



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: 24 October 2024

Appeal Ref: APP/Z5060/W/24/3342999

44 Blackborne Road, Dagenham RM10 8SS

- 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 Ayas Miah against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 23/01493/FULL.
 - The development proposed is for a Change of use from a single dwelling house to a House in Multiple Occupation.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

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Policies Development Plan Document (2011) and the Local Development Framework Core Strategy (2011) have been superseded.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 comments on the new policies. This appeal has therefore been determined in relation to the policies contained within the BDLP and the London Plan (2021).

Main Issues

3. The main issues are:

- the effect of the change of use on the supply of family housing in the area;
- whether the proposed development would provide adequate living conditions for future occupiers with particular regard to internal space, and;
- the effect of the change of use on the living conditions of neighbouring occupiers with particular regard to noise.

Reasons

Supply of family housing

4. The appeal property is a five bedroom end-terraced dwelling in a residential area within the Becontree Estate.
5. Policy DMH 5 of the BDLP seeks to preserve dwelling houses capable of accommodating a family with children. It sets out, amongst other criteria, that HMOs will only be permitted where they meet an identified need and do not result in the loss of housing capable of accommodating families with children. A five bedroom property is one which is capable of accommodating a family with children. Furthermore, limited substantive evidence has been submitted by the appellant to demonstrate that there is an identified need for a HMO over family housing.
6. For the reasons above, I conclude that the proposal would result in the loss of a family home with limited justification for doing so. This would be contrary to Policy DMH 5 of the BDLP.
7. Policy DMSI 3 of the BDLP has been referenced by the Council with regard to this issue. This policy is concerned with nuisance and as such is not relevant to this main issue.

Living conditions – future occupiers

8. Policy D6 of the London Plan (LP) sets out internal space standards, including built-in storage. Whilst these standards relate to new dwellings, they provide useful guidance on acceptable minimum standards. Furthermore Policy DMH 5 of the BDLP, whilst not cited on the decision notice in relation to this particular issue, does indicate that the standards set out in Policy D6 of the LP are expected to be met for HMO's. A schedule of gross internal floor areas (GIA) for the house and bedrooms in comparison with Policy D6 was provided in the Delegated Report. The appellant has not disputed this schedule.
9. Policy D6 requires that dwellings with two or more bedspace must have at least one double bedroom and that double bedrooms should have a floor area of at least 11.5 square metres. One of the double bedrooms should have a width of 2.75 metres and every additional double bedroom should have a width of 2.55 metres. It also sets out that for a 4 bedroom dwelling there should be a minimum of 31 square metres of communal living space. The schedule indicates that the GIA of the communal space, bedroom 1 and bedroom 4 does not meet the requirements of Policy D6.
10. With respect to built-in storage, the development is identified as not including the required 3.5 square metres set by Policy D6. There is little evidence on the plans to demonstrate suitable, sufficient or appropriate built-in storage for the needs of its occupiers. The development would be contrary to the London Plan in this regard.
11. The appellant considers the scheme to be acceptable as it would meet licensing requirements. However, this does not necessarily mean that the accommodation is acceptable in planning terms. Licensing is primarily a means of securing minimum standards, whereas the planning system has

wider responsibilities for ensuring that the quality of accommodation provides a good living environment for occupants throughout the lifetime of the development.

12. For the reasons above, I conclude that the proposal would not provide adequate living conditions for future residents, having regard to the size of accommodation that would be provided. It would therefore be contrary to Policy D6 of the LP which, amongst other matters, sets out a need for adequately sized rooms in order to secure appropriate standards of accommodation.

Living conditions - neighbouring occupiers

13. Although occupancy levels would be the same as the existing situation, the HMO would likely be occupied by people living independently compared to a family unit. 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. As such, the use of the property as a HMO would be likely to generate more activity and noise than if it was in use as a family home. However, when taken in the context of the urban character and with no increase in the number of occupants compared to a large family group, I consider that there would not be an unacceptable increase in noise and disturbance to other residents.
14. Accordingly, I conclude that the development would not harm the living conditions of neighbouring occupiers with respect to noise. The proposal complies with Policy DMD 1 of the BDLP which requires development to consider the impact on the amenity of neighbouring properties and DMSI 3 of the BDLP which, amongst other matters, seeks to resist development which generates unacceptable levels of noise.

Conclusion

15. Whilst the proposal would not harm the living conditions of neighbouring occupiers, it would result in the loss of a family home and would not provide adequate living conditions for future occupiers. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR