



Appeal Decision

Site visit made on 12 July 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/Z5060/W/21/3288107

328 Ripple Road, Barking IG11 7RP

- 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 Caiya Weng against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/01570/FULL, dated 20 August 2021, was refused by notice dated 20 October 2021.
 - The development proposed is conversion of existing property to create 3x new flats with associated cycle parking and refuse storage.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing property to create 3x new flats with associated cycle parking and refuse storage at 328 Ripple Road, Barking IG11 7RP in accordance with the terms of the application, Ref 21/01570/FULL, dated 20 August 2021, subject to the conditions in the attached schedule.

Procedural Matters

2. I note that the name of the appellant is different from the name of the applicant stated on the application form. I have been advised that this was because a representative of the applicant's agent was recorded as the applicant in error. I have therefore referred to the appellant, the intended applicant, in the banner heading above.

Main Issues

3. The main issues are:
 - The effect of the proposal on the supply of family housing;
 - Whether the proposal would provide satisfactory living conditions for future occupiers, specifically relating to the amount and utility of the proposed garden space; and
 - The effect of the proposal on the living conditions of neighbouring occupants, specifically relating to outlook, noise, and disturbance.

Reasons

Supply of family housing

4. The appeal property is located in a residential area made up predominantly of similar sized houses. It is close to shops and services located further east along

Ripple Road and Ripple Infants and Junior School is located almost directly opposite. The property is a 2-storey, 3-bedroom end of terrace house set on a moderate sized plot with space to the front and a private rear garden. The amount of rear garden space is limited due to it containing a single detached garage, rear extension, and outbuilding. Most of the houses in the surrounding area appear to be used as single dwellinghouses, although there are some flats further along Ripple Road next to the railway track.

5. Policy CC1 of the Council's Core Strategy (2010) (Core Strategy), in summary, seeks to ensure that sufficient family housing is created and maintained in the Borough. It defines this as three-bedroom, four bedroom or larger units. Similarly, I understand that policy H10 of the London Plan (2021) sets out how decision-taking should have regard to the need for additional family housing and the role of one and two bed units in freeing up existing family housing. The National Planning Policy Framework (Framework) likewise expects that policies on housing provision are informed by demographic information, with express reference made in paragraph 62 to families.
6. I acknowledge that being relatively generous, and previously extended, the property at present is likely to be attractive to larger households. The proposal would inevitably intensify the use of No 328. I accept in that context it would result in an arrangement which is likely to be less attractive to some families, by virtue of more limited space.
7. However, proposed flat 328A would have 3 bedrooms, thus representing family housing within the terms defined by the Core Strategy and London Plan. As annotated on drawing No J72-1 revision A, that split-level unit would have a gross internal area of 84.85 square metres, which meets space standard expectations of a two storey, 3-bedroom unit occupied by 4 individuals. Based on the information before me, the layout and room size of proposed unit 328A is such that it would allow for comfortable occupation by a family. I note in particular that there would be a well-proportioned kitchen/ living/ dining room that would lead out directly to a rear garden. Albeit that neighbouring properties appeared to be principally similar dwellings to No 328 as it currently stands, I nevertheless saw that there is a mixture of housing types in the area, such that flats would not inherently be out of keeping.
8. Accordingly, I find the proposal would accord with policies CM1, CM2, and CC1 of the Core Strategy and policy BC4 of the Borough Wide Development Policies Development Plan Document 2011 (DPD). These seek, amongst other things, to provide suitable housing in the right location and promote the delivery and retention of family sized accommodation. It would also accord with policies GG4, H1, H2 and H9 of the London Plan 2021 and the Housing Supplementary Planning Guidance, which seek, amongst other things, to deliver the homes that are needed and support the provision of homes on small sites and the efficient use of the existing housing stock.

Garden Space

9. The proposal would provide a private garden for each of the 3 flats. However, they would not meet the Council's minimum external amenity space standards as set out at policy BP5 of the Borough Wide DPD. While they would meet the minimum standards set out in Policy D6 of the London Plan, this policy clearly states that these standards should only be applied where there are no higher local standards.

10. The amount of garden space provided for the 2-bedroom flat, 328C, at 14.85sqm would be significantly below the Council's minimum standard of 40sqm. It would benefit from private access but not direct access. While this may not be optimal in terms of convenience, that is not a wholly atypical arrangement in respect of flats and occupants would not necessarily use this space less because of residing on upper floors. Thus, this does not justify providing a garden space of a size that is significantly below standard.
11. It may be that the space provided for the 3-bedroom family sized flat, 328A, at 39.81sqm would only be slightly below the Council's minimum standard of 40sqm and that it would benefit from direct access. However, the amount and utility of the garden spaces would be further exacerbated by the inclusion of cycle parking. While the area to the front of the house is relatively large, given that it is not private and will contain the refuse and recycling storage, its value as an additional outdoor space for future occupants would be limited.
12. For the reasons above, I find the limited size of the garden spaces would result in cramped living conditions for the future occupiers of flats 328A and 328C. While the level of shortfall in respect of flat A is limited, and while smaller outside spaces may be acceptable to some electing to live in this location, the proposal would conflict with policy BP5 of the Borough Wide DPD and the application of policy D6 of the London Plan.
13. The proximity of public open spaces, including Greatfields Park, moderates this harm to a degree. Furthermore, I recognise that, while the proposal conflicts with the application of Policy D6 of the London Plan, the garden spaces meet the minimum standards for private outdoor space set by this policy.
14. The appellant has referred to an appeal decision¹ to support the shortfall in garden space. However, the appeal relates to a very different scale of development which had significant regeneration benefits and was assessed against a different policy context.

Outlook, Noise and Disturbance

15. I accept that the proposal would likely generate more occupants than the existing house. Flats would be occupied independently, which may result in comings and goings at different times compared to the occupation of a single house. I acknowledge that the area tends to be comprised of similar properties, and note that an additional intensity of noise may in theory arise within the property and use of outside spaces.
16. However, there are higher density examples of housing relatively nearby, such that some additional intensity of use would not be uncharacteristic. The existing house is generous and, subject to its extension, could in itself host a large number of residents. The surrounding area is, moreover, fairly lively. There is noise generated at various times from the shops and services on Ripple Road, local schools, together with vehicular movements along the A123 itself.
17. In that context the additional intensity that the proposal would entail would not, in my view, diverge significantly from prevailing conditions. The scheme would integrate reasonably with the prevailing character of the area. I note

¹ APP/M4320/W/20/3266042; APP/Z5060/W/21/3268706

there are also separate provisions for dealing with noise, from whatever property, which amounts to a statutory nuisance.

18. Notwithstanding this, the separate households would require more refuse and recycling storage. The area in front of the house would provide adequate space for this storage and I am satisfied that the delivery of this could be addressed by condition. For these reasons the proposal would not unduly affect the living conditions of neighbouring occupants. Thus, it would accord with policy BP8 of the Borough Wide DPD and policies GG1, GG4 and D14 of the London Plan that seek, amongst other things, to ensure that high quality living conditions are delivered by residential development for existing and proposed occupiers.

Other Matters

19. Concerns have been raised regarding the quality of accommodation in terms of internal space. However, given that all the flats meet the nationally described space standards, I am satisfied that in this regard the proposal would provide satisfactory living conditions to future occupants.
20. The Council refer to their emerging Local Plan which is currently progressing through examination at a relatively advanced stage. While that plan cannot yet be accorded full weight, insofar as relevant to the circumstances here it seeks to protect family housing which I have dealt with under the first main issue in any event.

Planning Balance

21. Housing Delivery Test data from 2020 returns a result of 57% and for 2021 66%. Although performance has therefore evidently improved, given footnote 8 to the NPPF, paragraph 11.d) ii) is engaged. Namely, given that housing delivery has faltered relative to needs, permission should be withheld only where the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits. In that context I have reasoned that the proposal would be acceptable in terms of the supply of family housing and effects on living conditions of those nearby.
22. The sole matter on which I identified harm would result is in respect of outside space provision. Nevertheless, for the reasons given in paragraphs 12 to 14 of this decision, the weight accorded to that harm is limited. Moreover, the scheme would meet the minimum garden space figures in policy D6 of the London Plan, if not the application of that policy, and there are no set thresholds in the Framework. Consequently, whilst outside space arrangements would perhaps be sub-optimal, they would not be significantly so, or unacceptable to many individuals in this central location. That is in clear contrast to the Inspector who determined the appeal at 169 Hardie Road brought to my attention by the Council.²
23. In this instance the proposal would deliver much needed housing in an area close to facilities, service and public transport. It would make efficient use of land and would support the objective of the Framework in boosting the supply of homes. Delivery has evidently been faltering for many years and therefore needs are pressing. There would also be economic benefits during conversion

² Ref. APP/Z5060/W/20/3265198, where the Inspector considered that the scheme there would have caused significant harm to the character and appearance of the area and that it would fail to provide adequate living conditions.

and occupants would bring trade and life to the nearby area. In that context the adverse effects of allowing the appeal would not significantly and demonstrably outweigh the harm that would result. Accordingly, other material considerations justify allowing the appeal.

Conditions

24. The Council requests that 8 conditions be imposed, which I conclude on below. In addition to the changes explained below, I have amended the wording of certain conditions to ensure that they meet the tests in the Framework and Planning Practice Guidance without altering their fundamental aims.
25. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty.
26. To protect the character and appearance of the area a condition is necessary to clarify the full details of the hard and soft landscaping, including its establishment and maintenance. I have also imposed a condition to ensure the external materials used in the development match the existing house for the same reason. However, a condition requiring a scheme of improvement works to uplift the external facades of the existing house is not directly relevant to the development being permitted.
27. To also protect the character and appearance of the area, as well as to ensure adequate living conditions for future and neighbouring occupants, conditions are required to clarify the details of boundary treatments and refuse and recycling storage. As the details of the boundary treatments can be included in the details of the hard and soft landscaping, I have combined these requirements into a single condition. To encourage sustainable modes of transport, a condition is also necessary to ensure the provision of cycle parking facilities from occupation and their retention.
28. I have not imposed the condition requiring the additional window on the eastern elevation of the property to be finished in obscure glaze, as it is not clear which window the condition is referring to. Notwithstanding this, the plans show all the windows on this elevation, which would all be newly constructed, to be obscure glazed and non-opening up to 1.7m above floor level. The condition is, therefore, imprecise and unnecessary.

Conclusion

29. For the reasons above, 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.

Hannah Guest

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: Nos J72-1 (Rev A); J72-2; J72-3; J72-4; J72-5; J72-6 (Rev A); J72-7; J72-8 (Rev A).
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Before any dwelling hereby permitted is first occupied, a hard and soft landscaping scheme shall have been implemented in line with details previously submitted to, and agreed in writing by, the local planning authority. These details shall include a full planting schedule and plan for the front and rear gardens, and the position, design, materials and type of boundary treatments, including secure pedestrian gates into the rear gardens. Once implemented the landscaping shall thereafter be maintained.
- 5) Before any dwelling hereby permitted is first occupied, refuse and recycling storage shall have been implemented in line with details previously submitted to, and agreed in writing by, the local planning authority. Once implemented the refuse and recycling storage shall thereafter be maintained.
- 6) Before any dwelling hereby permitted is first occupied, bicycle storage within each garden shall have been implemented in line with details previously submitted to, and agreed in writing by, the local planning authority. Once implemented the bicycle storage shall thereafter be maintained.