



Appeal Decision

Site visit made on 21 February 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 MARCH 2022

Appeal Ref: APP/Z5060/W/21/3281777

30 Sterry Gardens, Dagenham RM10 8PH

- 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 Singh against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/00733/FULL, dated 20 April 2021, was refused by notice dated 8 June 2021.
 - The development proposed is for extensions to existing house and conversion of single dwelling house to a one bedroom house and three bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council are currently in the process of producing a new Local Plan, which is yet to be independently examined. At this stage, I afford it limited weight in my decision making and it does not alter my findings.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the living conditions of its future occupiers, with particular reference to internal space standards, internal layout and external space.
 - the effect of the proposed development on the supply of family homes.
 - the adequacy of parking provision.

Reasons

Living conditions of future occupiers

4. 30 Sterry Gardens is a two-bedroom end terrace dwelling within a cul-de-sac. The proposal would extend No 30 to facilitate a conversion into a three-bedroom dwelling and a one-bedroom house. The one-bedroom house would have a kitchen/living area, toilet and storage space on the ground floor and a double bedroom and shower room at first floor. The three-bedroom house would have a kitchen/living area, toilet and storage space on the ground floor and a double bedroom, two single bedrooms and a bathroom at first floor. One of the bedrooms and bathroom serving the three-bedroom house would be above the living room of the one-bedroom house.

5. The Technical Housing Standards - Nationally Described Space Standards (NDSS) set out standards for adequately sized internal space. In this case, the NDSS states that a three-bedroom, two-storey dwellinghouse for four persons should have at least 84 square metres (sqm) of internal floorspace.
6. The Council state that the three-bedroom dwelling provides 72.4sqm of internal floorspace and therefore fails to provide the NDSS. The appellant responds that the property would provide 86.6 sqm internal floorspace and is therefore NDSS compliant. However, this conflicts with the plans annotated as 72.4sqm. The appellant has not explained why the figure on the plans is incorrect or how they have arrived at 86.6 sqm. Consequently, and in the absence of evidence to convince me otherwise, it has not been demonstrated that the three-bedroom house would comply with the NDSS.
7. The three-bedroom house would extend above and across the living area of the one-bedroom house. The Council consider this stacking of a bedroom of one house above the living room of a separate house would be unneighbourly. The appellant makes no reference to this as part of their statement. Accordingly, I can only conclude, it has not been demonstrated that the stacking of habitable rooms would provide appropriate accommodation.
8. The existing rear garden area which serves No 30 would be split into two with the plans annotated to show the one-bedroom house having access to a 20sqm rear private garden area and the three-bedroom house having access to a 66sqm rear private garden area.
9. There is no dispute between the parties that these areas meet the standards set in policy. However, both parties confirm that to meet this requirement requires utilising land the Council owns and is therefore outside the control of the appellant. In the absence of any confirmed agreement to allow use of this land, it has not been demonstrated that appropriate external private space can be secured.
10. In conclusion, it has not been demonstrated the proposed development would have an acceptable effect on the living conditions of its future occupiers with particular reference to internal space standards, internal layout and external space. The proposal is therefore contrary to the relevant provisions of Policy BP5 and BP6 of the Borough Wide Development Policies Development Plan Document 2011 (BWDP), Policy D6 of the London Plan and the NDSS all of which seek to ensure the delivery of high-quality internal and external space and to mitigate against overcrowding.

Loss of family housing

11. While a two-bedroom dwelling would be lost, it would be replaced by a three-bedroom house and a one-bedroom house. The Council state that the loss of a two-bedroom dwelling would undermine the supply of family sized homes through the loss of a dwellinghouse suitable for a larger family. The Council's statement also refers to the London Borough of Barking and Dagenham Strategic Housing Market Assessment and Housing Needs Survey Update 2020 (the SHMA).
12. Reflecting trends towards more multi-adult households, the SHMA at paragraph 6.65 suggests a requirement for fewer one-bedroom and three-bedroom units and a demand for more two bedroom and four or more, bedroom units. The

SHMA, however, caveats this by confirming that the borough's household picture is complex, with an increase in the proportion of one person households, a decline in the proportions of households with dependent children, and growth in the proportions of other (multi-adult) household categories. Paragraph 6.66 of the SHMA acknowledges that the data is a trend projection which could be affected by a number of factors, such as worsening affordability increasing the demand for smaller units or conversely worsening affordability requiring larger units more suitable for sharing.

13. The loss of a two-bedroom unit generates some conflict with the findings of the SHMA. Additionally, in this case, I have found that it has not been demonstrated that the three-bedroom house would meet the NDSS floorspace requirements for a three-bedroom dwelling. Given this uncertainty, I cannot conclude, with a degree of confidence, that the appeal proposal would not undermine the supply of family homes.
14. Reference has been made to a recent decision by the Council¹ at 76 Marston Avenue, Dagenham for the conversion of a single dwelling house into a one-bedroom and three-bedroom house. I have not been provided with the decision notice, the delegated report or any analysis as to how the Council arrived at its decision. As a result, this recent decision also has limited bearing on my findings on this main issue.
15. I am also provided with a recent appeal² which was dismissed in respect of the loss of family sized housing. In this case BWDP Policy BC4 was engaged. Policy BC4 resists proposals which involve the loss of housing with three bedrooms or more. The existing dwelling does not have three or more bedrooms and the Council has not applied Policy BC4 in its decision notice. Consequently, this previous appeal has limited bearing on my findings in this regard.
16. Therefore, it has not been demonstrated that the proposed development would not have a negative effect on the supply of family homes. This is in conflict with the relevant provisions of Policies CM1 and CM2 of the London Borough of Barking and Dagenham Core Strategy (the Core Strategy), BWDP Policy BP10, Policy SP 3 of the Draft Local Plan, Policies GG4, H1 and H2 of the London Plan 2021 and paragraphs 60, 61 and 62 of the National Planning Policy Framework (the Framework) all of which, amongst other things, seek to boost the supply of homes and determine the minimum number of homes needed for different groups including families.

Parking provision

17. The site sits within a cul-de-sac, described as a banjo. The Council say the site is within Public Transport Accessibility Level (PTAL) 3. PTAL 3 means the site and the surrounding area broadly has moderate access to public transport. The site also falls within a Controlled Parking Zone.
18. The proposed development would offer one off street parking space for the three-bedroom house. There is no proposed parking for the one-bedroom house. The Council is concerned that the absence of off-street parking for the one-bedroom house would cause increased parking pressures locally. It has also been confirmed by the Council that car free development via a legal agreement would not satisfactorily address their concerns.

¹ Ref: 21/00819/FULL

² APP/Z5060/W/21/3266569

19. BWDP Policy BR9 sets out that maximum standards for parking will be taken from the London Plan, in this case up to 0.75 spaces per dwelling³. Policy BR9 also states that final levels of parking provision for each development will be agreed taking issues into consideration such as the local environment, accessibility of the site, on-street parking availability, access and amenity impacts, and the development type.
20. While it was only a snapshot in time, during my site visit I noted that parking demand was moderate in the area. I also observed that there were bus stops within close walking distance of the site and Dagenham Heathway Underground Station is approximately a 5-minute walk away. There are also supermarkets, shops and services all located along Heathway within a walking distance of the site. I find that the site therefore has moderate to reasonable accessibility to public transport and good access to services.
21. My attention is drawn to a nearby appeal at 76 Marston Avenue⁴ (No 76). The appellant provides evidence that No 76 was sited in a less accessible area (PTAL 2) and it was found by the Inspector that a one-bedroom unit would most likely attract residents who are mainly reliant on public transport. Given the access to transport services and local facilities and the similar size of the one-bedroom units, I concur with the Inspector for No 76 that the one-bedroom house would most likely attract residents who are mainly reliant on public transport.
22. As a result, when considering the circumstances of this appeal, the proposed development would have adequate parking provision. It therefore accords with the relevant provisions of BWDP Policy BR9, Policies DMDT1 and DMDT 2 of the Draft Local Plan and Policies T1, T4 and T6 of the London Plan which, amongst other things, seek to ensure proposals do not negatively impact on existing residents and users of the surrounding area due to parking.

Planning Balance

23. The Council's current housing delivery test result shows that they delivered 57% of their housing target over the previous 3-year period. As such, paragraph 11 of the Framework should be applied.
24. Paragraph 60 of the Framework refers to boosting significantly, the supply of housing and the provision of one net additional unit would make a modest contribution in this regard.
25. While I afford the benefits modest weight, the identified harm generated because of the conflict with the development plan would be significant and I consider that the benefits set out above would not outweigh this significant harm. As a result, the environmental role of sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

³ Table 10.3 - Maximum residential parking standards, London Plan 2021

⁴ APP/Z5060/W/20/3250366

Conclusion

26. Taken as a whole, I find that it has not been demonstrated that the proposal would provide satisfactory internal or external living conditions for its future occupiers or have a positive effect on the supply of housing. Although the development would not negatively impact upon parking pressures, an absence of harm in this regard and the modest benefit of the provision of one additional unit, would not outweigh the conflict with the development plan set out above.
27. For the above reasons, having regard to the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

N Praine

INSPECTOR