



Appeal Decision

Site visit made on 30 April 2025

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025.

Appeal Ref: APP/Z5060/W/24/3353890

4 Southwold Drive, Barking, Essex, IG11 9AU

- 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 Dipankar Sarkar against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref is 24/00865/FULL.
 - The development proposed is described as 'change of use from Dwelling House (C3) to HMO (C4)'
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Preliminary matters

1. The Council have provided correspondence during the course of the application which confirmed the proposed development would be to provide a House in Multiple Occupation (HMO) for six residents. The description of the proposed development was changed in accordance with this correspondence and was assessed by the Council on that basis. This is as described in the Council's Decision Notice, namely the change of use of the dwellinghouse (C3) into an HMO (C4) for up to 6 residents. I have determined the appeal on this basis.

Decision

2. The appeal is dismissed.

Main issues

3. The main issue in this appeal is whether the proposed development would be consistent with the spatial strategy of the development plan. A further issue is whether the proposed development would make adequate provision for parking.

Reasons

Spatial strategy

4. Policy H9 of the London Plan 2021 states that Boroughs should set out a strategy for meeting local and strategic housing needs. The spatial strategy in the Barking and Dagenham Local Plan 2024 follows this, with Policy SP3 stating that the Council will seek to ensure development does not limit the supply of self-contained housing, particularly family housing.
5. The appeal property has four bedrooms, kitchen, utility room, living room, bathrooms and a rear garden. It lies within a wider residential area where there are properties of similar character and layout. From my observations at the site visit,

and from reviewing the drawings of the property, I am satisfied the property can be seen as a family home, as set out in Policy SP3.

6. The spatial strategy is further set out in Policy DMH 5 of the Local Plan which concerns the provision of HMOs. This states at Part 2 that proposals for the conversion of dwelling houses to HMOs capable of accommodating a family with children will be resisted. The proposal is therefore contrary to the Policy.
7. Part 1 of Policy DMH 5 sets out the circumstances when the change of use of a house to an HMO will be supported. It is clear from reading the Policy that all five criteria must be satisfied.
8. Criterion a) of Policy DMH 5 requires there to be an identified need for a proposed HMO. The appellant states there are few HMOs in the area and there are a plentiful number of single family dwellings. I do not consider this to be a robust analysis that sets out an identified need for this HMO. In any event, the spatial strategy of the development plan has established a Borough-wide need to protect family homes, which is supported by evidence in the Council's Strategic Housing Market Assessment (2020). That document demonstrates a low number of family homes in the Borough but a high demand, yet that most developments that have occurred are for smaller dwellings rather than larger; the appellant has not disputed this. On the evidence provided to me I therefore do not concur there is an identified need for the appeal property to be an HMO.
9. Criterion b) of Policy DMH 5 resists the loss of housing capable of accommodating families with children. The size and layout of this four bedroom house, with garden, is suitable for accommodating families with children. The proposal therefore conflicts with this criterion.
10. Criterion c) requires there to be no loss of character or amenity. The property is in a quiet residential area and closely adjoins other dwellings. With four bedrooms, the use of the property by a family could be expected to give rise to a large household which would lead to a degree of noise and disturbance from activities, including comings and goings. However, the property would be used by 6 adults who are unlikely to be related, and liable to have individual daily schedules, rather than a single household. This is likely to lead to increased comings and goings by the occupants, as well as deliveries and servicing, and this would be to a degree I consider materially different to that from a single household. This would give rise to noise and disturbance in this quiet residential area, to the detriment of amenity.
11. The site lies within an area of poor access to public transport, with a very low Public Transport Accessibility Rating of 0. Criterion d) of Policy DMH 5 only supports HMOs within areas of high transport accessibility.
12. Criterion e) of Policy DMH 5 requires HMOs to comply with relevant standards, which are said to be the East London HMO Guidance, and Policy D6 of the London Plan and its relevant guidance. The Council's Delegated Report appraises rooms within the property and finds that none satisfy the required size for double bedrooms, as set out in Policy D6, the Nationally Described Space Standards (NDSS), the East London HMO Guidance or the Barking and Dagenham HMO Standards. The appellant states that Policy D6 is not applicable to this appeal, but as it is referred to in Policy DMH 5 I consider it relevant. As the NDSS are consistent with Policy D6, I further consider that reference to the NDSS is relevant.

13. I saw at my site visit that those rooms said to be double bedrooms have limited space for such occupancy. This reinforces the finding that, as those double bedrooms would not satisfy the standards referred to Criterion e), they would not provide a satisfactory standard of accommodation. The appellant states that there would be 5 persons in the property, but the proposal was for 6 persons. Based on what I have read and seen I concur that the property cannot adequately accommodate that number of residents. A condition cannot be attached to alter the description of the development which was the subject of the application and appraised by the Council.
14. The proposed development therefore does not satisfy the criteria of Part 1 of Policy DMH 5, and so does not receive support under that part of the Policy. Since the proposal would lead to the loss of a dwellinghouse capable of accommodating a family with children it is contrary to Policy DMH 5 as a whole. Thus, on the first issue I conclude the proposals would be contrary to the spatial strategy of the development plan, and be contrary to Policy H9 of the London Plan, and Policies SP3 and DMH5 of the Local Plan.

Parking provision

15. The property lies within a Controlled Parking Zone and in an area of very low public transport accessibility. The application form states that no provision will be made for car parking, with provision for 6 cycle spaces. The submitted drawings show a cycle parking area at the front of the property and, at the appeal stage, reference is made to two off-street parking spaces. I saw at my site visit there is an existing parking area.
16. The Council's Delegated Report states that the Transport Team raised concerns regarding the possible overspill of car parking in the surrounding area which may arise due to the number of residents in the property and requested a parking survey to ascertain whether there would be any adverse impact on parking in the area. No survey has been undertaken, and there is very little evidence provided to me regarding the levels of parking in the area. With 6 residents in the property, and no mechanisms that might indicate any limitation on the ability for future occupants to own cars or where any vehicles might be parking, it has not been adequately demonstrated how any parking generated by occupiers would be provided in the area.
17. I therefore cannot be satisfied that any traffic generated by the use can be adequately accommodated in the road network, and consequently that there is no harm to highway safety. Policies T5 and T6 of the London Plan, and Policies DMT 2 and DMT 3 of the Local Plan, set out the requirements for car and cycle parking. Based on the information before me, and from observations at the site visit, I consider these policies are not satisfied and hence the proposal would not make adequate provision for parking.

Conclusions

18. The proposed development would be contrary to the development plan and the appeal is therefore dismissed.

C J Leigh
INSPECTOR