



Appeal Decision

Site Visit made on 11 October 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2021

Appeal Ref: APP/Z5060/W/21/3268967

213 Ballards Road, Dagenham, RM10 9AR

- 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 R Meah against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 20/02004/FULL, dated 6 September 2020, was refused by notice dated 16 November 2020.
 - The development proposed is described as "Convert existing 5-Bed property into 3Bed-5Person house and 2Bed-4Person flat at ground, first floor and loft level at 213 Ballards Road RM10 9AR following demolition of out-building."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The latest revision of the London Plan was published in March 2021. The main parties have been invited to comment on the revised plan.
3. The Council has referred to their draft Local Plan. From the evidence before me this has not been submitted for examination. Its policies therefore carry very limited weight.
4. The Government released a revised National Planning Policy Framework in July 2021. The main parties were invited to comment on the revised document.
5. During my site visit it was apparent that the internal layout of the appeal property was somewhat different to that shown on the submitted plans, in particular the layout of the second floor which had been divided into separate rooms rather than being open plan. As the alterations were internal and appeared to be reversible I have therefore determined the appeal in accordance with the submitted plans.

Main Issues

6. The main issues are:
 - Whether the appeal proposal would provide acceptable living conditions for future occupiers,
 - The effect on self-contained housing; and,
 - The effect on the living conditions of neighbouring occupiers.

Reasons

Living conditions of future occupiers

7. The dwellinghouse that would be created by the proposed development is stated to be a 3 bedroom, 5 person house in both the description of development and on the proposed plans. Policy D6 of the London Plan (the LP) states that single bedrooms must have a floor area of at least 7.5 square metres. The smallest bedroom to the proposed house would be 6.5 square metres. This would result in cramped accommodation of poor quality for future occupiers.
8. Policy BP5 of the Borough Wide Development Plan (the BDP) states that proposals for 3 bedroom houses and 2 bedroom flats will normally be expected to provide 60 square metres and 40 square metres of amenity space, respectively. While the proposed garden for the flat would only be marginally less than 40 square metres in area, the garden for the 3 bedroom house would only measure 41 square metres. This would result in a garden of insufficient size to meet the needs of the likely number of occupiers of the house.
9. Overall, therefore, the appeal proposal would not provide acceptable living conditions for future occupiers. It would consequently conflict with Policies D6 of the LP and BP5 of the BDP, the requirements of which are set out above.

Self-contained housing

10. Notwithstanding the description of development given by the appellant, the submitted plans show 6 bedrooms in the existing house. Policy BC4 of the Borough Wide Development Plan (the BDP) states that proposals involving the loss of housing with three bedrooms or more will be resisted to preserve the stock of family housing in the Borough. Policies H9 and H10 of the LP and CM1 and CM2 of the Core Strategy collectively support the provision of housing of a range of unit sizes. However, the development would result in a reduction overall in the number of bedrooms provided at the appeal property and therefore an overall loss of accommodation. The appeal proposal would therefore conflict with the requirements of these policies overall.

Living conditions of neighbouring occupiers

11. The division of the garden and creation of two separate households would potentially lead to an increase in noise and disturbance to neighbouring occupiers. However, the number of people living in the house and flat would be likely to be similar to the current property. Any increase in noise and disturbance is therefore unlikely to result in unacceptable harm to the living conditions of neighbouring occupiers. The development would not conflict with the requirements of Policies BP8 and BP11 of the BDP, which include that existing occupiers are not exposed to unacceptable levels of general disturbance arising from the development.

Planning Balance

12. The development would create an additional dwelling, supporting the Government's objective of significantly boosting the supply of homes. There is no indication that the Borough has a shortfall in its supply of housing land, but this does not diminish the value of new housing.

13. Set against this would be the harm arising from the poor quality of the accommodation that would be created. While the 2 bedroom flat would provide acceptable internal accommodation and only a minimal shortfall in the external garden space, the smallest bedroom to the house would provide cramped accommodation and the garden would be substantially smaller than expected for a house of this size. In addition, the development would result in a reduction overall in accommodation in the Borough.
14. Overall, the benefits of the development would not outweigh the harm that would arise from it. There are therefore no material considerations to indicate that this appeal should be determined otherwise than in accordance with the development plan.

Other Matters

15. The Council referred to Policy BP10 of the BDP in their decision notice, but no copy of this policy has been provided. It does not therefore form part of the determination of this appeal.

Conclusion

16. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR