1 x 2 bedroom dwellinghouse including construction of a first floor rear extension*'. I have therefore determined this appeal on the basis of the latter description of the proposed development.

Main Issues

6. The main issues are the effect of the proposal on (i) the character and appearance of the area; (ii) the living conditions of the occupiers of the resultant three bedroom dwelling in respect of outlook, light and privacy; (iii) whether each dwellinghouse would have adequate internal floorspace and storage for occupants and (iv) the effect of the loss of a larger/family dwellinghouse on the balance and mix of residential properties in the area.

Reasons

Character and appearance

7. There is a design consistency and rhythm to the terrace of dwellinghouses in Beccles Drive in terms of the width of the dwellings, position of single entrance doors and provision of double bay projecting windows to each of the properties. This adds positively and distinctively to the character and appearance of the area.
8. The appeal property has five bedrooms and is an end of terrace. The evidence indicates that it was originally a three bedroom dwelling but was extended to the side a number of years ago. Despite these alterations, the dwelling continues to have the appearance of a single dwellinghouse in-keeping with the general character and pattern of development in the immediate locality.
9. To facilitate the creation of two dwellings, the proposal would seek to introduce a second entrance doorway to the front of the property. In addition, it is proposed physically to separate the front amenity space with Beccles Road with landscaping and a path to form two separate driveways. To the passer-by, I find that these changes would result in development that has the appearance of two very distinct and separate dwellings. Indeed, the proposed two bedroom dwellinghouse would appear much narrower in width relative to all the other dwellinghouses in the terrace. I therefore conclude that material harm would be caused to the character and appearance of the area.
10. For the above reasons, I therefore find that the development would not accord with the design, character and appearance requirements of Policy D4 of the LP; Policy CP3 of the Council's Core Strategy DPD 2010 (CS); Policy BP11 of the Council's Borough Wide Development Policies DPD 2011 (BWDP DPD); policy DMD1 of the DLP and paragraph 126 of the Framework.

Living conditions

11. The development includes the erection of a first-floor extension to the rear to form a bedroom for the proposed two bedroom dwellinghouse. Such an extension would breach a 45 degree line taken from the centre of the rear first floor bedroom window of the resultant proposed three bedroom dwellinghouse. Owing to the position, height and depth of this rear extension, I consider that it would lead to some adverse enclosing impact when seen from the rear bedroom window of the three-bedroom dwellinghouse, leading to a material loss of outlook. However, given the orientation of this development with such a window I do not consider that such an extension would lead to any significant loss of daylight or sunlight to the resultant neighbouring property.
12. The Council has made reference to a loss of privacy as a consequence of the erection of the first floor extension. While the window to the extension would

be in a different position to the one already positioned in the rear elevation of the existing property, I have considered the relationship of this window with all neighbouring properties and, in relative terms, do not find that this aspect of the development would lead to any significant privacy effects in terms of overlooking neighbouring gardens or properties. It is of note that there would be no net increase in the number of windows on the rear of the appeal building.

13. For the reasons outlined above, I therefore conclude that the first-floor extension would cause harm to the occupiers of the resultant three bedroom dwellinghouse in terms of loss of outlook. To this extent, the proposal would not accord with the amenity and well-being requirements of policies GG3 and D14 of the LP; policy BP8 of the BWDP DPD; policy DMD1 of the DLP and paragraph 130 (f) of the Framework.

Internal floorspace and storage

14. The appellant has not disputed the Council's claim that the proposed two-bedroom dwelling would have a gross internal area (GIA) of about 77.82 square metres. For a two-bedroom and four-person dwelling, the DCLG Technical Housing Standards (nationally described space standard) 2015 (National Space Standards) requires a 'minimum' of 79 square metres of GIA, plus 2 square metres for internal storage. The two-bedroom property would not meet these minimum space requirements. Consequently, it would not be to an acceptable standard for residents from an internal floorspace and storage point of view.
15. I recognise that in respect of the proposed three-bedroom house, the third bedroom exists already as part of the five bedroom dwellinghouse. Nonetheless, it is necessary that I consider this proposal as a whole and in terms of the resultant effect of creating a three bedroom dwellinghouse. In this regard, the third bedroom for the resultant three-bedroom dwellinghouse would be deficient in terms of its size from the point of view of use by a single occupant.
16. The National Space Standards stipulate that in order to provide one bedspace, a single bedroom should have a floor area of at least 7.5 square metres and be at least 2.15 metres wide. The evidence indicates that this standard would not be fully achieved and hence the resultant three bedroom property would provide a tight and oppressive living environment for its occupants.
17. For the above reasons, I conclude that the development as a whole would not provide adequate space and storage for future occupiers and consequently it would not accord with the amenity, well-being, design and space requirements of policies GG3, D4, D5, D6 of the LP; the National Space Standards and Chapter 12 of the Framework. In respect of this main issue, the Council has referred to policy DMH3 of the DLP but this is not directly relevant as it relates to specialist housing.

Loss of a large/family dwellinghouse

18. The Council contend that the proposal would unacceptably lead to the loss of a larger sized dwellinghouse and that this is a type of housing in high demand in the Borough. I do not doubt that there is demand for larger/family dwellinghouses in the Borough. Indeed, policy BC4 of the BWDP DPD states that *'the Council is seeking to preserve and increase the stock of family*

housing in the Borough. Consequently, when planning permission is required, the Council will resist proposals which involve the loss of housing with three bedrooms or more'.

19. In this case, the proposal would lead to the loss of a five-bedroom dwellinghouse. However, the resultant development would include a three-bedroom dwellinghouse and to that extent there would remain a 'family' dwellinghouse. It is also of note from the evidence submitted that the appeal property was originally built as a three-bedroom dwellinghouse.
20. I do not therefore consider, in this case, that the technical conflict with policy BC4 of the BWDP DPD justifies refusal of planning permission. The other policies referenced by the Council seek to boost the supply and delivery of homes in the area. In this case, the proposal would deliver a net one additional dwellinghouse and in quantitative terms I do not find any conflict with any of the other referenced development plan policies.
21. In addition to the above, the Council has not actually provided me with any objective evidence to demonstrate why the loss of two bedrooms from an existing family dwellinghouse would cause any significant harm to the balance and mix of residential dwellings in the area. This is in the context of the fact that a three-bedroom dwellinghouse would be provided on the site, i.e. the type of dwellinghouse that the Council is looking to retain and promote.
22. I therefore conclude that while there would some technical conflict with policy BC4 of the BWDP DPD, for the reasons given this would not in this case justify refusing planning permission. Furthermore, there would be no actual conflict with the strategic housing requirements of policies GG4 and H9 of the LP; policy CM1 of the CS; policy BP10 of the BWDP DPD; policy DMH4 of the DLP, and the London Housing SPG 2016. In respect of this main issue, reference is made by the Council to policy CC1 of the CS: I do not consider this policy to be of direct relevance in so far that its control relates to '*major housing developments of 10 units or more*' and, in any event, family accommodation includes a '*three bedroom*' unit which would be provided as part of the appeal proposal.

Other Matters

23. The proposal would seek to make efficient use of previously developed land and would boost the supply of housing in the area with associated social and economic benefits. However, the benefits from a net one dwelling would be modest and would not outweigh my overall conclusion below.

Conclusion

24. There would be technical conflict with policy BC4 of the BWDP DPD in so far that the proposal would result in the loss of an existing dwellinghouse which has five bedrooms. Nevertheless, the proposal would continue to provide a three-bedroom family dwellinghouse on the site. There is no actual evidence that the loss of the five bedroom dwelling would cause any significant harm to the balance and mix of residential properties in the area particularly in the context of the fact that a three bedroom family dwellinghouse would be provided.

25. Notwithstanding the above, significant harm would be caused by the development to the character and appearance of the area and the proposal would not fully meet minimum internal floorspace and storage space standards. Furthermore, the occupiers of the resultant three-bedroom dwellinghouse would not have an acceptable outlook when using the rear bedroom. These are matters of overriding concern and I therefore conclude that the appeal should be dismissed.

D Hartley

INSPECTOR