



Appeal Decision

Site visit made on 3 January 2023

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/Z5060/W/22/3301278

70 High Road, Chadwell Heath RM6 6PP

- 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 J Batth against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 22/00376/FULL, dated 7 March 2022, was refused by notice dated 20 April 2022.
 - The development proposed is described as the conversion of property into retail A1 shop, one 1 bedroom and one 2 bedroom flat units including two storey side and single storey rear extensions.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the supply of family housing in the Borough.

Reasons

3. Policy BC4 of the Borough Wide Development Policies Development Plan Document (the DPD) 2011 states the Council is seeking to preserve and increase the stock of family housing in the Borough and when planning permission is required, the Council will resist proposals which involve the loss of housing with three bedrooms or more. The appellant has confirmed that the property is not currently used for family accommodation. However, as the proposed development would convert a single 3-bedroom dwelling, capable of being used as a family dwelling, into one 1 bedroom flat and one 2 bedroom flat, it would not comply with this policy.
4. Neither party has provided substantive evidence to demonstrate that there is currently a surplus or deficit of family housing against local demand. In their report, the Council indicate that the Strategic Housing Market Assessment (SHMA) 2020 sets out that there is a high demand for family housing, although this document has not been provided as part of this appeal.
5. Nevertheless, the supporting text of Policy CC1 of the Core Strategy (the CS) 2010 states that the average household in the Borough consists of 2.4 people, indicating that the borough is not currently succeeding in providing sufficient new family housing with 85% of housing completions on major sites 1 and 2 bedroom units in 2006/07. It further highlights that larger family accommodation has been lost through housing conversion, demolition and

redevelopment schemes. This demonstrates that there is an identified need for larger family homes in the area and that the loss of this dwelling, through conversion into two flats, would be to the detriment of this need.

6. Policy SP3 of the London Borough of Barking and Dagenham Draft Local Plan 2037 Regulation 19 Consultation Version (the DLP) 2020 also seeks to ensure development does not undermine the supply of self-contained housing, in particular family housing. Whilst the DLP has not yet been adopted, this highlights that the retention of family housing is an ongoing objective for the Council.
7. The appeal property is located within a high street location, adjacent to a number of commercial uses. It has a rear garden that is adjacent to a parking area that the appellant considers is overlooked and unsuitable for family housing. The appellant particularly highlights the adjacent site, Chadwell Heath Baptist Church, where planning permission¹ has recently been granted for 17 residential units. They consider this neighbouring development results in a loss of light, a loss of privacy and impacts the outlook from the current dwelling, reducing its suitability as family accommodation.
8. However, if this were the case, these factors would also impact the future occupiers of the proposed smaller units. There are also a number of residential units in the surrounding area and the appeal site is in proximity to the necessary services and facilities required by those occupying family accommodation. As such, I am not persuaded that the area is more suited to the provision of 1-2 bed units or that it would be difficult to use the property as a good quality family dwelling in its current state.
9. Therefore, in conclusion, the proposal would result in the loss of a valuable family dwelling and would therefore be contrary to Policy BC4 of the DPD, Policy CC1 of the CS and Policy SP3 of the DLP for the reasons set out above. The proposal would also be contrary to policy GG4 of The London Plan (the LP) 2021 and Policy CM1 of the CS which seek to ensure development meets the needs of new and existing communities with homes that provide for identified needs. The proposal would also be contrary to the Mayor of London Housing Supplementary Housing Guidance (2016) which states that the Mayor has a long-term commitment to meeting the need for family sized homes.
10. Policies H1, H2 and H9 of the LP, Policy CM2 of the CS and Policies SPDG1 and DMH4 of the DLP are not relevant to this main issue as they do not specifically relate to family sized units.

Other Matters

11. The appellant has stated that for the adjacent scheme, for a number of new residential units, no 3-bed units were included which was found acceptable due to the location of the site. However, as this was for new units and did not result in the loss of any larger family sized units, it is not directly comparable to the appeal scheme before me.

Planning Balance

12. The Council have indicated that they are unable to demonstrate a five year housing land supply and have failed to meet their housing delivery test. This is

¹ 20/01859/FULL (the adjacent scheme)

confirmed in the London Borough of Barking and Dagenham Housing Delivery Test Action Plan 2020. On this basis, the test in paragraph 11(d) of the Framework should be applied.

13. In the context of the development, I have found that the proposal would be contrary to Policy BC4 of the DPD, Policies CC1 and CM1 of the CS, Policy GG4 of the LP and Policy SP3 of the DLP. It would result in significant harm to the stock of family housing, from the conversion of one 3-bed unit into two smaller units. Whilst the Framework highlights the Government's objective of significantly boosting the supply of homes, it states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policy, including families with children. Therefore, as I have found these policies to be generally consistent with the relevant aims of the Framework, I attach substantial weight to the conflict with them.
14. The proposed development would optimise the housing potential of the site, adding one additional unit to the overall housing land supply and could potentially free up existing family housing in the area if occupied by someone wishing to downsize from a larger dwelling. However, given the scale of the scheme, any such benefits would be small. Therefore, even though there is a shortfall in the housing land supply and housing delivery, given the harm that I have identified, the adverse impact of granting planning permission would significantly and demonstrably outweigh the limited benefits of one additional unit when considered against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply and does not weigh in favour of the proposed development.

Conclusion

15. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR