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## 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.**

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**Appeal Ref: APP/Z5060/W/24/3357037**

**36 Lodge Avenue, Dagenham, RM8 2JA**

- 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 Ms N Pascal-Okeoma against the decision of the Council of the London Borough of Barking and Dagenham.
  - The application Ref is 24/01126/FULL.
  - The development proposed is described as 'conversion of property into a small HMO'
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### Preliminary matters

1. The proposed development is described in the Council's Decision Notice as the change of use of the existing dwellinghouse (Use Class C3) into a 4 bedroom House in Multiple Occupation (HMO) (Use Class C4), and 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 and waste provision.

### Reasons

#### *Spatial strategy*

4. Policy H9 of the London Plan 2021 says 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 is a single family dwellinghouse, with three bedrooms and garden. When considering this size of property, and from what I saw at the site visit, it accords with the definition of a family home as set out in Policy SP3. I further note that the property lies within a residential area where there are evidently houses of similar scale, size and layout.

6. The spatial strategy is further elaborated through Policy DMH 5 of the Local Plan. This states at Part 2 that proposals for the conversion of dwelling houses 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 hence there is a need. I do not consider this to be a robust analysis of the need for an HMO. The spatial strategy in 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 which 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 three 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 fronts Lodge Avenue, which I saw was a busy road close to the junction with the A124 to the north, where there are shops and other services. The residential area and highway network evidently are well-used by traffic and pedestrians. The front door to the property opens onto Lodge Avenue with a short front garden area. The door is set away from the adjoining property's front door and windows. The property is a three-bedroom house, and occupation by a single household could reasonably be expected to give rise to a household of 4 or 5 persons, who may be of varying ages. The proposed HMO is for 4 persons. Comings and goings to the house for the HMO use would be via the front door, directly onto the busy road network and away from adjoining houses, and in my view there would be little difference to the character of the area or the amenity of neighbouring residents.
11. I am informed the site lies within an area of poor access to public transport, with a low Public Transport Accessibility Rating of 2. Criterion d) of Policy DMH 5 only supports HMOs within areas of high transport accessibility.
12. The Council do not raise issue with the compliance with relevant standards for HMOs (Criterion e) of Policy DMH 5).
13. The proposed development therefore does not satisfy three 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. 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 and waste provision*

14. The drawings show parking for two cars at the front of the dwelling. The appellant's submissions also explain that there is an intention for 4 cycle parking spaces in the rear garden, and the storage of recycling waste bins in the rear garden area.
15. The Council's Delegated Report states that the Transport Officer raised concerns regarding the lack of sufficient off-street parking, which may lead to parking on the street adversely affecting the highway network. The Council requested an on-street parking survey to ascertain whether any on-street parking was possible and acceptable, as well as confirmation regarding how the proposed parking spaces would be accessed. The Council also raise concerns regarding how cycle and waste storage provision will be provided within the back garden in order to provide useable facilities.
16. I saw that highways in the area are busy, and there are a number of junctions and access points in the area, so consideration of highway safety and access to the property is important. The appellant claims there is sufficient parking space in the locality, which is based on their observations of the area at a number of times. I do not consider this to be a robust enough assessment of levels of parking in the area: no details have been provided as to matters such as what areas were surveyed, specific times of day, level of parking stress, and other matters that would be necessary to draw a conclusion that on-street parking will not be harmful to highway safety. Nor is there any information confirming the proposed two spaces can be safely accessed.
17. The appellant further states that cycle and waste storage can be met within the garden, and be subject to a condition. But it is evident that such provision will necessitate a sizeable area of garden – which may lead to an impact on the useable area of the retained garden – and that there must be good access to the street in order for the facilities to be practical. From my observations at the site visit, and with no specific information on the facilities that would be necessary, I am not reassured these matters can be left for later consideration, as they are important matters to assess when having regard to the principle of any change of use.
18. 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. Policy DMSI 8 of the Local Plan requires development proposals to show facilities for waste and recycling provision. 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 and waste provision.

### *Conclusions*

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

*C J Leigh*  
INSPECTOR