



Appeal Decision

Site visit made on 23 February 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2022

Appeal Ref: APP/Z5060/W/21/3283612

113 Wilmington Gardens, Barking IG11 9TR

- 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 Baljit Singh against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/00261/FUL, dated 16 February 2021, was refused by notice dated 13 April 2021.
 - The development proposed was originally described as "Convert house to two number three bedroom flat (loft conversion is under construction)".
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Decision

1. The appeal is allowed and planning permission is granted for conversion of house to two three-bedroom flats and rear and roof extensions at 113 Wilmington Gardens, Barking IG11 9TR in accordance with the terms of the application, Ref 21/00261/FUL, dated 16 February 2021, subject to the following conditions:
 - 1) The development shall begin not later than 3 years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans: 2020/SK/113/1, 2020/SK/113/2, 2020/SK/113/3 and 2020/SK/113/4.
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.

Preliminary Matters

2. At my site visit I noted that the roof extension (the loft conversion) had commenced, but the rear single storey extension had not. As both extensions are a necessary part of the proposal, I have considered them as part of the proposed development. In my decision above, I have therefore amended the description of development to "conversion of house to two three-bedroom flats and rear and roof extensions".

Main Issues

3. The main issues are:
 - The suitability of access arrangements for future occupiers of the proposed flat on the first and second floors; and
 - The effects of the development on the supply of family dwellings in the Borough.

Reasons

Access to the proposed flat on the first and second floors:

4. The proposed development would divide the existing terraced dwelling into two three-bedroom flats. Access to both proposed flats would be from the street at the front of the building. An internal lobby would provide separate entrance doors for each flat, and would afford suitable access for both flats internally.
5. Access to the rear garden would be from the rear of the building for ground floor flat occupiers, and via a shared alleyway for occupiers of the flat on the first and second floors. At my visit, the alleyway was locked, unsurfaced, overgrown and unlit, but not entirely impassable. Notwithstanding its current condition, surfacing and lighting would not be essential for access to a private garden, and I see no reason why it could not function as a suitable access to the rear garden for occupiers of the flat on the first and second floors. At the same time, I consider the limitations of such an access below in terms of family housing.
6. I therefore conclude that the proposal would provide suitable access arrangements for occupiers of the proposed flat on the first and second floors and would comply with London Borough of Barking & Dagenham Core Strategy (2010) (Core Strategy) Policy CP3, and Borough Wide Development Policies Development Plan Document (2011) (BWDP) Policy BP11, which require high quality design having regard to function, accessibility and safety. It would also accord with paragraph 110 and the relevant provisions of chapter 12 of the National Planning Policy Framework (the Framework), in terms of safe and suitable access.

The supply of family dwellings:

7. The proposal would extend and convert a three-bedroom dwelling to provide two three-bedroom flats.
8. BWDP Policy BC4 and draft Local Plan policy DMH4 seek to preserve and increase the stock of family housing in the Borough, resisting the loss of housing with three bedrooms or more. The text supporting Policy H2 of the London Plan, in relation to significantly increasing the delivery of additional housing on small sites, states that where existing houses are redeveloped or subdivided boroughs may require the provision of family-sized units, defined as those of three bedrooms or more.
9. The proposed flat on the first and second floors would have three bedrooms but, in my view, would not be entirely suitable for families with very young children. The entrance door would lead directly to the stairway, with no space for the storage of a pushchair. Access to the rear garden via the shared alleyway would require users to enter the street, unlock the gate and then make their way along the long and unsurfaced alleyway. Although it would be possible for adults and children to do so, it would not be readily accessible for children, especially young children.
10. The proposed ground floor flat would provide a three-bedroom home capable of being occupied by a family, and with direct access to the garden. Neither proposed unit would meet the BWDP policy BP6 requirement relating specifically to cooking, eating, and living areas, but the Council have not objected on this basis as the proposed units would meet the London Plan 2021

Policy D6's minimum sizes for three-bedroom dwellings for up to four people. The proposed housing units would therefore be smaller than the existing dwelling, in terms of communal floorspace, but not unacceptably so.

11. There would therefore be no net loss of family housing of three or more bedrooms. At least one of the replacement units would be functionally suitable for families, and both proposed units would have three bedrooms.
12. As a consequence, I find the proposal would preserve, and perhaps increase, the stock of family housing. In doing so it would accord with the applicable provisions of BWDP Policy BC4, which relates to residential conversions, with Core Strategy Policies CM1 and CM2, which seek to meet community needs alongside housing growth, and London Plan (2021) Chapter 4 and Policies H2, H8, H10, which support well designed new homes and an appropriate mix of housing sizes. It would also accord with draft Policies SP3 and DMH4 of the emerging London Borough of Barking and Dagenham Draft Local Plan 2037, Regulation 19 Consultation version (2020) which support housing delivery while seeking to preserve and increase the stock of family housing.

Other Matters

13. The Council have confirmed that the extension to the rear of the building could be carried out as permitted development before the proposed development commences. The roof extension is similar to those on either side, and the Council have raised no objection to its greater depth compared to those on neighbouring dwellings. I therefore consider these works would be acceptable.
14. I have not seen evidence that an additional residential unit would generate parking difficulties or congestion. In particular, I note that the area is subject to on-street resident-only parking and is located opposite a school, but that the Council's Transport team did not object to the development. Notwithstanding the potential increasing the number of residents, I am aware of no reason to consider there would a significant risk of vermin and insects arising from additional waste, and there appears to be sufficient space in the front garden to accommodate wheeled bins for two residential units. Neither would noise increase materially. No rear fire exit is proposed and use of the alleyway for private garden access should not materially increase any security risks to neighbouring occupants. In terms of fear of setting a precedent for similar developments in the area, any other proposals would require planning permission where all relevant matters can be considered. I am unable to give weight to potential impacts on property values. Therefore, none of these, or any other matters raised, attract more than very limited weight against the development. I also attribute limited weight against the development in relation to the conflict with BWDP policy BP6 in relation to internal living area standards.
15. However, I have found that the development would be suitably accessed, would preserve the stock of family housing, and would generally accord with the development plan, which together attract significant weight in favour of the development. I attribute further weight to the provision of an additional housing unit in accordance with the Section 5 of the Framework, London Plan Policy GG4 and Core Strategy Policy CM2. These matters outweigh those against the proposed development.

Conditions

16. I have set out the standard time limit for implementation and the approved plans for certainty. In the interests of good design, I have required the external facing materials to match the existing dwelling.

Conclusion

17. For the above reasons, having regard to the development plan as a whole, the approach in the Framework, and all other relevant considerations, the appeal is allowed.

Peter White

INSPECTOR