



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: 21 OCTOBER 2022

Appeal Ref: APP/Z5060/W/22/3291686

202 Hunters Hall Road, Dagenham RM10 8HU

- 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 Ozmindik Ugur against the decision of the London Borough of Barking and Dagenham Council.
 - The application Ref 21/01397/FULL, dated 20 July 2021, was refused by notice dated 17 September 2021.
 - The development proposed is described as 'Change of use of dwelling from 5 self-contained flats (unauthorised use) to a House in Multiple Occupation'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I saw on my visit that the appeal property is currently being used as 5 x self-contained flats. However, I acknowledge that the Council state this use to be unauthorised with an enforcement investigation taking place. I also recognise that the description of the development refers to them as such. The appellant in their statement refers to the use as unauthorised and there is no evidence before me to demonstrate the existing authorised use is anything but a single-family dwelling. Thus, I have assessed the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the Borough's supply of family housing; and
 - the effect of the proposal on the living conditions of occupants of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Family Housing

4. The appeal property is located on the edge of a residential area, close to local facilities and services. Hunters Hall Road is a relatively long road. I saw on my visit that along the section where the appeal property is located there is relatively frequent pedestrian movements associated with people accessing the shops and services on Oxlow Lane. This gave the area a degree of vibrancy. Vehicle movements are less frequent, as this end of the road is a dead end. To the rear of the appeal property are several garages that I understand are rented by the Council, as well as some industrial units.

5. Hunters Hall Road is made up of two-storey terraced properties, which appeared to be predominantly used as single-family dwellings. It has wide pavements which incorporate some parking and give the road a spacious feel. The appeal property is a two-storey end of terrace house with additional accommodation in the roof provided for by a rear dormer extension and velux rooflights. It is set on a moderate sized plot with space to park at the front and a modest sized rear garden.
6. 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.
7. Residential conversions and Houses in Multiple Occupation (HMOs) are covered by Policy BC4 of the Core Strategy, which seeks to preserve the stock of family housing. To achieve this, the first part of the policy clearly states that, when planning permission is required, the Council will resist proposals which involve the loss of housing with three bedrooms or more.
8. The proposal would change the existing authorised use as a single-family dwelling into an HMO. Although this would not technically result in the loss of a house with three bedrooms or more, the house would no longer be occupied by a single family and, as such, would conflict with the overarching aim of Policy BC4 to preserve the stock of family housing. Given this, the second part of Policy BC4 is not applicable, as it applies to proposals that are not resisted by the first part of the policy. Similarly, while it may be that supporting paragraph 3.4.2 refers to preserving 4-bedroom homes in particular, the overall aim of the policy is to preserve housing of three-bedrooms or more. The intention of the policy is clearly set out in paragraph 3.4.3 which states that it aims to ensure that the current deficit in family homes is not worsened by further flat conversions and HMOs.
9. I acknowledge that Policy H2 of the London Plan (2021) supports the delivery of new homes on small sites. I also understand that there may be evidence that shows there to be a high requirement in the Borough for 1-bedroom units and a greater level of under occupancy than overcrowding. Notwithstanding this, the Council refer to their emerging Local Plan, which is currently progressing through examination at a relatively advanced stage. Policy DMH 4 of the emerging Local Plan seeks to preserve and increase the stock of family housing, in a similar manner to Policy BC4 of the Core Strategy. While that plan cannot yet be accorded full weight, it shows that, based on current evidence, the Council are continuing to resist proposals for the conversion or loss of existing family housing with three or more bedrooms.
10. Furthermore, while I understand that there are no specific statistics regarding the need for 6-bedroom family homes, there is no substantive evidence before me showing that a 6-bedroom property would not be utilised to its full potential or would have a negative impact on the provision of housing in the Borough.
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, policy GG4 of the London Plan and the aims of the National Planning Policy Framework (the Framework). These policies, amongst other things, seek to ensure that the homes being delivered provide for identified needs, in this case, family housing. It would also not accord with the terms of policies CM1 and CM2 of the Core Strategy and H9 of the London Plan. While these policies support residential development of previously developed land and properties, this is where the land or property is underused or would lead to vacant or under-occupied properties.

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 does not justify conflict with other policies is a neutral factor in this case.

Living Conditions

13. Whether or not the proposal would generate a greater number of residents than a 6-bedroom family dwelling, given the rooms in HMOs are typically occupied independently, the use of the property would be different. The Council have referred to appeal APP/Z5060/W/20/3253029. I agree with the Inspector of that appeal, that unrelated adults are more likely to have individual daily schedules, deliveries and visitors and less likely to undertake activities together than a family, and that this will result in increased noise and disturbance. However, I understand that the circumstances relating to that appeal were different. The appeal property in that case was in close proximity to neighbouring properties at its sides and rear. Also, the proposal would have resulted in a house being located between two HMOs which would have exacerbated the harm to the living conditions of those occupants, which is not the case for this proposal. Given the size of the existing house, in this case, the subsequent noise and disturbance is likely to be limited. Furthermore, this section of Hunters Hall Road has a degree of vibrancy associated with the nearby facilities and services on Oxlow Lane. It also experiences some noise from the neighbouring commercial uses and garages to the rear. Therefore, any additional comings and goings would likely be a very modest addition to the movement patterns and noise levels that are typical of the area.
14. Notwithstanding this, the unrelated individuals would likely require more refuse and recycling storage. I saw on my visit that the property already had additional bins located at the front to cater for the 5 self-contained flats. From my observations I am satisfied that the provision of any additional bins, including the design of appropriate bin storage, could be secured by condition.
15. For these reasons the proposal would not unduly affect the living conditions of neighbouring occupants. Thus, it would accord with policies BP8 and BP11 of the Borough Wide DPD and the aims of the Framework. These seek, amongst other things, to ensure that high quality living conditions are delivered by residential development for existing and proposed occupiers, including waste facilities.

Planning Balance and Conclusion

16. 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. In that context I have reasoned that the proposal would be acceptable in terms of its effects on living conditions of those nearby.

17. However, I have identified that harm would result with regards to the Borough's supply of family housing. In this regard, 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.
18. I acknowledge that the proposal would provide additional accommodation that would meet the Technical Housing Standards – Nationally described space standard and could likely be delivered quickly in a location that is close to local facilities and services. However, while the proposal would contribute to the shortfall in housing delivery in the Borough, the contribution would be limited.
19. 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 the additional accommodation provided by an HMO.
20. 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.
21. 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