Appeal Decision

Site visit made on 22 May 2018

by H Miles  BA(Hons) MA MRTPA
an Inspector appointed by the Secretary of State

Decision date: 20 June 2018

Appeal Ref: APP/Z5060/W/18/3196356
264 Rugby Road, Dagenham RM9 4AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Hughes against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 17/01698/FUL, dated 16 October 2017, was refused by notice dated 22 December 2017.
- The development proposed is the conversion of the existing house into two self-contained flats, including the erection of a two storey side extension and a single storey rear extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed new flats would provide acceptable living conditions for future occupiers, particularly in terms of the size of the units and the quality of the external amenity space for the first floor flat.

Reasons

3. The submitted plans are annotated with the sizes of each of the proposed apartments, showing both units at 61sqm. Built in storage is shown within the entrance hall at ground floor for the first floor unit (annotated to be 2.5sqm) and within the living/dining area for the ground floor unit (annotated to be 2sqm). These figures are disputed by the Council. However no evidence has been submitted to demonstrate how they reached their alternative figure of 59.25sqm with 1.59sqm of built in storage for apartment 1 (the ground floor flat) and 53.95sqm with no built in storage for apartment 2 (the first floor flat). Therefore I am unable to attach significant weight to this assessment.

4. The London Plan (2016) and the National Technical Housing Standards – Nationally Described Space Standard (2015) (the Nationally Described Space Standard) require a 3 person, 2 bedroom, 1 storey dwelling to provide a minimum gross internal floor area of 61sqm with 2sqm of built in storage.

5. On the basis of the above I am satisfied that both flats would achieve the relevant standard set out in policy 3.5 of the London Plan (2016) and the Nationally Described Space Standard.
6. The appeal property is located on a corner. Its front/side garden is directly adjacent to the public highway and enclosed by a hedge.


8. However, the amenity space for the first floor flat would be provided in the front part of this front/side garden area. This garden would also contain an access path, bike and bin store. To accommodate the access, an opening would be provided in the boundary hedge. This opening would provide public views into the front garden. Therefore this space would not benefit from the level of privacy that would be expected from a private garden area. This would result in inappropriate amenity space in terms of its usability and functionality.

9. The submitted evidence shows that there are two parks within walking distance of the site. However, these provide a different function to residential private amenity space and as such they do not provide a substitute. Nor am I provided with any evidence about why private amenity space is not required for this unit.

10. Therefore I find that these proposals would not provide appropriate external amenity space for future occupiers and in this respect they would be contrary to Policy BP5 of the Development Plan Document, which requires new dwellings to provide appropriate external amenity space.

11. This matter is sufficient to outweigh my finding in respect of the acceptability of the scheme’s internal arrangements. For this reason, I conclude that the proposal would not provide acceptable living conditions for its future occupiers.

12. I have considered all the other matters raised but none change my overall conclusion that the appeal should not succeed.

Conclusion

13. For the reasons above, this appeal is dismissed.

H Miles

INSPECTOR