

Appeal Decision

Site visit made on 24 September 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/Z5060/W/24/3343568

1 Woodlands Avenue, Chadwell Heath RM6 6EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr H Sandhu against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 24/00252/FULL.
 - The development proposed is described as 'Flat conversion and alterations of existing conservatory, side and rear extensions forming 1No three bedroom garden flat, 1 No two bedroom flat and studio flat.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council made its decision on the planning application, which is subject to this appeal, on 18 September 2024 the London Borough of Barking & Dagenham Local Plan 2020-2037 (2024) (BDLP) was adopted. Consequently, the policies contained within the Borough Wide Development Policies Development Plan Document (2011) and the Local Development Framework Core Strategy (2011) have been superseded. I am required to determine this appeal on the basis of the development plan which is in force at the time of my decision. The appellant has had an opportunity to provide their views on the new policies. This appeal has therefore been determined in relation to the policies contained within the BDLP and the London Plan (2021).
3. As part of the appeal an amended layout and block plan was submitted to reconfigure the cycle and refuse storage arrangements and provision of rear amenity space for the second floor flat. Considering established case law¹, the changes are minor alterations and do not represent a substantial difference or fundamental change. The Council have commented on the amended plans and owing to the minor changes I do not consider that there would be unfairness to any other interested party by my determining of the appeal with regard to the amended drawings.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney (2018)

Main Issues

4. The main issues are:

- whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to noise, internal and external space, and;
- whether the proposal would provide sufficient cycle and refuse storage.

Reasons

Living conditions

5. Two of the bedrooms at the rear of the proposed ground floor flat would be located directly below the kitchen and lounge of the first floor flat. When occupants of the first floor flat are using the kitchen and living area this could lead to disturbance for the occupiers in the ground floor flat when trying to sleep, with potential for a transfer of noise from voices and television for example. Similarly, the proposed studio flat on the second floor could lead to disturbance for occupants using the bedrooms in the first floor flat.
6. I note that sound insulating measures are to be used in accordance with building regulations including a floating floor. However, there is no substantive evidence before me that demonstrates these measures would adequately mitigate against the noise concerns raised due to the layout of the proposed development. I acknowledge that two flats were previously approved at the site², however due to the inclusion of the studio flat in this scheme, the floor layouts are not comparable to the previously approved scheme and this does not alter my view. The layout of the proposed development would therefore give rise to noise disturbance, to the detriment of the living conditions of future occupiers.
7. The Council have assessed the submitted floor plans against the space requirements set out in Policy D6 of the London Plan (2021) (LP). The figures quoted by the Council have not been disputed by the appellant. The two rear bedrooms in the ground floor flat would fail to comply with the space standards, falling below the required width of 2.15 metres set out for single bedrooms. The ground floor flat would also only provide 2.25 square metres of built in storage, below the required 2.5 square metres. Whilst these figures are only marginally below the required standard, they are minimum standards required for new accommodation to achieve a high quality design that is fit for purpose and meets the needs of its occupiers.
8. Turning to the two bedroom first floor flat, Policy D6 of the LP requires that a dwelling with two or more bedspaces has at least one double bedroom of a minimum floor space of 11.5 square metres. Neither bedroom would meet this standard.
9. The proposed studio flat does not demonstrate any built in storage, contrary to Policy D6. Furthermore, a minimum floor to ceiling height of 2.5 metres is required for at least 75% of the gross internal area of each dwelling. The

² Ref: 23/01022/FULL

Council have set out that the top floor of the studio flat has a total floor to ceiling height of 2.2 metres, the proposal would therefore fail to accord with this aspect of Policy D6.

10. The second floor studio flat originally did not provide any external amenity space. The submitted amended plan now demonstrates amenity space for this studio flat. I am satisfied that given the extent of external amenity space provided for the ground and first floor flats, that sufficient external amenity space could have been secured via a condition for the second floor flat were I to have allowed the appeal.
11. For the above reasons, whilst I have found the development would provide acceptable living conditions for future occupants in relation to external amenity space, the proposed development would not provide acceptable living conditions for future occupants in relation to the internal space and in relation to noise for future occupants of the ground and first floor flats. Accordingly, I conclude that the proposal would conflict with Policy DMD1 of the BDLP. This, amongst other matters requires proposals to have regard to the National Design Guide which seeks well-designed homes which provide a good standard and quality of internal space. It would also conflict with Policy D6 of the LP which amongst other matters, seeks high quality design which provides adequately sized rooms with a functional and comfortable layout. It would also conflict with the Technical Housing Standards – nationally described space standards (2015).
12. Part 6 of Policy DMNE1 of the BDLP is not relevant as this relates to the delivery of publicly accessible and communal open space, rather than private amenity space.

Cycle and refuse storage

13. The amended layout plan details the provision of additional refuse storage within covered waste stores and with green roofs. However, this update has not been reflected on the amended block plan. Notwithstanding this, based on the amended layout plan and my site observations, I am satisfied that the additional refuse storage could be sufficiently accommodated within the available external amenity space at the front of the dwelling and also without adversely affecting the street scene.
14. Additional cycle storage has been demonstrated on the amended layout plan with the provision of four cycle wall mounts within the entrance hall. Given the wall mounted nature of the cycle storage, which was also proposed on the original plans, and the width of the entrance hall, I am satisfied that the bicycles could be accommodated without compromising on access and movement in the property.
15. For the reasons above, I conclude that the proposal could provide sufficient cycle and refuse storage facilities and therefore there would be no conflict with Policy T5 of the LP and Policy DMT 3 of the BDLP. These require, amongst other matters, the provision of appropriate levels of secure cycle parking. There would also be no conflict with Policy DMT1 of the BDLP which seeks to promote sustainable modes of travel and Policy DMSI 8 part 3 of the BDLP which, amongst other things, requires the provision of appropriate waste facilities.

16. Paragraphs 104 and 106 of the National Planning Policy Framework have been cited on the decision notice in reference to this main issue. These paragraphs relate to rights of way and green space and thus are not relevant to this main issue.

Planning Balance and Conclusion

17. The Council have set out that their latest Housing Delivery Test figure shows an undersupply of housing over the previous three years. As a result, paragraph 11 d) of the Framework is engaged, which directs that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.
18. The proposal would add to the housing mix within the area and I note the proposed development would have improved thermal efficiency over the existing dwelling. This weighs in favour of the development.
19. I have identified that the proposal would not provide acceptable living conditions for future occupants due to the internal space provided and in relation to noise for future occupants of the ground and first floor flats.
20. Drawing my assessment together, I conclude that the adverse impacts of allowing this development through my conclusions on the main issues above would significantly and demonstrably outweigh the benefits of the proposal when considered against the policies in the Framework taken as a whole.
21. For the reasons given above, having regard to the development plan as a whole, the Framework, and all other material considerations, I conclude that the appeal should be dismissed.

T Bennett

INSPECTOR