



Appeal Decision

Site visit made on 2 December 2025

by A James BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 FEBRUARY 2026

Appeal Ref: APP/Z5060/W/25/3373141

15 Ethel Cottages, Padnall Road, Chadwell Heath, Barking and Dagenham RM6 5JB

- 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 Dunlea against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 25/00708/FULL.
 - The development proposed is described on the application form as 'conversion of the single-family dwellinghouse into two self-contained residential flats (1 x 1 – bedroom and 1 x 2 – bedroom)'.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of the single-family dwellinghouse into two self-contained residential flats (1 x 1 – bedroom and 1 x 2 – bedroom) at 15 Ethel Cottages, Padnall Road, Chadwell Heath, Barking and Dagenham RM6 5JB in accordance with the terms of the application, Ref 25/00708/FULL, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has submitted further clarification within their appeal statement regarding refuse and recycling, as well as additional plans in appendices J and M, which illustrate the location of cycle storage and areas with ceiling heights exceeding 1.5 m. I have considered whether it would be appropriate to take this additional material into account. As neither the clarification nor the submitted drawings amend the proposed development, and no party would be likely prejudiced by their consideration, I have taken them into account in reaching my decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the supply of family housing within the area; and
 - whether the proposal would provide satisfactory living conditions of the future occupiers with particular regard to quality of the internal layout; and
 - the effect of the proposal on the living condition of the neighbouring properties with particular regard to noise and disturbance; and

- whether the proposed development would be located in an area with a high level of access to public transport and make provision for bike storage areas; and
- whether the proposed development has capacity to facilitate a bin storage area.

Reasons

Supply of family housing

4. Policy SP3 of the Local Plan states, amongst other things, that in order to address the Borough's specific housing needs, the council will prioritise self-contained family housing to ensure new residential developments do not limit their supply.
5. The council has made the argument the proposed development does not meet the definition of family housing in the London Plan or Local Plan. The definition in the London Plan is '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.'
6. However, the definition for family housing in the Local Plan is 'A dwelling that by virtue of its size, layout and design is suitable for a family with children to live in and generally has two or more bedrooms'.
7. Both definitions use the term "generally has". Therefore, the number of bedrooms may vary if the dwelling is by virtue of its size, layout and design is suitable for a family with children to live in.
8. I acknowledge that there is dispute between the parties as to whether the roof has been converted and thus whether the existing dwelling has 2- or 3-bedrooms. Irrespective of whether the roof has been fully converted internally or not, I find by virtue of its size, layout and design that the dwelling is suitable for a family with children to live in.
9. On this basis, the proposal would not lead to a net loss of family housing as the proposed development would provide a 2-bedroom flat. I find that the 2-bedroom flat would by virtue of its size, layout and design would be suitable for a family with children to live in and complies with definition of family housing set out in the Local Plan. In conclusion, the proposed development would not lead to a loss of family housing. Therefore, the proposed development would comply with policy SP3 of the Local Plan.
10. The council have also referred to policy DMH5 in their refusal reasons. However, this policy relates to Houses in Multiple Occupation (HMO). The proposed development is for the conversion of the single-family dwellinghouse into two self-contained residential flats and therefore is not an HMO. Thus, I do not consider that policy DMH5 is directly relevant in the determination of this appeal.
11. The council have referred to policies H1 and H2 of the London Plan within the second reason for refusal which relates to living conditions. These policies relate to increasing housing supply and small sites and in the council's, officer report these policies are solely mentioned in relation to the issue of a loss of a family dwelling house. For the purposes of clarity, I find the proposed development to comply with both these policies which seek to increase housing supply and small sites.

Living conditions - future occupiers

12. Policy D6 table 3.1 of the London Plan and Technical housing standards – nationally described space standard (NDSS) have a footnote which finds that where a 1 bed 1 person has a shower room instead of a bathroom, the floor area may be reduced from 39m² to 37m². The existing plans show that flat one has a shower room instead of a bathroom. This means that flat one is capable of meeting standard set out in policy D6 and the NDSS.
13. The Council accepts that flat 2 also meets the floorspace standards set out in policy D6 and the NDSS. However, there is concern that the third-floor lacks means of ventilations, and has a lack of outlook due to the angle, positioning, and height of the roof lights.
14. Flat 2 is split over 2 floors. The occupants of flat 2 would have access to an additional floor which would have windows on both sides of the building. There would be a minimum of one, reasonably sized, window in each room on the second floor. There is no reason to consider those windows would not open. Because of their position the roof lights would provide some outlook and would provide adequate daylight and ventilation.
15. Consequently, I am satisfied that the proposal would not lead to unacceptable living conditions for future occupiers. Therefore, the proposed development would comply with policy DMD1 of the Local Plan, which seeks to secure high quality design. The proposed development would also comply with policy D6 of the London Plan which sets out design standards.

Noise and disturbance

16. The proposed development would result in one additional household, although given the limited number of proposed additional bedrooms, the number of occupants could remain similar. The site lies within a well-established residential area and there is no substantive evidence before me to suggest that the proposed development would have a harmful impact on the living conditions of neighbouring occupiers.
17. Consequently, I am satisfied the proposed development would not lead to a harmful level of noise and disturbance. Therefore, the proposed development complies with, DMS13 and DMD1 of the Local Plan. These policies seek to secure high quality living conditions through design and reduce the impact of noise and disturbance. The proposed development would also comply with policies D6 and D14 of the London Plan which relate to design and noise.

Accessibility and bike storage

18. The site has a Public Transport Accessibility Level (PTAL) rating of 1b which indicates the site has poor access to public transport. However, this is an existing dwelling, and the proposed development will not likely significantly intensify the number of people occupying the site. Furthermore, during my site visit I noted that the proposed development will be in an established residential area and there are services which are a walkable distance away.
19. Relevant policies do not require that the proposed development to have a high level of access to public transport but do require that the proposed development promotes and facilitates access to sustainable modes of travel.

20. It is proposed that the cycle storage is in the rear gardens of the proposed development. There is ample space to provide secure cycle storage. However, the design of the cycle storage has not been provided. I am satisfied that a condition can be used to secure the detail of the cycle storage design before the development is occupied. This will ensure the cycle storage area is designed to comply with the London Cycling Design Standards.
21. On that basis, while the proposed development may not be in area with a high level of access to public transport, I am satisfied that the proposed development will contribute to promoting sustainable modes of travel and provide supporting infrastructure for cycling. Therefore, the proposed development would comply with policies SP8, DMT1, DMT3 and DMD1 of the Local Plan which require proposed developments to provide sustainable transport options and reduce the reliance on cars. The proposed development would also comply with policies T4 and T5 of the London Plan which relate to improving cycling infrastructure and mitigating transport impacts.

Bin Storage

22. Policy DMSI8 of the Local Plan provides guidance of how operational waste should be managed for a proposed development. London Borough of Barking and Dagenham Planning Advice Note on Waste and Recycling Provisions in New and Refurbished Residential Developments provides supplementary guidance on waste standards which the proposed development should meet.
23. The location of the refuse bins is available on the original plans and shows the bins being located at the front of the property. Two 140L bins would be provided for each dwelling and there is space within the flats for internal waste storage. However, there is no strategy for the minimisation and collection of waste and recycling before me.
24. Planning Policy Guidance (PPG) finds that planning conditions can be used to enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The appellant has demonstrated there is space within the development site to provide waste and recycling provisions, thus it is reasonable and necessary to condition that a strategy for the minimisation and collection of waste and recycling. On that basis the proposed development would comply with policy DMSI8 of the Local Plan.

Other Matters

25. The proposal would lead to an additional dwelling which is a moderate benefit.
26. A number of appeal decisions and applications¹ referred in evidence. Some relate to different areas in the borough and other were decided before the adoption of the current Local Plan. Additionally, I do not have the full details of each appeal and application before me. Therefore, I do not consider the submitted appeal decisions and applications to be directly comparable to the proposed development. In any case I have determined the appeal on its own individual circumstances, based on the evidence before me.

¹ Application referred 18/00599/FUL and 21/01243/FULL. Appeal decisions APP/Z5060/W/20/3248912, APP/Z5060/W/20/3253291, APP/Z5060/W/17/3180626, APP/Z5060/W/19/3233309, APP/Z5060/C/18/3202070 and APP/Z5060/W/20/3254248.

Conditions

27. Paragraph 57 of the NPPF is clear that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.
28. I have attached a standard time limit condition (1). I have specified the approved plan condition for the avoidance of doubt (2). A condition which ensures the submission of a strategy for the minimisation and collection of waste and recycling is necessary to ensure that refuse will be satisfactorily managed (3). In the interests of promoting sustainable transport, I have attached a condition which requires details of the design of cycle facilities (4)
29. The council suggest a condition which required the appellant to submit an application for a dropped kerb. The PPG finds that conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Furthermore, the PPG finds that it is not appropriate to require in a condition that a development should be carried out to the satisfaction of a third party. As the dropped kerb application would be subject to a different regulatory regime and would be required to be decided by the Local Highways Authority. I am not satisfied the suggested condition would meet the relevant tests.
30. The council have suggested a car parking design and management plan condition. The proposed parking spaces are shown on the proposed plans and would be secured by condition 2. There is no evidence before me that the proposed development is in an area of parking stress or that potential addition of one on street space would be detrimental to highway safety. Thus, I do not consider the suggested car parking design and management plan condition to be necessary.
31. The council have also suggested a condition which requires details of hard and soft landscape works and required maintenance for 5 years to protect and enhance the character and amenity of the area and in the interests of neighbouring amenity. The proposed development is for the conversion of a dwelling into two flats. The council have not raised concerns with regards to the proposed development's effect on character and appearance. Furthermore, the council indicated that the layout and quality of external amenity provision for the proposed development was acceptable. Therefore, I am not satisfied that the suggested soft and hard landscaping condition is necessary, relevant to the development to be permitted, and reasonable in all other respects.
32. In imposing conditions, I have had regard to the tests within the National Planning Policy Framework, the PPG, and relevant statute, and have accordingly amended the wording of certain conditions proposed by the council without altering their overall aim.

Conclusion

33. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal is allowed subject to conditions.

A James

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with proposed drawings set out in drawing nos K1266-PL-500 Rev A, K1266-PL-501 Rev A dated May 2025.
3. The two flats shall not be occupied until details of refuse storage and waste management strategy has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation, the agreed details shall be fully implemented. Thereafter, the refuse storage and waste shall be managed in accordance with the agreed strategy.
4. The two flats shall not be occupied until details of the provision of cycle parking facilities for each flat has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation, the agreed details shall be fully implemented. Thereafter, the cycle parking facilities shall thereafter be kept available for the storage of bicycles.