



Appeal Decision

Site visit made on 1 November 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/Z5060/W/22/3297528

9 Salisbury Avenue, Barking and Dagenham, Barking IG11 9XQ

- 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 Atthar Kazmi against the decision of the Council for the London Borough of Barking and Dagenham.
 - The application Ref 22/00297/FULL, dated 22 February 2022, was refused by notice dated 31 March 2022.
 - The development proposed is change of use from dwelling (Use Class C3) to financial offices (Use Class E).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have referred to the emerging Draft Local Plan Regulation 19 Consultation Version (emerging Local Plan) which is currently progressing through examination at a relatively advanced stage. The emerging policies before me are broadly consistent with the policies in the National Planning Policy Framework 2021 (the Framework). However, the Council has confirmed there are a number of outstanding issues which they are seeking to resolve. No further details of these issues have been provided and I have little information to suggest when the plan is likely to be adopted or if any policies will be modified. The emerging plan can therefore only be afforded limited weight at this stage.

Main Issues

3. The main issues are:
 - Whether the proposal provides a suitable location for offices, with particular regard to the local development strategy and the effect of the proposal on the supply of housing;
 - The effect of the proposal on the character of the area; and
 - The effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance, crime and the generation of waste.

Reasons

Whether the location is suitable for offices

4. The appeal property is located adjacent to, albeit outside of, the area designated as Barking Town Centre in the development plan. It is within walking distance of Barking train station and several bus stops. The area to the east is predominantly residential in nature, in contrast to the higher density mixed use development in and around the town centre to the west.
5. In respect of the local development strategy, paragraph 86 of the Framework states that planning policies and decisions should support the role that town centres play at the heart of local communities. At paragraph 87 it states local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations.
6. Policy E1 of The Spatial Development Strategy for Greater London (London Plan), adopted March 2021, indicates that new offices should be focused in town centres and other existing office clusters. Policy CE2 of the Planning for the future of Barking and Dagenham Core Strategy (Core Strategy), adopted July 2010, sets out a sequential approach against which proposals for new office accommodation will be tested. Barking Town Centre is listed as the primary location for such development, whereas edge-of-centre locations, such as the appeal site, are fourth in the hierarchy.
7. The reasoned justification for Policy BE5 of the Borough Wide Development Policies Development Plan Document (DPD), adopted March 2011, indicates that there is little demand for office development in the Borough. It also states that Core Strategy Policy CE2 seeks to direct new offices to Barking Town Centre and the District Centres to ensure they sustain and create accessible employment opportunities with good public transport links. It recognises that office development has positive impacts on the vitality and viability of the Borough's centres. The supporting text to Core Strategy Policy CE2 indicates the office market in Barking has previously been in retreat, and there is no evidence to indicate extending it would be viable.
8. While I recognise the appeal site is near the town centre, London Plan Policy E1 indicates office markets should be extended only where viable, and provision should otherwise be consolidated. Diverting office development away from designated centres would harm their vitality and viability, and there is no compelling evidence before me to demonstrate that the proposed office use could not be located within Barking Town Centre, or within one of the other sequentially preferable locations set out in the hierarchy.
9. Though the site lies within an area subject to the provisions of the Barking Town Centre Area Action Plan, adopted February 2011, this area is not synonymous with the area designated as Barking Town Centre. This therefore does not demonstrate compliance with the sequential approach.
10. In respect of the supply of housing, paragraph 60 of the Framework sets out the Government's objective of significantly boosting the supply of homes. Paragraph 61 indicates that strategic policies should be informed by a local housing need assessment. Policies CM1 and CM2 of the Core Strategy, amongst

other things, seek to ensure development meets the needs of communities and set out targets for housing growth. Policies H1, H2, H9 and GG4 of the London Plan seek to increase housing supply and promote efficient use of existing housing stock. The supporting text to London Plan Policy H1 states that the London-wide Strategic Housing Market Assessment identified a need for a considerable number of additional homes per year across London.

11. While there are other development plan policies that specifically seek to protect the supply of 3-bed family sized housing, this does not provide justification for the loss of other forms of housing for which there is an identified need.
12. The Strategic Housing Market Assessment and Housing Needs Survey for the London Borough of Barking and Dagenham (February 2020) indicates there is a need for 2-bedroom dwellings in the borough. The Council highlight they cannot demonstrate a five-year housing land supply (5YHLS) and that the housing delivery test (HDT) results show housing delivery over the last 3 years has fell considerably short of the housing requirement.
13. The appeal proposal would result in the net loss of a 2 storey, 2-bedroom, end of terrace dwelling. This would be detrimental to the supply of housing, given the identified local need, the lack of housing land supply and the housing delivery shortfall in the borough. It is also contrary to national and local housing growth objectives.
14. I therefore conclude the proposal would not provide a suitable location for offices, with particular regard to the local development strategy and the effect of the proposal on the supply of housing. It is therefore contrary to Policies CM1, CM2 and CE2 of the Core Strategy and Policies E1, H1, H2, H9 and GG4 of the London Plan, the objectives of which are set out in detail above. The proposal also conflicts with Chapters 5 and 7 of the Framework, which seek delivery of a sufficient supply of homes and to ensure the vitality of town centres.
15. While Policy BE5 of the DPD seeks to prevent a net loss of housing, this relates specifically to development in Barking Town Centre and the District Centres, which the appeal site sits outside of. I therefore do not find direct conflict with this policy in respect of this main issue.
16. Insofar as relevant to the circumstances here, emerging Policies SPDG1 and SP3 of the emerging Local Plan continue to seek to focus commercial uses in town centres and ensure development does not undermine the supply of housing. The proposal would therefore also be contrary to these emerging policies. Emerging Policy DME2 however relates to development of 1000sqm or greater, and so is not relevant.

Character of the Area

17. The appeal site is located between the higher density mixed use development in and around Barking Town Centre, and the lower density, predominantly residential area adjacent to it. The existing dwelling is therefore viewed within the context of both however its scale, layout and appearance is the same as other traditional terrace dwellings in the area.
18. The appeal proposal does not include any external alterations to the building. There are other commercial uses along this part of the street, including a doctor's surgery adjoining the host property. While only a snapshot in time, I

observed during my site visit that this end of the street had more pedestrian and vehicular traffic than neighbouring residential streets beyond, and its proximity to the town centre gave it a different, more urban, character and setting. In this context I find that the proposal would be in keeping with the character of the area.

19. I conclude the proposal would not result in harm to the character of the area. It is therefore in accordance with Policy GG1 of the London Plan, Policy CP3 of the Core Strategy and Policy BP8 of the DPD. These policies, amongst other things, seek to ensure that all development has regard to, respects and strengthens local character and history, helps to create a sense of local identity, distinctiveness and place, and that changes to the physical environment achieve an overall positive contribution to London.
20. Emerging Policy DMD1 of the emerging Local Plan continues to support proposals that make a positive contribution to the character of the surrounding area. The proposal would therefore also accord with the objectives of this emerging policy. Emerging Policy DMSI3 relates to living conditions and is considered in further detail below.

Living Conditions

21. As above, the appeal site is close to Barking Town Centre, opposite a busy train line, albeit is surrounded by residential properties to the side and rear. The adjoining property is a doctor's surgery, and this end of the street had more pedestrian and vehicular traffic than neighbouring residential streets at the time of my site visit.
22. Given the size of the host property, the proposed use would be a modest operation. Therefore, while comings and goings may be irregular in comparison to that of a residential dwelling, they would be limited. In the context of other commercial uses close by, and the busy town centre and rail line opposite, this would not result in undue noise and disturbance for the occupiers of neighbouring properties.
23. While the proposed office would potentially be vacant certain hours of the day or during holidays, the same could be said of the adjacent doctor's surgery or neighbouring dwellings. The site is also a relatively prominent corner plot overlooked from the street and surrounding buildings, and so benefits from an element of natural surveillance. There is therefore no compelling evidence before me to indicate the proposal would increase opportunities for crime.
24. The level of waste generated may be greater than that of a single dwellinghouse, however this would likely still be modest given the scale of the proposal. Any increase in waste would not be of a level that would unduly harm the living conditions of the occupiers of neighbouring properties.
25. I therefore find that the proposal would not result in harm to the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance, crime and the generation of waste. It is therefore in accordance with Policy D14 of the London Plan, Policy CP3 of the Core Strategy and Policy BP8 of the DPD. These policies, amongst other things, seek to ensure development proposals avoid significant adverse noise impacts on health and quality of life, conform to the highest standards of sustainable

design, and safeguard existing and proposed occupiers from unacceptable levels of noise pollution and general disturbance.

26. Emerging Policy DMSI3 of the emerging Local Plan continues to seek to avoid operational impacts such as noise and resist development that generates unacceptable levels of nuisance. The proposal would therefore also accord with the objectives of this emerging policy.

Conclusion

27. The proposal would have a harmful effect on the supply of housing and would not be a suitable location for offices, having regard to the relevant policies of the development plan. While the proposal would comply with other parts of the development plan and national policy, the absence of harm or development plan conflict with respect to other relevant issues, including the character and appearance of the area and the living conditions of neighbouring occupiers, is neutral and weighs neither for nor against the proposal. The proposal is therefore contrary to the development plan, taken as a whole. Even if paragraph 11(d) of the Framework applied, the adverse impacts I have identified would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. I have found no other material considerations that indicate the proposal should be determined other than in accordance with the development plan.

28. For the reasons given above I conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR