Appeal Decision

Site visit made on 29 August 2017

by Timothy C King  BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 October 2017

Appeal Ref: APP/Z5060/W/17/3174591

69 Salisbury Avenue, Barking IG11 9XW

- 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 P Hare against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 16/01871/FUL, dated 29 November 2016, was refused by notice dated 25 January 2017.
- The development proposed is conversion of house to two, one bedroom flats.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr P Hare against the Council of the London Borough of Barking & Dagenham. This application is the subject of a separate decision.

Main Issues

3. The main issues in this appeal are:

   1) The effect on the supply of family housing within the borough; and

   2) Whether the proposal would provide for a satisfactory standard of living conditions for future occupiers, with particular regard to the first floor flat and its gross internal floorspace.

Reasons

Supply of housing

4. On this main issue the main thrust of the appellant’s case is the interpretation of Policy BC4 of the Borough Wide Development Policies Development Plan Document (BWDP) and the findings of the appointed Inspector regarding a previous appeal (Ref APP/Z5060/W/15/3137146) relating to a proposed conversion of a dwelling into two self-contained flats.

5. The BWDP document was adopted in March 2011 and its Policy BC4, in essence, serves to help address the loss of family homes and aims to ensure that what is described in the policy’s reasoned justification as a current deficit of such is not worsened by further flat conversions. Although the explanatory text acknowledges that conversions to flats can provide a valuable source of
housing, and meet a related need for smaller households, this is weighed against the need to protect and increase the supply of family housing. In this regard there is a particular reference to preserving four-bed dwellings, of which the appeal property is one.

6. The current proposal would involve the property’s conversion into two, one-bed flats as was the case with the previous appeal, although that related to a three-bed dwelling. In his decision letter of 30 March 2016 the Inspector commented as to evidence before him of a surplus of three-bed dwellings in the owner-occupied and private rented sectors and a shortfall in the supply of one-bed units within the owner-occupied sector. He also mentions that the evidence produced indicated that the greatest housing need within the Borough is for three-bed (family) affordable housing.

7. The proposal involved the conversion of a three-bed market dwelling, yet the Inspector remarks that no evidence had been produced by the Council at that time to suggest that the loss of such would be harmful to the supply across the borough or that it would impede the ability of the Council to meet its housing targets and aspirations. Given this, and the resultant creation of two, one-bed units towards meeting the apparent shortage, the appeal was allowed. However, in his decision letter the Inspector comments that the Council had made reference to what was, at that time, emerging evidence in the form of a Strategic Housing Market Assessment, and he mentions that he had not had site of the document. As such, he was unable to afford it any significant weight in reaching his decision.

8. The said document has since been finalised and the Outer North East London Strategic Housing Market Assessment, Report of Findings (SHMA) was published in September 2016.

9. The SHMA, which covers the period 2011-2033 was commissioned to give the relevant authorities (Barking & Dagenham, Havering and Redbridge) an objectively assessed and evidence based assessment of developed needs for both market and affordable housing.

10. The document comments that given the overlapping nature of housing market areas it does not preclude the three authorities and also Newham from also considering their needs as part of the wider Outer London North East London Area. It also mentions that the findings should not be considered in isolation, but form part of a wider evidence base to inform the development of housing and planning policies.

11. The document’s Figure 78 shows the ‘Full Objective need for Housing; Size and tenure mix across Outer North East London for Long Term Migration’ for the said period. Taking family-sized housing as being 3-bedroom and over for the purposes of these calculations, rather than confining it only to 4-bed properties, the findings show that this comprises approximately 63% of the total figure for market housing as against some 11% for 1-bed units in Barking & Dagenham. When widening this total to take in both market and affordable housing the need for family-sized housing reduces slightly to some 59%.

12. Although I acknowledge the apparent need for 1-bed units the substantial need for family housing clearly outweighs this. Further, if taking the three authorities together, the need for family-sized market housing reaches 78% with a slight reduction to 71% for the need for both tenures. In this particular
instance the proposal would involve the loss of a four–bed house, a family-sized dwelling which BWDP Policy BC4 seeks to preserve and, as such, the policy serves a clear purpose, consistent with addressing the SHMA’s findings, highlighted above.

13. The appellant, on the back of the previous appeal, now refers to the said policy as being ‘fundamentally flawed’ and, in paragraph 2.7 of his written statement, implies that the Inspector allowed the appeal on this basis. However, the Inspector used no such wording in his decision letter and it is clear from the letter’s reasoning that the appeal turned on the evidence laid before him at the time and the apparent absence of any evidence by the Council to counter the then appellant’s argument. In particular, as mentioned, the Inspector had not had sight of the SHMA document which was published some six months after the decision to allow the appeal, and now represents a strong material consideration.

14. In the circumstances I find that BWDP Policy BC4 and its justification hold good and, as part of the Council’s development plan, is most relevant to the current appeal. Indeed, the respective Inspectors in dismissing the subsequent appeals for conversions cited by the appellant have all concluded likewise, although I accept the appellant’s point that there is no suggestion that the policy at issue was subject to the level of scrutiny which the Inspector applied when allowing the earlier appeal.

15. I have had regard to the Greater London Authority data which has forecast that average household sizes throughout the greater London area are likely to significantly reduce in the future and I have also examined the findings of the other documents advanced by the appellant, including the Council’s Housing Needs Survey (2005), its Housing Strategy (2007-2010) and an extract from an Issues and Options document. However, none of these, even when taken together, outweigh the contemporary evidence in the form of the SHMA, now before me. Given its findings the proposal would have adverse implications for the type of housing which the Council seeks to retain.

16. I therefore conclude that the proposal would be harmful to the supply of family housing within the borough, and this would materially conflict with BWDP Policy BC4.

Living conditions

17. Notwithstanding the ‘in principle’ policy objection to the proposal the Council also saw fit to refuse planning permission on the understanding that the upper floor flat would be undersized in relation to the minimum standards set out in Policy 3.5 and its associated table 3.3 in the London Plan (LP).

18. The table advises that a 1–bed, 2–person flat should be to a minimum gross internal area (GIA) of 58 sqm. However, at the application stage the appellant had indicated that the flat would measure 52 sqm. Subsequent to the Council’s decision the appellant revised his measurement to also include hallways, staircases and storage areas which it is claimed would increase the GIA to 63 sqm. A revised layout plan has been produced for this purpose.

19. The floor area size given, as re-calculated, would satisfy the London Plan’s requirements and would also provide requisite internal storage space. Accordingly, I am satisfied that the proposal would provide for a satisfactory
standard of living conditions for future occupiers and there would be no conflict with LP Policy 3.5.

**Conclusion**

20. Whilst I have found that the proposed upper floor flat would be adequately sized this is significantly outweighed by what is, in context, a relevant and compelling policy objection.

21. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

*Timothy C King*

INSPECTOR