



Appeal Decision

Site visit made on 31 January 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 MARCH 2022

Appeal Ref: APP/Z5060/W/21/3279738

10 Ben Tillet Close, Barking IG11 9NT

- 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 Morina against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/00685/FULL, dated 8 April 2021, was refused by notice dated 30 June 2021.
 - The development proposed is described as the 'conversion of existing 3bed property into 1x2bed 1x1bed and 1xstudio homes, by means of internal changes, new front porch and relocating entrance side door.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council took its decision and the appeal was made the National Planning Policy Framework (the Framework) was revised in July 2021. The sections pertinent to this appeal have not materially altered and I will therefore reference the revised version going forward.

Main Issue

The main issue in this appeal is the effect of the proposed development on the provision of family housing.

Reasons

3. The appeal property is a semi-detached, two-storey, 3 bedroom residential dwelling with a single storey side extension. It is located on the southern side of the turning head of Ben Tillet Close. It is part of a wider, reasonably dense, suburban area where much of the housing stock is of a similar age and style. On visiting the site, the houses within Ben Tillet Close and the surrounding area appear to be mainly dwellinghouses with no obvious examples of sub-division. Flats were evident in the area but in purpose-built buildings.
4. Core Strategy Development Plan Document 2010 (Core Strategy) policies CM1, CM2 and CC1 deal with strategic growth within the borough. Policies CM1 and CM2 set out the broad location and quantum of residential development. Policy CC1 seeks to protect family housing as well as limit solely one and two bed developments, unless constrained by circumstances which cannot be resolved. Within the supporting text of policy CC1 family houses are defined as self-contained dwellings capable of providing at least 3 bedrooms. Policy BC4 of the Borough Wide Development Policies Development Plan Document 2011 (DP)

seeks to preserve and increase the stock of family housing and resist any loss of existing family housing. London Plan 2021 (London Plan) policies GG4, H1, H2 and H9 and paragraph 130 of the Framework seek high quality design in proposed development.

5. Produced after adoption of the Core Strategy and DP, The Mayor of London Housing Supplementary Planning Guidance 2016 (Housing SPG) states at paragraph 1.2.34 that locally restrictive policies relating to dwelling conversions should be robustly justified. As emerging policies SPDG1, SP3 and DMH4 of the Draft Local Plan Regulation 19 consultation version October 2020 (Draft LP) have yet to be examined, they have only limited weight at this time.
6. Within this policy context the appeal property is considered a family house. The proposed development would subdivide the appeal property into 3 smaller units. This would result in the loss of a family house to the detriment of the identified housing need of the borough (as set out within the previously identified Core Strategy and DP policies). Furthermore, there is no evidence that the appeal property is no longer capable of being used as a family house.
7. The appellant has submitted evidence of the existing housing mix for the area. They have not, however, provided evidence of a specific housing need nor have they been able to support their assertions relating to smaller households being priced out of the market. As such this does not alter the identified harm.
8. It is noted, that the proposal would be acceptable in terms of internal and external space; would respect the character and appearance of the existing dwelling house and surrounding area; would provide adequate parking and cycle provision; and would not harm the living conditions of future residents or occupants of adjacent dwellings, thus provide a well-designed scheme efficiently on the application site in compliance with paragraph 130 of the Framework and London Plan policies GG4, H1, H2 and H9. Although the proposal would constitute high quality design, this does not mediate the harm to the stock of family housing in the Borough.
9. In conclusion, the proposed development would, therefore, result in an unacceptable effect on the provision of family housing. This would be contrary to Core Strategy Policies CM1, CM2 and CC1, DP Policy BC4 and the Housing SPG.

Planning Balance

10. The Council has been unable to meet the targets set out in the Housing Delivery Test, as set out in its Action Plan 2020, therefore it is necessary to apply paragraph 11 of the Framework.
11. The proposed development would represent a loss of family housing in direct conflict with the adopted development plan and this has significant weight. The proposed development would make a limited contribution of 2 additional dwellings to the current housing shortfall of the Borough and no other benefits have been identified. The good design of the proposal is neutral in the planning balance and does not mediate the identified harm. The identified harm to family housing would significantly and demonstrably outweigh the limited benefits to the proposed development, therefore the planning balance is not in favour of the proposal.

Conclusion

12. The proposed development does not comply with the development plan as a whole nor the approach in the Framework, and there are no other material considerations that would indicate a contrary decision. The appeal is therefore dismissed.

RJ Redford

INSPECTOR