



Appeal Decision

Site visit made on 28 September 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20/10/2022

Appeal Ref: APP/Z5060/W/22/3290735

21 Beresford Gardens, Chadwell Heath RM6 6RX

- 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 Yasser Din against the decision of the London Borough of Barking and Dagenham Council.
 - The application Ref 21/01106/FULL, dated 14 June 2021, was refused by notice dated 15 October 2021.
 - The development proposed is described as 'a rear facing loft dormer extension with 2 velux skylights in the front elevation. Change of use from a single dwellinghouse to use as two or more single dwellinghouses.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development on the application form includes a rear facing loft dormer extension with 2 velux skylights in the front elevation. I saw on my site visit that these have already been constructed and appeared to accord broadly with the submitted plans. The Council have not referred to these parts of the development on their Decision Notice nor raised any objection to them in their evidence. It is unclear whether the removal of these from the description of development on the Decision Notice was agreed or not. However, for the avoidance of doubt, I have considered the appeal on the basis of the development that was originally applied for. Nevertheless, given the lack of dispute, these parts of the development have not affected my decision on the main issue.
3. I also saw on my visit that the location of the door and window on the existing rear elevation and ground floor plans are incorrect. When facing the rear of the property, there is currently a single door on the right and a single two pane window on the left. However, this has not affected my assessment of the main issue of this appeal.

Main Issue

4. The main issue is the effect of the proposal on the Borough's supply of family housing.

Reasons

5. The appeal property is located within a residential area consisting mainly of family houses but with some purpose-built flats. Beresford Gardens is made up of rows of terraced, two-storey houses on moderate sized plots. The continuous

built form of the terraces and frontage parking give it a relatively compact and urban feel. The property is a two-storey mid-terrace with parking to the front and a moderate sized back garden. A rear facing loft dormer and velux skylights on the front elevation have recently been added, which provide further accommodation in the roof.

6. I saw on my visit that the house is currently being used as a House in Multiple Occupation (HMO). The submitted plans show the existing dwelling to have 3 bedrooms, as well as a first-floor study. The proposal would convert the house into 2x 2-bedroom flats.
7. 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. I acknowledge that its specific requirements relate to major housing developments (10 units or more). However, the supporting text explains that the Borough has lost larger family accommodation through housing conversion and the aim of the policy is to secure a much higher level of family provision.
8. Residential conversions, and more specifically the subdivision of larger homes, are covered by Policy BC4 of the Core Strategy, which clearly states that, when planning permission is required, the Council will resist proposals which involve the loss of housing with three bedrooms or more. The proposal would result in the loss of a house with 3 bedrooms or more and, as such, would conflict with Policy BC4 of the Core Strategy. It may be that the proposal meets the criteria set out in the second part of the policy. However, this part of the policy applies to flat conversions that would not result in the loss of housing with three bedrooms or more. Therefore, given the proposal is resisted by the first part of the policy, these criteria are not relevant.
9. I acknowledge that Policy H1 of the London Plan (2021) requires the Borough to optimise the potential for housing delivery on all suitable and available brownfield sites, including small sites, which are further supported by Policy H2 of the London Plan. Also, Policy H9 of the London Plan promotes the efficient use of the existing housing stock to reduce the number of vacant and under-occupied dwellings. However, whether the provision of 2x 2-bedroom flats is a more efficient use of land or not, there is no evidence before me that the use of the appeal property as a single-family dwelling would lead to it becoming vacant or under-occupied. The neighbouring properties all appeared to be single family dwellings, which would suggest that the use is appropriate and viable. The proposal, therefore, does not meet the terms of Policy H9 nor does it meet the terms of Policy CM2 of the Core Strategy which also relates to underused previously developed land and properties. While policies CM1 and CM2 of the Core Strategy support residential development on previously developed land, this is in urban areas with high Public Transport Accessibility Levels (PTAL), which is not the case for the appeal site.
10. Furthermore, Policy GG4 of the London Plan recognises that the homes being delivered must provide for identified needs. 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.
11. For the reasons above, the proposal would harm the Borough's supply of family housing and undermine the Council's specific intention to retain this type of

housing. Accordingly, it would conflict with policies CC1 and BC4 of the Core Strategy, and policy GG4 of the London Plan. It would also not accord with the terms of policies CM1 and CM2 of the Core Strategy and H9 of the London Plan.

12. The proposal would not conflict with policies H1 and H2 of the London Plan, the Housing Supplementary Planning Guidance (2016) or Housing Delivery Test Action Plan (2020). However, the absence of any conflict with these policies is a neutral factor in this case.

Other Matters

13. 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, I understand that it continues to seek to protect family housing in a similar manner to the Core Strategy, which I have dealt with above.

Planning Balance and Conclusion

14. Housing Delivery Test data from 2020 returns a result of 57% and for 2021 66%. Although performance has therefore evidently improved, there remains a considerable shortfall in delivery, and 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.
15. I acknowledge that the proposal would result in the net gain of 1 residential unit, which would contribute to the shortfall in housing delivery in the Borough. While this factor weighs in favour of the scheme, the contribution of one unit would be limited.
16. The proposal would conflict with policies CC1 and BC4 of the Core Strategy, as well as policy GG4 of the London Plan. These are broadly consistent with the Frameworks aim to reflect the size, type and tenure of housing needed for different groups in the community in planning policies, including those who require housing for families with children. Therefore, while the Framework seeks to significantly boost the supply of housing and recognises the important contribution that small sites can make to meeting the housing requirement of an area, in this case, the adverse impact of losing a family-sized dwelling would outweigh the benefits of one additional residential unit.
17. Consequently, when the proposal is assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. The proposal would not, therefore, benefit from the presumption in favour of sustainable development.
18. 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 dismissed.

Hannah Guest

INSPECTOR