



Appeal Decision

Site visit made on 20 May 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd of June 2025

Appeal Ref: APP/Z5060/W/25/3360363

10A Station Parade, Barking, Essex IG11 8DN

- 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 Jamshid Hosseini and Mr Katratulah Karimee against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 24/01483/FULL.
 - The development proposed is Change of use of first floor office to flat. Front door entrance to remain unchanged.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. While the application form refers to the site address being 10 Station Parade, the Design and Access Statement, Decision Notice and Appeal Form all refer to 10A Station Parade. On this basis 10A is considered to be the accurate site address for the development.
3. The proposal has been submitted and determined as a change of use to a 2 bedroom flat. However, during my site visit the converted office space was being used as a 3 bedroom flat and there were other differences with the submitted plans. I have made my determination in relation to the plans and information submitted which describes a 2 bedroom flat.

Main Issues

4. The main issues are:
 - Whether the site is suitable for the proposed use having regard to relevant planning policies related to office space; and
 - the effect of the proposal on the living conditions of future residents having regard to the amount and quality of the internal and external space provided.

Reasons

Office space conversion

5. Policy E1 of The London Plan - The Spatial Development Strategy for Greater London 2021 (London Plan) seeks to respond to the diverse range of office markets within the city and quantifies the likely demand for office space. In the explanatory text it refers to a period of restructuring with increasing numbers of

micro, small and medium-sized enterprises (SMEs) and changing work styles. It goes on to emphasise the importance of ensuring there is sufficient space suitable for SMEs and refers to concerns that office space within town centres is being used for housing. Hence, the policy seeks to retain existing viable office space but does allow for the conversion of surplus office space to other uses. Policy SP5 of the London Borough of Barking and Dagenham Local Plan 2020-2037 2024 (Local Plan), states that office space will be protected in accordance with Policy E1 of the London Plan.

6. The National Planning Policy Framework (Framework) supports this by stating in paragraph 85: 'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'.
7. The appeal site is small scale and located within Barking Town Centre where there is good accessibility. In the absence of evidence to show otherwise, these are factors that would suggest the office use could be suitable for SMEs or as flexible or co-working space.
8. Generic arguments put forward by the appellants resonate with the supporting text of the London Plan for Policy E1 insofar as they highlight the dynamic nature and use of office space. However, reference is made to an oversupply of outdated office spaces in Barking but no further supporting information has been provided to demonstrate this widespread assertion. In particular, there is no specific analysis to substantiate that the office use of the appeal site was surplus to requirements. On the balance of the available evidence, the proposed residential use would displace usable office accommodation.
9. The proposal, therefore, does not comply with Policy E1 of the London Plan or SP5 of the Local Plan that both seek to protect viable office space.

Living conditions

10. Policy D6 of the London Plan specifies minimum private internal and external space standards for all new residential properties. This includes minimum sizes of bedrooms and at least 5sqm of external private amenity space. Policy DMD1 of the Local Plan seeks to secure high quality design and Policy DMNE1 (Part 6) of the Local Plan states amongst other things, that 'Development should not rely upon existing publicly accessible open space to contribute towards on-site communal amenity space and child play space'.
11. This approach accords with the Framework under paragraph 135(f) which seeks to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'.
12. The proposal comprises a 2 bedroom 1st floor flat, with a combined living space (kitchen/dining/living room), bathroom and a spare room. It does not include any external amenity space. The appellant has not disputed the Council's measurements of internal space and therefore I have no reason to doubt them.
13. The proposed flat's gross internal area (GIA) and main bedroom floor space falls short of the minimum requirements of Policy D6 of the London Plan by 2.5sqm and 2.4sqm respectively. In addition, the second bedroom does not meet the space requirement of Policy D6 of the London Plan for a single bedroom.

14. The under provision of space, as well as it's general arrangement of the space, would mean that occupants would struggle to fit in necessary furniture and storage to allow a reasonable standard of living. The narrow kitchen space would make it hard for people to pass while the space was being used. The harm would be exacerbated due to the lack of private external space. On this basis that the proposal would make many residents feel unduly restricted and enclosed. Hence, the proposal would fail to meet with the expectations of the Framework in paragraph 135(f).
15. Accordingly, the proposal would cause unacceptable harm to the living conditions of future residents having regard to the amount of and quality of the internal and external space provided. This would be contrary to Policy D6 of the London Plan and Policy DMNE1 of the Local Plan. Given the detrimental effects identified the proposal cannot be considered to secure high quality design as required by Policy DMD1 of the Local Plan.

Other Matters

16. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory requirement relating to development in the Conservation Area. The appeal site is within the Abbey and Barking Town Centre Conservation Area. This Conservation Area's significance comprises several factors. These include the green space that contains the ruins of an abbey, the prevalence of commercial units at ground floor level and buildings showing how architectural styles have developed over time ranging mostly from Georgian to 1960s.
17. The appeal site is located above a shop. There are no external changes proposed to 10A Station Parade therefore the appearance is maintained. The change of use to residential would not materially affect the character of this part of the Conservation Area, as it would not reduce the amount of ground floor commercial usage. On this basis the proposal would preserve the character and appearance of the Conservation Area. Therefore, I concur with the Council that there would be no harm to the Conservation Area.

Planning Balance

18. Given my findings on the main issues, the proposal would conflict with the development plan taken as a whole.
19. The Council accepts that delivery of housing was less than 75% of housing requirement over the past 3 years. Consequently, paragraph 11 d) of the Framework is engaged. There is nothing before me to suggest the policies identified in footnote 7 of the Framework and relevant to paragraph 11 d) i) provide a strong reason for refusing the development. Hence, the balance in paragraph 11 d) ii) applies.
20. It states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and provided affordable homes, individually or in combination.

21. The benefits of the proposal include the addition of a dwelling to the overall supply in an accessible location close to public transport, local facilities and public open space. It would also make efficient use of an existing building. The occupants of the dwelling could assist in supporting both services and facilities, as well as providing passive surveillance of the local area. There are also likely limited economic benefits during the construction phase. Support for these respective matters is found in the Framework.
22. Nevertheless, I have concluded that there would be economic harm due to loss of office space as well as detriment to future residents' quality of life arising from the poor quality of accommodation provided. Conflict with relevant policies in the Framework has been identified in relation to both of these matters, to which I attribute significant weight.
23. The adverse impacts would, therefore, significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. It follows that the presumption in favour of sustainable development does not apply.

Conclusion

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it.

A Phillips

INSPECTOR