



Appeal Decision

Site visit made on 5 January 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18TH January 2022

Appeal Ref: APP/Z5060/W/21/3279743

38 Tallow Close, Dagenham, RM9 6EF

- 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 Taj Ahmed against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/00806/FULL, dated 29 April 2021, was refused by notice dated 23 June 2021.
 - The development proposed is a loft conversion including a rear dormer window in conjunction with the conversion of the property into 2 residential units comprising (1 x 3-bedroom family unit and 1 x 2 bedroom unit) with associated cycle, refuse storages, private amenity and parking.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion including a rear dormer window in conjunction with the conversion of the property into 2 residential units comprising (1 x 3-bedroom family unit and 1 x 2 bedroom unit) with associated cycle, refuse storages, private amenity and parking at 38 Tallow Close, Dagenham, RM9 6EF in accordance with the terms of the application, Ref 21/00806/FULL, dated 29 April 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has put forward an alternative scheme which removes the proposed roof terrace at third floor level. Annexe M of The Planning Inspectorate's *Procedural Guide: Planning appeals - England* confirms that the appeal process should not be used to evolve a scheme. Therefore this decision will deal with the original proposal as considered by the Council.

Main Issues

3. These are the effect of the proposed development on the supply of family housing and on the character and appearance of the surrounding area.

Reasons

Supply of family housing

4. It is proposed to convert an existing six-bedroom house into a three-bedroom unit on the ground and first floors with a two-bedroom unit on the second floor and within the proposed loft area.
5. The National Planning Policy Framework stresses that it is important for the needs of groups with specific housing requirements to be addressed and

paragraph 62 mentions families with children. Policies in the Core Strategy of 2010 refer in general terms to the delivery of a variety of housing types and to the need for a proportion of family housing in developments of 10 units or more. More specifically, Policy BC4 of the Borough Wide Development Policies stipulates that proposals which involve the loss of housing with three bedrooms or more will be resisted.

6. In simple terms, given that a three-bedroom property would be retained there would be no breach of this policy. Furthermore, the resulting unit would comply with the nationally described space standards. It would provide accommodation of adequate quality for a family with children including an area of private amenity space and off-road parking. As such, the stock of housing suitable for families would not be diminished.
7. The existing house could accommodate a large family. The Council maintains that dwellings of this size are in high demand but there is no detailed evidence to support this contention. In any event, the policy treats a family dwelling as being one with three bedrooms or more. There is no separate policy dealing with units larger than this. Policy DMH5 of the Draft Local Plan dated autumn 2021 does not draw a distinction between different types of family house either. Therefore this emerging policy does not justify giving more importance to this consideration than the application of existing policy.
8. The appellant refers to several cases where the Council has given permission for comparable developments and to appeal decisions where a three bedroom property has been accepted as a family unit. However, these do not add anything significant given that Policy BC4 makes this clear anyway.
9. In an appeal (Ref: APP/Z5060/W/21/3266569) at 149 Marlborough Road, Dagenham the Inspector concluded that the proposal would result in the loss of a larger sized family dwelling. However, he also found that the internal living arrangements and external amenity space would be inadequate. The implication is that the five bedroom dwelling proposed would not have functioned satisfactorily as a family dwelling. That is not so here. Therefore the proposal can be distinguished from that case.
10. To conclude the proposal would not reduce the overall supply of family housing when judged against relevant development plan policies. The policies referred to in The London Plan are of a strategic nature and do not specify the exact types or sizes of housing that should come forward.

Character and appearance

11. The proposed roof alterations comprise a dormer linked to a subordinate roof terrace which would be enclosed by a privacy screen. As the proposal would be on the rear elevation and contained within the roofslope it would accord with the guidance in the Council's Supplementary Planning Document on *Residential Extensions and Alterations*.
12. The Becontree Estate was built as Homes for Heroes between 1921 and 1934 and, at the time, was the largest municipal estate in the world. Because of its importance to the history of the area, the Council refers to it as a non-designated heritage asset. However, the appeal site is within a more recent enclave comprising three-storey houses and four-storey flats with no obvious

heritage interest. Therefore policies which seek to conserve the historic environment are not relevant in this appeal.

13. Whilst there are balconies on the nearby flats, they are not found on the dwellings in Tallow Close and so are not characteristic of the area. However, a small roof terrace is not an unexpected or unusual feature in a residential setting and so would not be inherently at odds with its surroundings.
14. Due to its location the proposal would not be a prominent feature in the street scene. It would nevertheless be visible from the parking areas behind. From this direction the proposed dormer and terrace would interrupt the roof line of a row of three pairs of houses. However, as rear dormers are accepted in principle and as the terrace is of modest size, the impact would be insignificant. Overall the addition proposed to the roof would be satisfactorily assimilated into the area and there would be no harm to its character and appearance.
15. As such, there would be no conflict with Policy CP3 of the Core Strategy which expects a high quality built environment or Policy BP11 of the Borough Wide Development Policies which is concerned with urban design. The policies referred to in The London Plan set the framework for delivering good design and are not directly applicable to small-scale proposals such as this.

Conditions

16. The plans should be specified in the interests of certainty. To safeguard the appearance of the area matching external materials should be used. Due to the proximity of other residential occupiers the hours of construction should be restricted.
17. The condition proposed regarding accessible housing duplicates the Building Regulations and the reason for it refers to a superseded policy from The London Plan. The need for this condition has therefore not been substantiated. As the property is already in residential use there is no justification for extra landscaping or boundary treatments. The wholesale removal of permitted development rights is not required as No 38 would contain two units and so would not be within the definition of "dwellinghouse" in the Town and Country Planning (General Permitted Development) Order 2015 (as amended). A material change of use from residential purposes would require planning permission and so a condition requiring written approval from the Council would be of no effect.

Conclusion

18. The proposal would not reduce the supply of family housing in the Borough or harm the character and appearance of the area. It would accord with the development plan and there are no other material considerations to outweigh this finding. Therefore, for the reasons given, the appeal succeeds.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers PA-01, PA-03 Revision A and PA-04.
- 3) The external materials to be used in the construction of the dormer window hereby permitted shall match those of the existing dwelling.
- 4) Construction and associated activities, other than internal works not audible at the site boundary, shall not take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday and not at all on Sundays or Public Holidays.