



Appeal Decision

Site visit made on 10 September 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 DECEMBER 2024

Appeal Ref: APP/Z5060/W/24/3338566

1 Romsey Road, Dagenham RM9 6BL

- 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 Isaj (Old Street Holding) against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 23/01309/FULL.
 - The development proposed is the conversion of single family dwelling into 2 self-contained flats. Flat 1 - 1 bed 2 people and Flat 2 - 2 bed 4 people.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the Council adopted the new Barking and Dagenham Local Plan 2037 (the 'Local Plan'). The Council's Core Strategy and Borough Wide Development Plan Document (DPD) has now been superseded by the new Local Plan. Copies of the relevant new policies have been provided. As such, I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the proposal would be contrary to local housing policies that seek to protect family housing; and
 - whether the proposal would provide adequate living conditions for the future occupiers of the proposed flats with regard to the internal layout, private outside space, and light.

Reasons

Supply of Family Housing

4. The appeal property occupies a corner plot at the junction of Romsey Road and Langley Crescent. It is a two-storey end-of-terrace dwelling which features an existing single storey rear extension and a rear roof dormer extension. The plans indicate the property has three bedrooms although, as observed during the site visit, the movie/sitting room may also be being used as a bedroom.
5. Policy SP3 of the Local Plan seeks to prioritise and protect the supply of self-contained housing, in particular family housing. The appellant states that the

proposed sub-division of the property would allow the formation of two flats suitable for families on low incomes. However, family housing is defined in the London Plan as a dwelling that by virtue of its size, layout and design is suitable for a family to live in and generally has three, four, five, or more bedrooms. The proposal would create a one-bed unit and a two-bed unit that would therefore not meet the definition of family housing.

6. Whilst there would be no loss in internal space, the proposed conversion would lead to the loss of a self-contained dwelling with three or more bedrooms suitable for a family. I have not been provided with any tangible justification for the conversion in line with policy requirements. The proposal would thus reduce the stock of family housing in the Borough and in doing so will unacceptably undermine the Council's housing strategy.
7. Accordingly, the proposal would be contrary to Policy SP3 of the Local Plan. It would also conflict with Policy H10 of the London Plan (2021) insofar as it seeks to ensure proposals contribute to mixed and balanced communities with sufficient family housing.

Living Conditions

8. The appellant states that the proposed flats would comply with national space standards. However, the figures provided by the appellant show two double bedrooms that do not meet the requirements set out in the technical housing standards – nationally described space standard (NDSS). The lack of internal space within these bedrooms would be inadequate.
9. Furthermore, the living room area of the ground floor flat would only be served by a single window within the kitchen. It is likely this window would be partially obscured given it would face directly into the outside amenity space provided for Flat 2. Consequently, this would unacceptably reduce the amount of daylight penetrating the kitchen and living room area of Flat 1, adversely impacting the living conditions of the future occupants.
10. Whilst the size of the outdoor amenity areas would be acceptable, the space allocated for Flat 2 would fail to be sufficiently private given its position directly to the rear of Flat 1's kitchen window. This would negatively affect the privacy of the occupants of Flat 2. The access arrangements to the amenity space would also be impractical as the occupants of the first floor flat would have to exit the front of the property to reach the rear.
11. Given the above, the proposal would not provide adequate living conditions for the future occupiers of the proposed flats with particular regards to the internal layout, access to daylight, and external amenity space. It would therefore conflict with Policies SP3, DMD1 and SP2 of the Local Plan and Policies D4 and D6 of the London Plan insofar as they seek to ensure housing developments are of high-quality design, provide comfortable and functional layouts with adequate private outside space.

Other Matters

12. My attention was drawn to a development at 17 Romsey Road. The conversion of No 17 into two flats occurred in 2007, before the adoption of the London Plan, the National Planning Policy Framework (the 'Framework') and the Barking and Dagenham Local Plan 2037. The relevance of this conversion is limited given the extent at which the policy context has evolved. What's more,

the development at No 17 included the conversion of a large two-storey side extension and garage. It was a comparatively larger property than the appeal dwelling and therefore not comparable to the proposed scheme.

Planning Balance

13. The harm and conflicts are such that the proposal should be regarded as being in conflict with the development plan as a whole. It is therefore necessary to consider whether there are material considerations which indicate that permission should be granted, notwithstanding this conflict.
14. The Framework encourages residential development in accessible locations where it would support housing supply. The proposal would result in the creation of one extra residential unit in an accessible location and a more efficient use of the site. However, only limited weight can be attributed to this consideration owing to the small scale of the development.
15. The Council is able to demonstrate a five-year housing land supply. However, the published 2022 HDT results show that only 62% of the required homes were delivered. The 2022/23 results similarly show an under-delivery, with 1,245 completions against a target of 1,944. As such, the so called 'tilted' balance of Paragraph 11 (d) of the Framework applies. However, even in the context of such a shortfall, the harm I have identified and the conflicts with the policies are such that the adverse impacts would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply in this case.

Conclusion

16. 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.
17. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR