



Appeal Decision

Site visit made on 14 December 2021

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

Appeal Ref: APP/Z5060/W/21/3278683

19 Cadiz Road, Dagenham, Barking and Dagenham RM10 8XL

- 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 Ms Lesley Nwaobilor against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/00335/FULL, dated 25 February 2021, was refused by notice dated 5 May 2021.
 - The development is described on the application form as 'conversion of the whole house into 1 x 3 bedroom flat and 1 x 1 bedroom flat including bin and bike store and gardens for both flats'.
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Decision

1. The appeal is allowed and planning permission is granted for the 'conversion of the whole house into 1 x 3 bedroom flat and 1 x 1 bedroom flat including bin and bike store and gardens for both flats' at 19 Cadiz Road RM10 8XL in accordance with the terms of the application, Ref 21/00335/FULL, dated 25 February 2021, subject to the conditions appended to this decision.

Preliminary Matters

2. A dormer roof extension is shown as existing on the submitted drawings. This has not been constructed but it is clear from the Council's officer report that the Council recently issued a certificate of lawfulness in this regard (Ref 21/00281/CLUP).
3. Notwithstanding this, there appears to be no dispute between the main parties as to the acceptability of this element. I shall therefore confine my detailed considerations to the proposal insofar as it relates to the development described in the application form.

Background

4. Policy BC4 of the Borough Wide Development Policies Development Plan Document (adopted 2011) seeks to resist proposals which involve the loss of housing with three bedrooms or more. I note that a new iteration of the London Plan was adopted in March 2021, and that an emerging Borough Local Plan is currently at an early stage of examination (and as such may only be accorded limited weight).
5. The objective of policy BC4, as explained within its supporting text, is to ensure the Borough balances the advantages of conversions to flats (in providing a valuable source of housing for smaller households) with the need to protect

and increase the supply of family housing. London Plan policy H10 similarly seeks to ensure housing delivery is aligned with need in terms of mixture.

6. The Borough defines family housing as that capable of providing at least three bedrooms¹. Notwithstanding this, it is stated within the justification for policy BC4 that the Council seeks to protect four-bedroom homes given a Borough shortage of such dwellings also.

Main Issue

7. The main issue is the effect of the proposal on family housing provision within the Borough.

Reasons

8. Cadiz Road retains a distinctly suburban character. It is predominantly made up of single dwellinghouses, with some modest flatted/maisonette developments towards the southern part of Cadiz Road. No 19 comprises an understated semi-detached house in a residential street of varied housing developments.
9. As set out above, the existing roof space has not been converted and remains as a traditional attic, accessed only via a hatch. From my site visit I was able to see that three existing bedrooms are located, in a traditional arrangement, on the first floor. A further bedroom is illustrated on the plans in what appears to be the former garage (used for storage and not as a bedroom at the time of my site visit).
10. Whilst I consider that it may technically be possible to use this room as a fourth bedroom, as illustrated, the location of this bedroom is unorthodox. It is positioned between the property's kitchen and utility room (as viewed on site but not indicated on plans). For that reason, and as in all likelihood the original design of the property was as a three-bedroom dwelling, I consider that is the most accurate current descriptor of it. Irrespective of this, the property can be considered a family-sized dwelling (containing three bedrooms or more) and the proposal before me would re-provide such a dwelling, meeting the Council's own definition of family housing.
11. The Council have provided me with a recent appeal decision (Ref APP/Z5060/W/21/3266569) it considers of relevance to this case. Although I do not have before me the full details of this case, I have had regard to the findings within the decision. I note that this previous decision was dismissed on a number of matters but included that relating to the loss of family housing. The Inspector in that decision found that the sub-division of the property in question would result in the loss of a 'larger' family sized dwelling and provide somewhat poorer living conditions and amenity space relative to the original, larger family dwelling.
12. Although I have had regard to this previous appeal, the cases are situated on different sites and are not directly comparable. I have considered the current appeal, including its suitability for conversion, on its own merits. Based on the plans before me, the new three-bedroom dwelling proposed at No 19 would provide an acceptable layout and size, making use of the existing extended ground floor with direct access to a large rear garden. It would also run over

¹ As set out under Policy CC1: Family Housing of the Core Strategy (Adopted 2010).

two floors, with the master bedroom upstairs. I find that this provides an acceptable unit relative to the existing, albeit of a slightly smaller overall size, with outlook, external amenity space and living conditions for both units generally consistent with other properties within the street. The new units would (from the information before me) meet the Nationally Described Space Standard and accord with the requirements of policy BP6 and policy D6 of the London Plan in respect of standard of accommodation.

13. The Council raises concern, in its Officer's Report, to the location of bedrooms to the front of the property and the road noise that these rooms may experience. Irrespective of whether these are at ground or first floor level, they are set back from the highway on this suburban road. Such an arrangement is consistent with other dwellings in the street, and I do not find this to be of concern.
14. Whilst the Council's reason for refusal refers to the loss of a four-bedroom family sized "dwellinghouse", there is nothing within adopted or emerging policy that defines family housing as a family *dwellinghouse*, as opposed to dwelling or family accommodation², home or housing more generally. As such, and given my reasoning above, it appears that it is the number of rooms that a property provides that is determinative, rather than whether accommodation would be a dwellinghouse as opposed to a flat or maisonette.
15. In that context, and on the basis of the evidence before me, the proposal would accord with the objective of policy BC4 as it would not result in '*the loss of housing with three bedrooms or more*'. I accept, as set out in the reasoned justification to policy C1, that there is a legacy of smaller house delivery (including via conversion) in the Borough. However, I equally note that there are pressures for additional housing to be delivered within the Borough, and that albeit based on a linear projection of past trends, the highest proportionate future requirement in the Strategic Housing Market Assessment referenced in the evidence before me is for one-bedroom properties (some 39% of the total).
16. Consequently, I conclude that the proposals would accord with the relevant provisions of policy H10 of the London Plan (2021), policies CM2 and CC1 of the Core Strategy (2010) and policy BC4 of the Borough Wide Development Policies Development Plan Document (2011)), which in summary seek to ensure a suitable provision of family housing in the Borough.

Other Matters

17. A neighbour objection has been received which raises party wall issues. Whilst this is acknowledged, planning permission would not override any Party Wall Act processes which operate under a separate regime.

Conclusion

18. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

² Both terms used in the Core Strategy.

Conditions

19. Conditions 1 and 2 are imposed to provide certainty. Condition 3 is necessary in the interests of protecting the character and appearance of the area. Furthermore, a condition (condition 4) requires bicycle storage to be provided prior to occupation to ensure adequate facilities and reduce reliance on private car transport.
20. I have given careful consideration to the inclusion of the Council's suggested condition which requires the proposed unit to be 'permit free', noting that policy BR9 of the Borough Wide Development Policies Development Plan Document encourages, rather than requires, car-free housing (and there is some off-street parking available at the property). There is little substantive location-specific evidence before me regarding parking pressures and the implications of one new property in that context.
21. Nonetheless, London Plan policy T6 states that car-free housing should be the 'starting point' in well-connected areas. In that context I note that the site is in an area with a PTAL rating of 3, and also within a CPZ such that control over parking permits may legitimately be exercised. Consequently, in my view, a condition requiring that the new unit be maintained as car-free is necessary and reasonable (condition 5). I further note that neither party disputes the appropriateness of such a condition in this context, and that the terms of such a scheme are clear.
22. In imposing conditions, I have had regard to the tests in the Framework and advice in the Planning Practice Guidance. Accordingly, I have amended the wording of certain conditions compared to that proposed by the Council, without altering their fundamental aims.

A Price

INSPECTOR

SCHEDULE OF 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: GA/0130/01; GA/0130/02; GA/0130/03; GA/0130/04; GA/0130/05; GA/0130/06; GA/0130/07.
- 3) The external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The new residential unit hereby permitted shall not be occupied until space has been laid out within the site in accordance with the approved plan no. GA/0130/02 for four bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 5) The additional residential unit hereby permitted shall not be occupied until the Council has been notified in writing of its full postal address to allow the local planning authority to exclude it from the list of those eligible for residents' parking permits. Notification shall quote planning application Ref 21/00335/FULL and appeal Ref APP/Z5060/W/21/3278683. The additional residential unit hereby permitted shall not be occupied as such until arrangements have been made to secure the additional residential unit hereby permitted as 'car-free', in accordance with a scheme previously submitted to, and agreed in writing by, the local planning authority. The additional residential unit hereby permitted shall be maintained as 'car-free' in accordance with the agreed scheme in perpetuity