



Appeal Decision

Site visit made on 17 June 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2025

Appeal Ref: APP/Z5060/W/25/3362496

12 Plantagenet Gardens, Chadwell Heath, Barking and Dagenham RM6 6JX

- 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 Emmanuel Ajayi against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 24/01299/FULL.
 - The development proposed is the change of use to C2 dwelling - parenting assessment centre.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development given on the application form in the banner heading above. However, it is necessary to highlight that Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) relates to residential institutions and not dwellings, as may be inferred from the description of development offered here. I have assessed the proposal as being within Use Class C2 as the remaining documentation provided with the application and appeal is quite clear in this regard.
3. The appellant provided additional information with the appeal, and this included additional plans, reduction in the number of bedrooms occupied from six to four and clarification of the nature of the use.
4. The Inspectorates Procedural Guide on Planning Appeals makes it clear that the appeal process should not be used to evolve a scheme. As such, I have not taken this additional and amended information into account here. The reduction in the number of bedrooms for residents, the clarifications on the nature of the use and the change to staffing arrangements would represent a substantial difference and a fundamental change to the application.
5. This approach is supported by the Wheatcroft¹ and Holborn² principles where it is highlighted that a series of small, incremental proposed amendments to a scheme could result in a substantial difference or a fundamental change. I am additionally concerned about potential procedural failings were I to accept this new evidence, particularly given the comments of consultees who may not be fully aware that the appeal proposal is of a different nature to that which was originally put forward. Thus, there may be a procedural unfairness to these, and other, parties.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Main Issues

6. The main issues are:

- 1) Whether the proposed development would result in an over-intensive use of the premises having regard to the future occupants living conditions,
- 2) The effect of the proposed development on the living conditions of neighbours,
- 3) Whether the development adequately caters for vehicle parking, cycle parking and refuse storage, and
- 4) Whether there is a necessity for the proposed development.

Reasons

Living conditions – future occupants

7. The proposal seeks to provide six bedrooms with one or two adult occupants in each (depending on circumstances) and potentially with one or two children. This leads to a typical occupancy of around 15 people. This would be in addition to four support staff who will be available at various times. Thus, there is the potential for 19, and potentially more occupants of the property.
8. The bedrooms would be occupied by family units, commonly with children. Whilst the bedrooms meet the standards of the Nationally Described Space Standard (NDSS), this document is not applicable to residential institutions and only applies to new dwellings. Whilst such standards may be useful as a starting point, it is not a document that is intended to apply to situations, such as this, where there are multiple family units within one building. Not only this, but additionally, the appellant has noted that these would be occupied by more than the number of people set out in the NDSS as young children would also occupy the rooms.
9. I am aware that it is not uncommon for newborn or younger children to share rooms with their parents. However, in this case, this is a situation that would potentially be repeated in multiple rooms of the building and this would not occur in a single family dwelling. The needs of the family unit must be met within a single room in all cases here (excepting for communal facilities) and this would result in a very intensive use of the rooms and building.
10. I am aware that this is not intended to be a permanent situation for the future occupants but there is no guarantee of this. Moreover, even as a temporary situation, the occupants would still have little to no private or personal space. The communal living areas, whilst of reasonable proportions in their own right, remain quite confined given the number of people who would be using them, even if only on a short-term basis.
11. Accordingly, I conclude that the proposal would result in substandard living conditions for the occupants due to the over intensive use of the building and resultant poor quality of accommodation. The proposal thus conflicts with policy D6 of the London Plan (LP), policy DMD1 of the Barking and Dagenham Local Plan (BDLP) and provisions of the National Planning Policy Framework (the Framework). This is insofar as the proposal would not have a comfortable and functional layout which is fit for purpose.

Living conditions – neighbouring residents

12. The proposal would result in an intensification of the use of the property. As a six to eight bedroom home, it is not unreasonable to expect that a property of this size could accommodate eight to ten (or thereabouts) or more residents. Even so, this upper figure may be considered unusual or unlikely. The proposal, however, would roughly double this number of occupants, if not more.
13. I have no reason to expect that the future residents would be any noisier or more disruptive than the occupants of a typical household. Nevertheless, the sheer number of potential occupants means that the propensity for additional noise and disturbance would be substantially increased purely in terms of the number of people. This is particularly in view of the intensive use of the property, whereby overflowing occupants may be tempted to spend more time outdoors, even in less than clement weather, simply due to the number of people residing within the building.
14. Accordingly, I find it likely that this intensive use of the property would manifest itself externally and this would result in adverse effects on the occupants of neighbouring properties. The proposal therefore fails to comply with policy DMSI3 of the BDLP, D14 of the LP and provisions of the Framework.
15. I note that the Council's reason for refusal additionally refers to policy DMT2 in its concerns relating to the living conditions of neighbours. However, as this policy refers to vehicle parking standards, I have not expressed it as a concern here.

Parking and refuse provision

16. The appeal site has a small front garden area which has been paved and appears to be used for informal vehicle parking. This space, however, is of an insufficient size to accommodate a vehicle when parked at right angles to the road as a vehicle would overhang the footpath and carriageway. When parked parallel with the road, space may be available but this arrangement would result in a contrived manner of access that would be neither safe, nor convenient to use for either the occupants of the property or users of the highway. Accordingly, the site cannot be regarded to have any vehicle parking.
17. I recognise that the site has a PTAL of 4 meaning that it is well served by public transport infrastructure. Even so, given the nature of the use and the proposed number of residents and staff, it seems likely that there would be some form of requirement for vehicle parking, and none can be provided in a satisfactory manner.
18. The appellant has highlighted that, with a PTAL of 4, 0.5 to 0.75 spaces are required for a dwelling as a maximum. Setting aside that the proposal cannot provide one space, it is also not a dwelling and therefore the cited provisions of LP policy T6.1 would not apply.
19. In terms of cycle parking and refuse storage, whilst these were not adequately detailed on the plans, I do find that there would be sufficient space to accommodate these forms of provision. Therefore, were I minded to allow the appeal, such matters could be secured by way of condition.
20. However, I find that the proposal provides no vehicle parking and for the nature and level of intensity of this use, such provision is likely to be necessary. This lack

of provision means that vehicles are likely to use the substandard and non-compliant paved front garden for parking which would be unsafe and inconvenient for users of the highway. The proposal therefore fails to comply with policy DMT2 of the BDLP and T6 of the LP.

Necessity for the development

21. I have had regard to the case presented by the appellant and the need for this form of development, although I have limited this assessment to the information that was provided to the Council in the application. In this regard I am also aware of the public sector equality duty and that some of the future residents may possess protected characteristics. Indeed, I am mindful of the needs of children in this assessment.
22. However, I have found that the proposal would present substandard living conditions for the future occupants. Therefore, this would not be an appropriate environment for the more vulnerable groups in society, and, indeed, may not be in the best interests of the future occupants.
23. That I have found that the proposal provides inadequate living conditions for the future occupants, in addition to other concerns, means I have not gone on to consider the necessity for the development.
24. Moreover, the proposal would result in the loss of a dwelling, and this would be contrary to the objectives of the LP in providing family accommodation. As such, the proposal conflicts with policies H1 and H2 of the LP insofar as it would not increase housing supply.

Conclusion

25. The proposal would result in substandard living conditions for the future occupants, result in adverse effects on the living conditions of neighbours. Moreover, it would fail to provide sufficient vehicle parking. The net loss of dwelling is not justified. The proposal conflicts with the development plan and there are no other material considerations that lead me to a different conclusion. Therefore, for the reasons given above the appeal should be dismissed.

N Bowden

INSPECTOR