



Appeal Decision

Site visit made on 15 November 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06/01/2022

Appeal Ref: APP/Z5060/W/21/3273906

140 Arden Crescent, Dagenham RM9 4SA

- 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 Mohammed Kabir against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 20/01084/FULL, dated 30 April 2020, was refused by notice dated 27 October 2020.
 - The development proposed is conversion of existing dwelling house into two 1 x bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.
3. The existing plans and elevations submitted with the appeal indicate a number of extensions to the dwelling which were not in place at the time of my visit. For the avoidance of doubt, I have determined this appeal on the basis of the proposed plans and elevations as well as other evidence submitted with the appeal.
4. A revised version of the National Planning Policy Framework (the Framework) and a new London Plan 2021 (the London Plan) have been published since the appeal was lodged. Both the Council and the appellant have had the opportunity to comment on these documents.
5. The Council's decision refers to a number of policies of the Draft Local Plan Regulation 19 consultation version. However, I have not been informed of the extent to which there are unresolved objections to relevant policies, and given the stage of preparation of this emerging plan it may be subject to further change. I therefore attach no more than limited weight to these policies, and they are not a decisive matter in my consideration of this appeal.
6. The Council has also stated that the presumption in favour of sustainable development outlined in paragraph 11(d) of the Framework is engaged due to

the 2020 Housing Delivery Test results. I have proceeded to determine this appeal on that basis.

Main Issues

7. The main issues are the effect of the proposal on the:

- Supply of family housing; and
- The living conditions of future residents with regards to amenity space.

Reasons

Supply of Family Housing

8. The proposal is to convert the existing house, which is stated as having 4 bedrooms, into two 1 bedroom flats. Policy BC4 of the Borough Wide Development Policies Document 2011 (DPD) sets out that the Council is seeking to preserve and increase the stock of family housing, and will resist proposals which involve the loss of housing with three bedrooms or more. The proposal would conflict with that policy.
9. The appellant submits that the core of the Housing Strategy demonstrates that housing targets for family homes are being met, but has provided no substantive evidence to demonstrate this. They also set out that the number of planning applications seeking alternative uses for family housing in the area of the appeal site is negligible, and that this indicates that the area is not experiencing conversion stress. However, no specific evidence on this matter is provided, and rather than indicating a lack of conversion stress a limited number of applications may simply indicate the effectiveness of development plan policy. Although the DPD is of some age, I have not been provided with compelling evidence to demonstrate that the need for family housing has diminished.
10. I conclude that the proposal would be harmful to the supply of family housing in the area, and would therefore conflict with policy BC4 of the DPD and policy GG4 of the London Plan in respect of meeting identified housing needs. The proposal would also be contrary to the Framework with regards to delivering a sufficient supply of homes and meeting the needs of different groups, including families with children.

Amenity Space

11. Due to the restricted space to the rear of the building, the amenity areas for the two flats would be provided to the front of the site. These amenity areas would be adjacent to a pedestrian access serving a number of dwellings, although a substantial degree of screening was provided at the time of my visit by a hedge on the boundary.
12. However, the amenity area for Flat 1 would be in close proximity to the highway of Arden Crescent. This boundary has a more open aspect, and this amenity area would not provide a degree of privacy that residents of the flat could reasonably expect. This amenity area would also be separated from the flat and dominated by an adjacent area of parking and hard surfacing, which would not provide an attractive area for residents.

13. The appellant refers to potential landscape or boundary treatments which could be secured by condition. However, to provide a suitable degree of privacy this would lead to a degree of enclosure of the site which would be an intrusive feature within the streetscape, which is characterised by open gardens with low walls or hedges. Although a garden opposite the site has a higher fence on the boundary, this served to confirm the obtrusive effect of this form of enclosure. This would also not address my concerns in respect of the relationship of the amenity space of Flat 1 with the parking area.
14. The amenity space for Flat 2 would reflect the arrangement of space provided by the extant dwelling, and on that basis would provide a suitable area for residents. However, this does not negate my conclusions in respect of Flat 1.
15. I conclude that the proposal would not provide suitable amenity space for residents of Flat 1. The proposal would therefore conflict with policy BP5 of the DPD and policy D6 of the London Plan with regards to the provision of appropriate private outside amenity space. The proposal would also be contrary to the Framework in respect of achieving a high standard of amenity for future residents.

Other Matters

16. I am mindful of the benefits of the proposal. It would add to the mix and supply of dwelling in the area, although the contribution arising from a single further dwelling to the supply of housing would be very limited.
17. The appellant refers to policies CM1 and CM2 of the Council's Core Strategy 2010 which support increasing the choice of housing in sustainable locations. Policy BP10 of the DPD also supports making the optimum use of suitable sites. However, in the light of policy BC4 of the DPD and the identified need for family housing, it has not been demonstrated that there is an overriding need for the form of housing proposed or that this is the most sustainable use of the site in this location.

Conclusion

18. Due to the identified harm, I conclude that the proposal would conflict with the development plan.
19. Whilst I have had regard to the benefits of the proposal, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the identified benefits when assessed against the policies of the Framework taken as a whole. Consequently, the proposal would not represent sustainable development and the appeal should be dismissed.

David Cross

INSPECTOR