

Notice of Meeting

PLANNING PERFORMANCE REVIEW SUB-COMMITTEE

**Tuesday, 28 March 2023 - 6:00 pm
Council Chamber, Town Hall, Barking**

Members: Cllr Muhammad Saleem (Chair); Cllr Mohammed Khan, Cllr Jack Shaw, Cllr Mukhtar Yusuf and Cllr Sabbir Zamee

Date of publication: 20 March 2023

Fiona Taylor
Acting Chief Executive

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AGENDA

- 1. Apologies for Absence**
- 2. Declarations of Interests**
- 3. Review of Planning Decisions- Performance Report (1 April 2022 - 28 March 2023) (Pages 1 - 258)**

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Be First Regeneration Ltd
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1 Linton Road
Barking
IG11 8HG

Working in partnership with



Performance Review Sub-Committee Report

Performance Report
1st April 2022 – 31st March 2023

Prepared 20/03/2023

Barry Coughlan
Interim Head of Development Management

Introduction

The Planning Performance Review Sub-Committee is appointed by the Planning Committee each year to consider and report back on an annual basis a random sample of delegated planning decisions and examine/evaluate a number of them to assess whether relevant planning policies and criteria were applied in each case. In addition to this, the Planning Performance Review Sub-Committee will review planning appeal performance and have scrutiny of overturned decisions.

As part of the review process the Chair of Planning Committee has randomly selected 10 planning applications, determined between 1 April 2022 and 31st March 2023. To add context to this sample, an overview of all decisions taken within the period 1 April 2022 and 31st March 2023 is provided below.

Due to the timing of the 2022/23 committee calendar and the May local elections, it has been necessary to bring this item to members of the sub-committee ahead of the end of the 2022/23 financial year and the publication of the DHLUC performance data for the 24-month period ending December 2022. March's application figures will be added to the report presented to committee in April. For the purposes of this report, any comparison against the DHLUC performance data has been based on internally compiled data but will be confirmed at the sub-committee on 28/03/2023 and in the report presented to members at April's planning committee.

PART 1: DLUHC PERFORMANCE DATA

The following performance data is provided for the 24-month period April 2020 – March 2022*. This data is then compared the DLUHC performance data (January 2020 – December 2021) to be published on 22nd March 2023 and represents an accurate reflection of the Development Management service against all other local authorities.

Major Development Performance (24 months to March 2023):

Benchmarked against DLUHC Table 151

100% (57 out of 57) of all 'major' applications were determined within time April 2021 – March 2023. This performance places LB Barking & Dagenham **joint 1st nationally** when compared against all 330 Local Planning Authorities and **joint 1st in London** when compared against all 32 London Planning Authorities. *It is important to note that 36 authorities nationally and 7 other London authorities all share 1st place achieving 100% of all major applications determined within time.*

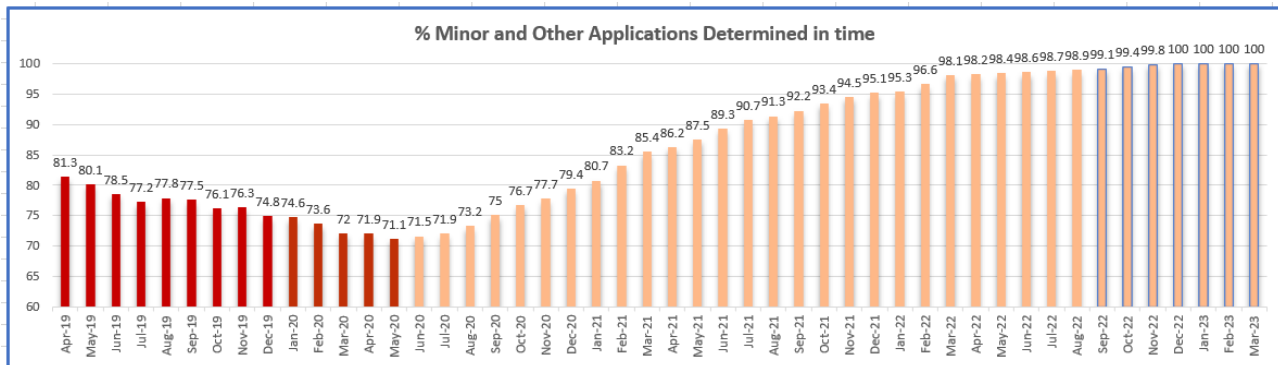
Our performance for the timely determination of Major developments over the past 24 months could not have been improved against the parameters of DLUHC performance data but the team are continuing to work to bring through efficiencies and improvements to accelerate growth within the Borough.

Non-Major Development Performance (24 months to March 2023):

Benchmarked against DLUHC Table 153

The graph below represents the Development Management's service performance for the determination of 'Non-Major' applications in accordance with DLUHC reporting criteria. Each bar below represents the cumulative average performance of the previous 24 months. (e.g. 'Oct 21' below returns data for Nov 2019 - Oct 2021)

*To be confirmed/updated end of March 2023.



- The bars above in red represent historic performance of the team until the end of May 2020.
- The bars in orange represent the performance of the team as published quarterly by DLUHC.
- The bars with blue border represent performance based on monthly performance data.

100% (2,334 out of 2,334) of all ‘non-major’ applications were determined ‘within time’ April 2021 – March 2023. This performance will place LB Barking & Dagenham **1st nationally** (up 337 places from June 2020) when compared against all 330 Local Planning Authorities and **1st in London** (up 29 places from June 2020) when compared against all 32 London Planning Authorities.

In addition to the above, it is also important to report on the timeliness of determinations ‘within 8 weeks’ as this links to Be First’s aspirations to accelerate development aligning more widely to the government’s aspiration to ‘speed up’ the planning process. The table below shows the top ranked local authorities for non-major decisions made within 8 weeks as a percentage of total decisions made. It is important to note that the below table illustrates planning performance where no extension of time has been necessary.

Position	Local planning authority	Total non-major decisions	Total non-major decisions within 8 weeks	% within 8 weeks
1	Barking and Dagenham	1,769	1,684	95
2	Watford	1,431	1,220	85
3	North Tyneside	1,824	1,552	85
4	Castle Point	1,233	1,041	84
5	Redbridge	4,052	3,384	84
6	Chelmsford	3,466	2,850	82
7	Northumberland National Park	88	72	82
8	Coventry	2,472	2,010	81
9	Medway	2,633	2,126	81
10	Fareham	1,936	1,562	81

As per DLUHC data published December 2022 (based on the 24-month average prior to Sept 2021), **95%** (1,684 out of 1769) of all ‘non-major’ applications were determined ‘within 8 Weeks’. This performance places LB Barking & Dagenham **1st nationally** when compared against all 330 Local Planning Authorities and **1st in London** when compared against all 32 London Planning Authorities. Based on internal data, Be First is expected to remain first placed nationally and in London in terms of decisions within 8 weeks when the data up to December 2021 is published*.

*To be confirmed/updated end of March 2023.

PART 2: FINANCIAL YEAR 2021-2022 PERFORMANCE DATA

Applications determined:

	Q1 Apr 22 – Jun 22	Q2 Jul 22 – Sep 22	Q3 Oct 22 – Dec 22	Q4* Jan 23 – Feb 23	12 Month Total Apr 22 – Feb 23*
Majors (Determined in time)	100% (12 out of 12)	100% (7 out of 7)	100% (9 out of 9)	100% (4 out of 4)	100% (32 out of 32)
Minors (Determined in time)	100% (54 out of 54)	100% (58 out of 58)	100% (46 out of 46)	100% (31 out of 31)	100% (189 out of 189)
Others (Determined in time)	100% (152 out of 152)	100% (144 out of 144)	100% (145 out of 145)	100% (88 out of 88)	100% (529 out of 529)
CLE's & CLP's (Determined in time)	100% (122 out of 122)	100% (87 out of 87)	100% (93 out of 93)	100% (51 out of 51)	100% (353 out of 353)

The above table confirms that 100% of all decisions taken on the above applications within the previous financial year were taken within time.

Appeals:

	Q1 Apr 22 – Jun 22	Q2 Jul 22 – Sep 22	Q3 Oct 22 – Dec 22	Q4* Jan 23 – Feb 23	12 Month Total Apr 22 – Feb 23*
Planning Appeals (Dismissed)	45% (5 out of 11)	86% (25 out of 29)	65% (11 out of 17)	90% (9 out of 10)	75% (50 out of 67)

The most recent national average published by the Planning Inspectorate is at 68% dismissed. This places the quality of decision taking by LB Barking and Dagenham above the national average and represents a 6% improvement on last years performance. This is an excellent result given the speed of determination and the ageing local policy context (2010/2011) against which decisions are determined.

Householder

The Development Management Team have set an aspirational target to approve 67% of all 'Householder' applications. This is an extremely ambitious challenge given the quality of submissions at receipt is generally very poor and propose extremely unneighbourly development. Officers work hard to engage with applicants and seek meaningful improvements and amendments to proposals (where possible) and through the period April 2022- March 2023 achieved a **66% (317 out of 480)** approval of all Householder applications, a 1% increase on last year's performance.

Whilst this is marginally below the team's aspirational target, the quality of decision making (*as reflected above in the appeals data*) remains high and the timely determinations (*as demonstrated in the applications determined data*) represents a nationally best position.

*To be confirmed/updated end of March 2023.

PART 3: APPLICATIONS SAMPLE FOR DETAILED REVIEW

The following table provides a key summary of the sample of randomly selected applications determined within the period of 1 April 2022 and 13th March 2023 out of a total of 1549 decisions issued. The applications are listed in date order of the date of the decision being issued. The Sub-Committee will select 3-4 of the reports below for a further detailed review and the outcome of this will be reported back to the Full Planning Committee following this review.

App. Ref:	Address:	Decision:	Within Statutory period?	Within time agreed?
22/00212/Full	86 Faircross Ave	Refused	YES	n/a
22/00259/HSE	2 Verney Road	Refused	YES	n/a
22/00254/HSE	10 Foxglove Road	Refused	YES	n/a
22/00418/PRIEXT	101 Victoria Rd, Barking	Prior Approval Not Required	YES	n/a
22/00428/HSE	60, Kings Ave, Chadwell Heath	Refused	YES	n/a
22/00370/HSE	60, Langhorne Road	Refused	YES	n/a
22/00345/HSE	176, Lillechurch Road	Refused	YES	n/a
22/00520/PRIEXT	257, Salisbury Avenue	Prior Approval Not Required	YES	n/a
22/00285/FULL	97 St Awdrys Road, Barking	Refused	YES	n/a
22/00585/FULL	188, Sterry Road	Refused	YES	n/a

Further Detailed Review

The sub-committee received a bundle at Appendix 1 providing further detail on each of the applications identified for review in the table above. The bundle contains the following information for each application:

- Overview title page
- Key Drawings(s)
- Key aerial imagery provided for wider site context
- Officer Delegated Report
- Decision Notice

The following tables record a summary of the performance and quality indicators for each application the Sub-Committee considered in further detail along with a summary of the matters reviewed on each application.

Please note these tables will be populated following the detailed review at the sub-committee and presented to the planning committee as an addendum to confirm an accurate reflection of members comments/considerations.

App. Ref:		Date Received:			
App. Address:		Date Determined:			
Proposal:					
Time Taken (weeks)	Within statutory period or agreed time?	Correct planning history noted?	Correct policies applied?	Officer report published to file?	Decision notice published to file?
Summary of Quality & Comments of the Sub-Committee:					
•					

App. Ref:		Date Received:			
App. Address:		Date Determined:			
Proposal:					
Time Taken (weeks)	Within statutory period or agreed time?	Correct planning history noted?	Correct policies applied?	Officer report published to file?	Decision notice published to file?
Summary of Quality & Comments of the Sub-Committee:					
•					

*To be confirmed/updated end of March 2023.

App. Ref:		Date Received:			
App. Address:		Date Determined:			
Proposal:					
Time Taken (weeks)	Within statutory period or agreed time?	Correct planning history noted?	Correct policies applied?	Officer report published to file?	Decision notice published to file?
Summary of Quality & Comments of the Sub-Committee:					
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App. Ref:		Date Received:			
App. Address:		Date Determined:			
Proposal:					
Time Taken (weeks)	Within statutory period or agreed time?	Correct planning history noted?	Correct policies applied?	Officer report published to file?	Decision notice published to file?
Summary of Quality & Comments of the Sub-Committee:					
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PART 4: APPEALS SAMPLE FOR DETAILED REVIEW

The following table provides a key summary of the sample of randomly selected appeals decisions received within the period of 1 April 2022 and 13th March 2023 out of a total of 67 appeals determined by the Planning Inspectorate. The appeals are listed in date order of the date of the decision being issued. The Sub-Committee will select 3-4 of the reports below for a further detailed review and the outcome of this will be reported back to the Full Planning Committee following this review.

Appeal. Ref:	Address:	Appeal Outcome	Appeal description
APP/Z5060/D/21/3283439	45 VICTORIA RD	Appeal Allowed	Prior notification application for the construction of a single storey rear extension.
APP/Z5060/W/20/3249128	68 IVYHOUSE RD	Appeal Allowed and costs awarded	Demolition of existing garage and erection of two storey 1 bedroom end of terrace house.
APP/Z5060/W/22/3296524	144 MARSTON AVE	Appeal Allowed	Demolition of an existing garage and the construction of a new semi detached two storey 2x bedroom dwelling including a single storey side extension on the new property and a roof light to the front of the loft, and a pitched roof to match 144 Marston Avenue.
APP/Z5060/W/21/3288107	328, RIPPLE ROAD	Appeal Allowed	Conversion of existing dwelling into 3 flats (1x studio, 1x 2 bedroom and 1x 3 bedroom) including internal alterations, a rear dormer extension including one roof light to the rear, four roof lights to the front and six windows to the side, with associated cycle parking and refuse storage.
APP/Z5060/D/22/3308606	180 LONGBRIDGE RD	Appeal Allowed	Construction of an outbuilding
APP/Z5060/W/22/3302777	86, BELL FARM AVE	Appeal Allowed	Retrospective application for the construction of a single storey rear outbuilding and conversion into a one-bedroom flat to be used as accommodation ancillary to the main dwellinghouse
APP/Z5060/X/21/3284654	188 LONGBRIDGE RD.	Dismissed	Application for a lawful development certificate (proposed) for the demolition of the existing outbuilding and the construction of a new outbuilding
APP/Z5060/D/22/3306334	5 WOOD LANE	Dismissed	Construction of a front porch with pitch roof
APP/Z5060/W/22/3291686	202, HUNTERS HALL RD.	Dismissed	Change of use of dwelling from 5 self contained flats (unauthorised use) to a House in Multiple Occupation.
APP/Z5060/W/21/3282938	18, STOCKDALE RD.	Appeal Allowed	Demolition of existing garage and the construction of a two storey, 1x bedroom dwelling

Further Detailed Review

The sub-committee received a bundle at Appendix 2 providing further detail on each of the applications identified for review in the table above. The bundle contains the following information for each application:

- Overview title page
- Key Drawings(s)
- Key aerial imagery provided for wider site context
- LBBDD Decision Notice
- Planning Inspectorate Appeal Decision (and any associated cost decision if relevant)

The following tables record a summary of the performance and quality indicators for each application the Sub-Committee considered in further detail along with a summary of the matters reviewed on each application.

Please note these tables will be populated following the detailed review at the sub-committee and presented to the planning committee as an addendum to confirm an accurate reflection of members comments/considerations.

Appeal Ref:		Planning App Ref:	
Appeal Address:		Planning App (decision date)	
Proposal:			
Officer summary of the Appeal Outcome			
<ul style="list-style-type: none"> • 			
Learning Outcomes			
<ul style="list-style-type: none"> • 			
Summary of the comments of the Sub-Committee:			
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Appeal Ref:		Planning App Ref:	
Appeal Address:		Planning App (decision date)	
Proposal:			
Officer summary of the Appeal Outcome			
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Learning Outcomes			
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Summary of the comments of the Sub-Committee:			
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Appeal Ref:		Planning App Ref:	
Appeal Address:		Planning App (decision date)	
Proposal:			
Officer summary of the Appeal Outcome			
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Learning Outcomes			
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Summary of the comments of the Sub-Committee:			
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Appeal Ref:		Planning App Ref:	
Appeal Address:		Planning App (decision date)	
Proposal:			
Officer summary of the Appeal Outcome			
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Learning Outcomes			
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Summary of the comments of the Sub-Committee:			
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**Barking &
Dagenham**

Performance Review Sub-Committee

Application Reference:

22/00212/FULL

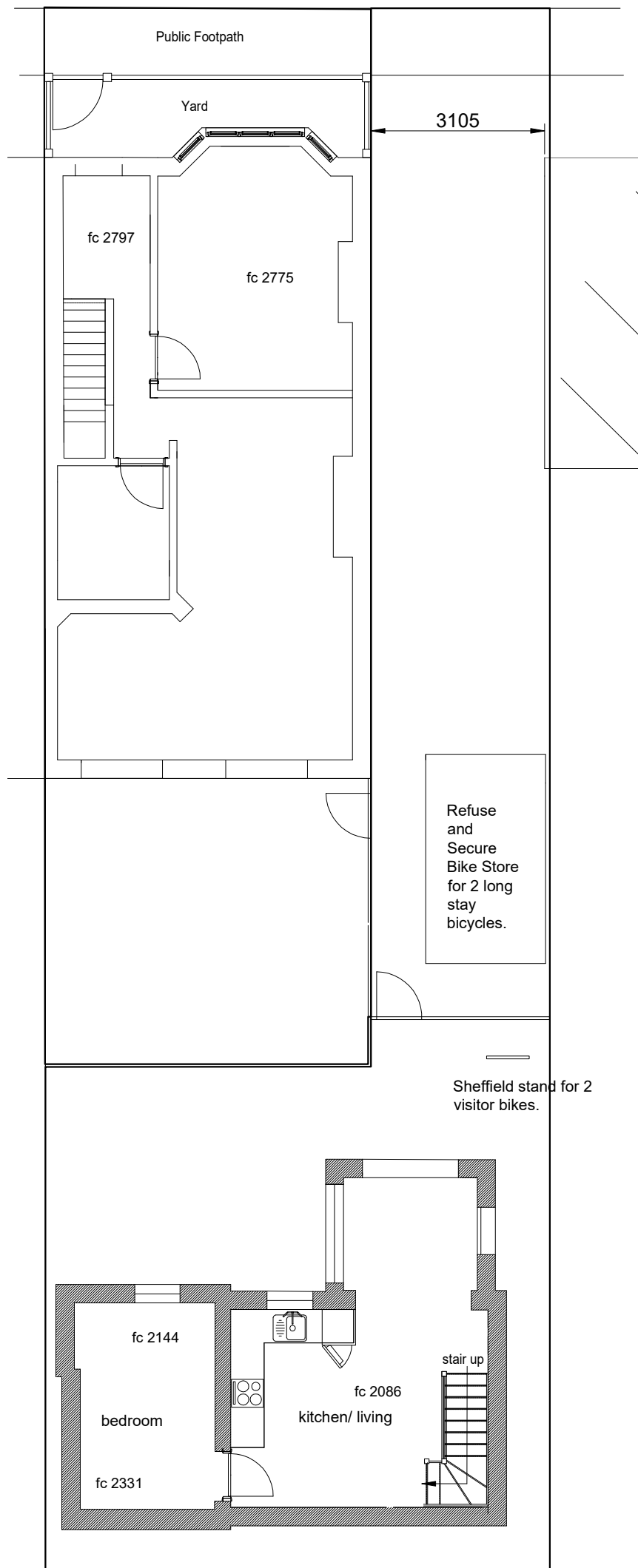
Application Description:

Change of Use from residential (residential annexe) to Office use E(c) and E(g)

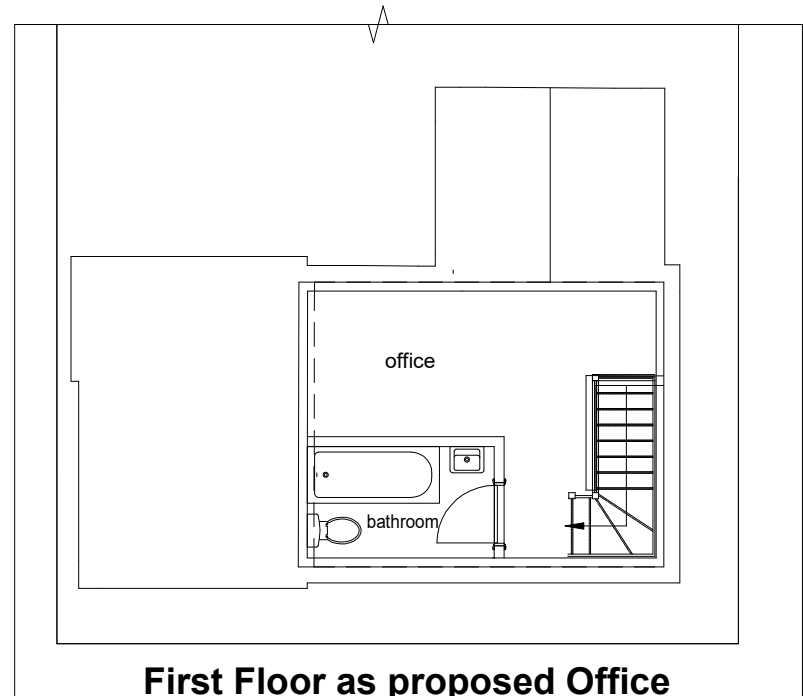
Decision:

Refused

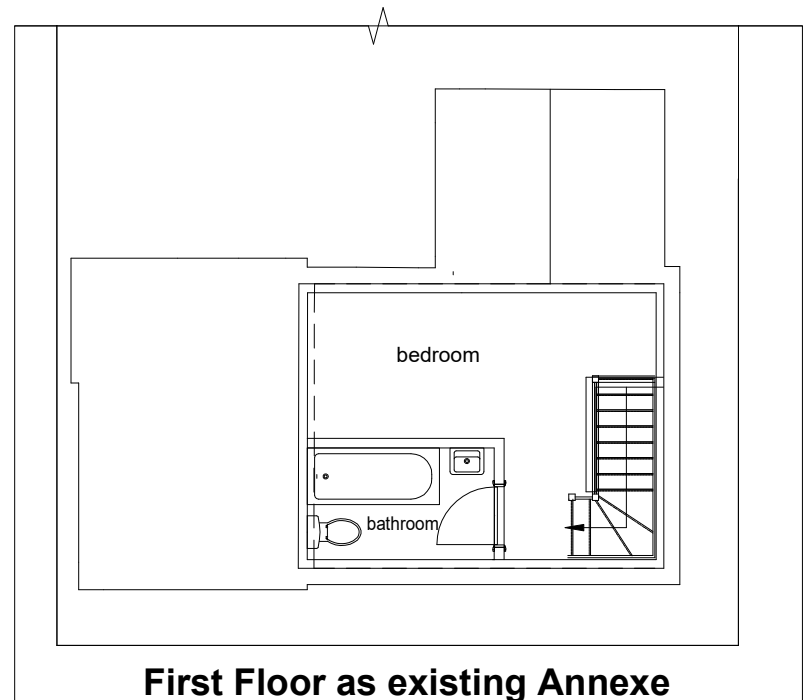




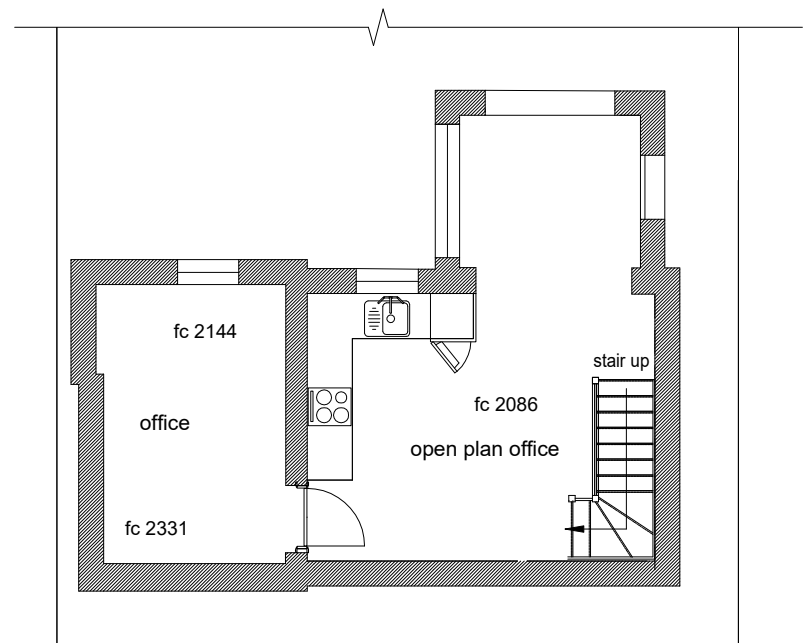
Ground Floor, showing existing Annex & parking



First Floor as proposed Office



First Floor as existing Annex



Ground Floor as proposed Office



This drawing is the copyright of P.H.D. Associates & may not be reproduced in whole or part without written permission. Contractors must verify all dimensions on site before setting out, commencing work or making any shop drawings & must not scale copies without verification. Copyright (C)	REV	BRIEF DETAILS	DATE	P.H.D. ASSOCIATES BRAEMAR HOUSE WATER LANE STANSTED, ESSEX CM24 8BJ TEL: 01279 817342 EMAIL: INFO@PHDASSOCIATES.CO.UK	Project 86 Faircross Avenue Barking	Date
	A	existing bathroom shown	11/03/22			Drawn By
	B	Remove Tandem Parking Spaces Add No of bikes	01-04-2022			Scale 1:100@A3
						Drawing Number 1807/ 202
					Existing Annex/proposed Office Floor Plans	B

Delegated Report Application for Planning Permission			
Case Officer:	Anna Jennings	Valid Date:	11 February 2022
Officer Recommendation:	Refused	Expiry Date:	08 April 2022
Application Number:	22/00212/FULL	Recommended Date:	31 March 2022
Address:	86 Faircross Avenue, Barking, Barking And Dagenham, IG11 8QZ		
Proposal:	Change of Use from residential (residential annexe) to Office use E(c) and E(g)		

Planning Constraints

N/A

Site, Situation and Relevant Background Information

The application site is a two-storey end-of-terrace dwelling on the north eastern side of Faircross Avenue. There is an outbuilding at the site which is used as a residential annexe.

Officers note that permission was refused for the *Change of use of one bedroom annexe to become a separate residential dwelling* (19/01439/FUL), and a subsequent appeal dismissed (APP/Z5060/W/20/3253208).

The applicant seeks permission to change the use of the annexe from residential use to office use under Use Classes E(c) and E(g).

Key Issues

- Principle of the Development
- Design and Quality of Materials
- Impacts to Neighbouring Amenity
- Sustainable Transport

ASSESSMENT

Principle of the Development

History and Proposed Use

The application site is a two storey, 3 bedroom end-of-terrace dwelling, and the outbuilding to which this application relates is a two storey, one bedroom annexe in the rear of the property. Permission has however been refused for the *Change of use of one bedroom annexe to become a separate residential dwelling* (19/01439/FUL) for the following reasons:

1) *The proposed conversion of the existing annexe into a new separate unit accommodation comprising two bedrooms, occupied independently of the main dwellinghouse, would provide a substandard unit of accommodation by reason of its size, in conflict with the Technical Housing Standards - nationally described space standard (2015), Policy 3.5 of the London Plan (2016), Policy DM6 of the Draft London Plan, Policy CP3 of the Core Strategy Document (2010), Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (2011) and Policies SP4, DM11 and DM13 of the Draft Local Plan (2019).*

2) *The proposed conversion of the existing annexe into a new separate unit accommodation comprising two bedrooms, occupied independently of the main dwellinghouse, would lead to an unacceptable level of noise and disturbance to the detriment of neighbouring properties contrary to Policy 7.15 of the London Plan (2016), Policy D14 of the Draft London Plan, Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (2011) and Policy DM25 of the Draft Local Plan (2019)*

A subsequent appeal made by the applicant was dismissed (APP/Z5060/W/20/3253208). The main issues discussed by the Inspector were;

- *Whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to internal space; and,*
- *The effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance.*

The applicant has stated that *'In light of the difficulties mentioned above and after trying unsuccessfully to find a sustainable residential use for the old stable building, our client would like to apply for the Annexe to have the benefit of office use'*.

Permission for use under the following Use Classes is sought by the applicant:

Class E (Commercial, Business and Service):

Use, or part use, for all or any of the following purposes—

(c) for the provision of the following kinds of services principally to visiting members of the public—

(i) financial services,

(ii) professional services (other than health or medical services), or

(iii) any other services which it is appropriate to provide in a commercial, business or service locality,

(g) for—

(i) an office to carry out any operational or administrative functions,

(ii) the research and development of products or processes, or

(iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit

Principle of the Development

Loss of Residential Use

At a national level, the National Planning Policy Framework (NPPF) at Chapter 5 has specific regard to housing stating that 'to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment... [and] within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly'.

The London Plan Objective GG4 states that to create a housing market that works better for all Londoners, those involved in planning and development must create mixed and inclusive communities, with good quality homes that meet high standards of design and provide for identified needs, including for specialist housing. Policy H1 of the London Plan outlines the Boroughs' 10 year target for net housing completion which highlights the pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks. Likewise, this policy requires that Londoners have a genuine choice of homes that they can afford which meets their requirements for different types of high-quality accommodation. The London Strategic Housing Market Assessment (SHMA) which formed the evidence base for policy H1 reinforces the need to increase the housing supply to promote opportunity and provide real choice for all Londoners. In addition policy H2 supports the use of small sites highlighting that boroughs should support the construction of well-designed dwellings on small sites. The Housing SPG further supports the London Plan on such matters. Further, policy H9 promotes the efficient use of existing housing stock to reduce the number of vacant and underoccupied dwellings.

Policy CM1 and CM2 of the Core Strategy seeks to ensure the borough contributes to meeting its housing targets and supports the delivery of a variety of housing types. Policy CC1 of the Core Strategy DPD further supports this noting developments should provide a range of accommodation types and sizes. In particular development should provide a minimum of 40% family housing. This is the type of housing which is in high demand throughout the borough. Family sized homes are defined by properties which have 3 or more bedrooms. This is further supported by policy BC4 of the Borough Wide DPD which seeks to preserve and increase the stock of family housing in the Borough, as such, the council will resist developments which will result in the loss of family sized home. Policy CM2 of the DPD has specific regard to managing housing growth within the borough. The Council will plan for a minimum annual housing growth of 1,190 additional homes in the ten year period to 2024/25. This equates to at least 17,850 new homes in Barking and Dagenham between 2010/11 and 2024/25. The target will be met through residential development in three key areas which includes Delivering 6000 new homes in Barking Town Centre through redevelopment in line with the Barking Town Centre Area Action Plan. This also includes maximising the density of new developments, taking into account local context and other factors, in line with the guidance set out in the Urban Design Framework SPD, Barking Town Centre Area Action Plan Urban Design Guidelines SPD and the London Plan.

Notwithstanding, the Draft Local Plan Reg 19 is in its final stages of examination as such substantial weight should be apportioned to this document. Policy SPDG1 seeks to ensure developments contribute to meeting the Borough's housing targets and supports the delivery of a suitable variety of housing to meet high levels of identified need within the Borough. Policy SP3 emphasizing the need to optimise suitable sites to help deliver suitable housing for the Borough's high levels of identified housing need. Further, policy DMH 4 seeks to preserve and increase the stock of family housing in the borough as such proposal which seek permission for the conversion or loss of existing family housing with three or more bedrooms will be resisted. The need for more family sized dwellings in the borough is evidence in the SHMA 2019 documents. Therefore, whilst policies set out in the Core Strategy DPD and Borough Wide DPD may be outdated, officers have apportioned substantial weight to the policies found in the Draft Local Plan Reg

19 as these highlight the continued need for more family sized dwellings across the borough based on the most up to date evidence.

On the 19th January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results show that the London Borough of Barking and Dagenham has delivered 57% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) will be engaged. As noted above, policies support developments which seek to increase the provision of housing within the Borough, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

The application site at 86 Faircross Avenue is of existing residential use, which is ancillary to the main dwellinghouse. The proposed development will convert the annexe from residential to office use. Officers note that permission for the annexe to become a separate residential dwelling was refused by the LPA, on the basis of an unacceptable standard of residential accommodation and detrimental impacts to neighbouring amenity (19/01439/FUL). As such, it is recognised that the annexe is not suitable for use as a separate residential dwelling. Whilst the applicant seeks to find an alternative use for the annexe, officers note that the use of the site is residential and the outbuilding is ancillary to the dwelling. Therefore, the case for finding an alternative use is of irrelevance. The use of the site is as a residential dwellinghouse and officers conclude that policy does not support the part-conversion of this use on the residential land.

Proposed Office Use (Use Classes E(c) and E(g))

Policy CE2 of the Core Strategy concerns the location of office developments within the borough. It stipulates the following:

Proposals for new office accommodation in Barking and Dagenham will be tested against the following sequential approach:

- 1) Barking Town Centre (in line with policy in the Barking Town Centre Area Action Plan, and with retail and town centre policies).*
- 2) A defined District Centre (in line with retail and town centre policies).*
- 3) A designated employment site that has been allocated for office use in the Site Specific Allocations DPD.*
- 4) Edge-of-centre locations.*
- 5) Out-of-centre sites with high PTAL levels.*
- 6) Other out-of-centre sites.*

Officers would not regard the application site as falling within the first 4 categories. As such, it is not a location within which the development of offices is encouraged, as offices are defined as a town centre use.

Policy BE5 of the Borough-Wide Development Plan states that in out-of-centre locations, new office (B1) developments should not conflict with or adversely affect the predominant existing land use. The reasoned justification states that the LPA will not be prepared to permit schemes which would conflict with or prejudice the primary retail function of the centre or result in a net loss of housing. The application site is of residential use and as such, the local plan does not support the loss or conversion of this use.

Conclusion

The application seeks permission to convert the annexe from residential use to Use Class E. The annexe is of ancillary use to the main dwellinghouse and as such a change of use which conflicts with the with the predominant land use at the site as a residential dwelling shall not be supported. The change of use from ancillary residential to office would result in increased noise and disturbance to neighbouring residential properties. Notwithstanding, proposed office use is not supported by the local plan in out-of-town locations.

Design and Quality of Materials

No external changes are proposed to the annexe outbuilding. As such, no design assessment will be required.

Internally, the annexe has an open-plan living area, 2 bedrooms and an upstairs bathroom. The proposed development will utilize all living and bedroom space as office use, retaining the kitchen fittings.

LBBD's Access Officer commented that there was no WC indicated on the plans. Officers sought revised plans which demonstrate that the existing WC will be retained.

Impacts to Neighbouring Amenity

The NPPF and policies within Chapter 4 of the London Plan all have relevance to the importance of quality development in addressing neighbouring amenity and avoiding any unacceptable impacts. Policy D6 of the London Plan states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

At a local scale, Policy DMD 1 of the Draft Local Plan (Regulation 19) states that all development proposals should consider the impact on the amenity of neighbouring properties with regard to significant over looking (loss of privacy and immediate outlook) and overshadowing (unacceptable loss of daylight and sunlight), wind and microclimate. Policy DMD 6 of the Draft Local Plan (Regulation 19) notes that householder extensions and alterations will need to be designed in a sensitive and appropriate manner, considering the impact on the amenity of neighbouring properties, avoiding significant over looking (loss of privacy and immediate outlook) and over shadowing (loss of daylight and sunlight). Policy BP8 and BP11 of the Local Development Framework Borough Wide Development Plan has specific regard to protecting residential amenity.

Given that no external changes are proposed, the impact to neighbouring amenity will rely on the implications of the change of use from residential to office.

The annexe is positioned at the rear of the garden at 86 Faircross Avenue. Residential development is dense in this location. The rear of the garden is bordered by the rear gardens of no.'s 85-89 Park Avenue, and the garden is bordered by no.84 Faircross Avenue to the east and no.88 to the west.

Under (19/01439/FUL), planning permission was refused for the *Change of use of one bedroom annexe to become a separate residential dwelling*, partially for the following reason;

2)The proposed conversion of the existing annexe into a new separate unit accommodation comprising two bedrooms, occupied independently of the main dwellinghouse, would lead to an unacceptable level of noise and disturbance to the detriment of neighbouring properties contrary to Policy 7.15 of the London Plan (2016), Policy D14 of the Draft London Plan, Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (2011)and Policy DM25 of the Draft Local Plan (2019)

Officers consider that the proposed use of the annexe as an office would not, however, result in an unacceptable level of noise and disturbance to the detriment of neighbouring properties. Whilst it is understood that use as an office may generate multiple comings-and-goings, officers have reached this conclusion on account of the fact that the proposed office will be occupied during the daytime only, and as such will have a minimal impact on the amenity of surrounding neighbouring dwellings.

Sustainable Transport

The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. It offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development does not give rise to the creation of conflicts between vehicular traffic and pedestrians. However, it also stated that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is echoed by the London Plan (2021) through policies T6.1 and T5 of and further supported by policies DMT 2 and DMT3 of the Draft Local Plan Reg 19 and BR9 of the Borough Wide DPD.

This application seeks permission for the change of Use from residential (residential annexe) to Office use E(c) and E(g).

LBBD's Highways Officer has provided the following comments:

Site Access

No New access from the public highway is proposed as part of this application.

Car Parking

The site is in PTAL 6 meaning it has Excellent access to public transport and it does fall under the FG CPZ area.

According to the New London Plan standards, any developments in PTAL location 5 and 6 must be car free development.

There is an existing dropped kerb associated with the development and the applicant is proposing to provide 2 off street car parking spaces. The spaces proposed also is also not able to access independently of each other and it will also prevent the access for the refuse and cycle storage. Therefore, highways object to the proposed car parking spaces.

Applicant will be expected to pay towards reinstatement of the redundant crossover if the applicant propose not to prove car parking spaces.

Cycle Parking

Cycle parking spaces should be provided in line with the new London plan.

Conclusion

When contacted by officers regarding transport concerns, the applicant provided revised plans removing the proposed parking spaces and identifying space for a 'Secure Bike Store for 2 long stay bicycles', and a 'Sheffield stand for 2 visitor bikes.'

A condition shall be attached to planning permission requiring that cycle parking spaces are instead implemented in line with the London Plan standards.

The cycle parking spaces must be safe and easily accessible.

The cycle parking spaces should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards, this means;

- access for residents only, and with stands/racks allowing both the frame and at least one wheel to be secured
- Well located: close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners
- Covered
- Fully accessible, for parking all types of cycle
- Managed, where possible, in order for access to be administered and to provide ongoing maintenance

CONCLUSION

Permission is sought for the *Change of Use from residential (residential annexe) to Office use E(c) and E(g)*. As indicated by the planning history of the site, the annexe has been determined as inappropriate for residential use as a separate dwelling in the past. As such, the annexe is of wholly ancillary use to the main dwellinghouse at 86 Faircross Avenue as residential accommodation. Whilst the applicant seeks to find an alternative use for the annexe, given its ancillary status, the case for finding an alternative use is considered to be of irrelevance. Policy does not support this change of use which would conflict with the predominant land use at the site as a residential dwelling. Notwithstanding, office use is not supported by the local plan in out-of-town locations. In conclusion, the principle of the development is not considered to be supported. It is recommended that permission be refused.

APPENDIX 1

Development Plan Context	
The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:	
National Planning Policy Framework (NPPF) (DLUHC, 2021)	
London Plan (March 2021)	Policy GG4 Delivering the Homes Londoners need Policy GG2 Making the best use of land Policy H1 Increasing housing supply. Policy H2 Small sites Policy D1 London's form character and capacity for growth Policy D4 Delivering good design. Policy D5 Inclusive design Policy D6 Housing quality and standards Policy D8 Public Realm Policy H10 Housing size mix Policy H9 Ensuring the best use of stock. Policy D6 Housing quality and standards Policy GG1 Building strong and inclusive communities Policy GG3 Creating a healthy city Policy D3 Optimising site capacity through design led approach Policy D8 Public realm Policy D14 Noise Policy T6.1 Parking Policy T5 Cycling Policy E1 Offices Policy E2 Providing suitable business space Policy T6.2 Office Parking Table 10.2 - Minimum cycle parking standards
Local Development Framework (LDF) Core Strategy (July 2010)	Policy CM1 General Principles of Development Policy CM2 Managing Housing Growth Policy CP3 High Quality Built Environment Policy CE2 Location of office development
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BP11 Urban Design Policy BP8 Protecting Residential Amenity Policy BR9 Parking Policy BR10 Sustainable Transport Policy BE5 Offices- Design and Change of Use
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.	
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	Policy SPDG1 Delivering growth in Barking and Dagenham. Policy SP3 Delivering homes that meet peoples' needs Policy SP2 Delivering a well-designed, high-quality, and resilient built environment Policy DMD1 Securing high-quality design Policy DMSI3 Nuisance Policy DMT2 Car parking Policy DMT3 Cycling Policy DME 2: Providing flexible, affordable workspace

APPENDIX 2

Relevant Planning History			
Application Number:	19/01439/FUL	Status:	Refused Linked Appeal (APP/Z5060/W/20/3253208) Dismissed.
Description:	Change of use of one bedroom annexe to become a separate residential dwelling.		
Application Number:	18/00392/FUL	Status:	Refused Linked Appeal (18/00057/REFUSL)

			Dismissed.
Description:	Conversion of existing dwelling into one 1-bedroom and one 2-bedroom self-contained flats and conversion of bed-sit in rear garden to one 1-bedroom self-contained flat.		
Application Number:	04/00251/FUL	Status:	Approved
Description:	Erection of front and side extensions to stables in connection with conversion into bed-sit for parent		
Application Number:	06/00806/FUL	Status:	Approved
Description:	Erection of single storey rear extension		
Application Number:	68/00077/TP		Approved
Description:	Erection of private motor garage		
Enforcement Case:	19/00053/CONDBR	Status:	Case Closed
Alleged breach:	A street numbering request has been received asking for the annexe at the rear of the garden to be given its own address. This would appear to be in conflict with condition 6 of planning permission 04/00251/FUL., N.B. A planning application to carry out this type of development was refused on 6th March 2018 (18/00392/FUL) and the decision upheld on appeal on 21st December 2018 (18/00057/REFUSL)		

APPENDIX 3

Consultations		
Consultee:	Date Consulted:	Summary of response:
LBBB Highways	14/02/2022	<p>Site Access</p> <p>No New access from the public highway is proposed as part of this application.</p> <p>Car Parking</p> <p>The site is in PTAL 6 meaning it has Excellent access to public transport and it does fall under the FG CPZ area.</p> <p>According to the New London Plan standards, any developments in PTAL location 5 and 6 must be car free development.</p> <p>There is an existing dropped kerb associated with the development and the applicant is proposing to provide 2 off street car parking spaces. The spaces proposed also is also not able to access independently of each other and it will also prevent the access for the refuse and cycle storage. Therefore, highways object to the proposed car parking spaces.</p> <p>Applicant will be expected to pay towards reinstatement of the redundant crossover if the applicant propose not to prove car parking spaces.</p> <p>Cycle Parking</p> <p>Cycle parking spaces should be provided in line with the new London plan.</p>
LBBB Environmental Protection	14/02/2022	N/A
LBBB Access	14/02/2022	My concern is there's no WC shown on the plan.

APPENDIX 4

Neighbour Notification	
Date Consultation Letter Sent:	14/02/2022
No response received.	

LBBB Reference: 22/00212/FULL

Simon Howard-Dobson

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 22/00212/FULL
Address: 86 Faircross Avenue, Barking, Barking And Dagenham, IG11 8QZ
Development Description: Change of Use from residential (residential annexe) to Office use E(c) and E(g)

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

[Marilyn Smith](#)

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: Simon Howard-Dobson **Applicant:** Donovan

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00212/FULL
Application Type: Full Planning Permission
Development Description: Change of Use from residential (residential annexe) to Office use E(c) and E(g)
Site Address: 86 Faircross Avenue, Barking, Barking And Dagenham, IG11 8QZ
Date Received: 08 February 2022
Date Validated: 11 February 2022

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The proposed change of use to the Annex (ancillary to the use of the existing dwellinghouse) would present a change of use which would by reasons of adding commercial activity to the setting conflict with the with the residential nature of the site and its surroundings, and resulting in increased noise and disturbance to neighbouring residential dwellings. Notwithstanding, office use is not supported by the local plan in out-of-town locations. As such, the principle of the development is not supported.

As such, the proposed development is contrary to:

- National Planning Policy Framework (DLUHC , 2021);
- Policies GG4, GG2, H9, E1 and E2 of the London Plan (March 2021);
- Policies CM1 and CP2 of the LDF Core Strategy (July 2010);
- Policy BE5 of the LDF Borough Wide Development Plan Policies DPD (March 2011);
- Policy DME2 of the Draft Local Plan (Regulation 19 Consultation version, September 2020)

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application:

1807 APP 200- Site and Block Plan As Existing- 06/2018

Planning Statement- 10/11/2021

1807-901- Proposed Front, Rear and Side Elevations- 20/02/2018

1807/ 202 B- Proposed Ground Floor and First Floor Plans (REVISED)- 01/04/2022

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 06/04/2022

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Application Reference:

22/00259/HSE

Application Description:

Retrospective application for single storey side extension with proposed amendments to demolish the front wall of toilet, alter size with pitch roof to suite the house and reduction in fence height.

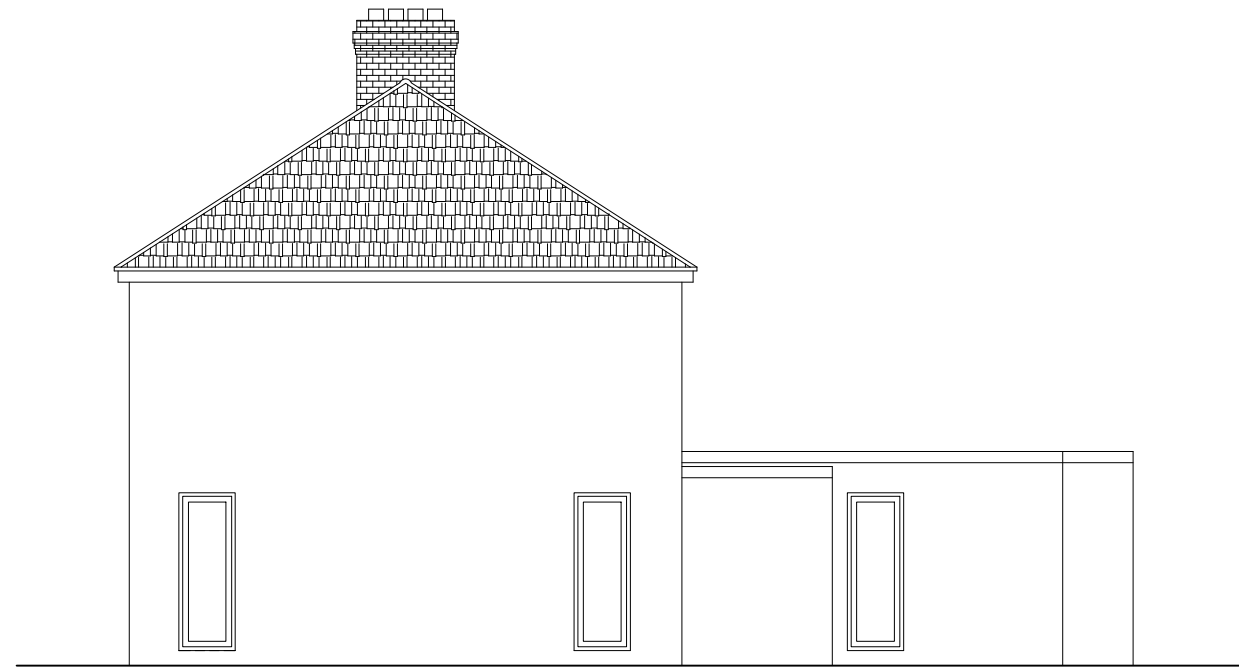
Decision:

Refused





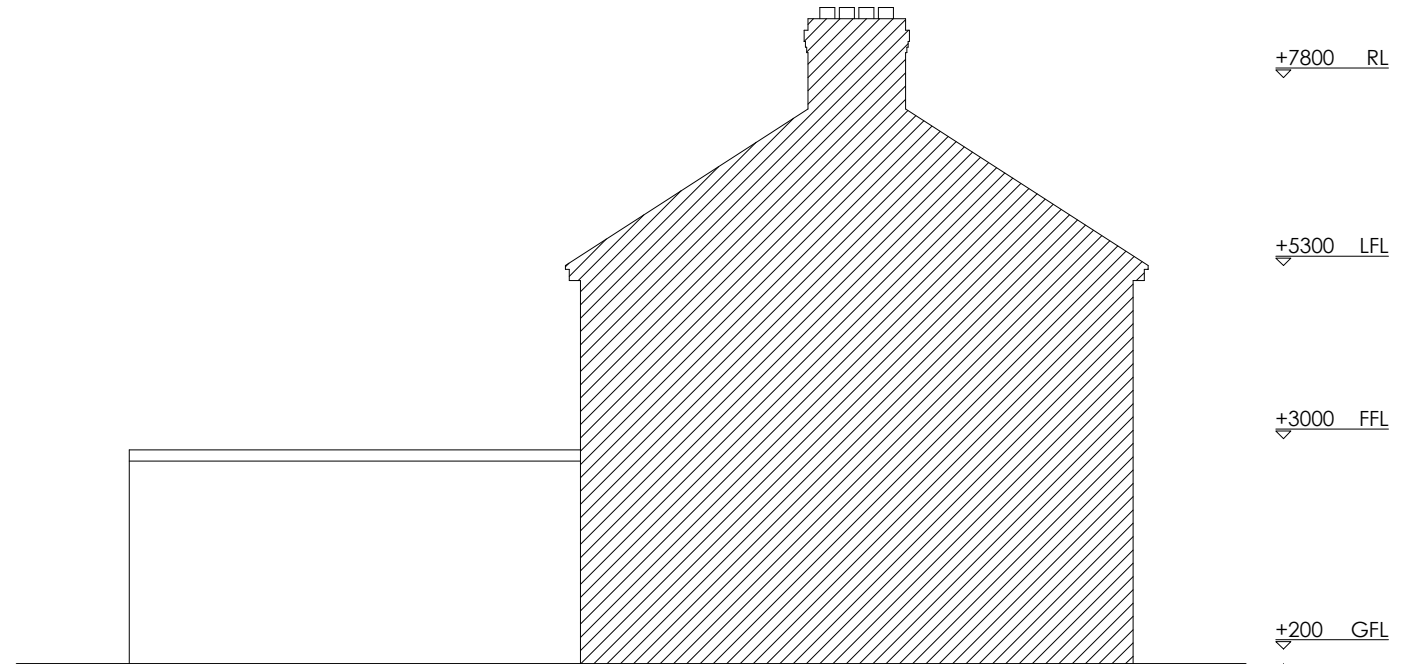
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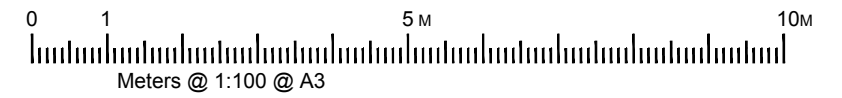
SIDE ELEVATION
(1:100 @ A3)



REAR ELEVATION
(1:100 @ A3)



SIDE ELEVATION
(1:100 @ A3)



CODE
21.052
2VR

CLIENT VOLODYMYR KENS
PROJECT EXTENSION
2, VERNEY ROAD, DAGENHAM, RM9 5LL

NO A305
VER B REV 00

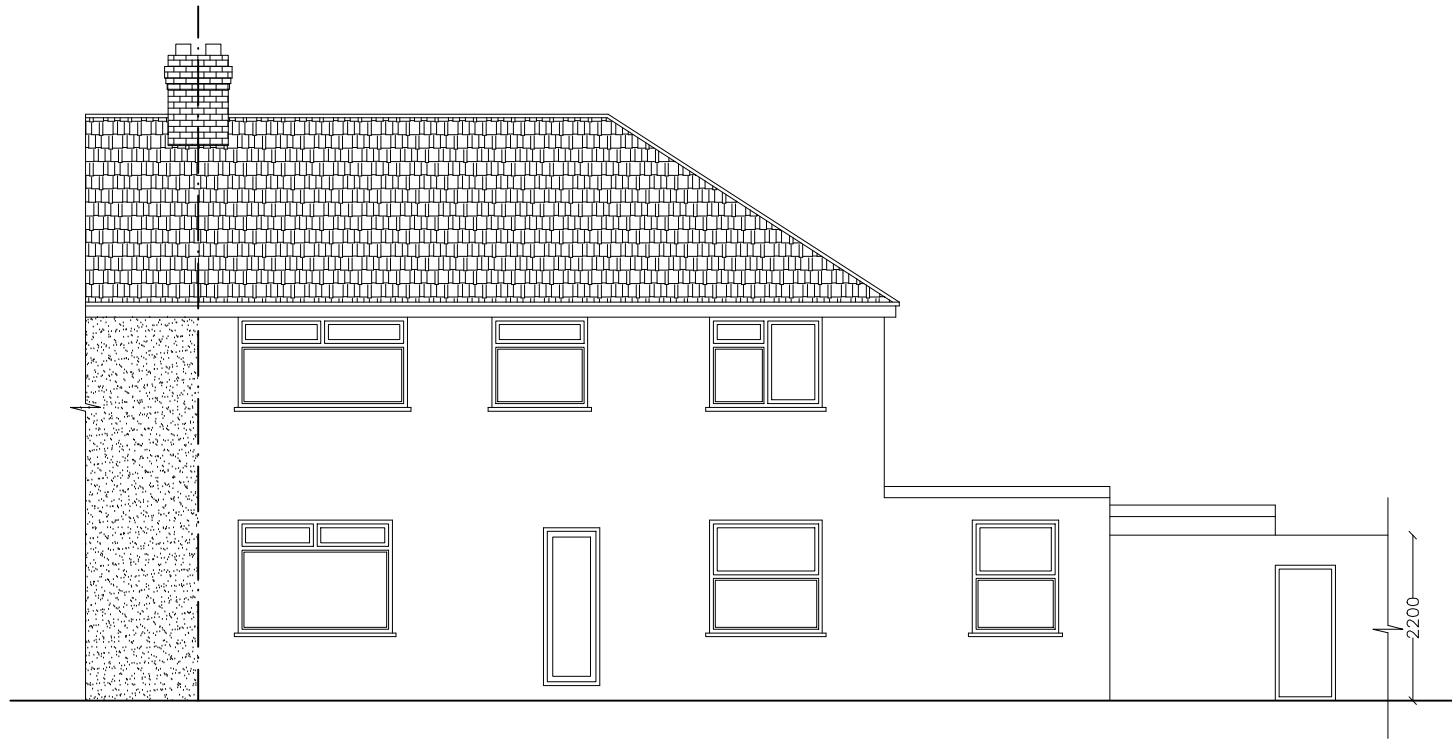
TITLE

PRE-EXISTING ELEVATIONS

DATE 2022.02.05
DES JRS DRN HRI

ARCICON
AN INTEGRATED APPROACH
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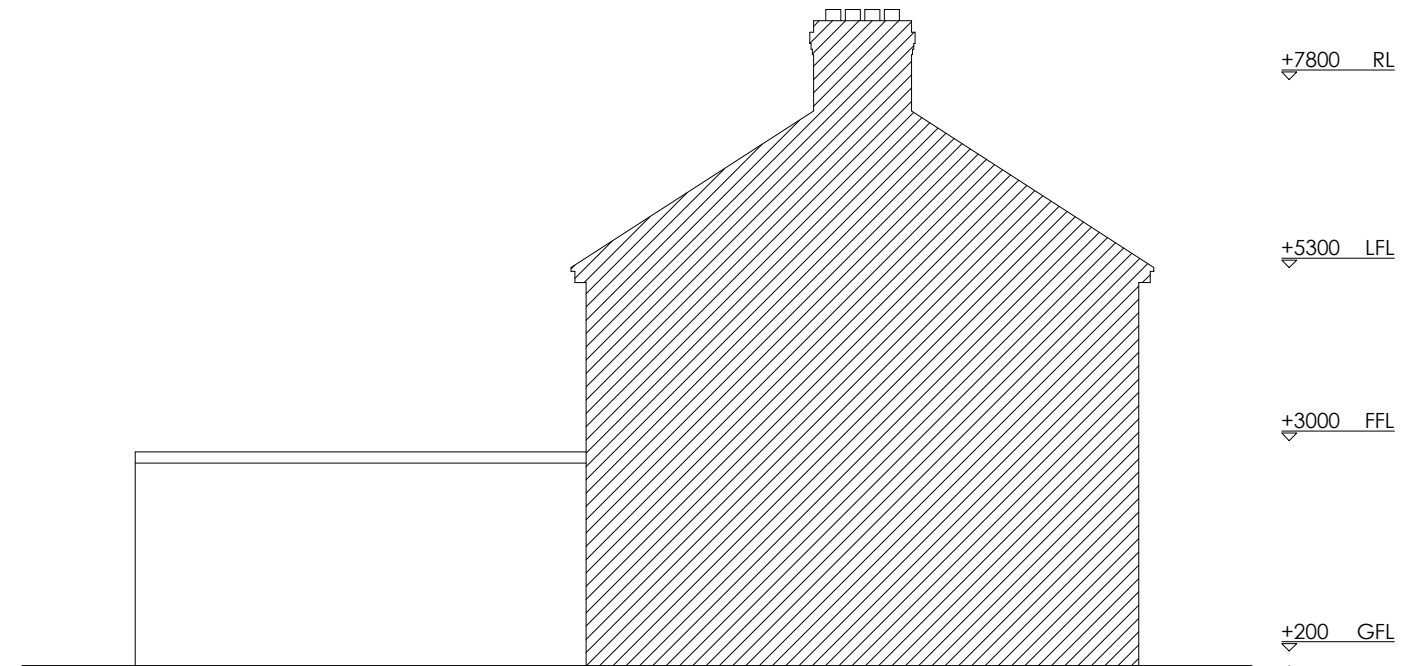
FRONT ELEVATION
(1:100 @ A3)



SIDE ELEVATION
(1:100 @ A3)



REAR ELEVATION
(1:100 @ A3)



SIDE ELEVATION
(1:100 @ A3)



Delegated Report

Householder Application for Planning Permission for Works or Extension to a Dwelling

Case Officer:	Bethany Robins	Valid Date:	22 February 2022
Officer Recommendation:	Refuse	Expiry Date:	19 April 2022
Application Number:	22/00259/HSE	Recommended Date:	06 April 2022
Address:	2 Verney Road, Dagenham, Barking And Dagenham, RM9 5LL		
Proposal:	Retrospective application for single storey side extension with proposed amendments to demolish the front wall of toilet, alter size with pitch roof to suite the house and reduction in fence height.		

Planning Constraints

The application site is located within the Becontree Estate.

Consultations

Consultee:	Date Consulted:	Summary of response:
N/A		

Neighbour Notification

Date Consultation Letter Sent:	22/02/2022
Number of Neighbours Consulted:	6
Address:	Summary of reponse:
152 Wood Lane, Dagenham, Barking And Dagenham, RM8 3LE	"I am very overlooked, I have no privacy in my entire back garden, I feel very intimidated."

Relevant Planning History

Application Number:	21/02129/HSE	Status:	Refused
Description:	A retrospective application for the construction of a single storey side extension.		
Application Number:	20/00515/FUL	Status:	Refused
Description:	Conversion of existing garage to a kitchen and erection of single storey side extension to form an additional bathroom (Retrospective)		
Application Number:	19/00577/FUL	Status:	Approved
Description:	Erection of detached garage.		
Application Number:	17/00239/PRE	Status:	No Decision Taken
Description:	Pre-application meeting request: Proposed new end of terrace house adjacent to 2 Verney Road Dagenham		
Application Number:	17/00801/FUL	Status:	Approved
Description:	Erection of two storey side extension.		
Application Number:	17/00808/PRIOR6	Status:	Prior Approval Not Required
Description:	Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 2.85 metres and maximum height: 3.0 metres).		
Enforcement Case:	20/00022/NOPERM	Status:	Notice Issued
Alleged breach:	extension exceeding PP - flats		

Development Plan Context

The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:

National Planning Policy Framework (NPPF) (DLUHC, 2021)

London Plan (March 2021)	Policy D4 - Delivering Good Design Policy D8 - Public Realm Policy HC1 - Heritage Conservation and Growth
Local Development Framework (LDF) Core Strategy (July 2010)	Policy CR2 - Preserving and Enhancing the Natural Environment Policy CP2 - Protecting and Promoting our Historic Environment Policy CP3 - High Quality Built Environment
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BP2 - Conservation Areas and Listed Buildings Policy BP8 - Protecting Residential Amenity Policy BP11 - Urban Design
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.	
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	Policy SP2 - Delivering a well-designed, high quality and resilient built environment Policy SP4 - Delivering quality design in the borough. Policy DMD1 - Securing high quality design Policy DMD4 - Heritage assets and archaeology remains Policy DMD6 - Householder extensions and alterations Policy DMNE3 - Nature conservation and biodiversity
Supplementary Planning Documents	Residential Extensions and Alterations (SPD) (February 2012)

ASSESSMENT

Principle of the Development	
<i>Is the proposed development acceptable 'in principle'?</i>	YES
<i>Officer Comment:</i>	The overriding objective of the local policies is to deliver high quality development which improves the quality and distinctive identity of places and meets the housing needs of existing and future residents. As such, it is acknowledged that extensions to existing family dwelling houses can facilitate additional and enhanced living space for improved living conditions for occupants. They are therefore considered acceptable in principle subject to ensuring a high-quality, neighbourly design. Such matters are addressed below.

Achieving High Quality of Urban Design	
<i>Does the proposed development respect the character and appearance of the existing dwelling?</i>	NO
<i>Does the proposed development respect and accord to the established local character?</i>	NO
<i>Is the proposed development acceptable within the street scene or when viewed from public vantage points</i>	NO
<i>Is the proposed development acceptable and policy compliant?</i>	NO
	The application site is a two storey end of terrace property on the northern side of Verney Road. This application is located on a corner plot which is shared by no.153 Wood Lane. The site was previous granted permission for the construction of a 6.0 metre deep rear extension (17/00808/PRIOR6), two storey side extension (17/00801/FUL and detached garage (19/00577/FUL). The rear and two storey side extension have been built out according to plans. These extensions were not shown in the proposed drawings for the detached garage (19/00577/FUL). The drawings for application 19/00577/FUL show a detached garage, however, as shown in the existing plans submitted with this application the garage is in fact attached to the two storey side extension. As such, the approved garage has not been constructed to plan. An enforcement case has been submitted in regards to this garage not being built out according to the approved plans (20/00022/NOPERM). An enforcement notice was issued on 10 June 2020 requiring the applicant to remove the unauthorised side extension, cease the use of the side extension as a separate self-contained unit of accommodation, revert the property to a single-family dwelling, remove all alterations and fixtures enabling the change of use to a separate self-contained unit of accommodation and remove all consequent waste material from the land. Officers consulted the Enforcement Officer who confirmed that the notice is at persecution stage. This notice was appealed and dismissed as such the notice is upheld. More recently, seperate applications were submitted for the Conversion of existing garage to a kitchen and erection of single storey side extension to form an additional bathroom (Retrospective) (20/00515/FUL) and the construction of a single storey side extension with proposed amendments to demolish the front wall of toilet, alter size with pitch roof to suite the house and reduction in fence height (Retrospective)(21/02129/HSE). These applications were retrospective and were both refused by officers. This application is a like-for-like application to previously refused application no.21/02129/HSE except for demolishing the front wall of toilet, altering size with pitch roof to suite the

house and reducing the fence height.

Policies

Policy SP 2 of the Draft Local Plan (Regulation 19) reiterates that the Council will promote high-quality design, providing a safe, convenient, accessible and inclusive built environment and interesting public spaces and social infrastructure for all through recognising and celebrating local character and the borough's heritage, adopting a design-led approach to optimising density and site potential by responding positively to local distinctiveness and site context. Policy DMD 1 of the Draft Local Plan states that all development proposals should be creative and innovative, recognising that existing local character and accommodating change is not mutually exclusive, architecture should be responsive, authentic, engaging, and have an enduring appeal. Policy DMD 6 of the Draft Local Plan notes that householder extensions and alterations will need to be designed in a sensitive and appropriate manner, being sympathetic to the design of the original dwelling with regards to scale, form, materials and detailing.

The Becontree Estate, of which this property forms part, was built as Homes for Heroes in the period 1921 to 1934 and at the time was the largest municipal estate in the world. As such, it forms part of the rich local history of the area and is referenced in policy CP2 of the Core Strategy as forming an important symbol of the past. Policy CP2 seeks to respect the local context and reinforce local distinctiveness. It is considered that the proposal would fail to respect the character of the Becontree Estate.

Officer Comment:

Policy BP2 of the Borough Wide Development Policies DPD also references the heritage value of the Estate and although this dwellinghouse is not situated in a conservation area, this policy recognises the distinctive local character and historical importance of the Becontree Estate. The policy is concerned with preserving heritage areas of their instinctive and historically important features and ensuring developments do not detract from the heritage area's significance.

Construction of a single storey side extension

Regarding the construction of side extensions, The Council's Residential Extensions and Alterations (SPD) (2012) states that the design of your side extension should reflect the type of house and the type of plot. Side extensions have the potential to cause significant impact upon the character of an area. It is essential that you pay particular attention to the manner in which your proposal is designed. All side extensions should be particularly sympathetic in terms of their form, roof treatment, detailing and materials. If you live in a house which is end-of-terrace and you extend your house to the side, the gap separating your property from your neighbours may become closed and have a detrimental effect on the street scene.

This application seeks retrospective permission for the construction of a single storey side extension. The existing single storey side extension this application seeks to regularise adjoins to the northern side of the property and hosts a lounge and bathroom with a total width of 5.30 metres. However, the extension is divided into 2 with the lounge extension being 3.00 metres wide and forming an irregular shape with a depth of 7.35 metres on the side adjoining the original dwellinghouse and 3.05 metres deep on the other side. The bathroom extension, that is behind the fence so is not visible from the street scene, has a width of 2.2 metres and a depth of 2.2 metres. The extension aligns with the front and rear elevations of the existing dwellinghouse and comprises a flat roof with a maximum height of 2.85 metres. The external materials used for the development, including the window, matches those used in the construction of the exterior of the main dwellinghouse.

Verney Road is characterised by terraces whereby each property is symmetrical in design, mass and bulk, which make up the identity of the street. As such it would be expected that developments contribute to maintaining the built form of the existing property so as to retain the character and identity of the street. The width of the original property is 6.17 metres wide, the two storey side extension, single storey side extension have a combined width of 8.15 metres, as such the overall width of the application property will be double its original width. As such, the application property will appear disproportionately large in the street scene and in comparison to the adjoining properties. In addition, the proposal will have a flat roof whereby the roof of the bathroom extension sitting 0.27 metres lower than the ridge of the lounge extension creating a step change. This adds further harm to the impact the proposal will have on the existing dwelling, terrace row and surrounding local area as it breaks from the balance and uniformity of the streets built form. Therefore, for reasons of design, mass, bulk and sitting Officers consider the proposal unacceptable as the proposal fails to reflect the built form of the host property and wider terrace, hence, it will appear disproportionate and out of character in relation to its neighbouring properties. Therefore, the proposal will represent an uncharacteristic and unsympathetic addition to the host property as it will detract from the balance and symmetry of the street scene, detrimental to the character of the local area. This impact is notable given the site's location within the Becontree Estate. Overall, the proposal fails to comply with the development policies.

Delivering Neighbourly Development								
	4 Verney Road	152 Wood Lane	N/A			4 Verney Road	152 Wood Lane	N/A
Outlook:				Overshadowing:				
Loss from habitable rooms?	NO	NO		Shadow cast into rooms?	NO	NO		
Is it unacceptable?				Is it unacceptable?				
				Shadow into garden?	NO	YES		
Loss of Privacy:				Is it unacceptable?		NO		
Overlooking the garden?	NO	YES						
Is it unacceptable?		NO		Overbearing:				
Overlooking into rooms?	NO	NO		Impact on habitable rooms?	NO	NO		
Is it unacceptable?				Is it unacceptable?				
				Impact on gardens?	NO	NO		
Loss of Daylight:				Is it unacceptable?				
Loss into habitable rooms?	NO	NO						
Is it unacceptable?								

The application site is a two storey end of terrace property on the northern side of Verney Road and this application is a retrospective application for the construction of a single storey side extension.

Policies

Policies BP8 and BP11 of the Borough Wide Development Document have specific regard to protecting residential amenity. Policy BP8 stresses that All developments (including alterations, extensions, conversions and infill developments) are expected to have regard to the local character of the area and help to create a sense of local identity, distinctiveness and place and not lead to significant overlooking (loss of privacy and immediate outlook) or overshadowing (loss of daylight and sunlight).

At a local level, policies DMD1 and DMD6 of the Draft Local Plan (2020) also emphasises that householder extensions and alterations must consider the impact on the amenity of neighbouring properties, avoiding significant overlooking (loss of privacy and immediate outlook) and overshadowing (loss of daylight and sunlight). The Altering and Extending your Home SPD (2012) advises of the importance for extensions to properties to be neighbourly, attractive, of high quality and work well for residents and neighbours.

4 Verney Road

This property adjoins the application site to the south and is located on the opposite side of the road to the single storey rear extension. Therefore, by virtue of distance and due to the relatively small scale of the side extension, officers consider minimal impact to occur to their neighbouring amenity.

152 Wood Lane

The application sits to the south of this property and shares a boundary line. Neighbours from this property raised an objection to the loss of privacy and overlooking that they experience due to the extension. The applicant proposes a large window to the rear of the lounge extension. This elevation is angled along the boundary line with no.152 and is offset by approximately 1.0 metres. Officers consider the separation to mitigate any unacceptable levels of overshadowing or the material loss of daylight or outlook. Notwithstanding, the proposal seeks to retain a large window on the rear wall of the lounge extension. This will face the boundary line with no.152 and sit approximately 1.0 metres away. As a result officers consider this to result in unacceptable levels of overlooking into the neighbouring properties which will result in the loss of privacy detrimental to the standard of living of present and future residents of No. 152. The proposed single storey extension is considered unacceptable as it will result in the loss of neighbouring

Officer Comment:

amenity. It is noted that a neighbour has raised concerns with regard to the loss of privacy they are experiencing as a result of this extension. As noted above for reasons of sitting and size officers consider the proposal to result in the unacceptable loss of privacy harmful to the standard of living of current and future residents of this property. The proposal is considered unacceptable and contrary to the development policies.

Conclusion

For the reasons above, officers consider the proposed development to have an unacceptable impact on the standard of living of residents of 152 Wood Lane harmful to the standard of living of current and future occupants. The proposal is considered unacceptable and contrary to the NPPF, Policies DMD 1 and DMD 6 of the Draft Local Plan, Policies BP8 and BP11 of the Local Development Framework Borough Wide Development Plan, and the Supplementary Planning Document.

Delivering Sustainability

<i>Does the proposed development promote or enhance biodiversity?</i>	NO
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<i>Has established vegetation been preserved or appropriately relocated/mitigated against?</i>	NO
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<i>Officer Comment:</i>	The application has not incorporated any proposed biodiversity enhancement measures and the extension will result in the loss of a portion of grassed area. Whilst there is scope to compensate for such loss and to further improve the biodiversity value of the site, the lack of any compensatory or enhancement measures in this instance would not warrant reason for refusal noting there is still ample garden remaining.
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Meeting the Needs of Homeowners

<i>Are all proposed rooms well-lit by daylight and naturally vented through opening windows?</i>	YES
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<i>Are the sizes of all proposed rooms appropriate in size for the purpose they are designed for?</i>	YES
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<i>Officer Comment:</i>	The proposed extension is intended to rationalise and expand the layout of the existing dwelling through the provision of appropriately sized and lit home extensions.
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Other Material Considerations

None.

CONCLUSION

The retention of the single storey side extension for reasons of design, mass, bulk and sitting will double the width of the original property and appear disproportionately large and at odds at this location detrimental to the balance and symmetry of the property, terrace row and the surrounding local area. This impact is notable given the sites location within the Becontree Estate. Further, the proposed side extension will have a large window to the rear elevation and in close proximity to the boundary line with 152 Wood Lane. Therefore, for reasons of design and sitting the proposal would result in the unacceptable loss of privacy harmful to the standard of living of current and future residents of 152 Wood Lane. Overall, officers consider the harm caused to neighbouring amenity and the character and appearance of the area to outweigh any significant benefits arising from the proposal. Therefore, on balance the proposal is considered unacceptable and contrary to the development policies. It is recommended that planning permission is refused.

LBBB Reference: 22/00259/HSE

Raja Sekaran
42 Brudenell Close
Amersham
HP6 6FH

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 22/00259/HSE
Address: 2 Verney Road, Dagenham, Barking And Dagenham, RM9 5LL
Development Description: Retrospective application for single storey side extension with proposed amendments to demolish the front wall of toilet, alter size with pitch roof to suite the house and reduction in fence height.

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: Raja Sekaran
42 Brudenell Close
Amersham HP6 6FH

Applicant: Volodymyr Kens
2 VERNEY ROAD
DAGENHAM HP6 6FH

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00259/HSE
Application Type: Householder Planning Permission
Development Description: Retrospective application for single storey side extension with proposed amendments to demolish the front wall of toilet, alter size with pitch roof to suite the house and reduction in fence height.
Site Address: 2 Verney Road, Dagenham, Barking And Dagenham, RM9 5LL
Date Received: 18 February 2022
Date Validated: 22 February 2022

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The single storey side extension for reasons of design, mass, bulk and sitting will appear disproportionately large and at odds with the character and appearance of the street scene, property, terrace row and the surrounding local area. This impact is notable given the sites location within the Becontree Estate. The proposal is considered unacceptable and contrary to:-

- National Planning Policy Framework (2021); -
- Policies D1, D4, D8 and HC1 of the London Plan (March 2021); -
- Policies CP2 and CP3 of the LDF Core Strategy (July 2010); -
- Policies BP2 and BP11 of the LDF Borough Wide Development Plan Policies DPD (March 2011); -
- The Residential Extensions and Alterations Supplementary Planning Document (February 2012); -
- Policies SP2, SP4, DMD1, DMD4 and DMD6 the Draft Local Plan (Regulation 19 Consultation version, October 2020).

2. The design and siting of the proposed side extension will result in unacceptable levels of overlooking, detrimental to the privacy of 152 Wood Lane, therefore constituting unneighbourly development and contrary to:-

- National Planning Policy Framework (2021); -
- Policies D1, D4 and D8 of the London Plan (March 2021); -
- Policy BP8 of the LDF Borough Wide Development Plan Policies DPD (March 2011); -
- The Residential Extensions and Alterations Supplementary Planning Document (February 2012); -
- Policies DMD1, DMD6 the Draft Local Plan (Regulation 19 Consultation version, October 2020).

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application:

- A301 - Location Plan - 2022.02.05
- A302 - Site Plan - 2022.02.05
- A303 - Block Plans - 2022.02.05
- A306 - Existing Floor Plans-1 - 2022.02.05
- A307 - Existing Floor Plans-2 - 2022.02.05
- A308 - Existing Elevations - 2022.02.05
- A309 - Proposed Floor Plans-1 - 2022.02.05
- A310 - Proposed Floor Plans-2 - 2022.02.05

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 11/04/2022

Yours sincerely,

[Marilyn Smith](#)

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Application Reference:

22/00254/HSE

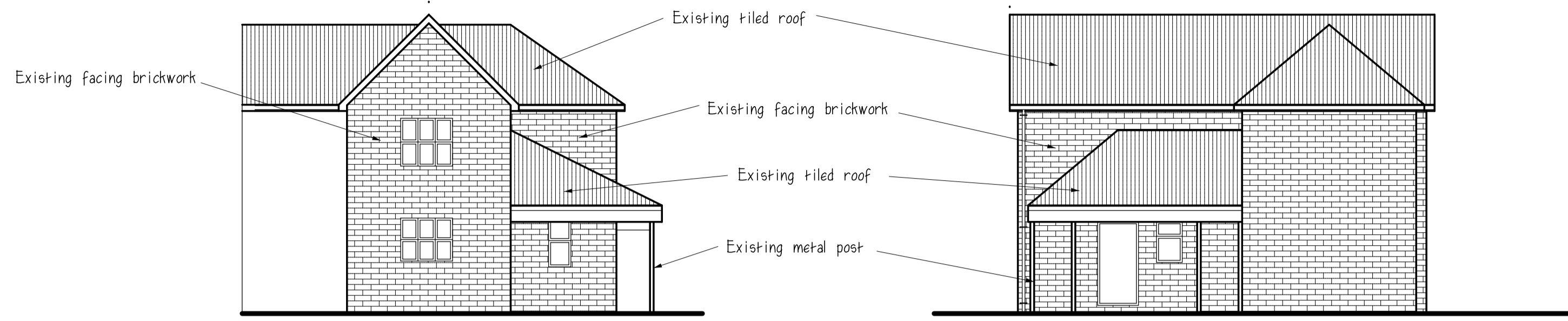
Application Description:

Construction of a first floor side extension

Decision:

Refused

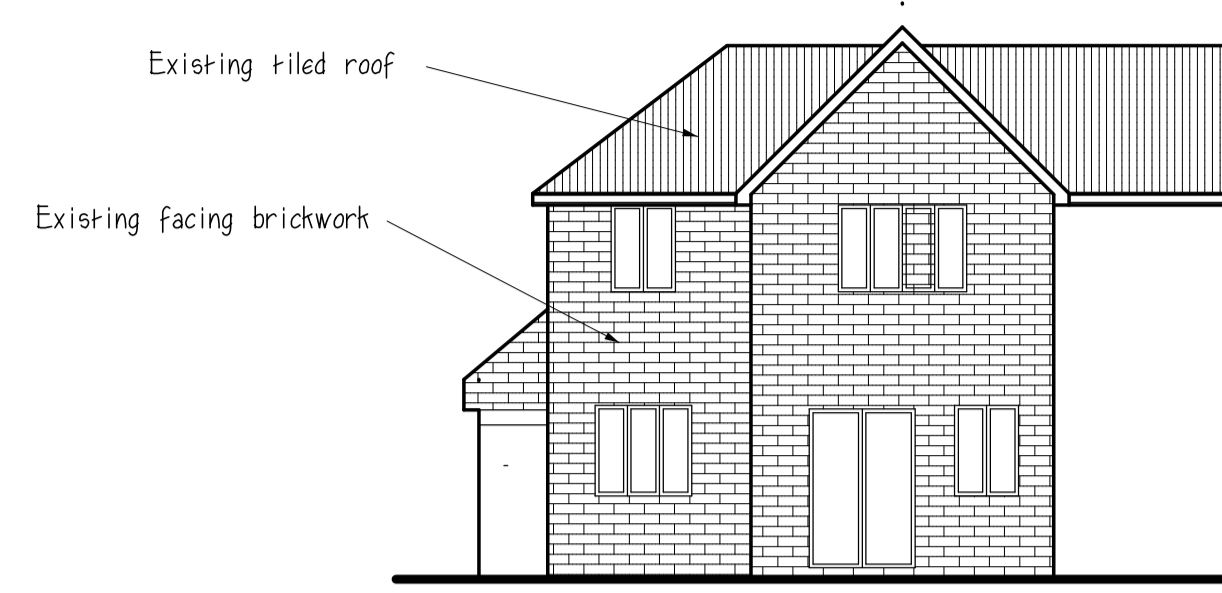




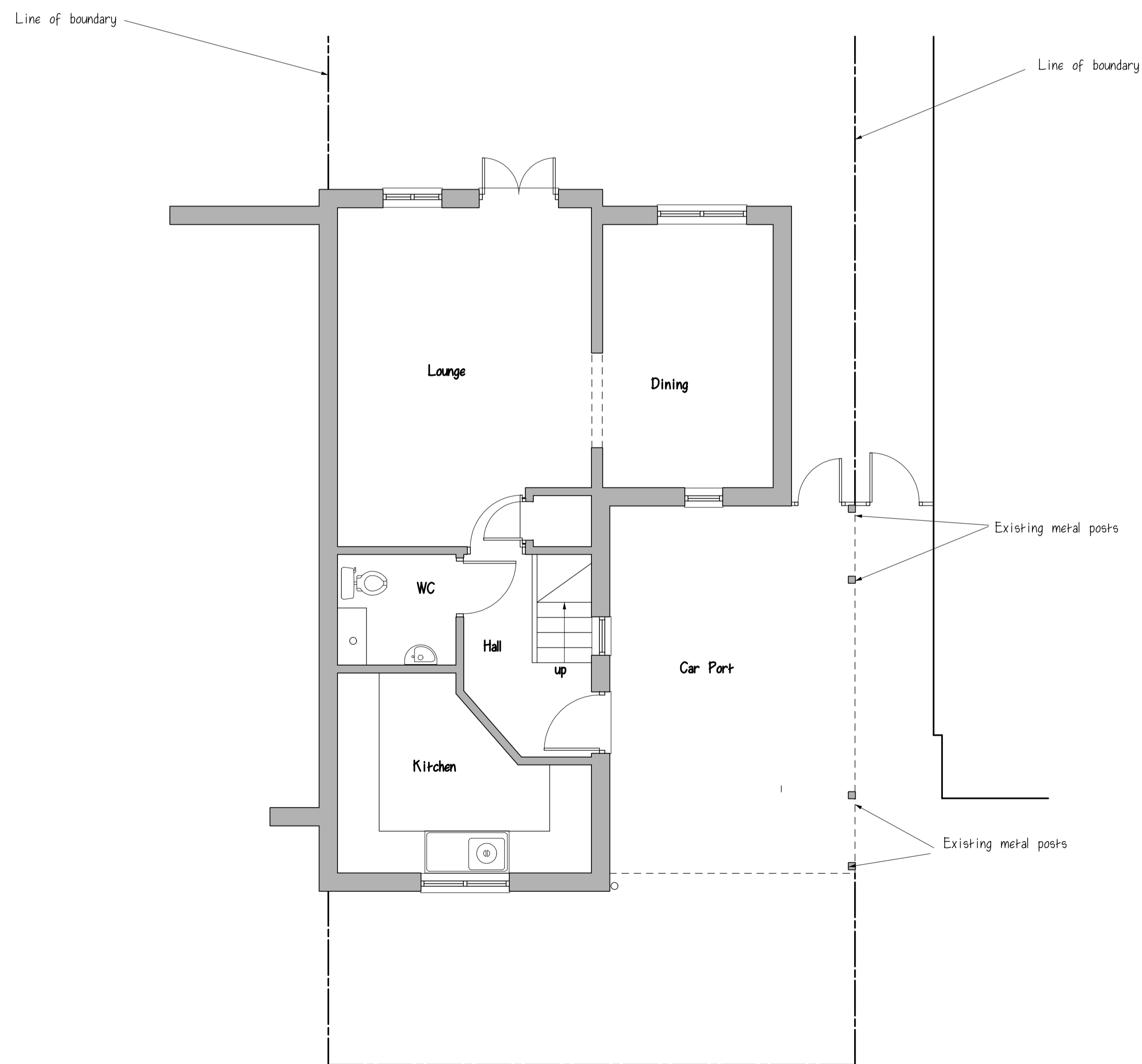
Existing front elevation



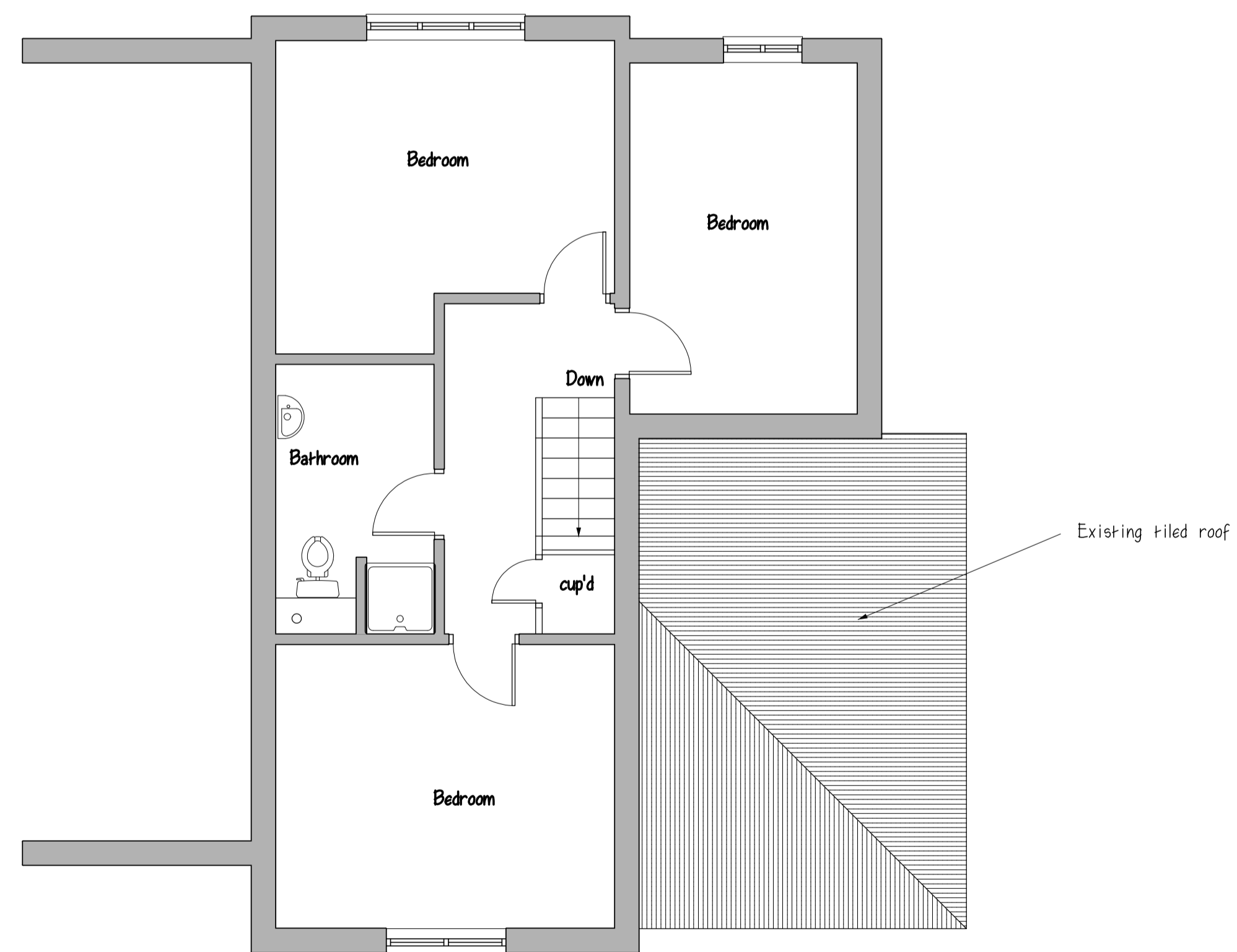
Existing side elevation



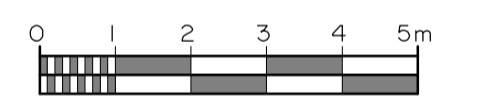
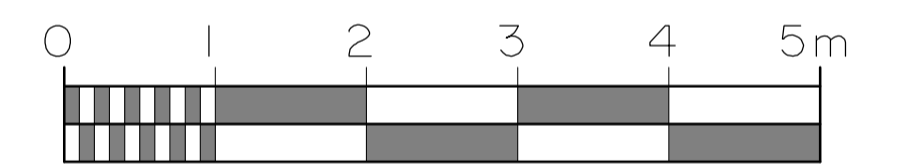
Existing rear elevation



Existing ground floor plan



Existing first floor plan



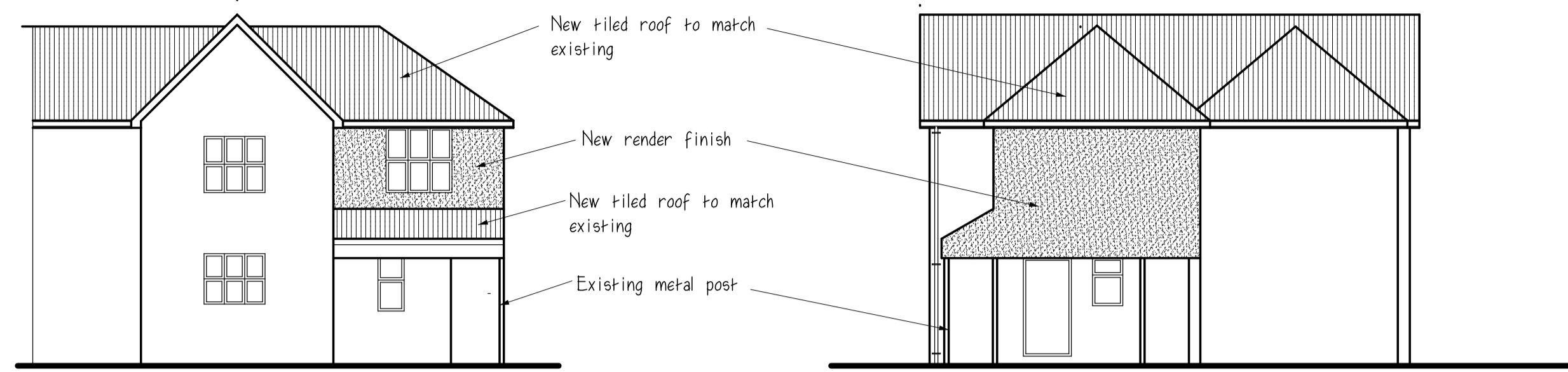
project: Existing Layout
 address: 10 Foxglove Road
 Rushgreen
 client:
 date: February 2022
 drg. no.: 7040/1
 scale: 1:100 & 1:50

revisions	

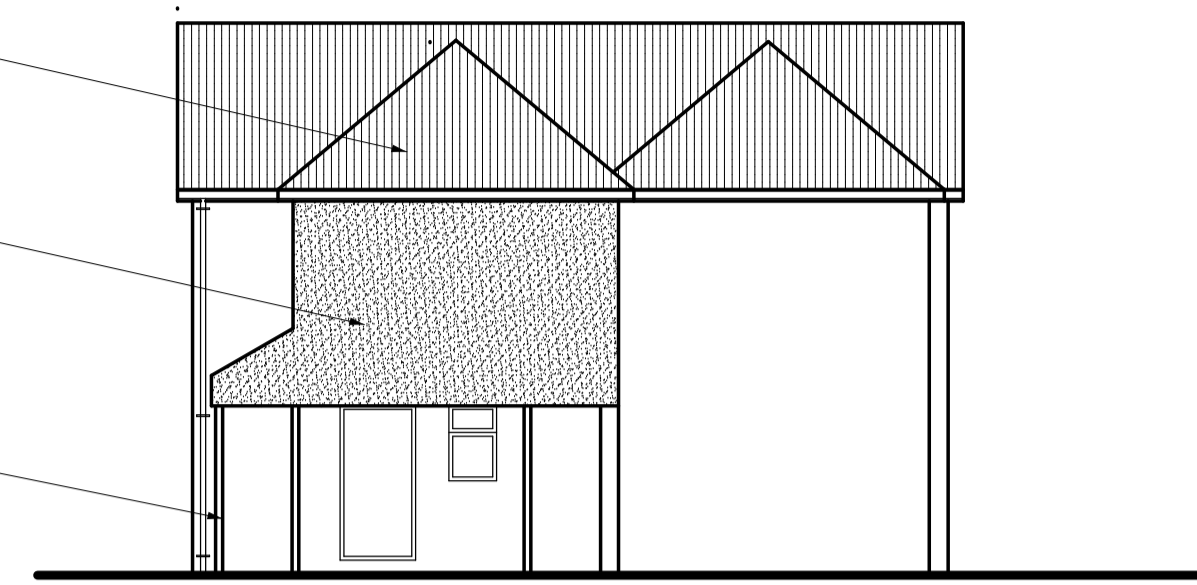


Hutton Enterprises Ltd

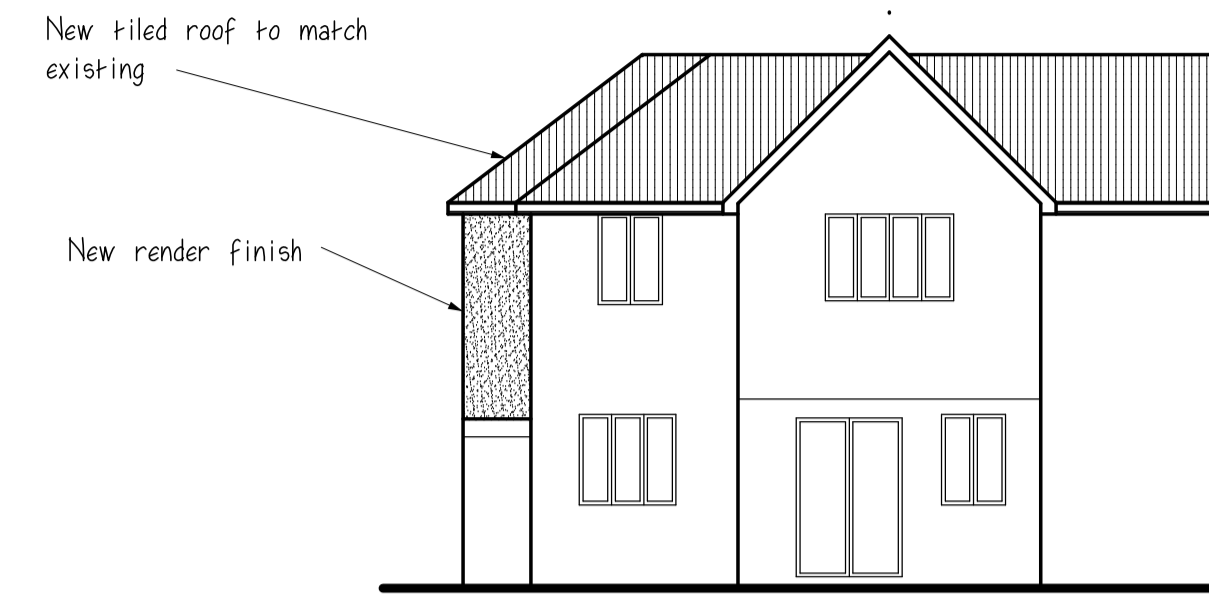
ARCHITECTURAL & SURVEYING
 CONSULTANTS
 tel: 01277 - 233041
 07836 - 277167



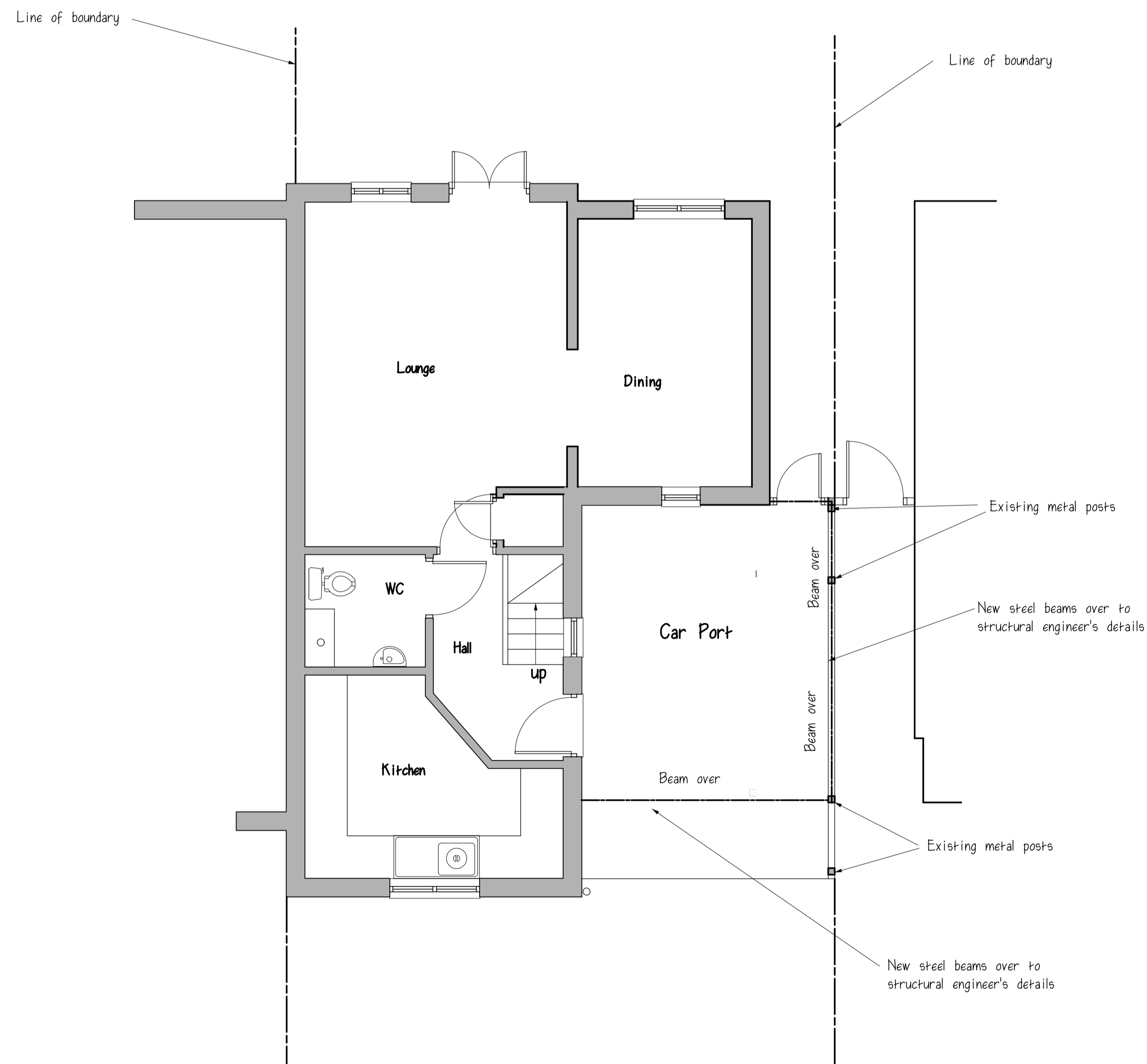
Proposed front elevation



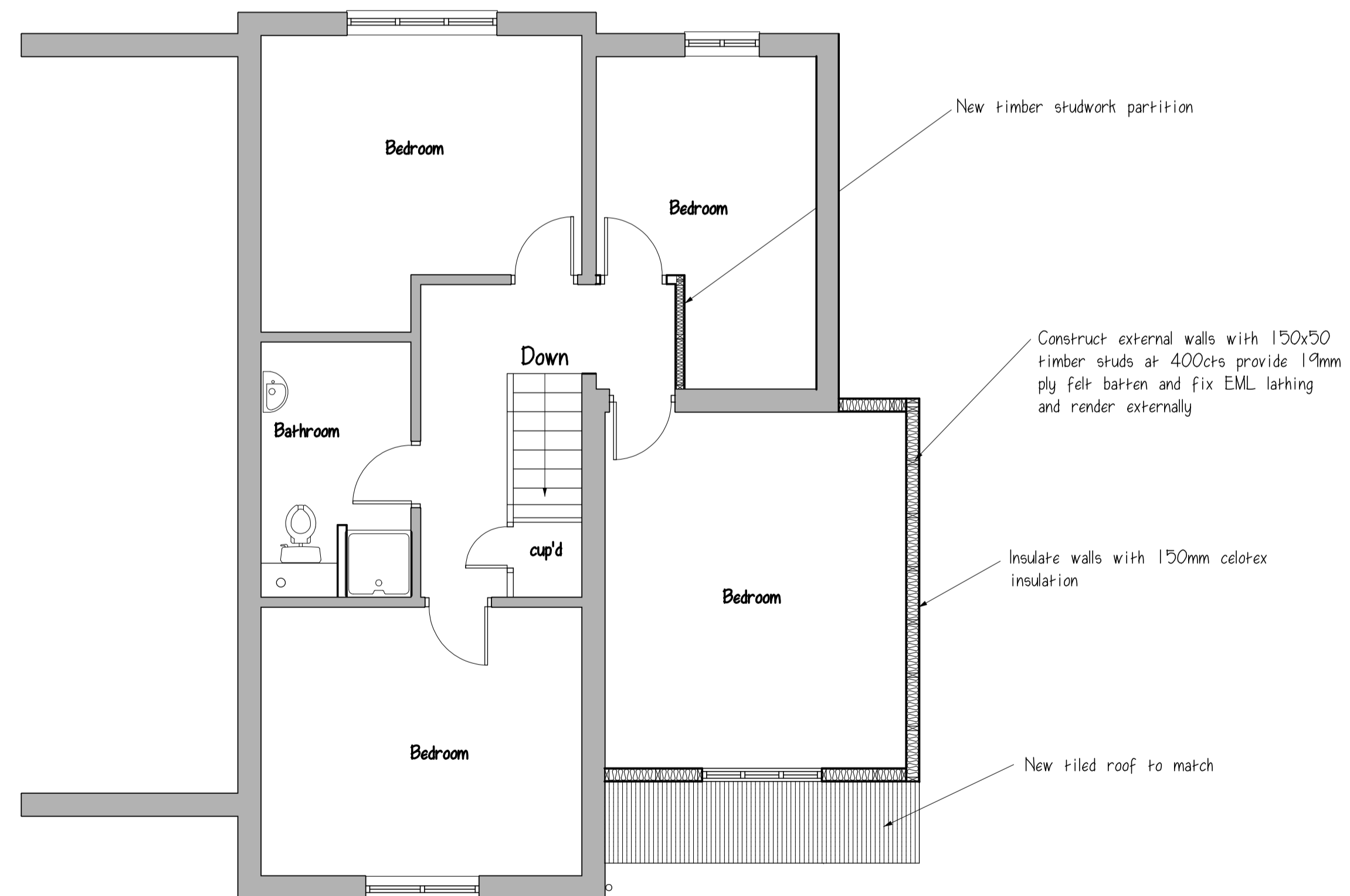
Proposed side elevation



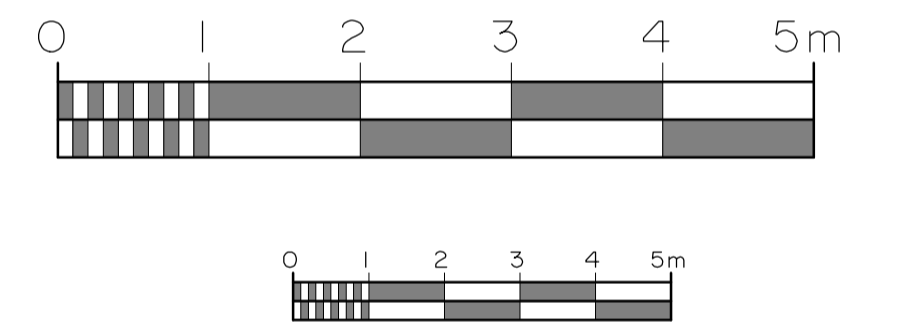
Proposed rear elevation



Proposed ground floor plan



Proposed first floor plan



Planning Drawing

project: Proposed first floor side extension
 address: 10 Foxglove road
 Rushgreen
 client:
 date: February 2022
 drg. no.: 7040/2
 scale: 1:100 & 1:50

revisions	



Hutton Enterprises Ltd

ARCHITECTURAL & SURVEYING
 CONSULTANTS
 tel: 01277 - 233041
 07836 - 277167

Delegated Report Householder Application for Planning Permission for Works or Extension to a Dwelling			
Case Officer:	Anna Jennings	Valid Date:	18 February 2022
Officer Recommendation:	Refused	Expiry Date:	15 April 2022
Application Number:	22/00254/HSE	Recommended Date:	05 April 2022
Address:	10 Foxglove Road, Rush Green, Romford, Barking And Dagenham, RM7 0YQ		
Proposal:	Construction of a first floor side extension		

Planning Constraints
N/A

Neighbour Notification	
Date Consultation Letter Sent:	18/02/2022
Number of Neighbours Consulted:	3
<i>No response received.</i>	

Relevant Planning History			
Application Number:	N/A	Status:	
Description:			

Development Plan Context	
The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:	
National Planning Policy Framework (NPPF) (DLUHC, 2021)	
London Plan (March 2021)	Policy D1 - London's Form, Character and Capacity for Growth Policy D4 - Delivering Good Design Policy D8 - Public Realm
Local Development Framework (LDF) Core Strategy (July 2010)	Policy CR2 - Preserving and Enhancing the Natural Environment Policy CP3 - High Quality Built Environment
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BP8 - Protecting Residential Amenity Policy BP11 - Urban Design
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.	
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	Policy SP2 - Delivering a well-designed, high quality and resilient built environment Policy SP4 - Delivering quality design in the borough. Policy DMD1 - Securing high quality design Policy DMD6 - Householder extensions and alterations Policy DMNE3 - Nature conservation and biodiversity
Supplementary Planning Documents	Residential Extensions and Alterations (SPD) (February 2012)

ASSESSMENT

Principle of the Development	
Is the proposed development acceptable 'in principle'?	YES
Officer Comment:	The overriding objective of the local policies is to deliver high quality development which improves the quality and distinctive identity of places and meets the housing needs of existing and future residents. As such, it is acknowledged that extensions to existing family dwelling houses can facilitate additional and enhanced living space for improved living conditions for occupants. They are therefore considered

acceptable in principle subject to ensuring a high-quality, neighbourly design. Such matters are addressed below.

Achieving High Quality of Urban Design

Does the proposed development respect the character and appearance of the existing dwelling?	YES
Does the proposed development respect and accord to the established local character?	NO
Is the proposed development acceptable within the street scene or when viewed from public vantage points	NO
Is the proposed development acceptable and policy compliant?	NO

The application site is an end-of-terrace dwellinghouse within the estate built during the residential redevelopment of the former Rush Green Hospital site (approved under application 95/00266/TP1). Due to its modernity, little development has taken place on Foxglove Road. The applicant however seeks permission for the *Construction of a first floor side extension*.

Policy

Paragraph 126 of the NPPF (2021) outlines that the fundamental role of the planning and development process is to facilitate the creation of high quality, beautiful and sustainable buildings and places, highlighting that good design is a key element in achieving sustainable development. Paragraph 130 sets out that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. It is also important that policies and decisions are sympathetic to local character and history, whilst not preventing appropriate innovation or change. Paragraph 134 advises that permission should be refused in cases where development demonstrates poor design, especially where it fails to reflect local design policies and government guidance on design.

It is advised that the buildings and structures should be of the highest architectural quality and comprise details and materials that complement the local architectural character, something further supported by Policy CP3 of the Core Strategy DPD. The London Plan (2021) Policies D1 and D4 discuss the need for good design to be thoroughly scrutinised at application stage, including elements relating to layout, scale, density, landuses, materials, detailing and landscaping.

This is further supported by policy BP11 of the Borough Wide DPD and Policies SP2, DMD1 and DMD6 of the Draft Local Plan (Regulation 19 Consultation version, October 2020) which requires development to recognise and celebrate local character and use local context to inform detail, materials and landscape. Further they support proposed development which makes a positive contribution to the surrounding area with high quality design which is sympathetic to the design of the original dwelling with regards to scale, form, materials and detailing.

Construction of a first floor side extension

LBBD's SPD states that the design of your side extension should reflect the type of house and the type of plot. Side extensions have the potential to cause significant impact upon the character of an area. It is essential that you pay particular attention to the manner in which your proposal is designed. All side extensions should be particularly sympathetic in terms of their form, roof treatment, detailing and materials.

If you live in a house which is end-of-terrace and you extend your house to the side, the gap separating your property from your neighbours may become closed and have a detrimental effect on the street scene. Where it is considered that the gaps between buildings contribute positively to the character of the area it will be expected that the first floor of proposed side extensions are set off the side boundary of the site.

The proposed side extension is on the eastern side of the dwellinghouse, on the corner where the front elevation joins the eastern elevation.

At present, the estate within which the dwellinghouse is sited has a strong architectural form and character which has been largely unchanged by development. The terrace upon which the application site is sited has a symmetrical form, with each end dwelling mirroring the other. One notable mirrored feature is the garage/car porch adjoining the side of each end-of-terrace dwelling with a pitched roof sloping off the side elevation of the dwellinghouses.

The proposed development will omit this feature, building on top of the garage/porch. The first floor extension will have a depth of 4m and a width of approximately 3.5m. The proposed side extension will

Officer Comment:

introduce a new pitched roof form to the roofscape of the dwellinghouse. Although this is considered to respect the design of the existing dwellinghouse, it will differentiate the dwellinghouse from the surrounding properties which share a distinctive common character. Additionally, the proposed dwelling will introduce a new pitched, porch-like roof form over the front door of the dwelling.

As such, the front elevation of the dwellinghouse highly visible from street view will change dramatically and most crucially, no longer mirror the dwelling at the other end of the terrace row. More widely, the appearance of the dwelling will no longer reflect the design with which the estate was modeled, rendering the application site an outlier.

On account of the impact to surrounding local character and building symmetry, officers find the proposed development to be unacceptable, failing to comply with requirements laid out in the NPPF, Policies D1 and D4 of the London Plan, Policy CP3 of the Core Strategy, Policies BP8 and BP11 of the Borough Wide Development Plan and Policies SP2, DMD1 and DMD6 of the Draft Local Plan.

Delivering Neighbourly Development

	12 Foxglove Road	8 Foxglove Road	N/A			12 Foxglove Road	8 Foxglove Road	N/A
Outlook:				Overshadowing:				
Loss from habitable rooms?	NO	NO		Shadow cast into rooms?	NO	NO		
Is it unacceptable?				Is it unacceptable?				
				Shadow into garden?	NO	NO		
Loss of Privacy:				Is it unacceptable?				
Overlooking the garden?	NO	NO						
Is it unacceptable?				Overbearing:				
Overlooking into rooms?	NO	NO		Impact on habitable rooms?	NO	NO		
Is it unacceptable?				Is it unacceptable?				
				Impact on gardens?	NO	NO		
Loss of Daylight:				Is it unacceptable?				
Loss into habitable rooms?	NO	NO						
Is it unacceptable?								

Policies BP8 and BP11 of the Borough Wide Development Document have specific regard to protecting residential amenity. Policy BP8 stresses that All developments (including alterations, extensions, conversions and infill developments) are expected to have regard to the local character of the area and help to create a sense of local identity, distinctiveness and place and not lead to significant overlooking (loss of privacy and immediate outlook) or overshadowing (loss of daylight and sunlight).

At a local level, policies DMD1 and DMD6 of the Draft Local Plan (2020) also emphasize that householder extensions and alterations must consider the impact on the amenity of neighbouring properties, avoiding significant overlooking (loss of privacy and immediate outlook) and overshadowing (loss of daylight and sunlight). The Altering and Extending your Home SPD (2012) advises of the importance for extensions to properties to be neighbourly, attractive, of high quality and work well for residents and neighbours.

Officer Comment:

12 Foxglove Road

No.12 adjoins the application site to the west. The proposed development is on the eastern side of the application site. As such, no material impact will occur.

8 Foxglove Road

No.8 is situated to the east of the application site. There are no windows on the side elevation of the neighbouring dwellinghouse. Officers do not anticipate any material impact on neighbouring amenity as a result of the proposed development.

Delivering Sustainability

<i>Does the proposed development promote or enhance biodiversity?</i>	NO
<i>Has established vegetation been preserved or appropriately relocated/mitigated against?</i>	YES
<i>Officer Comment:</i>	Although the application has not incorporated any biodiversity enhancement measures, the proposed development would not impinge on the garden space of the property and would therefore have no overall impact on the biodiversity value of the site.

Meeting the Needs of Homeowners

<i>Are all proposed rooms well-lit by daylight and naturally vented through opening windows?</i>	YES
<i>Are the sizes of all proposed rooms appropriate in size for the purpose they are designed for?</i>	YES
<i>Officer Comment:</i>	The proposed extension is intended to rationalise and expand the layout of the existing dwelling through the provision of appropriately sized and lit home extensions.

Other Material Considerations

N/A

CONCLUSION

The proposed construction of a first floor side extension will have a significant impact on the symmetrical relationship between the two end-of-terrace dwellings along the terrace row. Consequentially, the proposed development fails to respect and accord to the established local character of the modern estate within which it is sited. As such, the proposed development presents a disruption to the surrounding local character, building lines and symmetry. The proposal is therefore considered contrary to the Development Plan policies and guidance specified above, and it is recommended that planning permission be refused.

LBBB Reference: 22/00254/HSE

Ivan Jaffa
5 The Cobbles
Brentwood
CM15 8BP

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 22/00254/HSE
Address: 10 Foxglove Road, Rush Green, Romford, Barking And Dagenham, RM7 0YQ
Development Description: Construction of a first floor side extension

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: Ivan Jaffa
5 The Cobbles
Brentwood CM15 8BP

Applicant: E Morina
10 FOXGLOVE ROAD
ROMFORD CM15 8BP

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00254/HSE
Application Type: Householder Planning Permission
Development Description: Construction of a first floor side extension
Site Address: 10 Foxglove Road, Rush Green, Romford, Barking And Dagenham, RM7 0YQ
Date Received: 18 February 2022
Date Validated: 18 February 2022

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The scale, siting and design of the proposed development will have a significant impact on the symmetrical relationship along the terrace row. Consequentially, the proposed development fails to respect and accord to the established local character of the estate within which it is sited, presenting a disruption to the surrounding form, character and symmetry.. As such, the proposed development is contrary to: - National Planning Policy Framework (DLUHC , 2021); - Policy D4 of the London Plan (March 2021); - Policy CP3 of the LDF Core Strategy (July 2010); - Policies BP8 and BP11 of the LDF Borough Wide Development Plan Policies DPD (March 2011); - Policies SP2, DMD1 and DMD6 of the Draft Local Plan (Regulation 19 Consultation version, September 2020); -The Residential Extensions and Alterations Supplementary Planning Document (February 2012)

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application:

7040/1- Existing Ground and First Floor Plans and Existing Front, Rear and Side Elevations- 02/2022

7040/2- Proposed Ground and First Floor Plans and Proposed Front, Rear and Side Elevations- 02/2022

Block Plan- 16/02/2022

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could

not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 13/04/2022

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Application Reference:

22/00418/PRIEXT

Application Description:

Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 3.80 metres. The maximum height of the proposed extension from the natural ground level is 2.12 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.12 metres.

Decision:

Prior Approval Not
Required



Teen Challenge (London)

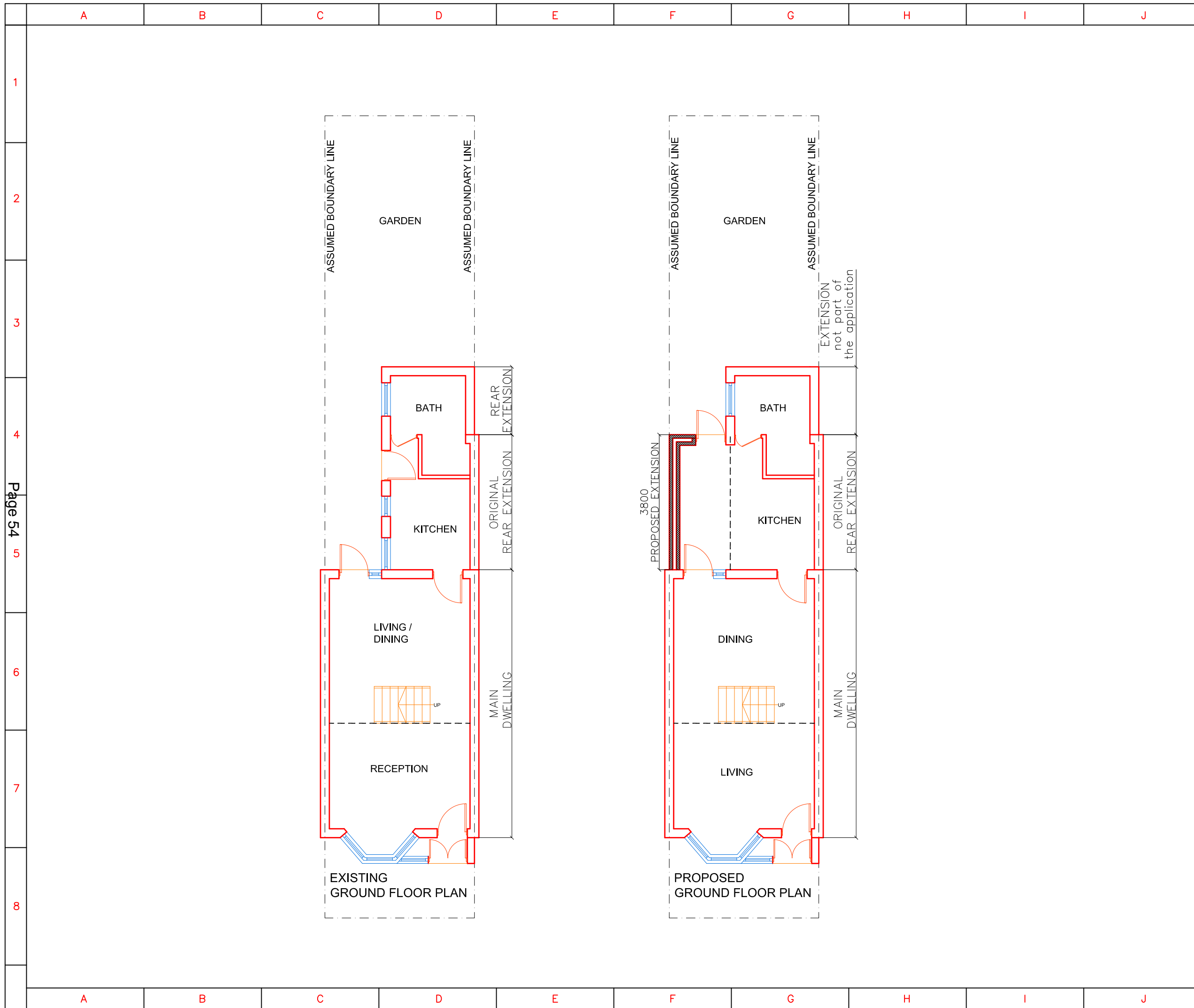
Page 53

Margcorp IT Services

Ideal Builders
Kitchen supply shop

Google

yahya tuition center



PARTY WALL NOTICES:
PLEASE NOTE THAT BEFORE BUILDING WORKS COMMENCES IT IS THE RESPONSIBILITY OF BUILDER OR OWNER TO SERVE PARTY WALL NOTICES TO ALL NEIGHBOURS

NOTIFICATION OF COMPLETION TO COUNCIL FOR PRIOR APPROVAL:

DEVELOPER IS REQUIRED TO NOTIFY LOCAL PLANNING AUTHORITY OF THE COMPLETION OF DEVELOPMENT AS SOON AS REASONABLY PRACTICABLE AFTER COMPLETION. NOTIFICATION SHALL BE IN WRITING AND SHALL INCLUDE NAME OF THE DEVELOPER, THE ADDRESS OR LOCATION OF THE DEVELOPMENT AND THE DATE OF COMPLETION.

NOTE:
DIMENSIONS: ALL DIMENSIONS TO BE CHECKED ON SITE. CONTRACTOR TO CHECK SITE THOROUGHLY BEFORE WORK STARTS & REPORT ANY DISCREPANCIES.

THIS DRAWING IS COPYRIGHT AND MUST NOT BE TRACED OR COPIED IN ANY WAY OR FORM.

CONTRACTOR TO VERIFY ALL BOUNDARY POSITIONS AND DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORKS, MAKING WORKSHOP DRAWINGS OR OBTAINING ANY MATERIALS.

NOTE: NO CHECK DIMENSIONS OF THE SITE HAVE BEEN TAKEN AND ALL INFORMATION AND DETAILS HAVE BEEN PROVIDED BY THE CLIENT.

THE DRAWING DOES NOT INDICATE OR IMPLY THE STRUCTURAL CONDITION OF THE EXISTING PROPERTY. THE DRAWINGS HAVE BEEN PREPARED FOR ASSISTANCE IN THE PREPARATION OF DETAILS FOR PLANNING AND BUILDING REGULATIONS PURPOSES ONLY. NO CHECK DIMENSIONS HAVE BEEN TAKEN, ALL DETAILS HAVE BEEN PROVIDED BY THE CLIENT.

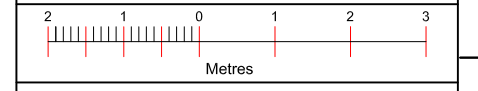
PERMITTED DEVELOPMENT:

AFTER CONFIRMATION FROM LOCAL AUTHORITY THAT PRIOR APPROVAL IS NOT REQUIRED, IT MUST BE ENSURED THAT THE PROPOSED EXTENSION COMPLIES WITH ALL OF THE CRITERIA SET OUT WITHIN THE TOWN AND COUNTY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1999 SCHEDULE 2, PART 1, CLASS A.

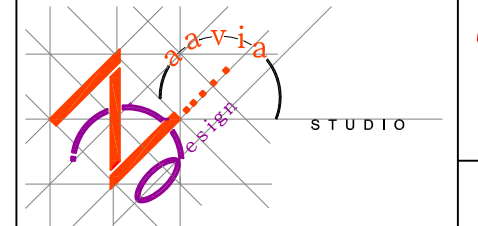
IT IS STRONGLY RECOMMENDED TO APPLY FOR A CERTIFICATE OF LAWFULNESS FOR A FORMAL CONFIRMATION.

ANY DEVELOPMENT WITH OUT A CERTIFICATE OF LAWFULNESS IS SOLELY AT OWNER'S RISK.

THE USE OF PERMITTED DEVELOPMENT RIGHT IN PROPERTY IS SUBJECT TO INFORMATION PROVIDED BY OWNER REGARDING THE STATUS OF PROPERTY AS A DWELLING HOUSE AND THE DWELLING NOT BEING IN A CONSERVATION AREA. ANY DEVELOPMENT WITH OUT A CERTIFICATE OF LAWFULNESS OR PLANNING PERMISSION IS SOLELY AT OWNER'S RISK.



A	070322	US	FIRST ISSUE
ISSUE	DATE	INITIALS	DESCRIPTION



15 Yoxley Drive IG2 6PZ [020 8924 1441]

PROJECT
101 VICTORIA ROAD
BARKING
IG11 8PZ

DWG TITLE
EXISTING & PROPOSED PLANS

CLIENT
MS. MANJULA KUKADIA

DWG NO: ZAAVIA/101VR/101 **ISSUE**
A

SCALE 1:100@A3 **DATE** 07 MAR **DRAWN BY** US

Delegated Report

Notification for Prior Approval for a Proposed Larger Home Extension

Case Officer:	Bethany Robins	Valid Date:	11 March 2022
Officer Recommendation:	Prior Approval Not Required	Expiry Date:	22 April 2022
Application Number:	22/00418/PRIEXT	Recommended Date:	04 April 2022
Address:	101 Victoria Road, Barking, Barking And Dagenham, IG11 8PZ		
Proposal:	Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 3.80 metres. The maximum height of the proposed extension from the natural ground level is 2.12 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.12 metres.		

Neighbour Notification

Address:	Summary of response:
99 Victoria Road, Barking, Barking And Dagenham, IG11 8PZ	No response.
103 Victoria Road, Barking, Barking And Dagenham, IG11 8PZ	No response.

Relevant Legislation

- The Town and Country Planning Act 1990 (as amended)
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class A

ASSESSMENT

A. Dwellinghouse

<i>Is the application site a Dwellinghouse?</i>	YES
---	------------

B. Pre-Commencement & Planning Enforcement

<i>Have works commenced on site (all or in part) in relation to that proposed?</i>	NO
<i>Is the application site the subject of a related enforcement case?</i>	NO

C. Conservation Area (Article 2(3) land)

<i>Is the application site located within a Conservation Area (Article 2(3) land)?</i>	NO
--	-----------

D. Permitted Development Rights

<i>Have the provisions of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) been removed from YES/NO the application site?</i>	NO
---	-----------

E. Application Clarity

<i>Has the developer provided sufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted by Class A</i>	YES
---	------------

F. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class A Criteria

<i>Does the proposed development comply with the conditions, limitations or restrictions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class A?</i>	YES
--	------------

CONCLUSION**Prior Approval Not Required**

Having regard to the proposed development and further to the assessment above, Prior Approval for a 'Proposed Larger Home Extension' is not required.

LBBB Reference: 22/00418/PRIEXT

Manjula Kukadia
101 VICTORIA ROAD
BARKING
IG11 8PZ

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)**

Dear Sir / Madam,

Application Number: 22/00418/PRIEXT
Address: 101 Victoria Road, Barking, Barking And Dagenham, IG11 8PZ
Development Description: Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 3.80 metres. The maximum height of the proposed extension from the natural ground level is 2.12 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.12 metres.

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: **Applicant:** Manjula Kukadia
101 VICTORIA ROAD
BARKING

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00418/PRIEXT
Application Type: Prior Approval: Larger Home Extension
Development Description: Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 3.80 metres. The maximum height of the proposed extension from the natural ground level is 2.12 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.12 metres.
Site Address: 101 Victoria Road, Barking, Barking And Dagenham, IG11 8PZ
Date Received: 11 March 2022
Date Validated: 11 March 2022

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PRIOR APPROVAL is **NOT REQUIRED** for the carrying out of the proposal referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application, subject to the conditions and reasons listed below.

Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby approved shall only be carried out in accordance with the following approved plans and documents:

- ZAAVIA/101VR/101 - Existing & Proposed Plans - 07 MAR
- ZAAVIA/101VR/103 - Proposed Elevation - 07 MAR
- ZAAVIA/101VR/105 - Proposed Site Plan - 07 MAR

No other drawings or documents apply.

Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s), to ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to satisfactorily protect the residential amenities of nearby occupiers.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwellinghouse.

Reason: To ensure that the finished appearance of the development will respect the character and visual amenities of the local area.

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has

implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to work with the Applicant in a positive and proactive manner. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

DATE OF DECISION: 19/04/2022

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

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No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

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- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

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In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Application Reference:

22/00428/HSE

Application Description:

Construction of a single storey rear extension and a rear dormer extension.

Decision:

Refused





SIDE ELEVATION

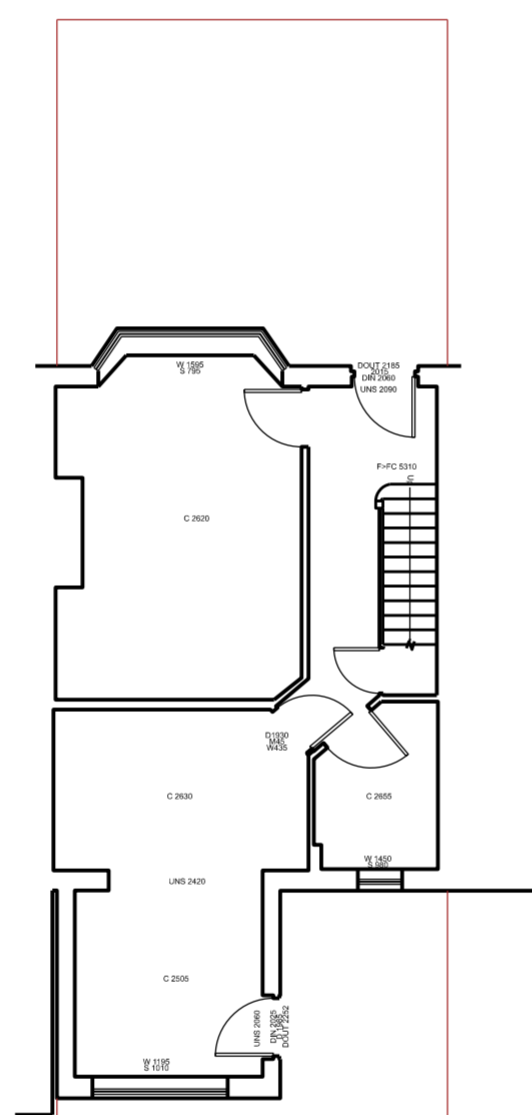
REAR ELEVATION

FRONT ELEVATION

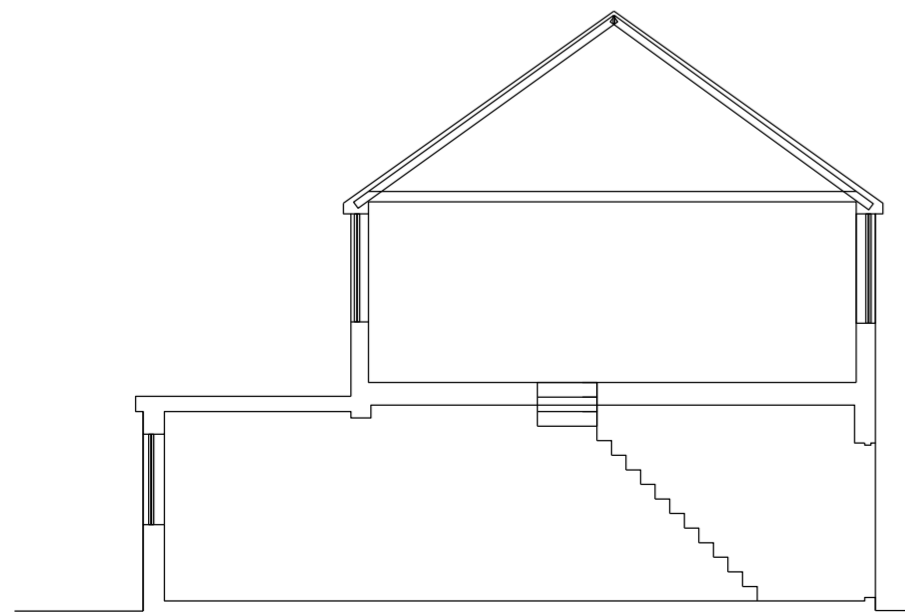


ROOF PLAN

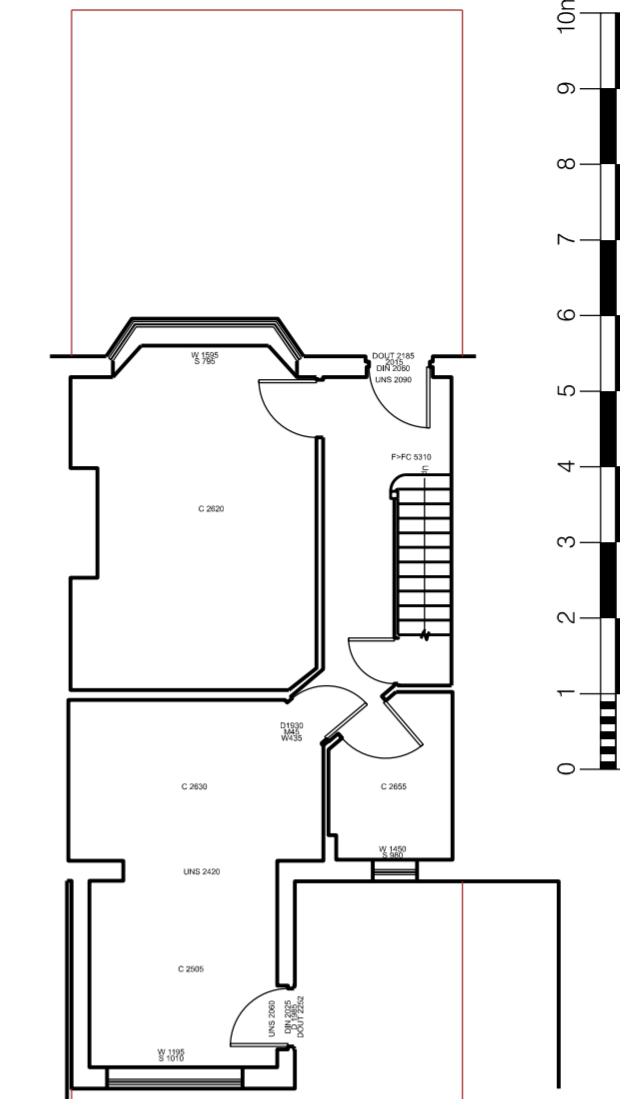
FIRST FLOOR PLAN



GROUND FLOOR



SECTION



SITE



Project Number:
60KAR

Project Address:
60 KINGS AVE
ROMFORD RM6 6BB

Description:
EXISTING PLANS & ELEVATIONS

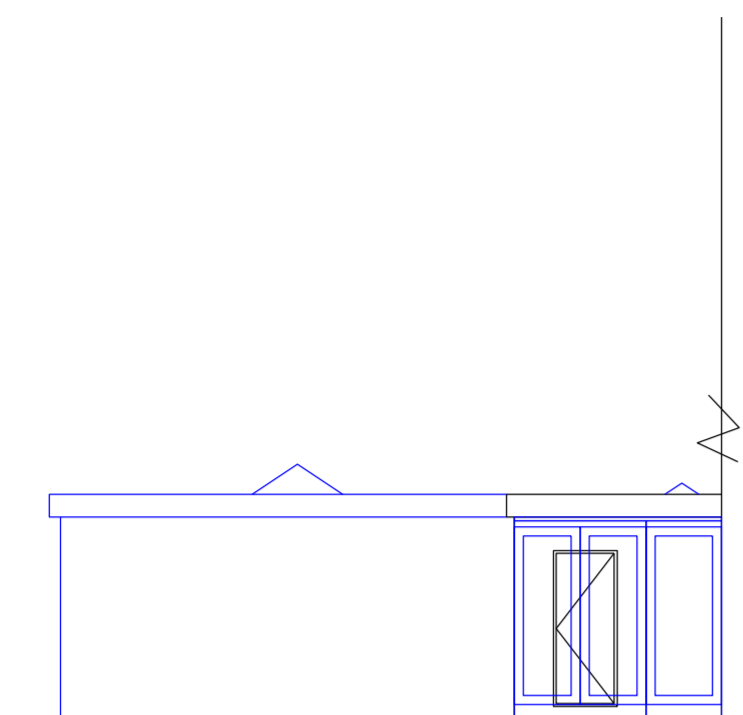
Rev	Description	Date

Drawing number	60KRR E
Date	08/02/22
Drawn by	MS
Checked by	
Scale	1:100@A2 1:1250@A2

SIG Design

SIG Design ©
Oakdene Business Centre
Cranes Close
Basildon
SS14 3JB

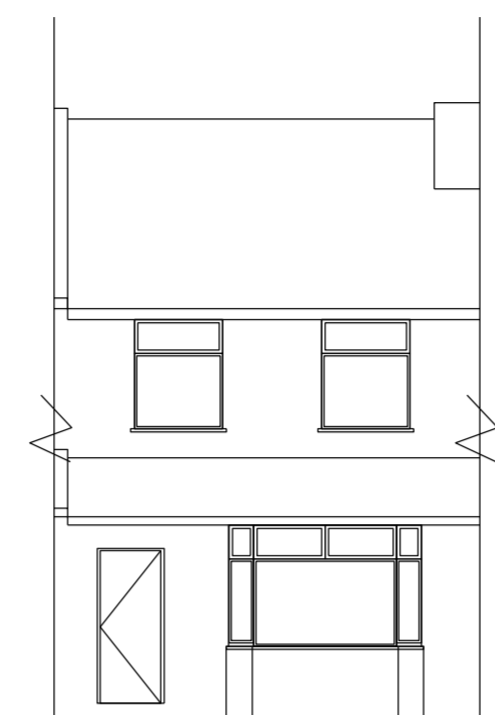
T: +44 (0)794 6795314
E: martin@sigdesign.co.uk
W: www.sigdesign.co.uk



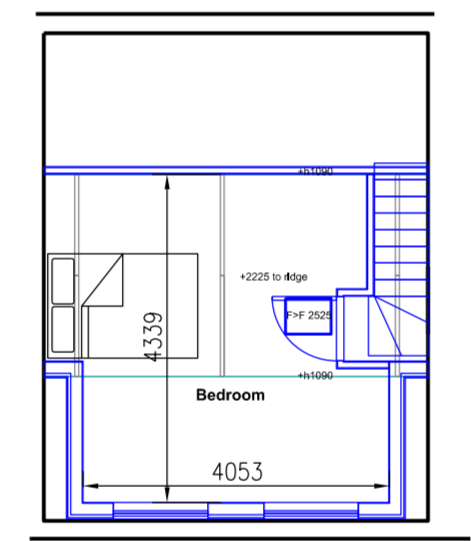
SIDE ELEVATION



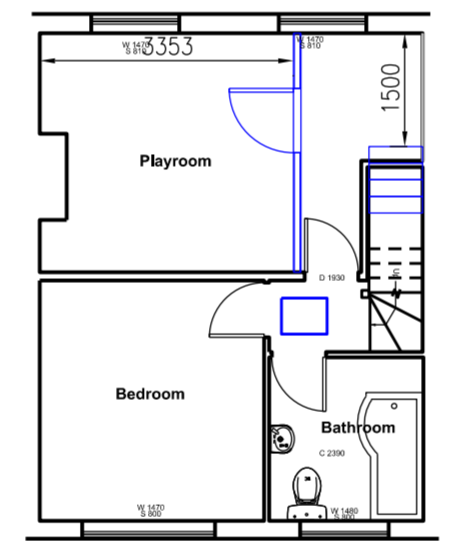
REAR ELEVATION



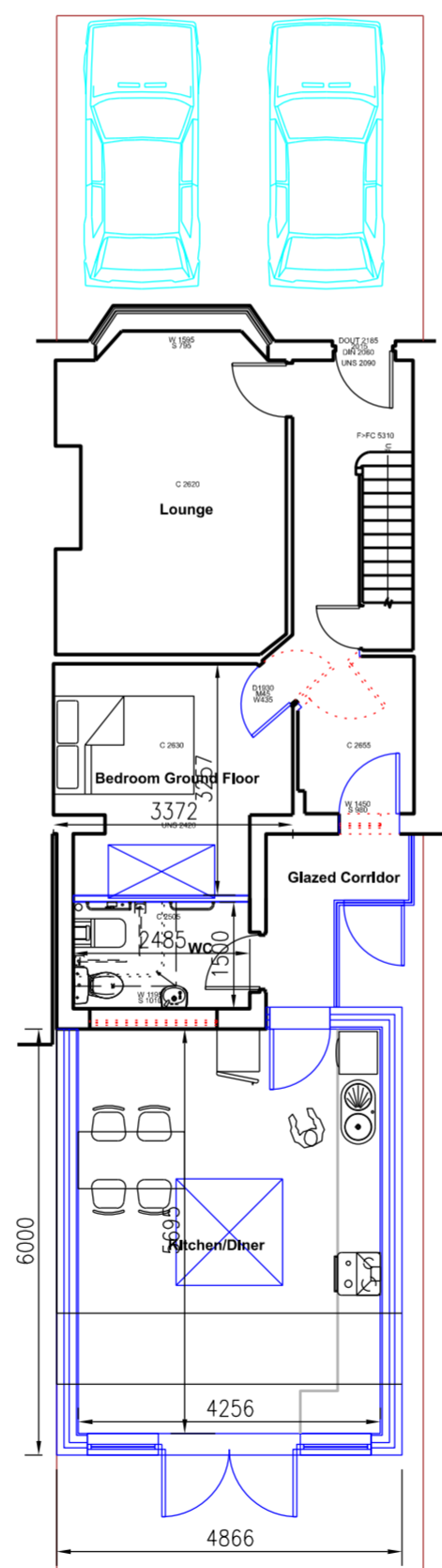
FRONT ELEVATION



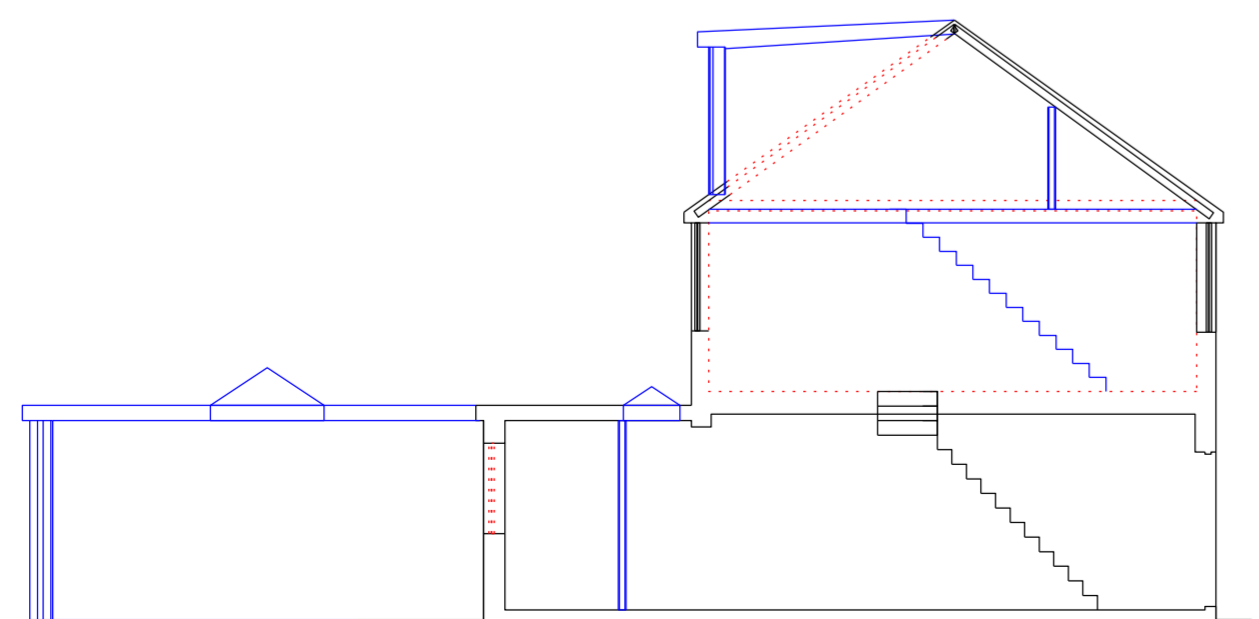
ROOF PLAN



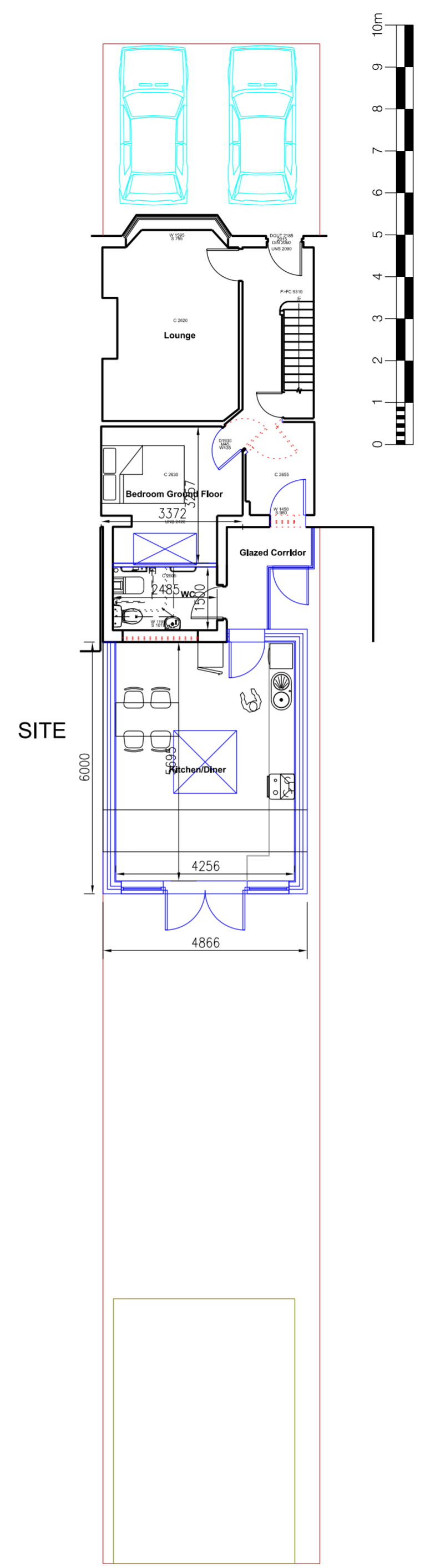
FIRST FLOOR PLAN



GROUND FLOOR



SECTION



Project Number:
60KAR

Project Address:
60 KINGS AVE
ROMFORD RM6 6BB

Description:
PROPOSED PLANS & ELEVATIONS

Rev	Description	Date

Drawing number	60KRR P
Date	08/03/2022
Drawn by	MS
Checked by	
Scale	1:100@A2 1:1250@A2

SIG Design

SIG Design ©
Oakdene Business Centre
Cranes Close
Basildon
SS14 3JB

T: +44 (0)794 6795314
E: martin@sigdesign.co.uk
W: www.sigdesign.co.uk

Delegated Report

Householder Application for Planning Permission for Works or Extension to a Dwelling

Case Officer:	Charlotte Codd	Valid Date:	12 March 2022
Officer Recommendation:	Refused	Expiry Date:	07 May 2022
Application Number:	22/00428/HSE	Recommended Date:	07 April 2022
Address:	60 Kings Avenue, Chadwell Heath, Romford, Barking And Dagenham, RM6 6BB		
Proposal:	Construction of a single storey rear extension and a rear dormer extension.		

Planning Constraints

N/A

Consultations

N/A

Neighbour Notification

Date Consultation Letter Sent:	14/3/22
Number of Neighbours Consulted:	3
Address:	<i>Summary of reponse:</i>
62 Kings Avenue, Chadwell Heath, Romford, Barking And Dagenham, RM6 6BB	<p>'I do not fully support the above application for the following reasons:</p> <p>RIGHT OF LIGHT The proposed plans will reduce the light levels to the rear of my property; therefore, I trust the Right of Light rules will be observed and adhered to.</p> <p>My back door is situated on the side of my property facing number 60's current kitchen extension. I am concerned that if the proposed new ground floor kitchen extension was extended out towards my property it would cut out the natural light.</p> <p>My bathroom window is also situated on the ground floor next to my back door which will also be affected by lack of light.</p> <p>PARTY WALL AGREEMENT: I am concerned that a Party Wall Agreement may not be raised. How do I ensure that a PWA in put in place? If this is not the right forum to submit my concerns, please let me know where/how to do so.'</p> <p>Officers advised the consultee that party wall issues are a civil matter and are not material to the planning assessment.</p>

Relevant Planning History

Application Number:	79/00709/TP	Status:	Approved
Description:	Erection of single storey rear kitchen and bathrom extension		

Development Plan Context

The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:

National Planning Policy Framework (NPPF) (DLUHC, 2021)

London Plan (March 2021)

Policy D1 - London's Form, Character and Capacity for Growth
Policy D4 - Delivering Good Design

	Policy D8 - Public Realm
Local Development Framework (LDF) Core Strategy (July 2010)	Policy CR2 - Preserving and Enhancing the Natural Environment Policy CP3 - High Quality Built Environment
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BP8 - Protecting Residential Amenity Policy BP11 - Urban Design
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.	
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	Policy SP2 - Delivering a well-designed, high quality and resilient built environment Policy SP4 - Delivering quality design in the borough. Policy DMD1 - Securing high quality design Policy DMD6 - Householder extensions and alterations Policy DMNE3 - Nature conservation and biodiversity
Supplementary Planning Documents	Residential Extensions and Alterations (SPD) (February 2012)

ASSESSMENT

Principle of the Development	
<i>Is the proposed development acceptable 'in principle'?</i>	YES
<i>Officer Comment:</i>	The overriding objective of the local policies is to deliver high quality development which improves the quality and distinctive identity of places and meets the housing needs of existing and future residents. As such, it is acknowledged that extensions to existing family dwelling houses can facilitate additional and enhanced living space for improved living conditions for occupants. They are therefore considered acceptable in principle subject to ensuring a high-quality, neighbourly design. Such matters are addressed below.

Achieving High Quality of Urban Design	
<i>Does the proposed development respect the character and appearance of the existing dwelling?</i>	NO
<i>Does the proposed development respect and accord to the established local character?</i>	NO
<i>Is the proposed development acceptable within the street scene or when viewed from public vantage points</i>	NO
<i>Is the proposed development acceptable and policy compliant?</i>	NO
	<p>Paragraph 126 of the NPPF (2021) outlines that the fundamental role of the planning and development process is to facilitate the creation of high quality, beautiful and sustainable buildings and places, highlighting that good design is a key element in achieving sustainable development. Paragraph 130 sets out that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. It is also important that policies and decisions are sympathetic to local character and history, whilst not preventing appropriate innovation or change. Paragraph 134 advises that permission should be refused in cases where development demonstrates poor design, especially where it fails to reflect local design policies and government guidance on design.</p> <p>It is advised that the buildings and structures should be of the highest architectural quality and comprise details and materials that complement the local architectural character, something further supported by Policy CP3 of the Core Strategy DPD. The London Plan (2021) Policies D1 and D4 discuss the need for good design to be thoroughly scrutinised at application stage, including elements relating to layout, scale, density, landuses, materials, detailing and landscaping. This is further supported by policy BP11 of the Borough Wide DPD and Policies SP2, DMD1 and DMD6 of the Draft Local Plan (Regulation 19 Consultation version, October 2020) which requires development to recognise and celebrate local character and use local context to inform detail, materials and landscape. Further they support proposed development which makes a positive contribution to the surrounding area with high quality design which is sympathetic to the design of the original dwelling with regards to scale, form, materials and detailing.</p> <p>The SPD states rear extensions have a much reduced impact upon the street scene. However, a rear extension can have a significant impact on your neighbour's amenity. As such, if the house is terraced or semi-detached, the depth of the extension should not normally exceed 3.65 metres as measured from the original rear wall of the house to ensure that there is no material loss of daylight and outlook to neighbouring properties. In exceptional circumstances, where an extension has a greater depth, that part of the extension which exceeds 3.65 metres must be within a 45 degree angle as measured from the corner of adjacent dwellings. Further, if the extension will have a flat roof then its height should not</p>

Officer Comment:

exceed 3 metres.

Regarding dormer windows, the SPD (2012) states Your dormer window should be designed so that it sits entirely within the roof slope and does not unduly dominate the house. No part of the dormer should extend above the ridge and beyond the eaves or flanks of the roof. The front edge of the dormer should be set back from the eaves of the roof to avoid the roof being squared off. The materials used in the construction of the dormer should match those used in the existing house.

Rear Extension

The application site is a two storey mid terraced dwelling house located to the East of Kings Avenue. The dwelling has an existing 2.8m rear extension approved on 79/00709/TP with a width of approx 3m, set off the boundary to the North by 2.2m. It comprises a flat roof design with a eaves of 2.8m.

The proposed 6m rear extension will adjoin the existing rear extension. It has a width of 4.8m and will be set off the boundary to the North by 0.3m. A glazed corridor from the existing rear door of the original dwelling will provide access to the new rear extension, adjacent to the smaller rear extension.

Officers note that both adjacent properties have existing rear extensions. No.58 to the South has an existing 3.2m extension and No.62 to the North has an existing 2.8m extension, which is set off the boundary with the application site by 1.2m. As per guidance in the SPD (2012) the depth of the extension should not normally exceed 3.65 metres. However, the proposal will extend a further 5.6m from the rear elevation of No.58 and 6m from the rear elevation of No.62 - as a result of both of these properties existing rear extensions. Additionally, the part of the proposal that extends beyond 3.65m from the rear elevations of adjacent properties is not set within a 45 degree angle. As such, the design is not considered to protect neighbouring amenity and is therefore unacceptable on account of the size and scale of the proposal.

Rear Dormer

The applicant also seeks permission for a rear dormer extension. The dormer will have a total volume of approx 16.6 SQM and will be set at least 0.2m from the eaves. The proposal should be set down from the roof ridge in order to show it is a clear addition to the roof and avoid it appearing squared off, however this is not a reason for refusal. As such, officers consider this element of the proposal to be acceptable.

Conclusion

Overall, as a result of the size and scale of the rear extension officers consider the design of the proposal to be unacceptable and not compliant with the aforementioned policies.

Delivering Neighbourly Development								
	No. 58 Kings Avenue	No.62 Kings Avenue	N/A			No. 58 Kings Avenue	No.62 Kings Avenue	N/A
Outlook:				Overshadowing:				
Loss from habitable rooms?	NO	NO		Shadow cast into rooms?	NO	YES		
Is it unacceptable?				Is it unacceptable?		YES		
				Shadow into garden?	NO	YES		
Loss of Privacy:				Is it unacceptable?		YES		
Overlooking the garden?	NO	NO						
Is it unacceptable?				Overbearing:				
Overlooking into rooms?	NO	NO		Impact on habitable rooms?	YES	YES		
Is it unacceptable?				Is it unacceptable?	YES	YES		
				Impact on gardens?	YES	YES		

Loss of Daylight:			<i>Is it unacceptable?</i>	YES	YES	
Loss into habitable rooms?	YES	YES				
<i>Is it unacceptable?</i>	YES	YES				
<i>Officer Comment:</i>	<p>London Plan policy D6 states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. It notes that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. This is reiterated within policies BP8 and BP11 of the Borough Wide Development Document, which have specific regard to protecting residential amenity. Policy BP8 stresses that all developments (including alterations, extensions, conversions and infill developments) are expected to have regard to the local character of the area and help to create a sense of local identity, distinctiveness and place and not lead to significant overlooking (loss of privacy and immediate outlook) or overshadowing (loss of daylight and sunlight).</p> <p>At a local level, policies DMD1 and DMD6 of the Draft Local Plan (2020) also emphasizes that householder extensions and alterations must consider the impact on the amenity of neighbouring properties, avoiding significant overlooking (loss of privacy and immediate outlook) and overshadowing (loss of daylight and sunlight). The Altering and Extending your Home SPD (2012) advises of the importance for extensions to properties to be neighbourly, attractive, of high quality and work well for residents and neighbours.</p> <p>The SPD states rear extensions have a much reduced impact upon the street scene. However, a rear extension can have a significant impact on your neighbour's amenity. As such, if the house is terraced or semi-detached, the depth of the extension should not normally exceed 3.65 metres as measured from the original rear wall of the house to ensure that there is no material loss of daylight and outlook to neighbouring properties. In exceptional circumstances, where an extension has a greater depth, that part of the extension which exceeds 3.65 metres must be within a 45 degree angle as measured from the corner of adjacent dwellings. Further, if the extension will have a flat roof then its height should not exceed 3 metres</p> <p>The impact to neighbouring amenity will be assessed below:</p> <p><u>No.58 Kings Avenue</u></p> <p>This property sits to the South of the applicaiton site on the same terrace. It has an existing 3.2m rear extension. As the proposal adjoins the existing 2.8m rear extension, it will extend a further 5.6m from the rear elevation of No.58. This is 1.95m more than the guidance advises in the SPD (2012) in order to protect neighbouring amenity. As such, the proposal will have an overbearing impact onto the rear garden and ground floor windows of No.58. It will also cause a loss of daylight into the rear ground floor windows. As such, the proposal does not adequately protect neighbouring amenity.</p> <p><u>No.62 Kings Avenue</u></p> <p>This property sits to the North of the application site on the same terrace and has an existing 2.8m rear extension set off the boundary with the application site. In this gap there is a rear ground floor window. Officers note a consultee comment was recieved from the occupant of this property, raising concerns around loss of light to the ground floor rear windows. As the proposal will extend a further 6m from the rear elevation of No.62, officers consider there will be a material ovebearing impact onto the rear windows and garden of this property. Additionally, there will be a material loss of light and potential overshadowing impact as a result of the proposal sitting to the South of this dwelling.</p> <p>As such, the proposal does not adequately protect neighbouring amenity.</p>					

Delivering Sustainability	
<i>Does the proposed development promote or enhance biodiversity?</i>	NO
<i>Has established vegetation been preserved or appropriately relocated/mitigated against?</i>	NO
<i>Officer Comment:</i>	The application has not incorporated any proposed biodiversity enhancement measures and the extension will result in the loss of a portion of grassed area. Whilst there is scope to compensate for such loss and to further improve the biodiversity value of the site, the lack of any compensatory or enhancement measures in this instance would not warrant reason for refusal noting there is still ample garden remaining.
Meeting the Needs of Homeowners	
<i>Are all proposed rooms well-lit by daylight and naturally vented through opening windows?</i>	YES
<i>Are the sizes of all proposed rooms appropriate in size for the purpose they are designed for?</i>	YES

<i>Officer Comment:</i>	The proposed extension is intended to rationalise and expand the layout of the existing dwelling through the provision of appropriately sized and lit home extensions.
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Other Material Considerations

N/A

CONCLUSION

The proposed development fails to respect the character and appearance of the area and results in an unacceptable impact on the living conditions of neighbouring properties. The proposal is therefore considered contrary to the Development Plan policies and guidance specified above, and it is recommended that planning permission be refused.

LBBB Reference: 22/00428/HSE

Martin Sigournay
1 Goldlay Avenue
Chelmsford
CM2 0TL

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 22/00428/HSE
Address: 60 Kings Avenue, Chadwell Heath, Romford, Barking And Dagenham, RM6 6BB
Development Description: Construction of a single storey rear extension and a rear dormer extension.

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: Martin Sigournay
1 Goldlay Avenue
Chelmsford CM2 0TL

Applicant: Mulaj
CM2 0TL

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00428/HSE
Application Type: Householder Planning Permission
Development Description: Construction of a single storey rear extension and a rear dormer extension.
Site Address: 60 Kings Avenue, Chadwell Heath, Romford, Barking And Dagenham, RM6 6BB
Date Received: 12 March 2022
Date Validated: 12 March 2022

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The scale, siting and design of the proposed development would result in an increased sense of overbearingness and a harmful loss of outlook and daylight to neighbouring occupiers, therefore constituting unneighbourly development and contrary to: - National Planning Policy Framework National Planning Policy Framework (NPPF) (DLUHC, 2021) - Policy D4 of the London Plan (March 2021); - Policy CP3 of Local Development Framework (LDF) Core Strategy (July 2010) - Policies BP8 and BP11 of the Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011) - The Residential Extensions and Alterations Supplementary Planning Document (February 2012); - Policies SP2, DMD1 and DMD6 of The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application:

- Proposed Plans and Elevations, 60KRRP, 08/02/22
- OS Location Plan, 60KAR OS, 20/7/22
- Block Plan, 60 KAR BP, 04/03/22

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to

satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 20/4/22

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Application Reference:

22/00370/HSE

Application Description:

Construction of a single storey outbuilding within the rear garden to create a granny annexe

Decision:

Refused



agenham

Langhorne Rd

Langhorne Rd

Transforming Lives Company

Page 75

Manning Rd

Manning Rd

Manning Rd

Langhorne Rd

Langhorne Rd

Langhorne Rd

Langhorne Rd

Langhorne Rd

Ford Rd

Ford Rd

Moss Rd

Ford Rd

Google

Diamond plastering



EXISTING BLOCK PLAN
scale 1:100



PROPOSED BLOCK PLAN
scale 1:100

This drawing is not for CONSTRUCTION purposes. If no dimension is given, we take no responsibility for any dimension obtained by measuring or scaling from this drawing. This drawing is the property of Maplin Engineering Limited. It is copyright protected and is not to be reproduced, disclosed or copied without written permission.

Reference drawings						
Drawing No.	Rev	Drawing title				
1						
0		EXISTING & PROPOSED BLOCK PLAN	DC	OM	TA	08/03/2022
Rev	Description	Drawn by	Checked by	Appd by	Date	
Please check scale bar before scaling this drawing scale 1:100					A2	Scale 1:100

Project: GRANNY ANNEXE
 Location: 60 LANGHORNE ROAD, RM10 9RB
 Title: EXISTING & PROPOSED BLOCK PLAN



Dwg No. 18911	Phase: PLANNING	Sheet 1 of 1	Rev. 0
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Delegated Report

Householder Application for Planning Permission for Works or Extension to a Dwelling

Case Officer:	Charlotte Codd	Valid Date:	08 March 2022
Officer Recommendation:	Refused	Expiry Date:	03 May 2022
Application Number:	22/00370/HSE	Recommended Date:	06 April 2022
Address:	60 Langhorne Road, Dagenham, Barking And Dagenham, RM10 9RB		
Proposal:	Construction of a single storey outbuilding within the rear garden to create a granny annexe		

Planning Constraints

N/A

Consultations

Consultee:	Date Consulted:	Summary of response:
LBBB Access Officer	8/3/22	Bathroom door must open outwards or change to a sliding or bi-fold door.

Neighbour Notification

Date Consultation Letter Sent: 8/3/22

No response received.

Relevant Planning History

Application Number:	22/00471/CLUP	Status:	Decision Not Yet Taken
Description:	Application for a lawful development certificate (proposed) for the construction of a side dormer extension to facilitate conversion of roof space to habitable accommodation.		
Application Number:	22/00229/CLUP	Status:	Not Lawful (Certificate)
Description:	Application for a lawful development certificate (proposed) for the construction Hip-to-gable roof extension to accommodate a side dormer extension including a Juliette balcony to facilitate conversion of roof space into habitable accommodation.		

Development Plan Context

The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:

National Planning Policy Framework (NPPF) (DLUHC, 2021)

London Plan (March 2021)	Policy D1 - London's Form, Character and Capacity for Growth Policy D4 - Delivering Good Design Policy D8 - Public Realm
Local Development Framework (LDF) Core Strategy (July 2010)	Policy CR2 - Preserving and Enhancing the Natural Environment Policy CP3 - High Quality Built Environment
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BP8 - Protecting Residential Amenity Policy BP11 - Urban Design

The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.

The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	Policy SP2 - Delivering a well-designed, high quality and resilient built environment Policy SP4 - Delivering quality design in the borough. Policy DMD1 - Securing high quality design Policy DMD6 - Householder extensions and alterations
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ASSESSMENT

Principle of the Development

<i>Is the proposed development acceptable 'in principle'?</i>	YES
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<i>Officer Comment:</i>	The overriding objective of the local policies is to deliver high quality development which improves the quality and distinctive identity of places and meets the housing needs of existing and future residents. As such, it is acknowledged that extensions to existing family dwelling houses can facilitate additional and enhanced living space for improved living conditions for occupants. They are therefore considered acceptable in principle subject to ensuring a high-quality, neighbourly design. Such matters are addressed below.
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Achieving High Quality of Urban Design

<i>Does the proposed development respect the character and appearance of the existing dwelling?</i>	NO
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<i>Does the proposed development respect and accord to the established local character?</i>	NO
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<i>Is the proposed development acceptable within the street scene or when viewed from public vantage points</i>	NO
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<i>Is the proposed development acceptable and policy compliant?</i>	NO
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<i>Officer Comment:</i>	<p>Paragraph 126 of the NPPF (2021) outlines that the fundamental role of the planning and development process is to facilitate the creation of high quality, beautiful and sustainable buildings and places, highlighting that good design is a key element in achieving sustainable development. Paragraph 130 sets out that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. It is also important that policies and decisions are sympathetic to local character and history, whilst not preventing appropriate innovation or change. Paragraph 134 advises that permission should be refused in cases where development demonstrates poor design, especially where it fails to reflect local design policies and government guidance on design.</p> <p>It is advised that the buildings and structures should be of the highest architectural quality and comprise details and materials that complement the local architectural character, something further supported by Policy CP3 of the Core Strategy DPD. The London Plan (2021) Policies D1 and D4 discuss the need for good design to be thoroughly scrutinised at application stage, including elements relating to layout, scale, density, landuses, materials, detailing and landscaping. This is further supported by policy BP11 of the Borough Wide DPD and Policies SP2, DMD1 and DMD6 of the Draft Local Plan (Regulation 19 Consultation version, October 2020) which requires development to recognise and celebrate local character and use local context to inform detail, materials and landscape. Further they support proposed development which makes a positive contribution to the surrounding area with high quality design which is sympathetic to the design of the original dwelling with regards to scale, form, materials and detailing.</p> <p>Regarding outbuildings, the SPD (2012) states You will require planning permission for an outbuilding if it can function as an entirely separate dwelling. Its use must be ancillary or related to the use of your property as a dwelling. Any unrelated use will normally be refused. Your outbuilding should be designed and positioned in a manner which restricts its impact upon neighbouring dwellings. Any outbuilding which results in a material loss of light or outlook with respect to neighbouring dwellings will be considered unacceptable.</p> <p><u>Assessment</u></p> <p>The application site is a two storey end of terrace dwellinghouse located to the South of Langhorne Road. The applicant seeks permission for the construction of a single storey outbuilding within the rear garden to create a granny annexe. The proposal has a total area of 23.11 SQM. It has a depth of 4m along the west boundary and 4.7m along the east boundary and a width of 6.5m. The outbuilding comprises a flat green roof at a maximum height of 2.5m. The proposal will be accessed via the rear garden of the main dwellinghouse only. It will provide a bedroom, lounge and shower room.</p> <p>Officers consider the size and scale of the proposal to be appropriate to the main dwellinghouse. However, the proposal would introduce residential use to the rear garden setting. The design and access statement refers to the need for the outbuilding to provide space and privacy for an elderly resident. It is noted that kitchen facilities are not provided and the occupant would use the facilities in the main dwellinghouse. Whilst this does go some way to ensure the development is ancillary to the main dwellinghouse, it does not overcome the use of the building as a primary residential unit in a garden</p>
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setting, which is not supported,

Whilst outbuildings are common amongst neighbouring properties, the use of such as a residential unit is not supported. This has the potential to disrupt the break between existing residential buildings provided by the gardens, which is needed for privacy and noise reduction between dwellings. The introduction of a new residential unit to the rear of the dwelling would disrupt this established built pattern. The proposal presents an arrangement where an individual will be permanently living in the rear garden which is not a location suitable for primary residential use. This would present a discordant use of the garden setting and as such the proposal is found to be unacceptable in terms of design.

Delivering Neighbourly Development								
	No.58 Langhorne Road	No.60 Langhorne Road	No.51 Manning Road			No.58 Langhorne Road	No.60 Langhorne Road	No.51 Manning Road
Outlook:				Overshadowing:				
Loss from habitable rooms?	NO	NO	NO	Shadow cast into rooms?	NO	NO	NO	
Is it unacceptable?				Is it unacceptable?				
				Shadow into garden?	NO	NO	NO	
Loss of Privacy:				Is it unacceptable?				
Overlooking the garden?	NO	NO	NO					
Is it unacceptable?				Overbearing:				
Overlooking into rooms?	NO	NO	NO	Impact on habitable rooms?	NO	NO	NO	
Is it unacceptable?				Is it unacceptable?				
				Impact on gardens?	NO	NO	NO	
Loss of Daylight:				Is it unacceptable?				
Loss into habitable rooms?	NO	NO	NO					
Is it unacceptable?								

London Plan policy D6 states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. It notes that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. This is reiterated within policies BP8 and BP11 of the Borough Wide Development Document, which have specific regard to protecting residential amenity. Policy BP8 stresses that all developments (including alterations, extensions, conversions and infill developments) are expected to have regard to the local character of the area and help to create a sense of local identity, distinctiveness and place and not lead to significant overlooking (loss of privacy and immediate outlook) or overshadowing (loss of daylight and sunlight).

At a local level, policies DMD1 and DMD6 of the Draft Local Plan (2020) also emphasizes that householder extensions and alterations must consider the impact on the amenity of neighbouring properties, avoiding significant overlooking (loss of privacy and immediate outlook) and overshadowing (loss of daylight and sunlight). The Altering and Extending your Home SPD (2012) advises of the importance for extensions to properties to be neighbourly, attractive, of high quality and work well for residents and neighbours.

The impact to neighbouring amenity will be assessed below:

No. 58 Langhorne Road

Officer Comment:

This property sits to the West of the application site. The proposal will abut the boundary at the rear garden of this property and extend along a depth of 4m. Due to the appropriate size and scale of the proposal officers consider it will have an acceptable impact on neighbouring amenity. Officers note that No.58 has a small rear outbuilding that will mitigate the impact of the proposal onto the rear garden.

	<p><u>No.60 Langhorne Road</u></p> <p>This property sits to the East of the applicaiton site. The proposal will abut the boundary with this dwelling and extend along it at a depth of 4.7m. Officers note No.60 has two smaller outbuildings/sheds located in the rear garden. Due to the proposal location it will have no impact on the dwellinghouse. Whilst the depth of the proposal is slightly larger than on the East boundary, it is considered to have an acceptable impact on neighbouring amenity due to the impact being focused on a small area of the rear garden. As such it is considered acceptable.</p>
	<p><u>No.51 Manning Road</u></p> <p>This property sits to the South of the application site and shares a rear boundary. The proposal will extend along the boundary by 6.5m. As any impact will be focused on the rear garden of No.51 officers find it to be acceptable.</p>

Delivering Sustainability	
<i>Does the proposed development promote or enhance biodiversity?</i>	NO
<i>Has established vegetation been preserved or appropriately relocated/mitigated against?</i>	NO
<i>Officer Comment:</i>	The application has not incorporated any proposed biodiversity enhancement measures and the extension will result in the loss of a portion of grassed area. Whilst there is scope to compensate for such loss and to further improve the biodiversity value of the site, the lack of any compensatory or enhancement measures in this instance would not warrant reason for refusal noting there is still ample garden remaining.

Meeting the Needs of Homeowners	
<i>Are all proposed rooms well-lit by daylight and naturally vented through opening windows?</i>	YES
<i>Are the sizes of all proposed rooms appropriate in size for the purpose they are designed for?</i>	YES
<i>Officer Comment:</i>	The proposed extension is intended to rationalise and expand the layout of the existing dwelling through the provision of appropriately sized and lit home extensions.

Other Material Considerations
N/a

CONCLUSION
Whilst the proposed development has an acceptable impact on neighbouring amenity and is of an appropriate size and scale, the introduction of residential accomodation in the rear garden setting is not appropriate or supported. Officers consider that the introduction of primary residential use will disrupt the privacy and lack of noise currently afforded to the rear gardens. This would present a disconcordant use of the garden setting and as such the proposal is not supported.

LBBB Reference: 22/00370/HSE

Olesea Morozan

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 22/00370/HSE
Address: 60 Langhorne Road, Dagenham, Barking And Dagenham, RM10 9RB
Development Description: Construction of a single storey outbuilding within the rear garden to create a granny annexe

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: Olesea Morozan
Applicant: T Zaremba
60 LANGHORNE ROAD
DAGENHAM

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00370/HSE
Application Type: Householder Planning Permission
Development Description: Construction of a single storey outbuilding within the rear garden to create a granny annexe
Site Address: 60 Langhorne Road, Dagenham, Barking And Dagenham, RM10 9RB
Date Received: 07 March 2022
Date Validated: 08 March 2022

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The siting and design of the proposed development are considered harmful to the rear garden setting. The use of the outbuilding as a residential unit would harm the privacy currently afforded to the rear garden. Additionally, the proposed residential unit presents a discordant feature in the rear garden setting. As such, the proposed development is contrary to:

- National Planning Policy Framework National Planning Policy Framework (NPPF) (DLUHC, 2021)
- Policy D4 of the London Plan (March 2021)
- Policy CP3 of the Local Development Framework (LDF) Core Strategy (July 2010)
- Policies BP8 and BP11 of the Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)
- The Residential Extensions and Alterations Supplementary Planning Document (February 2012)
- Policies SP2, DMD1 and DMD6 of The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application:

- Proposed Plans and Elevations, 18910, 8/3/22
- Existing and Proposed Block Plan, 18911, 8/3/22

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has

implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 20/4/22

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance

London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Application Reference:

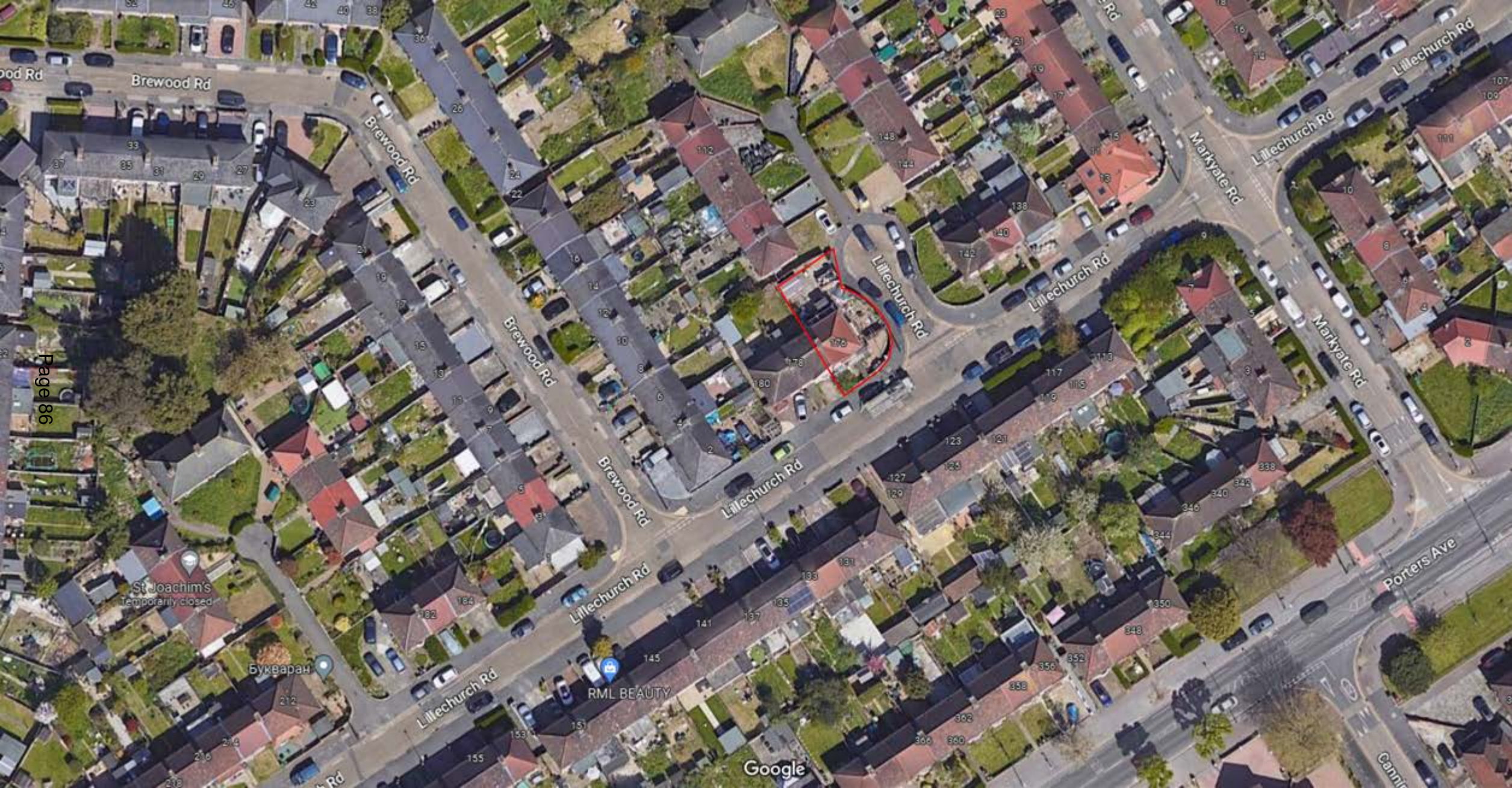
22/00345/HSE

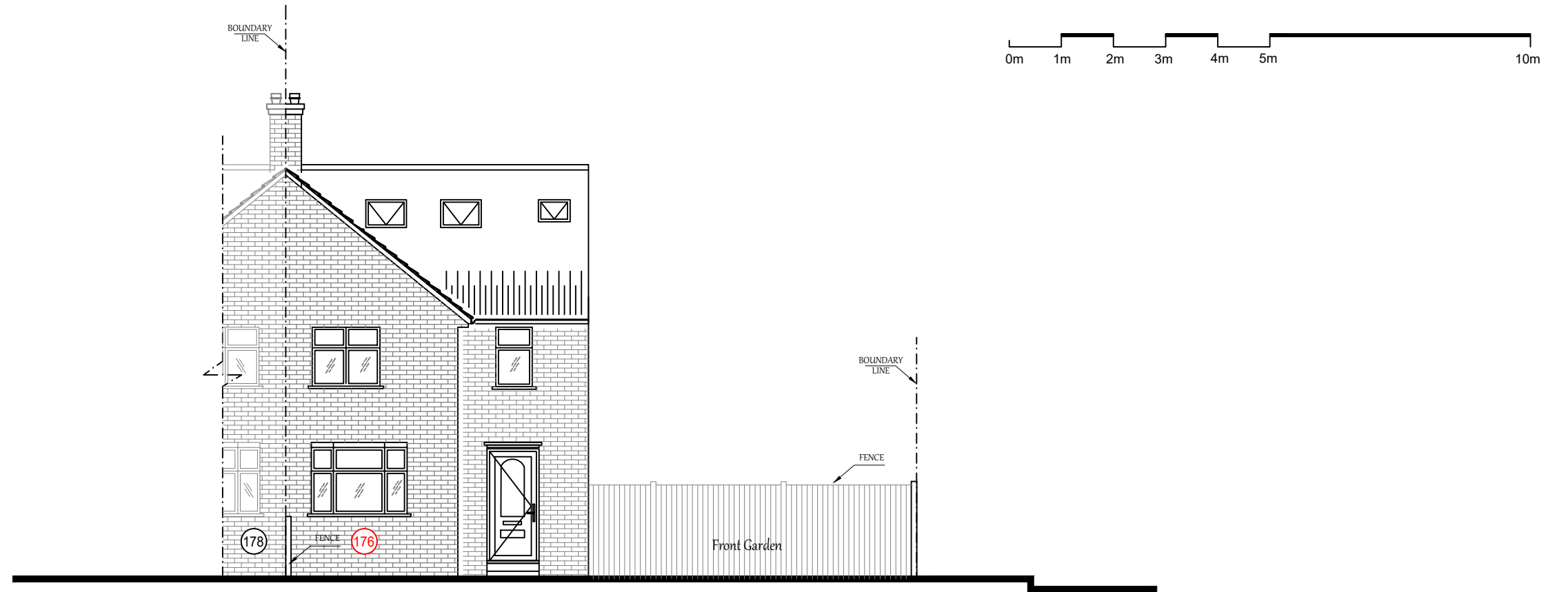
Application Description:

Construction of a two storey side extension

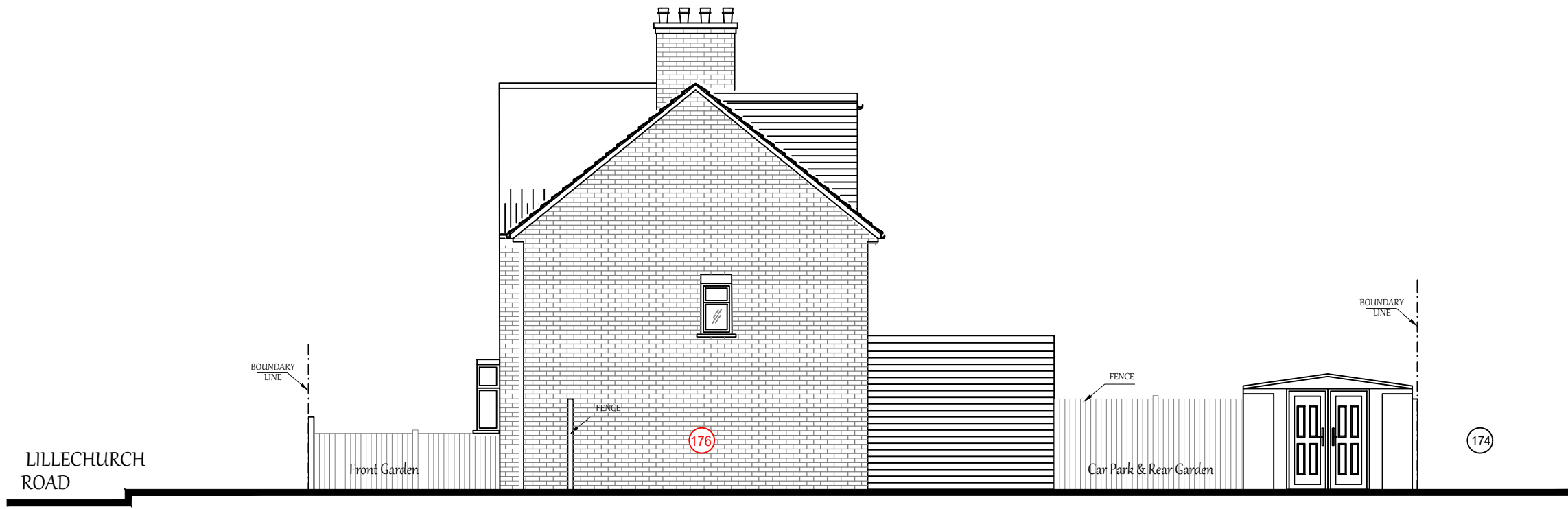
Decision:

Refused





EXISTING FRONT ELEVATION
SCALE: 1/100 @A3



EXISTING SIDE ELEVATION
SCALE: 1/100 @A3



Delta Tech Ltd
Architecture & Construction

86-90 PAUL STREET LONDON EC2A 4NE
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176 LILLECHURCH ROAD
DAGENHAM
LONDON
RM8 2BZ

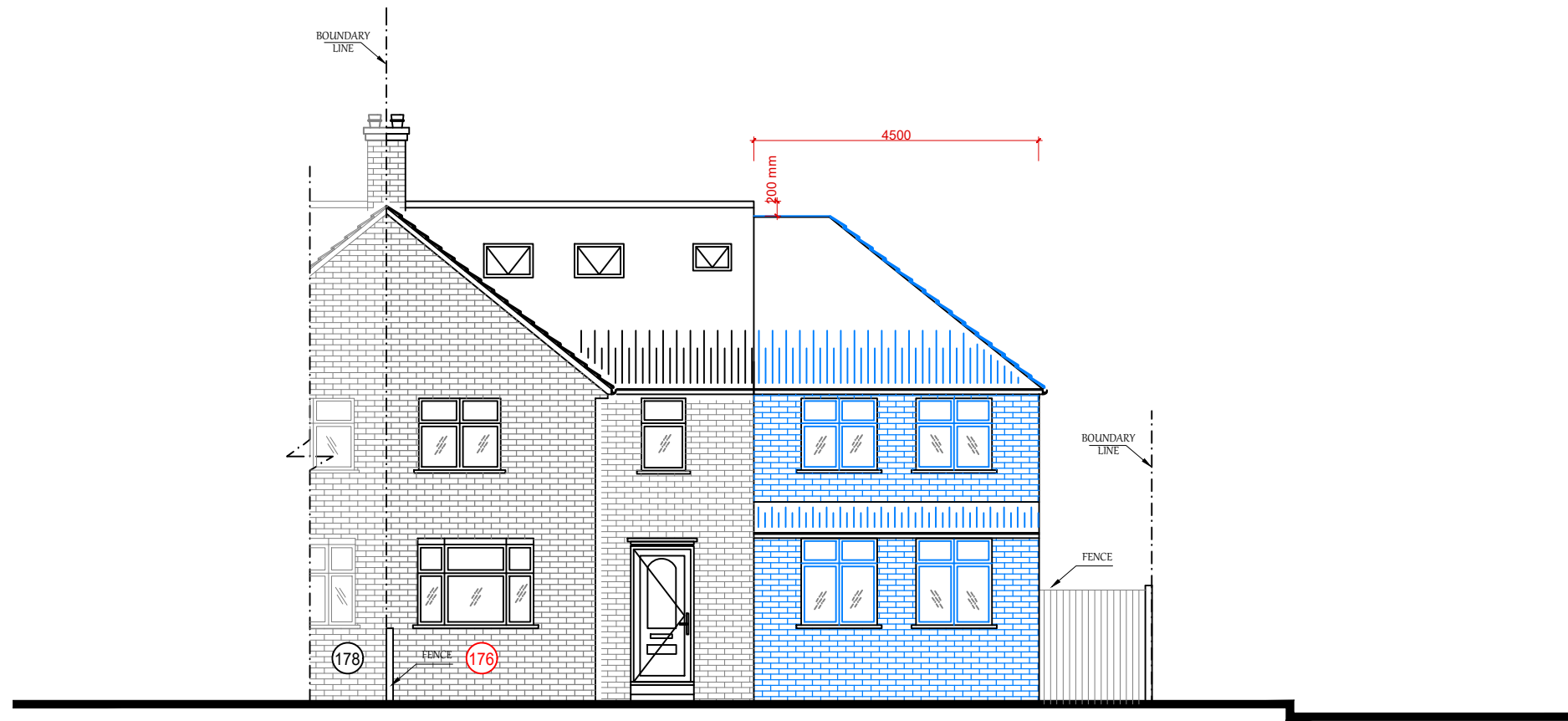
EXISTING
-FRONT ELEVATION
-SIDE ELEVATION

SCALE: 1/100 @A3

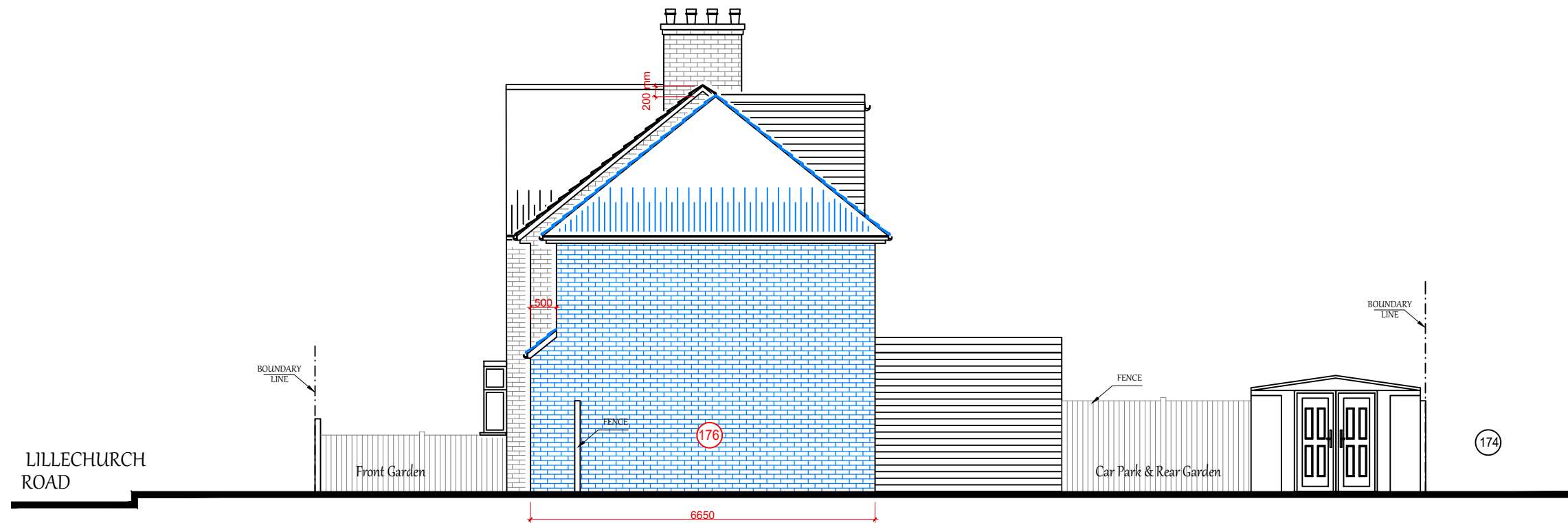
REF. NO :LCR176/22/03

DATE: FEB. 2022

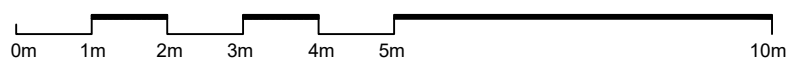
DRG BY: B.OZDEMIR



PROPOSED FRONT ELEVATION
SCALE: 1/100 @A3



PROPOSED SIDE ELEVATION
SCALE: 1/100 @A3





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**176 LILLECHURCH ROAD
DAGENHAM
LONDON
RM8 2BZ**

PROPOSED
-FRONT ELEVATION
-SIDE ELEVATION

SCALE: 1/100 @A3	REF. NO :LCR176/22/08
DATE: FEB. 2022	DRG BY: B.OZDEMIR

Delegated Report Householder Application for Planning Permission for Works or Extension to a Dwelling			
Case Officer:	Anna Jennings	Valid Date:	01 March 2022
Officer Recommendation:	Refused	Expiry Date:	26 April 2022
Application Number:	22/00345/HSE	Recommended Date:	19 April 2022
Address:	176 Lillechurch Road, Dagenham, Barking And Dagenham, RM8 2BZ		
Proposal:	Construction of a two storey side extension		

Planning Constraints
The application site is located within the Becontree Estate.

Neighbour Notification	
Date Consultation Letter Sent:	02/03/2022
Number of Neighbours Consulted:	5
<i>No response received.</i>	

Relevant Planning History			
Application Number:	21/00907/HSE	Status:	Refused Related Appeal- APP/Z5060/D/21/3279626 (Appeal Dismissed)
Description:	CONSTRUCTION OF TWO STOREY SIDE EXTENSION		
Application Number:	17/00240/PRE	Status:	Closed
Description:	Pre application meeting request: Erection of two storey 2 bedroom dwelling and erection of single storey rear extension to existing house.		
Application Number:	16/01400/FUL	Status:	Withdrawn
Description:	Demolition of rear addition and erection of part single/part two storey side and rear extension.		

Development Plan Context
The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:

National Planning Policy Framework (NPPF) (DLUHC, 2021)	
London Plan (March 2021)	Policy D1 - London's Form, Character and Capacity for Growth Policy D4 - Delivering Good Design Policy D8 - Public Realm Policy HC1 - Heritage Conservation and Growth
Local Development Framework (LDF) Core Strategy (July 2010)	Policy CR2 - Preserving and Enhancing the Natural Environment Policy CP2 - Protecting and Promoting our Historic Environment Policy CP3 - High Quality Built Environment
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BP2 - Conservation Areas and Listed Buildings Policy BP8 - Protecting Residential Amenity Policy BP11 - Urban Design

The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.

The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	Policy SP2 - Delivering a well-designed, high quality and resilient built environment Policy SP4 - Delivering quality design in the borough. Policy DMD1 - Securing high quality design Policy DMD4 - Heritage assets and archaeology remains
--	--

ASSESSMENT

Principle of the Development

Is the proposed development acceptable 'in principle'?

YES

Officer Comment:

The overriding objective of the local policies is to deliver high quality development which improves the quality and distinctive identity of places and meets the housing needs of existing and future residents. As such, it is acknowledged that extensions to existing family dwelling houses can facilitate additional and enhanced living space for improved living conditions for occupants. They are therefore considered acceptable in principle subject to ensuring a high-quality, neighbourly design. Such matters are addressed below.

Achieving High Quality of Urban Design

Does the proposed development respect the character and appearance of the existing dwelling?

YES

Does the proposed development respect and accord to the established local character?

NO

Is the proposed development acceptable within the street scene or when viewed from public vantage points

NO

Is the proposed development acceptable and policy compliant?

NO

The application site is located on the northern side of Lillechurch Road, within the Becontree Estate. The property is located on a corner plot, on the western side of the entrance to a banjo off Lillechurch Road. The dwellinghouse is a two-storey end-of-terrace property, with a garden that wraps around the front, side and rear of the dwellinghouse. The existing property has a small rear extension on the ground floor, as do the other two properties on the terrace. A rear dormer loft conversion is also shown on the existing plans submitted with this application.

A previous application for the *Construction of a two storey side extension*(21/00907/HSE) was refused by officers for the following reason:

'The scale, siting and design of the proposed development are considered harmful to the appearance of the house, built form of the terrace and character of the area, notably given the location of the application site on a corner plot at the entrance of a well-preserved banjo within the Becontree Estate.'

A subsequent appeal was then dismissed by the Planning Inspectorate (APP/Z5060/D/21/3279626).

Policy

Paragraphs 127 and 128 of the NPPF (2019) outline that planning policies and decisions should aim to ensure that developments function well and add to the overall quality of an area not just for the short term, but over the lifetime of the development. Paragraph 130 advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

It is advised that the buildings and structures should be of the highest architectural quality and comprise details and materials that complement the local architectural character, something further supported by Policy CP3 of the Core Strategy DPD. The London Plan (2021) Policies D1 and D4 discuss the need for good design to be thoroughly scrutinised at application stage, including elements relating to layout, scale, density, landuses, materials, detailing and landscaping.

This is further supported by policy BP11 of the Borough Wide DPD and Policies SP2, DMD1 and DMD6 of the Draft Local Plan (Regulation 19 Consultation version, October 2020) which requires development to recognise and celebrate local character and use local context to inform detail, materials and landscape. Further they support proposed development which makes a positive contribution to the surrounding area with high quality design which is sympathetic to the design of the original dwelling with regards to scale, form, materials and detailing.

The Becontree Estate, of which this property forms part, was built as Homes for Heroes in the period 1921 to 1934 and at the time was the largest municipal estate in the world. As such, it forms part of the rich local history of the area and is referenced in policy HC1 of the London Plan, policy CP2 of the Core Strategy

DPD, policy BP2 of the Borough Wide DPD and policy DMD4 of the draft local plan reg 19 as forming an important symbol of the past. Further this policy references the heritage value of the Estate and although this dwellinghouse is not situated in a conservation area, this policy recognises the distinctive local character and historical importance of the Becontree Estate. The policy is concerned with preserving heritage areas of their instinctive and historically important features and ensuring developments do not detract from the heritage area's significance.

Construction of two-storey side extension

On the development of side extensions, LBBB's SPD states that "The design of your side extension should reflect the type of house and the type of plot. Side extensions have the potential to cause significant impact upon the character of an area. It is essential that you pay particular attention to the manner in which your proposal is designed. All side extensions should be particularly sympathetic in terms of their form, roof treatment, detailing and materials." The SPD expresses particular concern over corner plots, highlighting that "Corner plots are particularly prominent parts of the street scene. In many localities they help to reduce the sense of enclosure that would exist if they were otherwise built upon and are vital to an area's character as a result. Particular care needs to be taken where the house is located at the corner of a cul-de-sac or banjo" which derive a good deal of their character from open corner spaces. An extension that compromises the openness of the plot could have a detrimental impact on the street scene and be considered unacceptable. Particular attention should therefore be given to minimising the bulk of the extension."

Officer Comment:

The double storey side extension previously proposed under 21/00907/HSE featured 'a width of 5m and a depth of 6.64m. The proposed works would constitute a significant enlargement of the area of both floors, increasing each floor by at least 1.6x the existing floor area. The proposed roof would align with the existing, with an eaves height of 5.52m, and a roof height of 8.13m.'

The following reason was provided for refusal:

'The scale, siting and design of the proposed development are considered harmful to the appearance of the house, built form of the terrace and character of the area, notably given the location of the application site on a corner plot at the entrance of a well-preserved banjo within the Becontree Estate.'

Officers had serious concerns regarding the scale and position of the proposed side extension. It was considered that *'The particular banjo within which the applicant property is sited has retained its original layout and features exceptionally well. At present, the two corner plots at the entrance of the banjo are symmetrically aligned, and when looking into the banjo from the main road, their positioning creates an effect of openness that was intentionally designed into the estate. Notably, the gaps either side of the corner plots also allow an open view from the properties within the banjo. Officers note that the flank elevations on both end dwellinghouses align with those within the banjo when looking in from the main Lillechurch Road. This is a distinctive feature of the estate and one that Officers consider crucial to protect, especially given the well preserved state of this particular banjo. The proposed development would bring the flank elevation further out to the entrance of the banjo, interrupting the existing symmetry and cutting off the open view both within and outside of the banjo.'*

The subsequent appeal (APP/Z5060/D/21/3279626) following the refusal (21/00907/HSE) was dismissed. The Planning Inspector determined that the proposal would 'weaken the specific design of the host property in relation to the wider area. It would also extend significantly beyond the front elevation of the properties within the banjo behind. This would narrow the physical gap within the building line along Lillechurch Road and reduce openness and views out of the banjo, thus harming the character of the street scene. The harm identified above would also have a detrimental impact on the historic character of the appeal site's surroundings. This is due to the negative impact on the form of the banjo as part of the Becontree Estate's layout.' As such, the Inspector reinforced the judgement made by LPA officers.

It was recognised by both officers and the Inspector that although side extensions of a similar scale could be identified in the surrounding area, given the site's position at the entrance of the banjo, the circumstances do not echo those of the proposed development and therefore do not outweigh the harm found.

The resubmission under the present application features some amendments to the previously refused proposal (21/00907/HSE). The width of the extension has been reduced from 5m to 4.5m. The depth at ground floor level remains at 6.65m, whilst the proposed first floor side extension has been set back 0.5m from the front elevation to a depth of 6.15m. Significantly, the roof form has been amended to a hipped form with a ridge height 0.2m lower than that of the original roof. A pitched roof with a width of 4.5m and ridge height of 3.15m is proposed on the front elevation to cover the area where the first floor is set back 0.5m from the front elevation of the ground floor extension.

Officers consider that the revisions made by the applicant present an improved proposal with a design that appears more subservient to the original dwellinghouse and better reflects its character on account of maintaining the character of the terrace row's roofscape. However, the terrace upon which the dwelling is sited will be unbalanced as a result of the proposed development.

Notwithstanding, the improvement to the design of the proposed two storey side extension fails to overcome the impact of the development on the character of the streetscene and characteristic built form of the banjo within the Becontree Estate. The fact remains that the siting, bulk and massing of the proposed development will have the visual impact of closing the openness of the banjo's corner.

To conclude, the proposed development would harm the character and appearance of the area. Officers find the proposed development to be unacceptable, failing to comply with requirements laid out in the NPPF, Policies D1 and D4 of the London Plan, Policy CP3 of the Core Strategy, Policies BP8 and BP11 of the Borough Wide Development Plan and Policies SP2, DMD1 and DMD6 of the Draft Local Plan.

Delivering Neighbourly Development								
	178 Lillechurch Road	174 Lillechurch Road	N/A			178 Lillechurch Road	174 Lillechurch Road	N/A
Outlook:				Overshadowing:				
Loss from habitable rooms?	NO	YES		Shadow cast into rooms?	NO	NO		
Is it unacceptable?		NO		Is it unacceptable?				
				Shadow into garden?	NO	NO		
Loss of Privacy:				Is it unacceptable?				
Overlooking the garden?	NO	NO						
Is it unacceptable?				Overbearing:				
Overlooking into rooms?	NO	NO		Impact on habitable rooms?	NO	NO		
Is it unacceptable?				Is it unacceptable?				
				Impact on gardens?	NO	NO		
Loss of Daylight:				Is it unacceptable?				
Loss into habitable rooms?	NO	NO						
Is it unacceptable?								
<i>Officer Comment:</i>	178 Lillechurch Road							
	This property adjoins the application site to the south west. The proposed double storey extension is on the other side of the dwellinghouse at no. 176, which eliminates the potential for adverse impacts such as overshadowing or overlooking. Officers do not consider that the proposed development would impact neighboring amenity at this property.							
<i>Officer Comment:</i>	174 Lillechurch Road							
	No. 174 is situated to the rear of 176 Lillechurch Road, within the banjo itself. Given the distance of the neighbouring property, this property would not experience unacceptable loss of daylight, sunlight, or be overlooked. The proposed development of a double storey side extension will however interrupt the view to the main road from properties within the banjo. Whilst no. 174 does not face into the main road, there are windows on the side elevation from which a sense of enclosure may be felt as result of the proposed works. Officers consider this potential loss of outlook to be a result of the points of objection that officers have towards the development, discussed above.							

Delivering Sustainability	
<i>Does the proposed development promote or enhance biodiversity?</i>	NO
<i>Has established vegetation been preserved or appropriately relocated/mitigated against?</i>	NO
<i>Officer Comment:</i>	The application has not incorporated any proposed biodiversity enhancement measures and the extension will result in the loss of a portion of grassed area. Whilst there is scope to compensate for such loss and to further improve the biodiversity value of the site, the lack of any compensatory or enhancement measures in this instance would not warrant reason for refusal noting there is still ample garden remaining.

Meeting the Needs of Homeowners	
<i>Are all proposed rooms well-lit by daylight and naturally vented through opening windows?</i>	YES
<i>Are the sizes of all proposed rooms appropriate in size for the purpose they are designed for?</i>	YES
<i>Officer Comment:</i>	The proposed extension is intended to rationalise and expand the layout of the existing dwelling through the provision of appropriately sized and lit home extensions.

Other Material Considerations	
N/A	

CONCLUSION	
<p>The proposed development fails to respect the character and appearance of the area, disrupting the built form of the terrace and surrounding area. The development is considered particularly harmful given the siting of the application site on a corner plot at the entrance of a well-preserved banjo within the Becontree Estate. The reasons provided for refusal by the LPA under the previous submission 21/00907/HSE, and by the Planning Inspector under appeal APP/Z5060/D/21/3279626 are not considered to have been overcome.</p> <p>Banjos are a unique and valuable feature of the Becontree estate, and in places where these have been well preserved, Officers seek to maintain the symmetry and sense of openness that they create. The proposal is therefore considered contrary to the Development Plan policies and guidance specified above, and it is recommended that planning permission be refused.</p>	

LBBB Reference: 22/00345/HSE

T AY
86-90 Paul Street,
London
EC2A 4NE

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 22/00345/HSE
Address: 176 Lillechurch Road, Dagenham, Barking And Dagenham, RM8 2BZ
Development Description: Construction of a two storey side extension

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: T AY
86-90 Paul Street,
London EC2A 4NE

Applicant: Gramoz Kastrati
EC2A 4NE

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00345/HSE
Application Type: Householder Planning Permission
Development Description: Construction of a two storey side extension
Site Address: 176 Lillechurch Road, Dagenham, Barking And Dagenham, RM8 2BZ
Date Received: 01 March 2022
Date Validated: 01 March 2022

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The scale, siting and design of the proposed development are considered harmful to the built form of the terrace and character of the area, notably given the location of the application site on a corner plot at the entrance of a well-preserved banjo within the Becontree Estate. The impact to the built form of the area is considered to be unacceptable. As such, the proposed development is contrary to:

- National Planning Policy Framework (DLUHC , 2021);
- Policy D1 and D4 of the London Plan (March 2021);
- Policy CP2 and CP3 of the LDF Core Strategy (July 2010);
- Policies BP8 and BP11 of the LDF Borough Wide Development Plan Policies DPD (March 2011);
- Policies SP2, DMD1, DMD4 and DMD6 of the Draft Local Plan (Regulation 19 Consultation version, September 2020);
- The Residential Extensions and Alterations Supplementary Planning Document (February 2012)

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application:

- 06- Proposed Ground Floor and Block Plan- 02/2022
- 07- Proposed First Floor and Roof Plan- 02/2022
- 08- Proposed Front and Side Elevations- 02/2022
- 09- Proposed Rear and Side Elevations- 02/2022
- 05- Site Location Plan- 02/2022
- 04- Existing Rear and Side Elevations- 02/2022
- 03- Existing Front and Side Elevations- 02/2022

- 02- Existing First Floor and Roof Plan- 02/2022
- 01- Existing Floor and Block Plan- 02/2022

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 20/04/2022

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Application Reference:

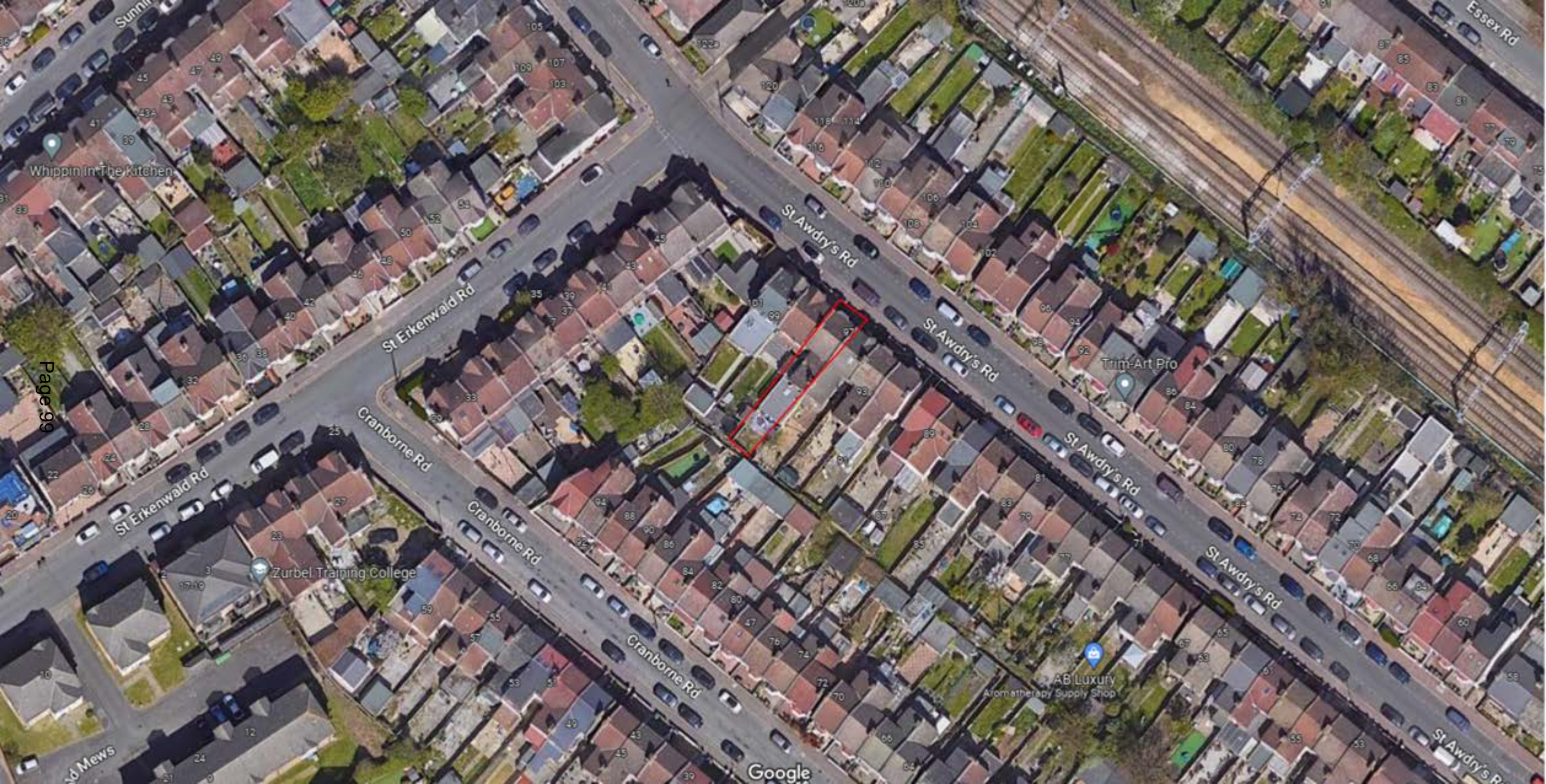
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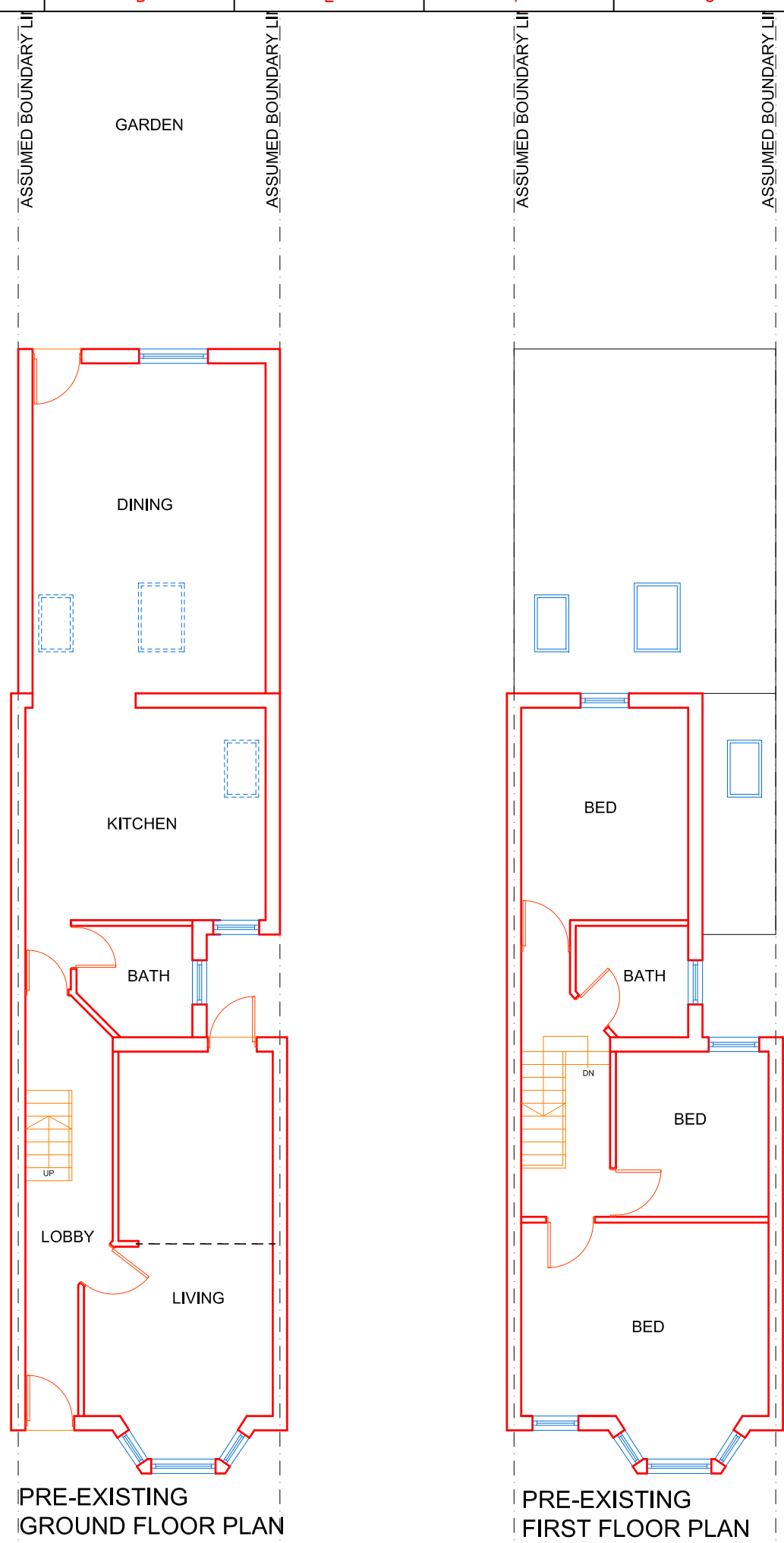
Application Description:

Retrospective planning application for the retention of two 2x bedroom flats and one studio flat (2 new dwellings).

Decision:

Refused





PRE-EXISTING GROUND FLOOR PLAN

PRE-EXISTING FIRST FLOOR PLAN

PARTY WALL NOTICES:
PLEASE NOTE THAT BEFORE BUILDING WORKS COMMENCES IT IS THE RESPONSIBILITY OF BUILDER OR OWNER TO SERVE PARTY WALL NOTICES TO ALL NEIGHBOURS

NOTE:
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ALL DIMENSIONS TO BE CHECKED ON SITE. CONTRACTOR TO CHECK SITE THOROUGHLY BEFORE WORK STARTS & REPORT ANY DISCREPANCIES.

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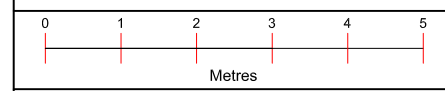
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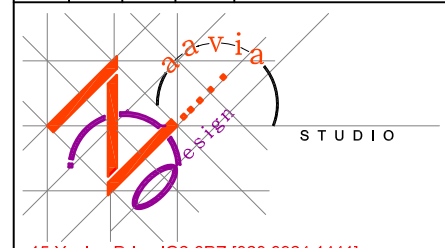
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- LEGEND**
- Ⓢ = SMOKE DETECTOR WITH SOUNDER
 - Ⓢ = EMERGENCY LIGHTING TO BS5266: Part 1 1988
 - Ⓢ = HEAT DETECTOR
 - FD30 = 30 MINUTE FIRE RESISTING DOOR AND FRAME



A	180122	AR	FIRST ISSUE
ISSUE	DATE	INITIALS	GRID REF
			DESCRIPTION



15 Yoxley Drive IG2 6PZ [020 8924 1441]

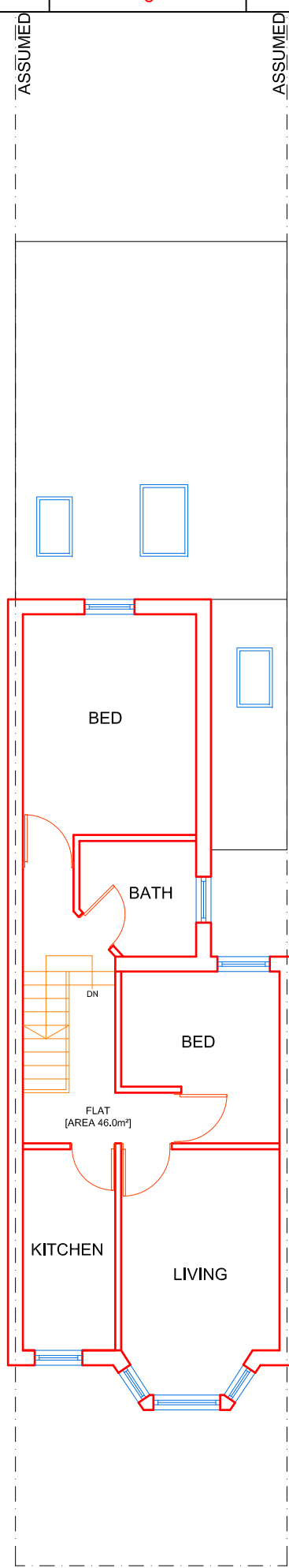
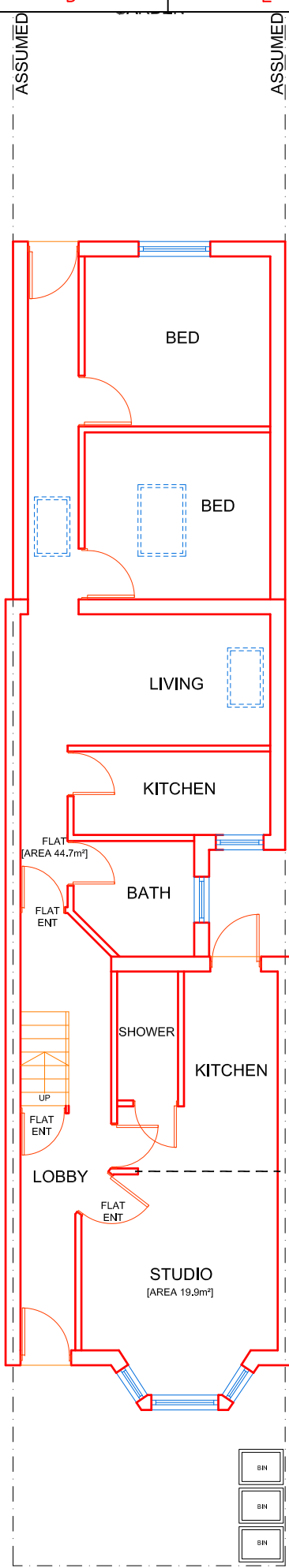
PROJECT
97 ST AWDREYS ROAD
BARKING
IG11 7QB

DWG TITLE
PRE-EXISTING PLANS

CLIENT
AMCO PROPERTIES LIMITED

DWG NO: ZAAVIA/97SR/205
ISSUE: A

SCALE	DATE	DRAWN BY
1:100@A3	18 JAN	AR



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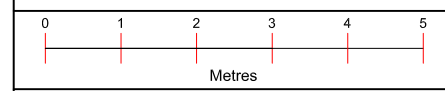
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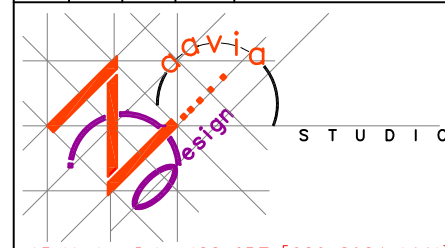
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ISSUE	DATE	INITIALS	GRID REF	DESCRIPTION
A	180122	AR		FIRST ISSUE



PROJECT
97 ST AWDREYS ROAD
BARKING
IG11 7QB

DWG TITLE
PLANS

CLIENT
AMCO PROPERTIES LIMITED

DWG NO: ZAAVIA/97SR/201
ISSUE: A

SCALE: 1:100@A3
DATE: 18 JAN
DRAWN BY: AR

Delegated Report

Application for Planning Permission

Case Officer:	Bethany Robins	Valid Date:	24 February 2022
Officer Recommendation:	Refuse	Expiry Date:	21 April 2022
Application Number:	22/00285/FULL	Recommended Date:	06 April 2022
Address:	97 St Awdrys Road, Barking, Barking And Dagenham, IG11 7QB		
Proposal:	Retrospective planning application for the retention of two 2x bedroom flats and one studio flat (2 new dwellings).		

Planning Constraints

None.

Site, Situation and Relevant Background Information

The application site is a two storey dwellinghouse that is situated at the centre of St Awdrys Road in Barking. This application seeks retrospective planning permission for the retention of two 2x bedroom flats and one studio flat (2 new dwellings). The proposed development presents the conversion of a single family dwelling into a 2 bedroom flat with a living room, kitchen and bathroom and studio flat with a kitchen and shower room on the ground floor and another 2 bedroom flat with a living room, kitchen and bathroom on the first floor. The dwelling also incorporates a small rear garden and bin storage at the front. Officers note that the application site is subject to enforcement case no.21/00420/ENF regarding the rear extension that is currently pending consideration.

Key Issues

- Principle of the Development
- Dwelling Mix and Quality of Accommodation
- Design and Quality of Materials
- Impacts to Neighbouring Amenity
- Sustainable Transport
- Accessibility and Inclusion

ASSESSMENT

Principle of the Development

The Law

Section 38(6) of the Planning and Compulsory Purchase Act 2004, lays down the legal principle that the decision on a planning application is to be governed by the development plan, read as a whole, unless other material considerations indicate otherwise.

The National Planning Policy Framework (NPPF, July 2019)

Paragraph 11(d) of the NPPF provides that the presumption in favour of sustainable development (also known as the 'tilted balance') is engaged where (a) there are no relevant development planning policies, or (b) the policies which are most important for determining the application are out-of-date. The lack of either (a) a five-year supply of housing land or (b) where the Housing Delivery Test (HDT) indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous three years, triggers this.

When the presumption in favour of sustainable development (also known as the 'tilted balance') is engaged, the balance is tilted in favour of the grant of permission, except where (a) the application site is within the protect area (such as designated heritage asset and other heritage assets of archaeological interest, Green Belt, Area of Outstanding Natural Beauty, and others), or (b) the benefits are 'significantly and demonstrably' outweighed by the adverse harm, or (c) where 'specific policies' indicated otherwise.

In this instance, the London Borough of Barking and Dagenham (LBBD) cannot demonstrate five-year housing land supply, and we have delivered 1,902 out of a required 3,708 houses over the last three years, meaning that we failed to meet our HDT. The presumption in favour of sustainable development is therefore engaged in the decision taking.

The presumption being part of the NPPF is an important 'material consideration'. It does not however, replace the legal responsibility set by s38(6) of the PCPA 2004, to take account relevant development plan policies (see Gladman v SSHCLG [2020] EWHs 518

(Admin)). When engaged the presumption changes the balancing exercise from a neutral balance where if the harms outweigh the benefits planning permission is usually refused, to a tilted balance where the harms need to outweigh the benefits significantly and demonstrably for permission to be refused.

Development Plan

The London Plan (March 2021) H10 (Housing size mix) requires developments to determine the appropriate mix of units in relation to the number of bedrooms for a scheme. Whilst this policy is better suited for larger development rather than small conversions, this policy highlights that there is a need to provide and retain family housing that is of good quality.

The Core Strategy Policy (June 2010) Policy CC1 (Family housing) seeks to ensure that there is an appropriate mix of housing in new development. Whilst the policy itself refers to the new build development, the supporting text provides an explanation and reasons for this policy which are useful in assessing application for conversions of larger family homes (4-bedrooms +). The supporting text at paragraph 6.1.2 states that the Borough is not currently succeeding in providing sufficient new family housing, particularly for larger households (4-bedrooms +). This is evidenced in the past Annual Monitoring Reports. Paragraph 6.1.3 mentioned that the Borough is rapidly losing larger family houses and accommodation through housing conversion, demolition, and redevelopment schemes that do not replace the lost family sized units.

The Borough Wide Development Policies Development Plan Document (March 2011) Policy BC4 (Residential Conservation and Houses in Multiple Occupation) seeks to preserve and increase the stock of family housing in the Borough.

The draft Local Plan (Regulation 19(2)) Policy SP 3 (Delivering homes that meet peoples' needs), at Point 2 (b) states that the Council will ensure that development do not undermine the supply of self-contained housing, in particular family housing. The family housing is defined in the glossary as "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." Policy DMH 4 of the Draft Local Plan notes that the Council is seeking to preserve and increase the stock of family housing in the borough. Proposals for conversions or loss of existing family housing with three bedrooms or more will be resisted.

Evidence base documents

The adopted Development Plan Documents and the emerging draft Local Plan are underpinned by a sound evidence base. The Strategic Housing Marking Assessment (SHMA) published in February 2020, represents the latest, most up-to-date evidence base. Paragraph 4.18 states that in 2011, at the time of the Census, only 6% of the housing stock in the borough was 4-bedroom or more. Paragraphs 6.63-6.55 (inclusive) provide justification for the existing and projected dwelling size requirement. The evidence sets out that there is high demand for family houses, specifically for dwellings of four bedrooms or more.

The Annual Monitoring Reports tells us that whilst new homes are being built on strategic site allocations and other smaller sites, the development that is coming forwards mainly meets the identified need for smaller units (1 or 2 bedrooms). It's rare for developers to provide flats or houses that are 3-bedroom+ (larger family houses).

The Housing Delivery Test Action Plan 2020 demonstrated that 'the Council is making significant progress to improve the delivery of homes through the increase in planning permissions.'

Assessment

To ensure that the Borough develops to have diverse, strong, and secure neighbourhoods that promote equal life chances for all. It is important to protect family housing and in particular larger family dwellings (3-bedroom +). The adopted and emerging planning policies emphasise the importance of delivery and retention of this type of housing. The policies are supported by a sound evidence base that is consistent with national policy and in accordance with the London Plan. Given that less family housing is coming forward on the ground, this gives even greater importance to the retention of existing family housing stock.

Any benefits that the change of use of family dwelling to flats will deliver is weighed against the need to protect and increase the supply of family housing. Policy BC4 of the Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011), 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 conversions of the flat 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 3+ bedroom family sized dwellings, of which the existing property is one. As such, Officers support the preservation of the existing family-sized dwelling as opposed to the conversion of the dwelling into two self-contained flats.

Conclusion

There is a clear motive in the planning policies listed above to preserve family dwellings, particularly those of 3+ bedrooms. The proposed change of use of a 3+ bedroom family dwelling to 1x studio and 2x 2 bedroom flats would not be supported and against the objectives of the NPPF, Policy H9 of the London Plan, Policy SP 3 and DMH 4 of the Draft Local Plan, Policy CM1 of the Core Strategy DPD, and Policy BP10 and BC4 of the Borough Wide DPD.

Dwelling Mix and Quality of Accommodation

At national level, the 'Technical housing standards – nationally described space standard' deals with internal space within new

dwellings and dwelling conversions. It is suitable for application across all tenures. It sets out requirements for the gross internal area of new dwellings at a defined level of occupancy, as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. London Plan Policy D6 sets out the importance for homes across London to be designed to a high quality – 'New homes should have adequately-sized rooms and convenient and efficient room layouts which are functional, fit for purpose and meet the changing needs of Londoners over their lifetimes. Particular account should be taken of the needs of children, disabled and older people' in line with those set at national level.

The technical housing standards states that in order to provide one bedspace, a single bedroom must have a floor area of at least 7.5m² and is at least 2.15m wide. In order to provide two bedspaces, a double (or twin bedroom) must have a floor area of at least 11.5m², with one double (or twin bedroom) being at least 2.75m wide and every other double (or twin) bedroom being at least 2.55m wide. Policy BP6 of the Borough Wide Development Plan states that for a two bedroom dwellinghouse, at least one of the bedroom's should be that of a double bedroom. The technical housing standards also requires the gross internal floor space for a one-bedroom, one person, one-storey dwelling to be at least 37 sqm and have 1 sqm of built-in storage and a two-bedroom, three person, one-storey dwelling to be at least 61 sqm and have 2 sqm of built-in storage.

The proposed developments internal space is listed below:

Flat 1

Gross Internal Floor Space: 19.9 sqm (Does not comply with one-storey, one bedroom, one person dwelling)

Bedroom 1: 10.7 sqm (Complies with a single bedroom)

Storage: 0 sqm (Does not comply with space standards)

Flat 2

Gross Internal Floor Space: 44.7 sqm (Does not comply with one-storey, two bedroom, three person dwelling)

Bedroom 1: 8.74 sqm (Does not comply with a double bedroom)

Bedroom 2: 8.56 sqm (Complies with a single bedroom)

Storage: 0 sqm (Does not comply with space standards)

Flat 3

Gross Internal Floor Space: 46 sqm (Does not comply with one-storey, two bedroom, three person dwelling)

Bedroom 1: 10.45 sqm (Does not comply with a double bedroom)

Bedroom 2: 7.52 sqm (Complies with a single bedroom)

Storage: 0 sqm (Does not comply with space standards)

As such, all 3 flats within the proposed development fail to comply with the minimum internal area standard's substantially, as stated in the Technical Housing Standard's. Specifically, Flats 2 and 3 fails to provide a bedroom with sufficient space for a double bedroom which is required for a two bedroom dwelling, as Bedroom 1 in both Flats 2 and 3 fail to comply with the gross internal floor space required for a double bedroom. Therefore, the proposed development fails to comply with the Technical Housing Standard's. With regards to Flat 1, although the proposal complies in terms of space standards for a single bedroom, the flat fails to comply with the minimum gross internal space standards for a property of this size including the built-in storage space. As such, all 3 flats are not considered to provide a good quality of life for current and future residents of this property.

Policy BP6 of the Borough Wide Development Plan seeks to ensure that new dwellings provide adequate internal space. It sets out that a 3 person bedspace should provide a minimum 24 sqm of cooking, eating and living space and a 2 person dwelling should provide 22 sqm. Flat 1 provides 5.5 sqm which does not comply with a 2 person dwelling, Flat 2 provides 15.12 sqm and Flat 3 provides 14.87 sqm, neither of which comply with a 2 person dwelling therefore, it does not accord with policies and could be detrimental to ensuring good quality of accommodation being provided for the residents.

In regard to outdoor amenity spaces Chapter 8 of the NPPF seeks to promote healthy and safe communities by ensuring planning decisions achieve healthy, inclusive and safe places which enable and support healthy lifestyles and wellbeing needs. Policy BP5 of the Borough Wide Development Plan Document states that new developments must provide adequate external private and/ or communal amenity space to meet the need generated by development. Amenity space should be private, useable, functional and safe. Policy BP5 of the Borough Wide Development Plan sets out that a 2 bedroom dwelling is expected to provide 40 sqm of outdoor amenity space and a 1 bedroom dwelling is expected to provide 20 sqm. Officers acknowledge that all 3 flats share a communal external amenity space of only 17.5 sqm which fails to comply with the requirements of the Borough Wide Development Plan, substantially impacting the quality of life for current and future residents of this property.

All 3 flats of the proposed development to meet the minimal space standards for one and two bedroom dwellings, as well as failing to meet the space standards for a double bedroom in both of the two bedroom flats, as stated in the Technical Housing Standard's, and failing to comply with the minimum external amenity space standards set out in the Borough Wide Development Plan Document. Therefore, Officers do not consider the quality of accommodation to be acceptable as it fails to comply with Policies D4, D5 and D6 and D7 of the London Plan and Policies BC2, BP5 and BP6 of the Borough Wide DPD and the Technical housing standards - nationally described space standard. Therefore, the proposed development does not ensure a satisfactory lifestyle is achieved and hence it is recommended for refusal.

Design and Quality of Materials

The NPPF (2019), specifically paragraphs 127 and 128, outline that planning policies and decisions should aim to ensure that development functions well and adds to the overall quality of an area for both the short term and over the lifetime of the development. Paragraph 130 advises that permission should be refused for proposed developments of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On a more localised level, Policy SP 2 of the Draft Local Plan (Regulation 19) reiterates that the Council will promote high-quality design, providing a safe, convenient, accessible and inclusive built environment and interesting public spaces and social infrastructure for all through recognising and celebrating local character and the borough's heritage, adopting a design-led approach to optimising density and site potential by responding positively to local distinctiveness and site context. Policy DMD 1 of the Draft Local Plan states that all development proposals should be creative and innovative, recognising that existing local character and accommodating change is not mutually exclusive, architecture should be responsive, authentic, engaging, and have an enduring appeal.

The proposed development presents no alterations to the external appearance of the dwellinghouse. Therefore, officers consider the proposed development to be appropriate in design and in accordance with the objectives of the NPPF, London Plan Policy D4, Policies SP 2 and DMD 1 of the Draft Local Plan, and Policy BP8 and BP11 of the Local Development Framework Borough Wide Development Plan.

Impacts to Neighbouring Amenity

The NPPF and London Plan Policies both have relevance to the importance of quality development in addressing neighbouring amenity and avoiding unacceptable impacts. Policy DMD 1 of the Draft Local Plan (Regulation 19) states that all development proposals should consider the impact on the amenity of neighbouring properties with regard to significant overlooking (loss of privacy and immediate outlook) and overshadowing (unacceptable loss of daylight and sunlight), wind and microclimate. Policy BP8 and BP11 of the Local Development Framework Borough Wide Development Plan has specific regard to protecting residential amenity.

Noise and general disturbance are also discussed in planning policy in regard to protecting residential amenity. Policy DMD 1 of the Draft Local Plan states that all development proposals should mitigate the impact of air, noise and environmental pollution. Policy SP 7 of the Draft Local Plan ensures that all development manages nuisance during both construction and operation through appropriate mitigation. Policy BP8 of the Local Development Framework Borough Wide Development Plan expects all development to ensure existing and proposed occupiers are not exposed to unacceptable levels of pollution or general disturbance that may arise from the development. This can include noise, smoke, fumes, refuse and/or lighting, and activities as traffic movements, during construction and occupation. Policy DMSI 3 of the Draft Local Plan states that development proposals which generate unacceptable levels of nuisance, either individually or cumulatively, will generally be resisted.

The proposed development will cause no alteration to the external design of the property. Therefore, minimal overlooking or overshadowing will occur to neighbouring properties. However, there will be additional residents living at the application site. This will result in a greater concentration of irregular comings and goings in relation to the surrounding residential units. Officers believe this proposal will generate more waste, noise and general disturbance than a single dwelling, negatively impacting neighbouring amenity and in turn the standard of living of neighbouring residents.

The proposed 3x flat conversions have the potential to increase activity level and coming and goings to and from the site leading to additional levels of noise and disturbance at the property. This is considered to have a negative impact on neighbouring amenity and in turn the health and wellbeing of neighbouring residents. As such the proposal is contrary to the Policies DMD 1, SP 7 and DMSI 3 of the Draft Local Plan, and Policies BP8 and BP11 of the Local Development Framework Borough Wide Development Plan.

Sustainable Transport

The Council's Transport Planning Officer was consulted regarding this application and made the following comments:

Car Parking

"The site is in PTAL 6a meaning it has excellent access to public transport and it does fall under the CPZ area.

There is no off-street parking associated with the proposal or the existing development.

We must ensure that the proposal does not negatively impact the existing residents and users of the surrounding area by adding additional vehicles on to the street. Therefore, to be in line with the New London Plan 2021 policy, the additional units proposed must be made car permit free and this must be conditioned prior to the occupation of the units. This means the occupiers of the 2 units should not be made eligible to apply for on street parking permits.

Cycle Parking

According to the Local Plan POLICY DMT 3 and The London plan 2021, this development requires a minimum of 5 cycle parking spaces. The cycle parking space must be safe and easily accessible. The cycle parking spaces should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards, this means; access for residents only, and with stands/racks allowing both the frame and at least one wheel to be secured

Well located: close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners

Covered

Fully accessible, for parking all types of cycle

Managed, where possible, in order for access to be administered and to provide ongoing maintenance

Prior to the approval of the application, applicant must identify 5 appropriate cycle parking provision within the development site.

No part of the property shall be occupied or used until the cycle storage arrangements have been implemented in accordance with the approved details. The cycle storage arrangements shall thereafter be retained. This must be conditioned.

In order to promote alternative, sustainable forms of transport, in accordance with The Local Plan POLICY DMT 3 and The London Plan 2021 policy T5.

Refuse

Refuse storage arrangements is proposed in the front garden area, this must be liaised with the LBBB refuse team for their input regarding the minimum space needed per unit."

Accessibility and Inclusion

The Council's Access Officer was consulted regarding this application and made the following comments:

"I have concerns that there's not enough natural light to parts of ground floor. As there's no planning permission originally sought, I'm concerned that this has not been inspected by Building Control. If the extension passes planning and building regulations, then I see no issue with change of use from an access point of view."

CONCLUSION

Considering the planning policy, evidence base, and material considerations outlined above the benefits of providing additional housing in the Borough does not outweigh the significant and demonstrable harm that would result from losing larger family housing. Furthermore, all 3 flats of the proposed development fail to provide the minimum external amenity space that is required, fail to provide the minimal space standards for one and two bedroom dwellings, as well as failing to meet the space standards for a double bedroom in both the two bedroom flats and therefore would not provide an acceptable quality of accommodation to provide a satisfactory lifestyle for future residents. Additionally, the 3 flats have the potential to increase activity level and coming and goings to and from the site leading to additional levels of noise and disturbance at the property. This is considered to have a negative impact on neighbouring amenity and in turn the health and wellbeing of neighbouring residents. For these reasons, the negatives arising from the proposal are considered to outweigh any significant benefits as such having regard to the presumption in favour of sustainable development on balance the principle of development is considered unacceptable and planning permission is to be refused.

APPENDIX 1

Development Plan Context	
The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:	
National Planning Policy Framework (NPPF) (DLUHC, 2021)	
London Plan (March 2021)	<p>Policy D1 - London's Form, Character, and Capacity for Growth</p> <p>Policy D6 - Housing Quality and Standards</p> <p>Policy H9 - Ensuring the Best Use of Stock</p> <p>Policy H10 - Housing Size Mix</p>
Local Development Framework (LDF) Core Strategy (July 2010)	<p>Policy CM1 - General Principles for Development</p> <p>Policy CC1 - Family Housing</p>
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	<p>Policy BC4 - Residential Conversions and Houses in Multiple Occupation</p> <p>Policy BP5 - External Amenity Space</p> <p>Policy BP6 - Internal Space Standards</p> <p>Policy BP10 - Housing Density</p> <p>Policy BP8 - Protecting Residential Amenity</p> <p>Policy BP11 - Urban Design</p>
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.	
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	<p>Policy SP3 - Delivering homes that meet people's needs</p> <p>Policy DMH4 - Purpose-built shared housing and houses in multiple occupations (HMOs)</p> <p>Policy SP2 - Delivering a well-designed, high-quality and resilient built environment</p> <p>Policy DMD 1 - Securing high-quality design</p> <p>Policy SP 7 - Securing a clean, green and sustainable borough</p> <p>Policy DMSI 3 - Nuisance</p>
Supplementary Planning Documents	<p>DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended) Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017)</p> <p>the London Borough of Barking & Dagenham 'Interim Habitats Funding Statement' (Date TBC)</p>

APPENDIX 2

Relevant Planning History			
Application Number:	22/00248/FULL	Status:	None Selected
Description:	<i>Retrospective application for the construction of a rear single storey extension.</i>		
Enforcement Case:	21/00420/ENF	Status:	Pending Consideration
Alleged breach:	Rear extension		
Enforcement Case:	17/00338/NOPERM	Status:	Case Closed
Alleged breach:	HMO		
Enforcement Case:	20/00053/NOPERM	Status:	Case Closed
Alleged breach:	extension		

APPENDIX 3

Consultations		
Consultee:	Date Consulted:	Summary of response:
Transport Planning Officer	25/02/2022	<p>CONSIDERATION</p> <p>Introduction</p> <p>This is an application for the Retrospective planning application for the retention of two 2x bedroom flats and one studio flat (2 new dwellings). Site Access No new access to the development is proposed from the public highway.</p> <p>Car Parking</p> <p>The site is in PTAL 6a meaning it has excellent access to public transport and it does fall under the CPZ area.</p> <p>There is no off-street parking associated with the proposal or the existing development.</p> <p>We must ensure that the proposal does not negatively impact the existing residents and users of the surrounding area by adding additional vehicles on to the street. Therefore, to be in line with the New London Plan 2021 policy, the additional units proposed must be made car permit free and this must be conditioned prior to the occupation of the units. This means the occupiers of the 2 units should not be made eligible to apply for on street parking permits.</p> <p>Cycle Parking</p> <p>According to the Local Plan POLICY DMT 3 and The London plan 2021, this development requires a minimum of 5 cycle parking spaces. The cycle parking space must be safe and easily accessible. The cycle parking spaces should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards, this means; access for residents only, and with stands/racks allowing both the frame and at least one wheel to be secured</p> <p style="text-align: right;">Well located: close</p> <p>to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners</p> <p>Covered</p> <p style="text-align: center;">Fully accessible, for parking all types of cycle</p> <p style="text-align: center;">Managed, where possible, in order for access to be administered and to provide ongoing maintenance</p> <p>Prior to the approval of the application, applicant must identify 5 appropriate cycle parking provision within the development site.</p> <p>No part of the property shall be occupied or used until the cycle storage arrangements have been implemented in accordance with the approved details. The cycle storage arrangements shall thereafter be retained. This must be conditioned.</p> <p>In order to promote alternative, sustainable forms of transport, in accordance with The Local Plan POLICY DMT 3 and The London Plan 2021 policy T5.</p> <p>Refuse</p> <p>Refuse storage arrangements is proposed in the front garden area, this must be liaised with the LBBB refuse team for their input regarding the minimum space needed per unit.</p>
Access Officer	25/02/2022	<p>I have concerns that there's not enough natural light to parts of ground floor. As there's no planning permission originally sought, I'm concerned that this has not been inspected by Building Control. If the extension passes planning and building regulations, then I see no issue with change of use from an access point of view.</p>

APPENDIX 4

Neighbour Notification	
Date Consultation Letter Sent:	25/02/2022
<i>No response received.</i>	

LBBB Reference: 22/00285/FULL

AMCO PROPERTIES LIMITED

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 22/00285/FULL
Address: 97 St Awdrys Road, Barking, Barking And Dagenham, IG11 7QB
Development Description: Retrospective planning application for the retention of two 2x bedroom flats and one studio flat (2 new dwellings).

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

[Marilyn Smith](#)

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: **Applicant:** AMCO PROPERTIES LIMITED

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00285/FULL
Application Type: Full Planning Permission
Development Description: Retrospective planning application for the retention of two 2x bedroom flats and one studio flat (2 new dwellings).
Site Address: 97 St Awdrys Road, Barking, Barking And Dagenham, IG11 7QB
Date Received: 17 February 2022
Date Validated: 24 February 2022

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The proposed conversion of the dwellinghouse into three self-contained flats has potential to increase activity level and coming and goings to and from the site leading to additional levels of noise and disturbance at the property. This is considered to have a negative impact on neighbouring amenity and in turn the health and wellbeing of neighbouring residents. As such the proposal is contrary to:

- National Planning Policy Framework (MHCLG, February 2019)
- Policies BP8 and BP11 of the Borough Wide DPD (March 2011)
- Policies DMD 1, SP 7 and DMSI 3 of the Draft Local Plan Regulation 19 consultation version (October 2020)

2. The proposed development would fail to provide sufficient internal and external amenity space and CEL area's for a one bedroom, one person bedroom, one storey dwellinghouse (Flat 1) and two bedroom, three person, one storey dwellinghouse (Flats 2&3) as well as failing to provide bedroom space for at least one double bedroom (Flats 2&3) The proposal would therefore provide a substandard quality of accommodation detrimental to the standard of living of future residents. Therefore, the proposal fails to comply with:

- National Planning Policy Framework (MHCLG, February 2019)
- Policy D6 of the London Plan (March 2021)
- Policies BP5 and BP6 of the LDF Borough Wide Development Plan Policies DPD (March 2011) Technical Housing Standards

3. The proposal will result in the loss of a 3 bedroom family sized dwellinghouse which is the type of housing in high demand within the Borough. Therefore the negatives arising from the proposal are considered to outweigh any significant benefits as such having regard to the presumption in favour of sustainable development on balance the principle of development is

considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, February 2019)
- Policies GG4, H1, H2 and H9 of the London Plan (March 2021)
- Policies CM1, CM2 and CC1 of the Core Strategy DPD (July 2010)
- Policy BC4 of the Borough Wide DPD (March 2011)
- Policies SPDG1, SP3 and DMH4 of the Draft Local Plan Regulation 19 consultation version (October 2020)
- Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017)
- London Borough of Barking and Dagenham Housing Delivery Test Action Plan 2020

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application:

- Site Location Plan
- ZAAVIA/97SR/201 - Plans - 18 JAN
- ZAAVIA/97SR/202 - Elevations - 18 JAN
- ZAAVIA/97SR/203 - Site Plan - 18 JAN

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 20/04/2022

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Application Reference:

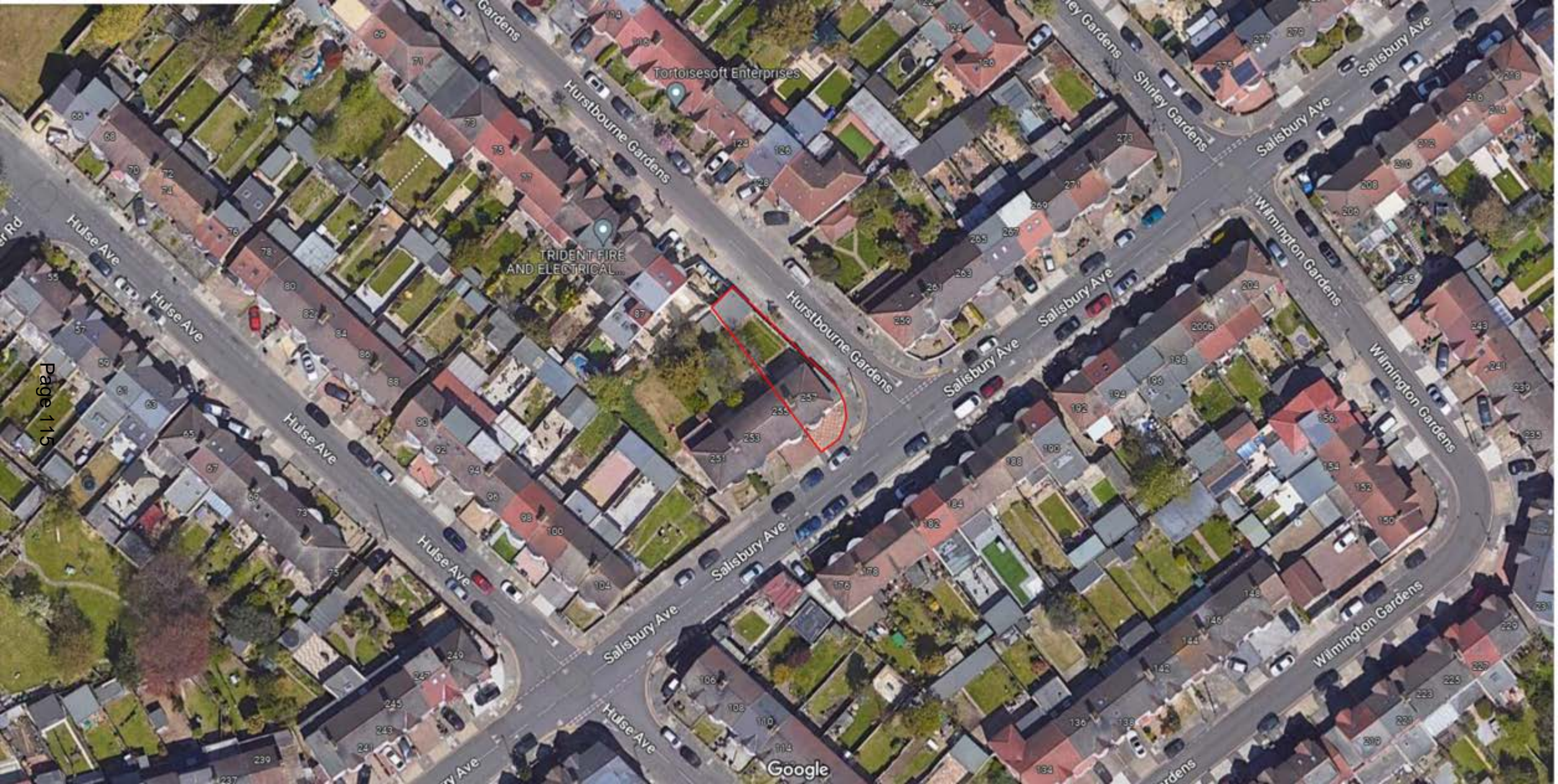
22/00520/PRIEXT

Application Description:

Prior notification application for the construction of a single storey rear extension: The proposed extension will extend beyond the rear wall by 6.0m, the maximum height of the proposed extension from the natural ground level is 4.0m, the height at eaves level of the proposed extension measured from the natural ground level is 3.0m

Decision:

Prior Approval Not
Required

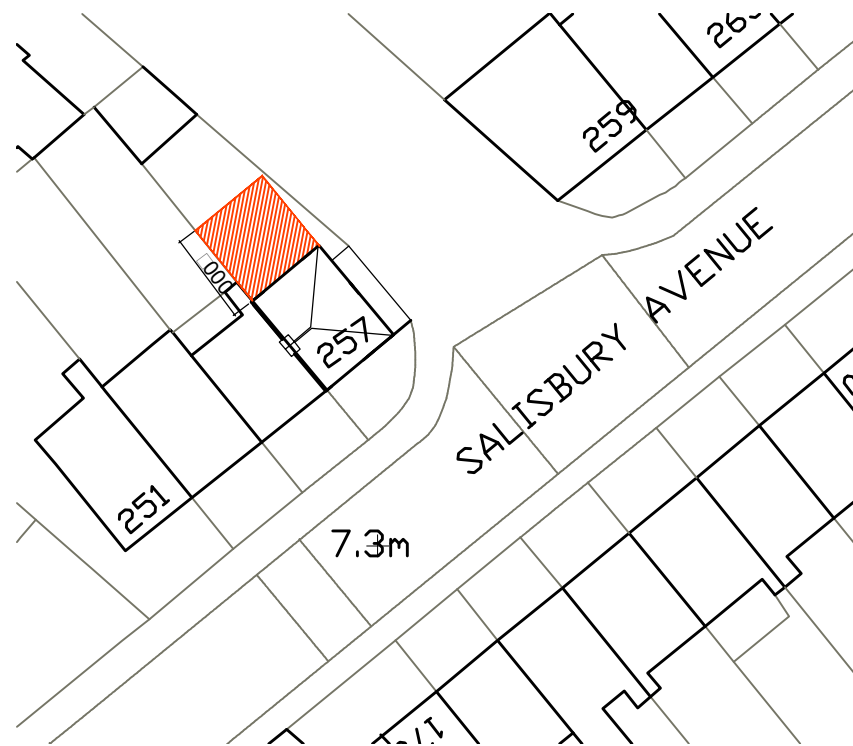
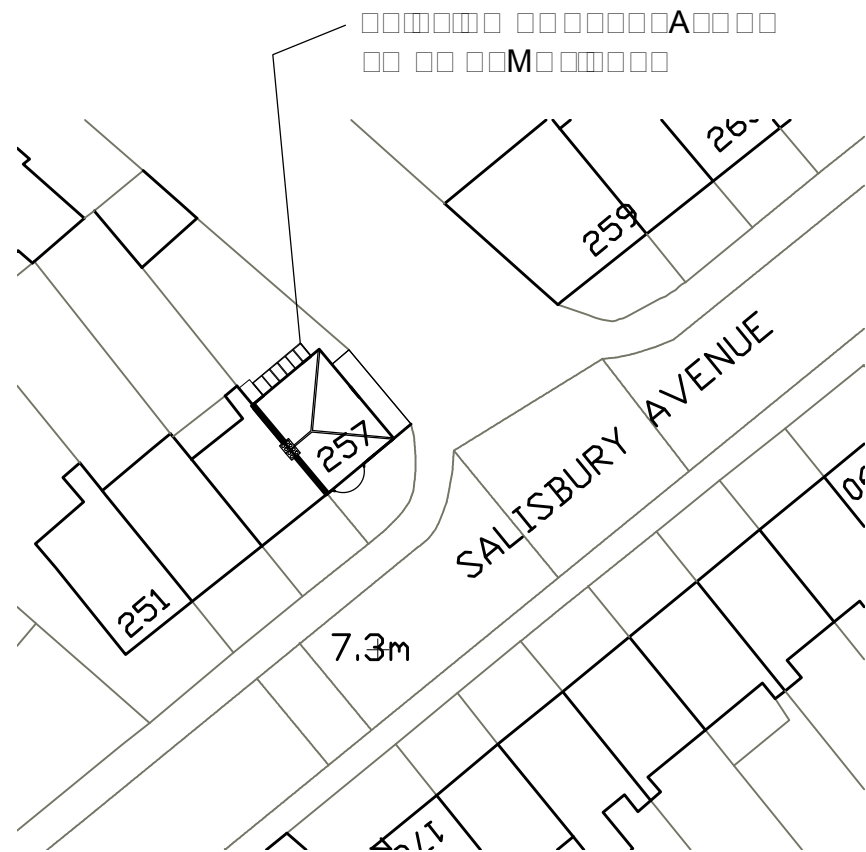


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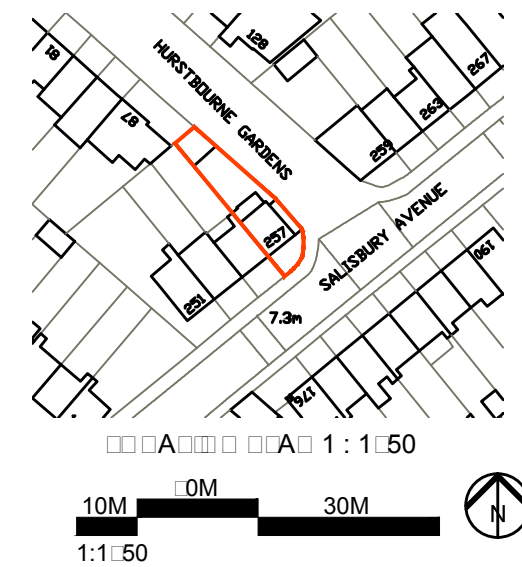
TRIDENT FIRE AND ELECTRICAL

Page 115

Google



NOTE;
THE MATERIALS USED IN ANY
EXTERIOR WORK SHALL BE OF
SIMILAR APPEARANCE TO THOSE
USED IN THE CONSTRUCTION OF
THE EXTERIOR OF THE EXISTING
DWELLINGHOUSE



FOR PRIOR APPROVAL

REFERENCE DRAWINGS

NOTES
ALL WORKS TO BE COMPLETED STRICTLY IN ACCORDANCE WITH THE PLANNING APPROVED PLANS (PLANNING APPROVAL).
ANY OMISSION TO BE REPORTED TO AND CLARIFIED WITH CLIENT PRIOR TO COMMENCEMENT.
VERIFY DIMENSIONS, LEVELS AND EXISTING STRUCTURE, ETC ON SITE PRIOR TO COMMENCEMENT.
DRAWING TO BE READ IN CONJUNCTION WITH SPECIALIST DESIGN & CALCULATIONS.
ALL WORKS TO COMPLY WITH CURRENT REGULATIONS, BRITISH STANDARDS & LEGISLATION.
MATERIALS, FIXTURES AND FITTINGS TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS & GUIDANCE.
PLEASE NOTE THAT BEFORE BUILDING WORKS COMMENCES IT IS THE RESPONSIBILITY OF THE BUILDER OR OWNER TO
SERVE PARTYWALL NOTICES TO ALL NEIGHBORS UNDER THE PARTYWALL ACT 1996.



MK DESIGN & BUILD LTD
ARCHITECTURAL SERVICES, PARTYWALL
SURVEYORS & BUILDING CONSTRUCTION
125 WOODLANDS ROAD, ILFORD, IG1 1JP. Tel/Fax: 0044-208-432-2929
m.khan@mkdnb.co.uk, info@mkdnb.co.uk, www.mkdnb.co.uk

DRAWN	MNR
CHECKED	MK

CLIENT/PROJECT
**257 SALISBURY AVENUE
IG11 9XX**

TITLE
**EXISTING / PROPOSED BLOCK
SITE PLAN AND REAR PHOTO**

DRAWING No.	20100_103
SCALE:	1: 500 ,1250
DATE:	JULY 2021

Delegated Report

Notification for Prior Approval for a Proposed Larger Home Extension

Case Officer:	Anna Jennings	Valid Date:	25 March 2022
Officer Recommendation:	Prior Approval Not Required	Expiry Date:	06 May 2022
Application Number:	22/00520/PRIEXT	Recommended Date:	19 April 2022
Address:	257 Salisbury Avenue, Barking, Barking And Dagenham, IG11 9XX		
Proposal:	Prior notification application for the construction of a single storey rear extension: The proposed extension will extend beyond the rear wall by 6.0m, the maximum height of the proposed extension from the natural ground level is 4.0m, the height at eaves level of the proposed extension measured from the natural ground level is 3.0m		

Neighbour Notification

Address:	Summary of response:
255 Salisbury Avenue, Barking, Barking And Dagenham, IG11 9XX	No response.
87 Hurstbourne Gardens, Barking, Barking And Dagenham, IG11 9UU	No response.

Relevant Legislation

- The Town and Country Planning Act 1990 (as amended)
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class A

ASSESSMENT

A. Dwellinghouse

<i>Is the application site a Dwellinghouse?</i>	YES
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B. Pre-Commencement & Planning Enforcement

<i>Have works commenced on site (all or in part) in relation to that proposed?</i>	NO
<i>Is the application site the subject of a related enforcement case?</i>	NO

C. Conservation Area (Article 2(3) land)

<i>Is the application site located within a Conservation Area (Article 2(3) land)?</i>	NO
--	-----------

D. Permitted Development Rights

<i>Have the provisions of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) been removed from YES/NO the application site?</i>	NO
---	-----------

E. Application Clarity

<i>Has the developer provided sufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted by Class A</i>	YES
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F. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class A Criteria

<i>Does the proposed development comply with the conditions, limitations or restrictions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class A?</i>	YES
--	------------

CONCLUSION**Prior Approval Not Required**

Having regard to the proposed development and further to the assessment above, Prior Approval for a 'Proposed Larger Home Extension' is not required.

LBBB Reference: 22/00520/PRIEXT

Muhammad Khan
125 Woodlands Road
Ilford
IG11 1JP

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 22/00520/PRIEXT
Address: 257 Salisbury Avenue, Barking, Barking And Dagenham, IG11 9XX
Development Description: Prior notification application for the construction of a single storey rear extension:
The proposed extension will extend beyond the rear wall by 6.0m, the maximum height of the proposed extension from the natural ground level is 4.0m, the height at eaves level of the proposed extension measured from the natural ground level is 3.0m

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: Muhammad Khan
125 Woodlands Road
Ilford IG11 1JP

Applicant: Kashif Iqbal
257 SALISBURY AVENUE
BARKING IG11 1JP

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00520/PRIEXT
Application Type: Prior Approval: Larger Home Extension
Development Description: Prior notification application for the construction of a single storey rear extension: The proposed extension will extend beyond the rear wall by 6.0m, the maximum height of the proposed extension from the natural ground level is 4.0m, the height at eaves level of the proposed extension measured from the natural ground level is 3.0m
Site Address: 257 Salisbury Avenue, Barking, Barking And Dagenham, IG11 9XX
Date Received: 25 March 2022
Date Validated: 25 March 2022

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PRIOR APPROVAL is **NOT REQUIRED** for the carrying out of the proposal referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application, subject to the conditions and reasons listed below.

Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby approved shall only be carried out in accordance with the following approved plans and documents:

20100_103- Location map, Existing Block Plan and Proposed Block Plan- 07/2021

No other drawings or documents apply.

Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s), to ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to satisfactorily protect the residential amenities of nearby occupiers.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwellinghouse.

Reason: To ensure that the finished appearance of the development will respect the character and visual amenities of the local area.

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to work with the Applicant in a positive and

proactive manner. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

DATE OF DECISION: 03/05/2022

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Application Reference:

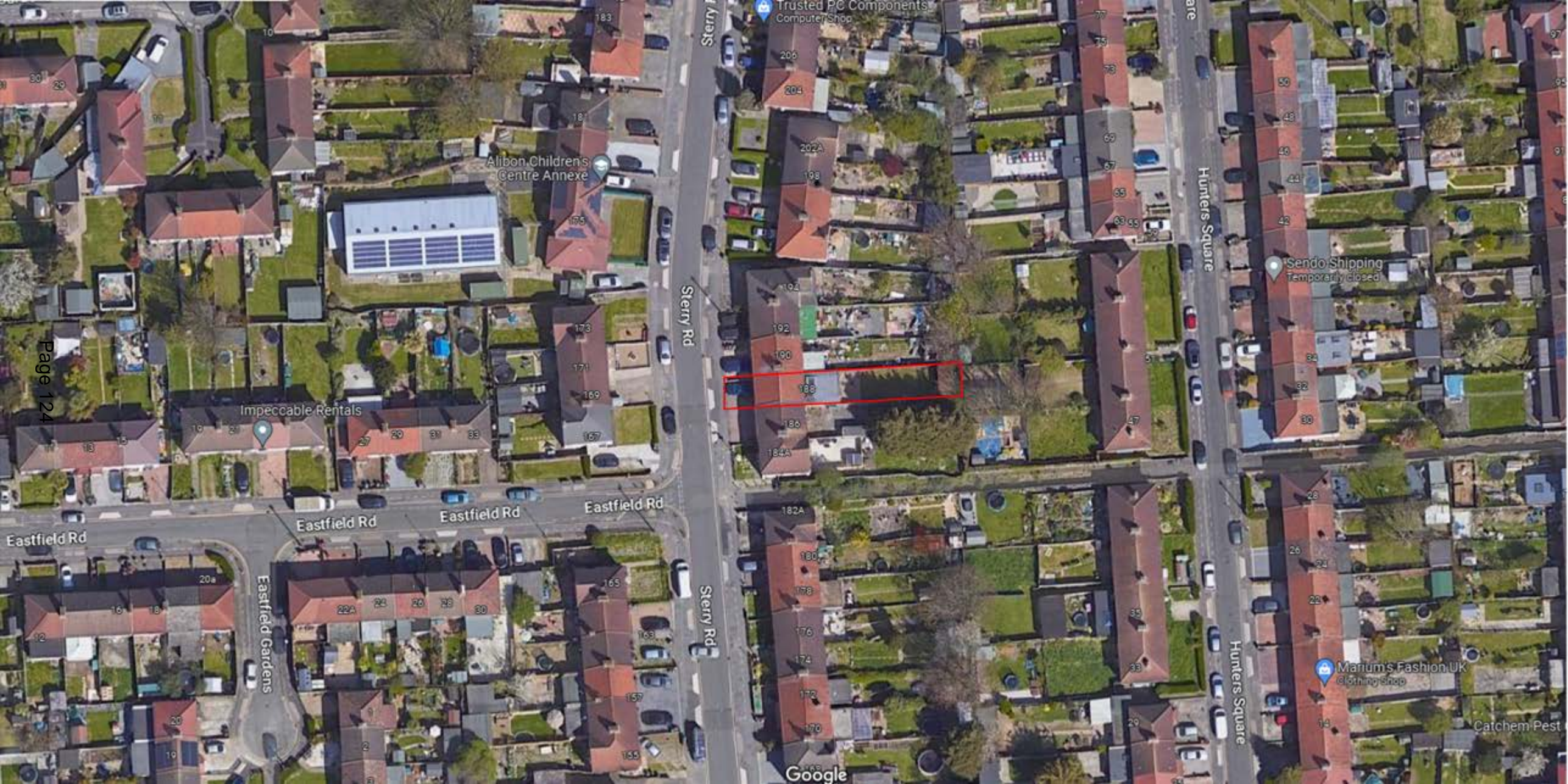
22/00585/FULL

Application Description:

A retrospective application for the change of use from a dwellinghouse (C3) to a House of multiple occupation (C4)

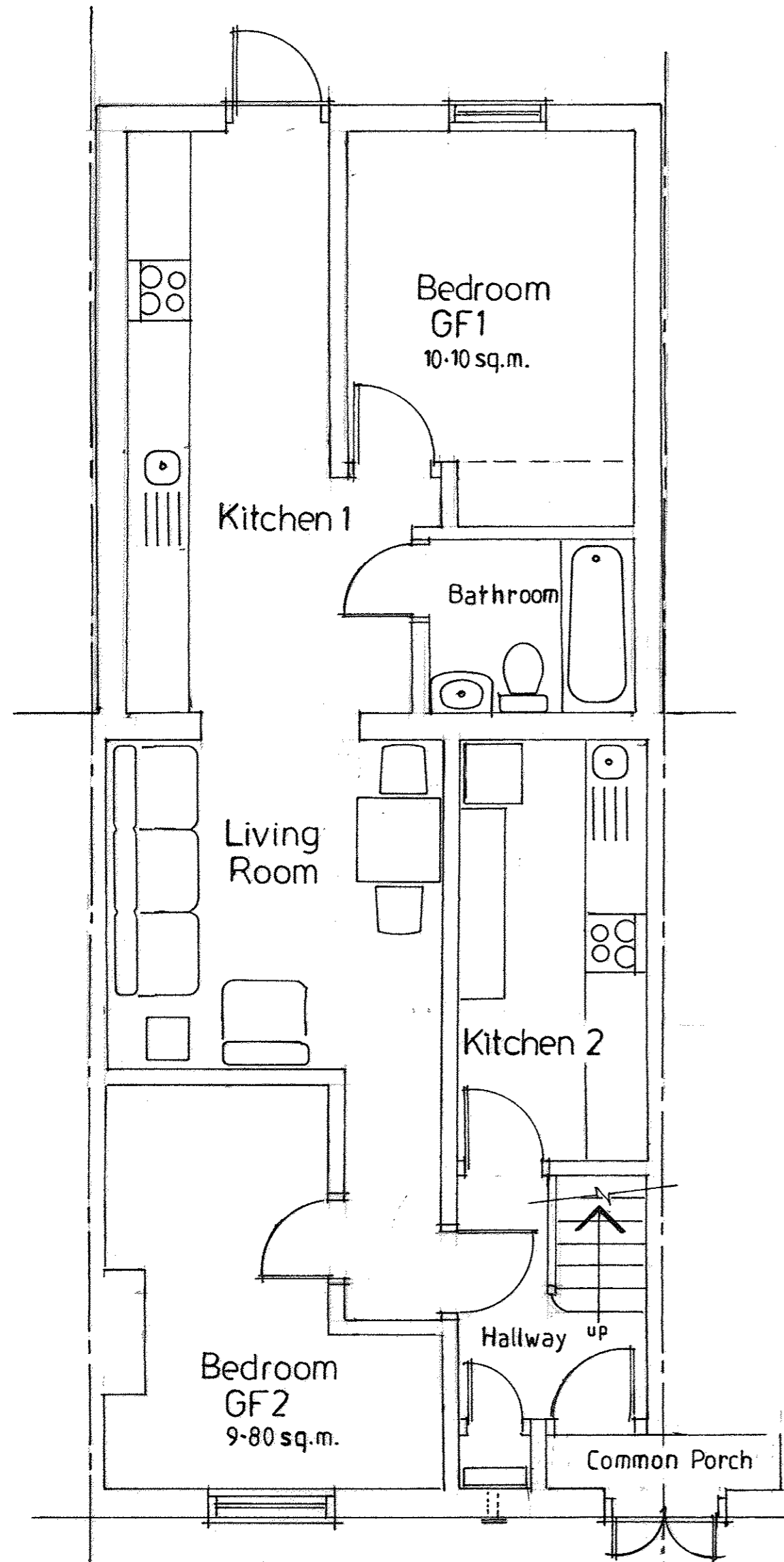
Decision:

Refused

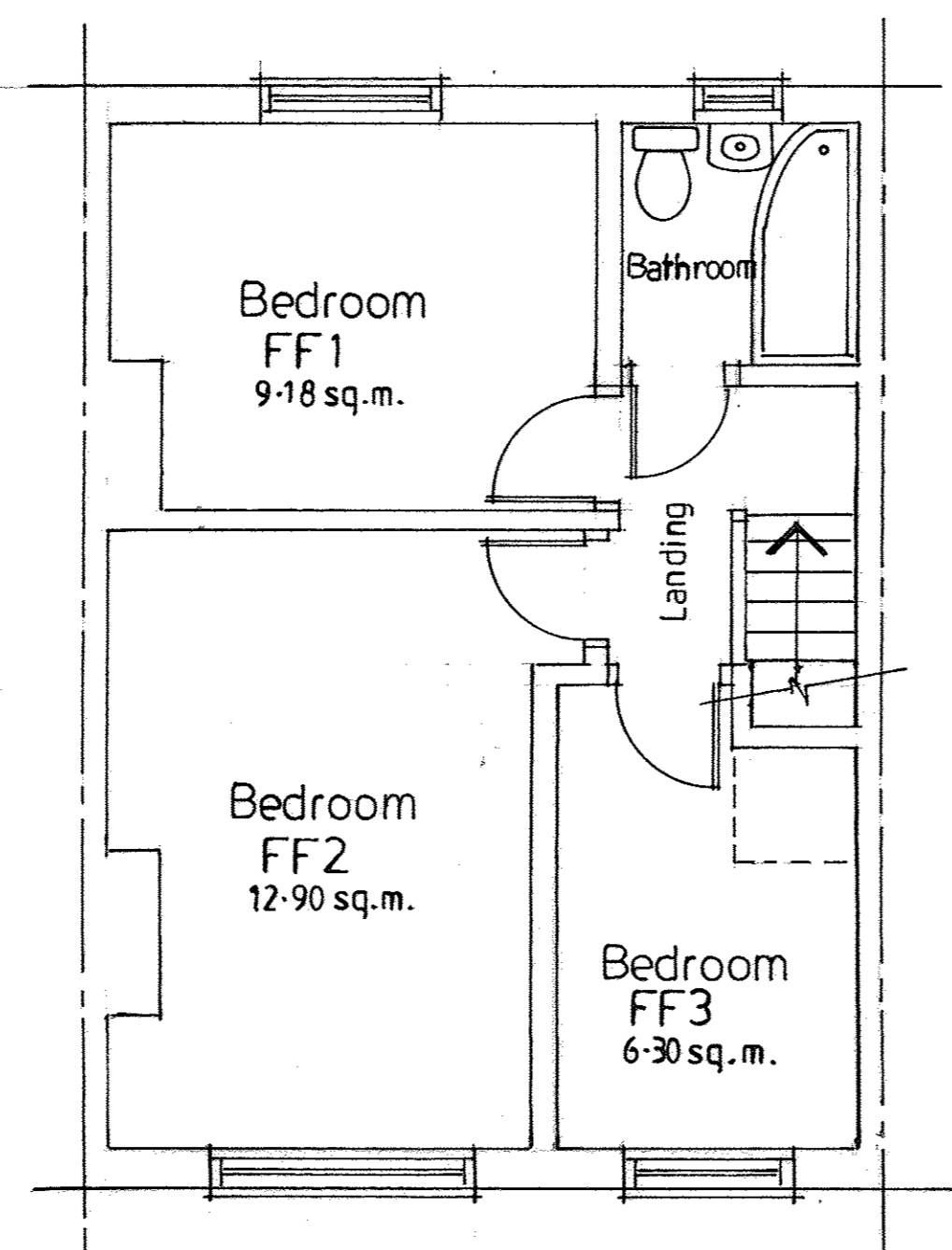




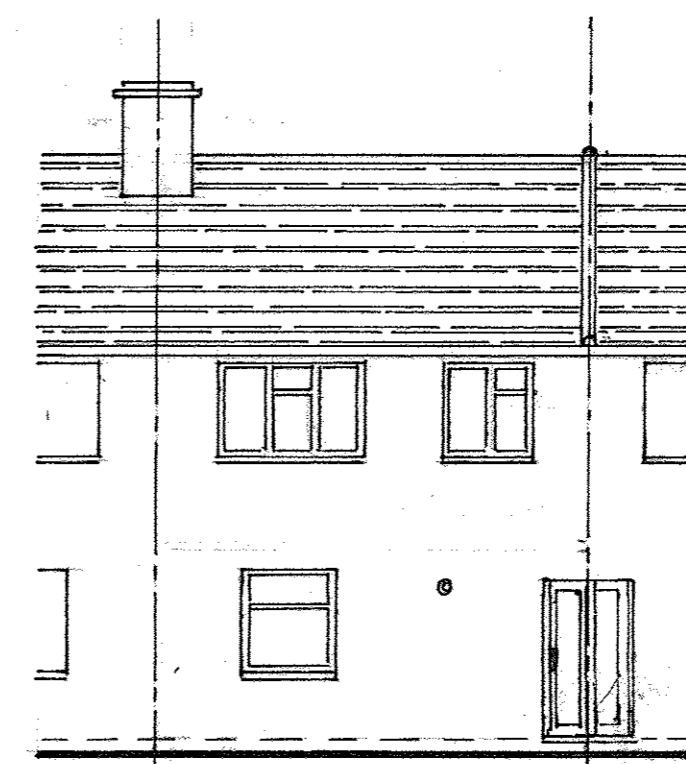
DRG. No.



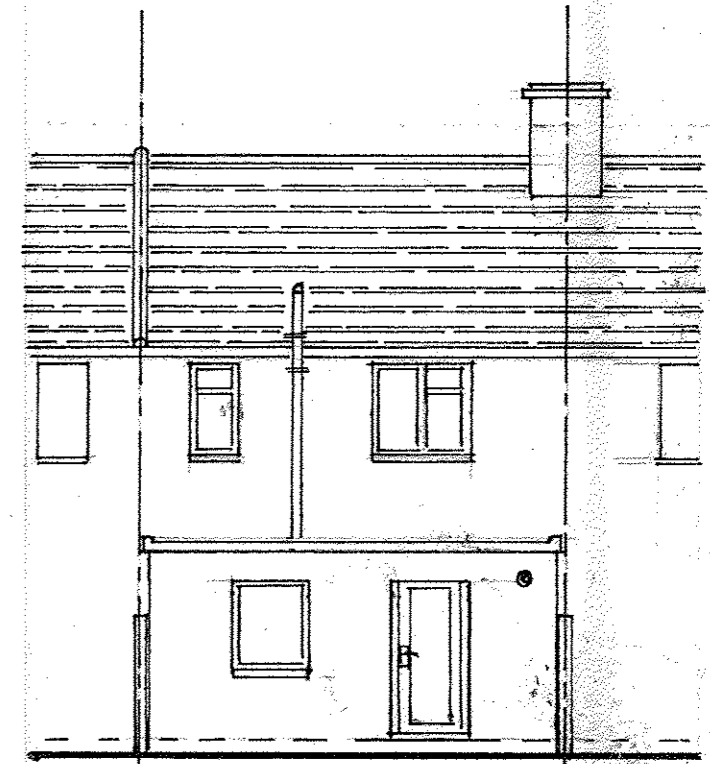
**EXISTING
GROUND FLOOR**
1:50



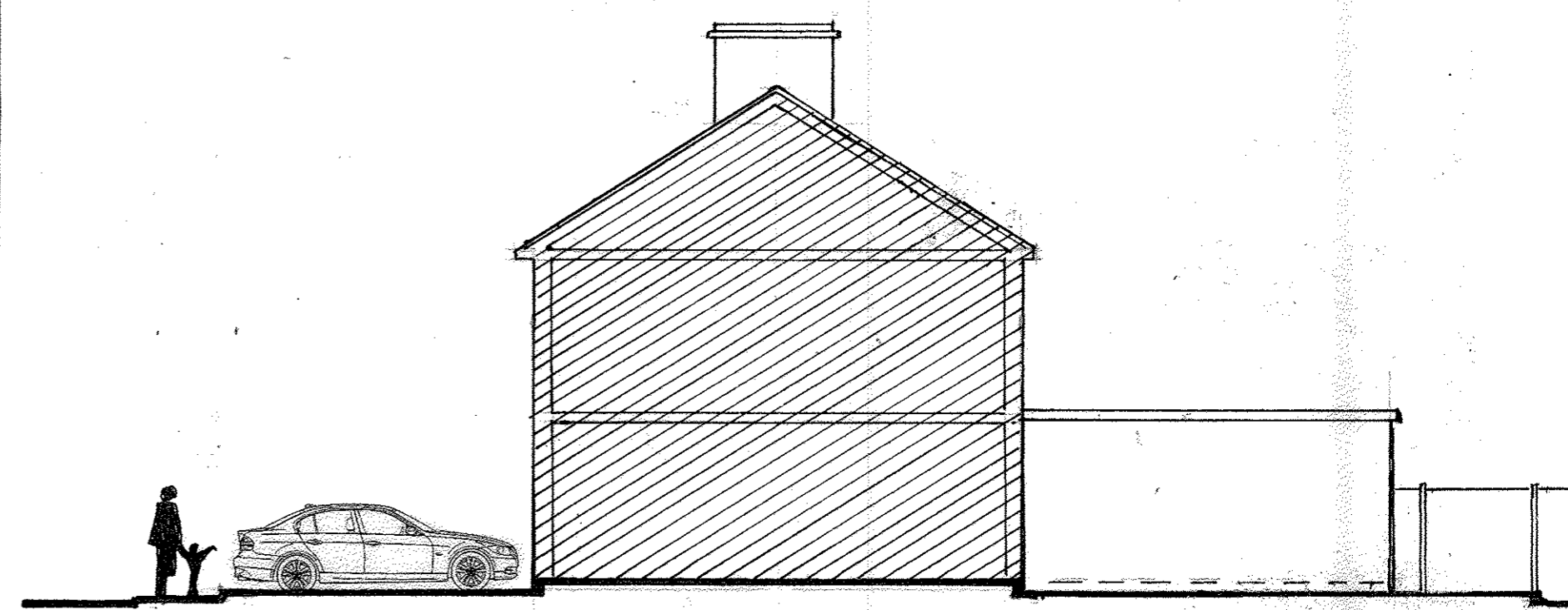
**EXISTING
FIRST FLOOR**
1:50



**FRONT
ELEVATION**
1:100



**REAR
ELEVATION**
1:100



**SIDE
ELEVATION**
1:100

Page 125

No.	DESCRIPTION	CHK'D	APP'D	DATE
REVISIONS				

Mr. Budvydas Brazas
188 Sterry Road
Dagenham
RM10 8PT

**EXISTING
FLOOR PLANS and ELEVATIONS**

1:50 1:100

DRAWN S.A.	TRACED	CHECKED	APPROVED	DATE April 2022	SCALE 1:50 1:100
DRAWING No. 1922 - 01, Rev. A					

Delegated Report

Application for Planning Permission

Case Officer:	Bethany Robins	Valid Date:	07 April 2022
Officer Recommendation:	Refuse	Expiry Date:	02 June 2022
Application Number:	22/00585/FULL	Recommended Date:	23 May 2022
Address:	188 Sterry Road, Dagenham, Barking And Dagenham, RM10 8PT		
Proposal:	A retrospective application for the change of use from a dwellinghouse (C3) to a House of multiple occupation (C4)		

Planning Constraints

None.

Site, Situation and Relevant Background Information

The application site is a two-storey mid-terrace victorian dwellinghouse that is located on the easters side of Sterry Road in Dagenham. This is a retrospective application for the change of use from a dwellinghouse (C3) to a House of multiple occupation (C4). The Ground Floor consists of a two-bed self-contained unit with the benefit of a rear single storey extension and the use of the rear garden. This is let out to a young family. The First Floor consists of three separate bedrooms, each let out separately as university student accommodation. There is a shared bathroom on the First Floor and a shared kitchen on the Ground Floor. The development also includes a rear garden that is shared between all the occupants of the HMO.

Key Issues

- Environmental (EIA)
- Principle of the Development
- Dwelling Mix and Quality of Accommodation
- Design and Quality of Materials
- Impacts to Neighbouring Amenity
- Sustainable Transport

ASSESSMENT

Principle of the Development

The Law

Section 38(6) of the Planning and Compulsory Purchase Act 2004, lays down the legal principle that the decision on a planning application is to be governed by the development plan, read as a whole, unless other material considerations indicate otherwise.

The National Planning Policy Framework (NPPF, July 2019)

Paragraph 11(d) of the NPPF provides that the presumption in favour of sustainable development (also known as the 'tilted balance') is engaged where (a) there are no relevant development planning policies, or (b) the policies which are most important for determining the application are out-of-date. The lack of either (a) a five-year supply of housing land or (b) where the Housing Delivery Test (HDT) indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous three years, triggers this.

When the presumption in favour of sustainable development (also known as the 'tilted balance') is engaged, the balance is tilted in favour of the grant of permission, except where (a) the application site is within the protect area (such as designated heritage asset and other heritage assets of archaeological interest, Green Belt, Area of Outstanding Natural Beauty, and others), or (b) the benefits are 'significantly and demonstrably' outweighed by the adverse harm, or (c) where 'specific policies' indicated otherwise.

In this instance, the London Borough of Barking and Dagenham (LBBD) cannot demonstrate five-year housing land supply, and we have delivered 1,902 out of a required 3,708 houses over the last three years, meaning that we failed to meet our HDT. The presumption in favour of sustainable development is therefore engaged in the decision taking.

The presumption being part of the NPPF is an important 'material consideration'. It does not however, replace the legal responsibility set by s38(6) of the PCPA 2004, to take account relevant development plan policies (see Gladman v SSHCLG [2020] EWHs 518

(Admin)). When engaged the presumption changes the balancing exercise from a neutral balance where if the harms outweigh the benefits planning permission is usually refused, to a tilted balance where the harms need to outweigh the benefits significantly and demonstrably for permission to be refused.

Development Plan

The London Plan (March 2021) H10 (Housing size mix) requires developments to determine the appropriate mix of units in relation to the number of bedrooms for a scheme. Whilst this policy is better suited for larger development rather than small conversions, this policy highlights that there is a need to provide and retain family housing that is of good quality.

The Core Strategy Policy (June 2010) Policy CC1 (Family housing) seeks to ensure that there is an appropriate mix of housing in new development. Whilst the policy itself refers to the new build development, the supporting text provides an explanation and reasons for this policy which are useful in assessing application for conversions of larger family homes (4-bedrooms +). The supporting text at paragraph 6.1.2 states that the Borough is not currently succeeding in providing sufficient new family housing, particularly for larger households (4-bedrooms +). This is evidenced in the past Annual Monitoring Reports. Paragraph 6.1.3 mentioned that the Borough is rapidly losing larger family houses and accommodation through housing conversion, demolition, and redevelopment schemes that do not replace the lost family sized units.

The Borough Wide Development Policies Development Plan Document (March 2011) Policy BC4 (Residential Conservation and Houses in Multiple Occupation) seeks to preserve and increase the stock of family housing in the Borough.

The draft Local Plan (Regulation 19(2)) Policy SP 3 (Delivering homes that meet peoples' needs), at Point 2 (b) states that the Council will ensure that development do not undermine the supply of self-contained housing, in particular family housing. The family housing is defined in the glossary as "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." Policy DMH 4 of the Draft Local Plan notes that the Council is seeking to preserve and increase the stock of family housing in the borough. Proposals for conversions or loss of existing family housing with three bedrooms or more will be resisted.

Evidence base documents

The adopted Development Plan Documents and the emerging draft Local Plan are underpinned by a sound evidence base. The Strategic Housing Market Assessment (SHMA) published in February 2020, represents the latest, most up-to-date evidence base. Paragraph 4.18 states that in 2011, at the time of the Census, only 6% of the housing stock in the borough was 4-bedroom or more. Paragraphs 6.63-6.55 (inclusive) provide justification for the existing and projected dwelling size requirement. The evidence sets out that there is high demand for family houses, specifically for dwellings of four bedrooms or more.

The Annual Monitoring Reports tells us that whilst new homes are being built on strategic site allocations and other smaller sites, the development that is coming forwards mainly meets the identified need for smaller units (1 or 2 bedrooms). It's rare for developers to provide flats or houses that are 3-bedroom+ (larger family houses).

The Housing Delivery Test Action Plan 2020 demonstrated that 'the Council is making significant progress to improve the delivery of homes through the increase in planning permissions.'

Assessment

To ensure that the Borough develops to have diverse, strong, and secure neighbourhoods that promote equal life chances for all. It is important to protect family housing and in particular larger family dwellings (3-bedroom +). The adopted and emerging planning policies emphasise the importance of delivery and retention of this type of housing. The policies are supported by a sound evidence base that is consistent with national policy and in accordance with the London Plan. Given that less family housing is coming forward on the ground, this gives even greater importance to the retention of existing family housing stock.

Any benefits that the change of use of flat from C3 to C4 will deliver is weighed against the need to protect and increase the supply of family housing. Policy BC4 of the Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011), 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 conversion of the dwellinghouse into a HMO 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 3+ bedroom family sized dwellings, of which the pre-existing dwellinghouse was one. As such, Officers support the preservation of the pre-existing family-sized dwelling as opposed to the conversion of the dwelling to an HMO.

Conclusion

There is a clear motive in the planning policies listed above to preserve family dwellings. The proposed change of use of a family dwelling to a dwelling in Multiple Occupation, would not be supported and against the objectives of the NPPF, Policy H9 of the London Plan, Policy SP 3 and DMH 4 of the Draft Local Plan, Policy CM1 of the Core Strategy DPD, and Policy BP10 and BC4 of the Borough Wide DPD.

Dwelling Mix and Quality of Accommodation

Policies

At national level, the 'Technical housing standards – nationally described space standard' deals with internal space within new dwellings and dwelling conversions. It is suitable for application across all tenures. It sets out requirements for the gross internal area of new dwellings at a defined level of occupancy, as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. London Plan Policy D6 sets out the importance for homes across London to be designed to a high quality – 'New homes should have adequately-sized rooms and convenient and efficient room layouts which are functional, fit for purpose and meet the changing needs of Londoners over their lifetimes. Particular account should be taken of the needs of children, disabled and older people' in line with those set at national level.

Assessment

The technical housing standards states that in order to provide one bedspace, a single bedroom must have a floor area of at least 7.5m² and is at least 2.15m wide. In order to provide two bedspaces, a double (or twin bedroom) must have a floor area of at least 11.5m², with one double (or twin bedroom) being at least 2.75m wide and every other double (or twin) bedroom being at least 2.55m wide. Policy BP6 of the Borough Wide Development Plan states that for a two bedroom dwelling, at least one of the bedrooms should be that of a double bedroom. The technical housing standards also requires the gross internal floor space for a two-bedroom, single storey dwelling to be at least 61 sqm and have 2 sqm storage and a three-bedroom, one-storey dwelling to be at least 74 sqm. The proposed developments internal space is listed below:

Flat 1

Gross Internal Floor Space: 68.6 sqm (Complies with one-storey, two bedroom dwelling)

Storage: 0 sqm (Does not comply with the space standards)

Bedroom 1: 10.10 sqm (Complies with a

single bedroom)

Bedroom 2:

9.80 sqm (Complies with a single bedroom)

Flat 2

Gross Internal Floor Space: 49 sqm (Does not comply with a one-storey, three bedroom dwelling)

Storage: 0 sqm (Does not comply with the space standards)

Bedroom 3: 6.3 sqm (Does not comply with a

single bedroom)

Bedroom 4: 12.9

sqm (Complies with a double bedroom)

Bedroom 5: 9.18 sqm (Complies with a single bedroom)

As such, both flats fail to provide sufficient space standards as Flat 1 fails to comply with Policy BP6 of the Borough Wide Development Plan as the one-storey, self-contained dwelling fails to provide a bedroom with sufficient space for a double bedroom and in Flat 2, bedroom 3 fails to comply with the gross internal floor space required for a single or double bedroom. Furthermore, no storage space is provided for either of the 2 flats. Therefore, the proposed development fails to comply with the Technical Housing Standard's.

Policy BP6 of the Borough Wide Development Plan seeks to ensure that new dwellings provide adequate internal space. It sets out that a 2 person bedspace should provide a minimum 24 sqm of cooking, eating and living space and a 3 person dwelling should provide 30 sqm. Flat 1 provides 24 sqm which complies with a 2 person dwelling but not a 3 person dwelling and Flat 2 provides 7.84 sqm which does not comply with a 2 person dwelling therefore, it does not accord with policies and could be detrimental to ensuring good quality of accommodation being provided for the residents.

In regard to outdoor amenity spaces Chapter 8 of the NPPF seeks to promote healthy and safe communities by ensuring planning decisions achieve healthy, inclusive and safe places which enable and support healthy lifestyles and wellbeing needs. Policy BP5 of the Borough Wide Development Plan Document states that new developments must provide adequate external private and/ or communal amenity space to meet the need generated by development. Amenity space should be private, useable, functional and safe. Policy BP5 of the Borough Wide Development Plan sets out that a 2+ bedroom dwelling is expected to provide 40 sqm of outdoor amenity space. Officers acknowledge that the rear garden, with an area of approximately 45 sqm, belongs to the self-contained Flat 1. Therefore, Flat 1 includes the required external space standards however, Flat 2 does not include any external space standards therefore, it fails to comply.

Conclusion

Whilst Flat 1 provides sufficient gross internal space, Flat 2 does not. Furthermore, Flat 1 fails to comply with Policy BP6 of the Borough Wide Development Plan as the one-storey, self-contained dwelling fails to provide a bedroom with sufficient space for a double bedroom and in Flat 2, bedroom 3 fails to comply with the gross internal floor space required for a single or double bedroom. Additionally, no storage space is provided for either of the 2 flats. Therefore, Officers do not consider the quality of accommodation to be acceptable as it fails to comply with Policies D4, D5 and D6 and D7 of the London Plan and Policies BC2, BP5 and BP6 of the Borough Wide DPD and the Technical housing standards - nationally described space standard. Therefore, the proposed development does not ensure a satisfactory lifestyle is achieved and hence it is recommended for refusal.

Design and Quality of Materials

The NPPF (2019), specifically paragraphs 127 and 128, outline that planning policies and decisions should aim to ensure that development functions well and adds to the overall quality of an area for both the short term and over the lifetime of the development. Paragraph 130 advises that permission should be refused for proposed developments of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On a more localised level, Policy SP 2 of the Draft Local Plan (Regulation 19) reiterates that the Council will promote high-quality design, providing a safe, convenient, accessible and inclusive built environment and interesting public spaces and social infrastructure for all through recognising and celebrating local character and the borough's heritage, adopting a design-led approach to optimising density and site potential by responding positively to local distinctiveness and site context. Policy DMD 1 of the Draft Local Plan states that all development proposals should be creative and innovative, recognising that existing local character and accommodating change is not mutually exclusive, architecture should be responsive, authentic, engaging, and have an enduring appeal.

Assessment

The proposed development presents no alterations to the external appearance of the dwellinghouse. Therefore, officers consider the proposed development to be appropriate in design and in accordance with the objectives of the NPPF, London Plan Policy D4, Policies SP 2 and DMD 1 of the Draft Local Plan, and Policy BP8 and BP11 of the Local Development Framework Borough Wide Development Plan.

Impacts to Neighbouring Amenity

Policies

The NPPF and London Plan Policies both have relevance to the importance of quality development in addressing neighbouring amenity and avoiding unacceptable impacts. Policy DMD 1 of the Draft Local Plan (Regulation 19) states that all development proposals should consider the impact on the amenity of neighbouring properties with regard to significant overlooking (loss of privacy and immediate outlook) and overshadowing (unacceptable loss of daylight and sunlight), wind and microclimate. Policy BP8 and BP11 of the Local Development Framework Borough Wide Development Plan has specific regard to protecting residential amenity.

Noise and general disturbance are also discussed in planning policy in regard to protecting residential amenity. Policy DMD 1 of the Draft Local Plan states that all development proposals should mitigate the impact of air, noise and environmental pollution. Policy SP 7 of the Draft Local Plan ensures that all development manages nuisance during both construction and operation through appropriate mitigation. Policy BP8 of the Local Development Framework Borough Wide Development Plan expects all development to ensure existing and proposed occupiers are not exposed to unacceptable levels of pollution or general disturbance that may arise from the development. This can include noise, smoke, fumes, refuse and/or lighting, and activities as traffic movements, during construction and occupation. Policy DMSI 3 of the Draft Local Plan states that development proposals which generate unacceptable levels of nuisance, either individually or cumulatively, will generally be resisted.

Assessment

The proposed development will cause no alteration to the external design of the property. Therefore, minimal overlooking or overshadowing will occur to neighbouring properties. However, there will be additional residents living at the application site. This will result in a greater concentration of irregular comings and goings in relation to the surrounding residential units. Officers believe this proposal will generate more waste, noise and general disturbance than a single dwelling, negatively impacting neighbouring amenity and in turn the standard of living of neighbouring residents.

The proposed HMO has the potential to increase activity level and coming and goings to and from the site leading to additional levels of noise and disturbance at the property. This is considered to have a negative impact on neighbouring amenity and in turn the health and wellbeing of neighbouring residents. Officers acknowledge that an objection was received from a resident of an adjoining property who was concerned with the extra comings and goings that are occurring at the application site as a result of it being converted to a HMO. As such the proposal is contrary to the Policies DMD 1, SP 7 and DMSI 3 of the Draft Local Plan, and Policies BP8 and BP11 of the Local Development Framework Borough Wide Development Plan.

Sustainable Transport

The Transport Planning Officer was consulted regarding this application and made the following comments:

CONSIDERATION

Introduction

This is an application for a retrospective application for the change of use from a dwellinghouse (C3) to a House of multiple occupation (C4)

Car Parking

The site is in PTAL 2 meaning it has poor access to public transport. However, it does fall under HW CPZ area.

There is one existing off street parking space available specifically for the development. The application does not specify how this space will be managed when the development will be used as HMO with multiple people occupying the development who may require

separate car access.

We must ensure that the proposal does not negatively impact the existing residents and users of the surrounding area. Hence, there should be appropriate off-street car parking provision included with the proposal or the applicant must demonstrate that there is enough capacity on-street to accommodate any additional vehicles which would come as part of the proposed development.

Since the development is in a controlled Parking Zone, we recommend making this unit car permit free and this must be conditioned. This must be agreed, and adequate arrangements should be made with LBBB parking department to ensure the property is car permit free.

Confirmation of the parking status should be sent to LBBB parking department prior to the discharge of the relevant condition.

ped@lbbd.gov.uk, parking@lbbd.gov.uk,

As this is a retrospective application, there could be active parking permits associated with the development, applicant should provide information regarding any on-street permits applied for from this development.

Cycle Parking

Adequate cycle parking provision for all the occupiers of the development should be provided.

The cycle parking space must be safe and easily accessible.

The cycle parking spaces should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards, this means;

- access for residents only, and with stands/racks allowing both the frame and at least one wheel to be secured
- Well located: close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners
- Covered
- Fully accessible, for parking all types of cycle
- Managed, where possible, in order for access to be administered and to provide ongoing maintenance

Applicant must identify cycle parking provision prior to the approval of this application.

In order to promote alternative, sustainable forms of transport, in accordance with The Local Plan POLICY DMT 3 and The London Plan 2021 policy T5.

Refuse

Adequate refuse storage facility must be identified, this must be off the public highway and no refuse shall be kept on the public highway other than the designated collection days.

Environmental Considerations

The Environmental Enforcement Officer was consulted regarding this application and made the following comments:

Recommendations

Change of use retrospective: dwellinghouse (C3) to a House of multiple occupation (C4) - refusal **recommended**.

Reasons:

The building regulations Approved Document E, Resistance to the passage of sound (England and Wales only) sets out the soundproofing standards for new homes and those undergoing refurbishment or **conversion from a different use**.

Once buildings or conversions are completed the developer must provide building control and/or planning with proof of meeting part E building regulation or the building will not be pass building regulation – most especially adequate sound insulation provision in and between dwellings.

No document (sound insulation test certificate etc) has been submitted to demonstrate that adequate sound insulation has been provided in and between the rooms etc.

CONCLUSION

Considering the planning policy, evidence base, and material considerations outlined above the benefits of providing additional housing in the Borough does not outweigh the significant and demonstrable harm that would result from losing larger family housing. Furthermore, the proposal fails to meet the minimal space standards as Flat 2 does not provide sufficient gross internal floor space, and therefore would not provide an acceptable quality of accommodation to provide a satisfactory lifestyle for future residents, Flat 1 fails to comply with Policy BP6 of the Borough Wide Development Plan as the one-storey, self-contained dwelling fails to provide a

bedroom with sufficient space for a double bedroom and in Flat 2, bedroom 3 fails to comply with the gross internal floor space required for a single or double bedroom. Also, no storage space is provided for either of the 2 flats. Additionally, the HMO has the potential to increase activity level and coming and goings to and from the site leading to additional levels of noise and disturbance at the property. This is considered to have a negative impact on neighbouring amenity and in turn the health and wellbeing of neighbouring residents. For these reasons, the negatives arising from the proposal are considered to outweigh any significant benefits as such having regard to the presumption in favour of sustainable development on balance the principle of development is considered unacceptable and planning permission is to be refused.

APPENDIX 1

Development Plan Context	
The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:	
National Planning Policy Framework (NPPF) (DLUHC, 2021)	
London Plan (March 2021)	Policy D1 - London's Form, Character, and Capacity for Growth Policy D6 - Housing Quality and Standards Policy H9 - Ensuring the Best Use of Stock Policy H10 - Housing Size Mix
Local Development Framework (LDF) Core Strategy (July 2010)	Policy CM1 - General Principles for Development Policy CC1 - Family Housing
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BC4 - Residential Conversions and Houses in Multiple Occupation Policy BP5 - External Amenity Space Policy BP6 - Internal Space Policy BP10 - Standards Policy BP8 - Protecting Residential Amenity Policy BP11 - Urban Design Housing Density
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.	
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	Policy SP3 - Delivering homes that meet people's needs Policy DMH4 - Purpose-built shared housing and houses in multiple occupations (HMOs) Policy SP2 - Delivering a well-designed, high-quality and resilient built environment Policy DMD 1 - Securing high-quality design Policy SP 7 - Securing a clean, green and sustainable borough Policy DMSI 3 - Nuisance
Supplementary Planning Documents	DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended) Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017) the London Borough of Barking & Dagenham 'Interim Habitats Funding Statement' (Date TBC)

APPENDIX 2

Relevant Planning History			
Application Number:	16/01671/PRIOR6	Status:	Prior Approval Not Required
Description:	<i>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 2.8 metres and maximum height: 3.05 metres).</i>		
Enforcement Case:	22/00044/ENF	Status:	Pending Consideration
Alleged breach:	HMO		

APPENDIX 3

Consultations		
Consultee:	Date Consulted:	Summary of response:
Environmental Enforcement Officer	07/04/2022	<p>Recommendations</p> <p>Change of use retrospective: dwellinghouse (C3) to a House of multiple occupation (C4) - refusal recommended.</p> <p>Reasons:</p> <p>The building regulations Approved Document E, Resistance to the passage of sound (England and Wales only) sets out the soundproofing standards for new homes and those undergoing refurbishment or conversion from a different use.</p>

Once buildings or conversions are completed the developer must provide building control and/or planning with proof of meeting part E building regulation or the building will not be pass building regulation – most especially adequate sound insulation provision in and between dwellings.

No document (sound insulation test certificate etc) has been submitted to demonstrate that adequate sound insulation has been provided in and between the rooms etc.

CONSIDERATION

Introduction

This is an application for a retrospective application for the change of use from a dwellinghouse (C3) to a House of multiple occupation (C4)

Car Parking

The site is in PTAL 2 meaning it has poor access to public transport. However, it does fall under HW CPZ area.

There is one existing off street parking space available specifically for the development. The application does not specify how this space will be managed when the development will be used as HMO with multiple people occupying the development who may require separate car access.

We must ensure that the proposal does not negatively impact the existing residents and users of the surrounding area. Hence, there should be appropriate off-street car parking provision included with the proposal or the applicant must demonstrate that there is enough capacity on-street to accommodate any additional vehicles which would come as part of the proposed development.

Since the development is in a controlled Parking Zone, we recommend making this unit car permit free and this must be conditioned. This must be agreed, and adequate arrangements should be made with LBBB parking department to ensure the property is car permit free.

Confirmation of the parking status should be sent to LBBB parking department prior to the discharge of the relevant condition.

ped@lbbd.gov.uk, parking@lbbd.gov.uk,

As this is a retrospective application, there could be active parking permits associated with the development, applicant should provide information regarding any on-street permits applied for from this development.

Cycle Parking

Adequate cycle parking provision for all the occupiers of the development should be provided.

The cycle parking space must be safe and easily accessible.

The cycle parking spaces should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards, this means;

- access for residents only, and with stands/racks allowing both the frame and at least one wheel to be secured
- Well located: close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners
- Covered
- Fully accessible, for parking all types of cycle
- Managed, where possible, in order for access to be administered and to provide ongoing maintenance

Applicant must identify cycle parking provision prior to the approval of this application.

In order to promote alternative, sustainable forms of transport, in accordance with The Local Plan POLICY DMT 3 and The London Plan 2021 policy T5.

Transport Planning Officer

07/04/2022

Refuse

Adequate refuse storage facility must be identified, this must be off the public highway and no refuse shall be kept on the public highway other than the designated collection days.

APPENDIX 4

Neighbour Notification	
Date Consultation Letter Sent:	07/04/2022
Address:	<i>Summary of response:</i>
186 Sterry Road, Dagenham, Barking And Dagenham, RM10 8PT	An objection was received from a resident at this event who was concerned with the extra comings and goings that are occurring at the application site as a result of it being converted to a HMO.

LBBB Reference: 22/00585/FULL

Siraz Aswat

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 22/00585/FULL
Address: 188 Sterry Road, Dagenham, Barking And Dagenham, RM10 8PT
Development Description: A retrospective application for the change of use from a dwellinghouse (C3) to a House of multiple occupation (C4)

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

[Marilyn Smith](#)

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: Siraz Aswat

Applicant: Budvydas Brazas

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00585/FULL

Application Type: Full Planning Permission

Development Description: A retrospective application for the change of use from a dwellinghouse (C3) to a House of multiple occupation (C4)

Site Address: 188 Sterry Road, Dagenham, Barking And Dagenham, RM10 8PT

Date Received: 04 April 2022

Date Validated: 07 April 2022

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The proposal results in the loss of a 3+ bedroom family sized dwelling which is the type of housing in high demand within the Borough. Therefore the negatives arising from the proposal are considered to outweigh any significant benefits as such having regard to the presumption in favour of sustainable development on balance the principle of development is considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, February 2019)
- Policies GG4, H1, H2 and H9 of the London Plan (March 2021)
- Policies CM1, CM2 and CC1 of the Core Strategy DPD (July 2010)
- Policy BC4 of the Borough Wide DPD (March 2011)
- Policies SPDG1, SP3 and DMH4 of the Draft Local Plan Regulation 19 consultation version (October 2020)
- Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017)
- London Borough of Barking and Dagenham Housing Delivery Test Action Plan 2020

2. The retrospective HMO has potential to increase activity level and coming and goes to and from the site leading to additional levels of noise and disturbance at the property. This is considered to have a negative impact on neighbouring amenity and in turn the health and wellbeing of neighbouring residents. As such the proposal is contrary to:

- National Planning Policy Framework (MHCLG, February 2019)
- Policies BP8 and BP11 of the Borough Wide DPD (March 2011)
- Policies DMD 1, SP 7 and DMSI 3 of the Draft Local Plan Regulation 19 consultation version (October 2020)

3. The retrospective development fails to provide sufficient internal and external amenity space and CEL area's for a three bedroom, one-storey dwelling in Flat 2 and Flat 1 fails to provide at least one double bedroom in a two bedroom dwelling. The proposal would therefore provide a substandard quality of accommodation detrimental to the standard of living of future residents. Therefore, the proposal fails to comply with:

- National Planning Policy Framework (MHCLG, February 2019);
- Policy D6 of the London Plan (March 2021)
- Policies BP5 and BP6 of the LDF Borough Wide Development Plan Policies DPD (March 2011) Technical Housing Standards

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application:

- 1922-01, Rev A - Existing Floor Plans & Elevations - April 2022
- 1922-02 - Location Plan - March 2022
- 1922-03 - Existing Photos Front & Rear - March 2022
- 1922-04 - Block Plan - March 2022
- 1922-05 - Design & Access Statement - April 2022

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 24/05/2022

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/D/21/3283439

Appeal Application Description:

Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 5.40 metres. The maximum height of the proposed extension from the natural ground level is 3.00 metres. The height at eaves level of the proposed extension measured from the natural ground level is 3.00 metres.

Decision:

Appeal
Allowed



Fairfield Rd

Fairfield Rd

Lady Aisha Acad

Fast Utilities Solutions

Victoria Rd

Victoria Rd

Touch Gloves Boxing

Victoria Rd

Victoria Rd

Victoria Rd

Victoria Rd

Loxford Rd

Al-Futuwwa Girls
Secondary School

Special Tailors Ltd

Google

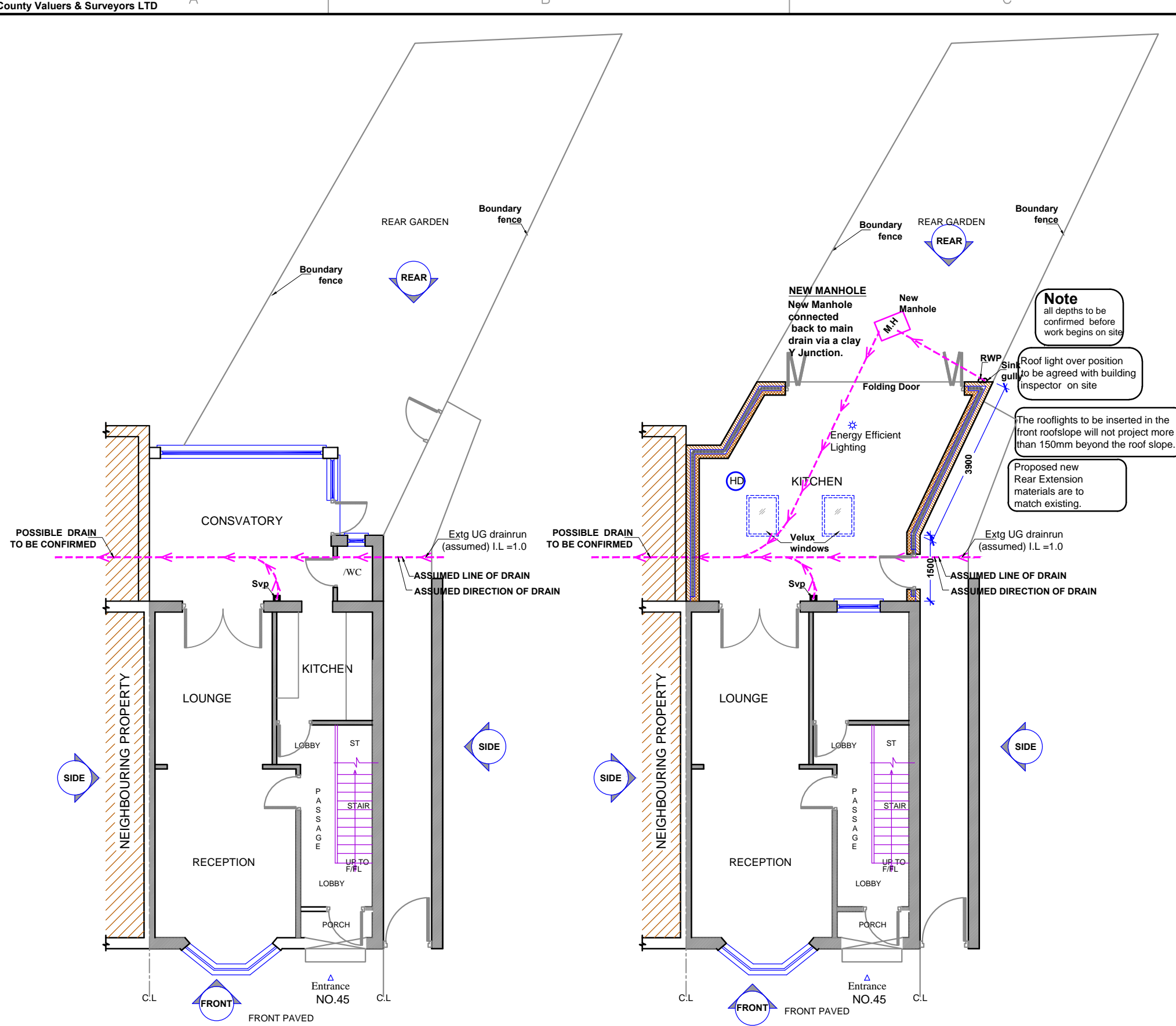
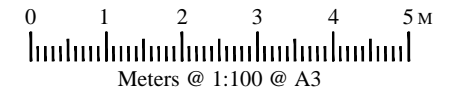
GENERAL NOTES

All dimensions are to be verified on site prior to the commencement of any site works. Any variations are to be recorded and reported to the engineer so that the adjustments may be made to the structural scheme if necessary. do not scale. Work to figured dimensions only. All dimensions, setting out and levels are to be verified on site with the architect prior to the commencement of any site work.

The contractor shall be responsible for and must take all necessary precautions to ensure the stability of the existing structure and earthworks on adjoining sites during the course of the contract.

Materials and constructions are to be in accordance with the relevant British Standards and Codes of Practice.

Any services or drainage which pass through the foundation are to be encased in a flexible sleeve.



1 EXISTING GROUND FLOOR PLAN
Scale: 1:100

2 PROPOSED GROUND FLOOR PLAN
Scale: 1:100

REFERENCE DRAWINGS	KEY PLAN	COPYRIGHT	NOTES	No	DATE	REVISION	BY	CHK	CONSULTANT	TOWN & COUNTY VALUERS & SURVEYORS LTD	DRAWN	RAWAL	CLIENT/PROJECT	45 VICTORIA ROAD BARKING IG11 8PY	DRAWING No.	A01
		THE CONTENTS OF THIS DRAWING MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT EXPRESS WRITTEN CONSENT OF TOWN & COUNTY VALUERS & SURVEYORS LIMITED	PLEASE NOTE THAT BEFORE BUILDING WORKS COMMENCES IT THE RESPONSIBILITY OF THE BUILDER OR OWNER TO SERVE PARTY IS WALL NOTICES TO ALL NEIGHBOURS			A			T/C	ARCHITECTURAL CONSULTANT, CIVIL ENGINEERS, STRUCTURAL ENGINEERS 401 Ilford Lane, Ilford, Essex, IG1 2SN Tel: 020 8553 2231/020 88514 3720 Fax: 020 8514 3720 Email: townandcounty@hotmail.co.uk	CHECKED	SB	TITLE	PLANS	SCALE:	1:100@A3
											PROJECT No.	2021	(REAR EXTENSION)		DATE:	24-06-2021

LBB Reference: 21/01311/PRIEXT

Mr. R Rawal
Town and Country Valuers & Surveyors Ltd.
401 Ilford Lane
Ilford
IG1 2SN

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)**

Dear Sir / Madam,

Application Number: 21/01311/PRIEXT
Address: 45 Victoria Road, Barking, Barking And Dagenham, IG11 8PY
Development Description: Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 5.40 metres. The maximum height of the proposed extension from the natural ground level is 3.00 metres. The height at eaves level of the proposed extension measured from the natural ground level is 3.00 metres.

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent:	R Rawal Town and Country Valuers & Surveyors Ltd. 401 Ilford Lane Ilford IG1 2SN	Applicant:	Kamalathasan Veerapapathiran 45 VICTORIA ROAD BARKING IG1 2SN
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PART 1 - PARTICULARS OF THE APPLICATION

Application Number:	21/01311/PRIEXT
Application Type:	Prior Approval: Larger Home Extension
Development Description:	Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 5.40 metres. The maximum height of the proposed extension from the natural ground level is 3.00 metres. The height at eaves level of the proposed extension measured from the natural ground level is 3.00 metres.
Site Address:	45 Victoria Road, Barking, Barking And Dagenham, IG11 8PY
Date Received:	13 July 2021
Date Validated:	13 July 2021

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PRIOR APPROVAL is **REQUIRED AND REFUSED** for the carrying out of the proposal referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application, for the reason(s) listed below.

Reason(s):

1. The proposed development fails to comply with Class A of the Town and Country Planning (General Permitted Development) Order 2015

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application:

- A01 - Existing and Proposed Ground Floor Plans -24/06/2021
- A02- Existing and Proposed Roof Plans -24/06/2021
- A04 - Proposed Rear and Side Elevations - 24/06/2021

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 12/08/11

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

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This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

3. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Appeal Decision

Site visit made on 12 April 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2022

Appeal Ref: APP/Z5060/D/21/3283439

45 Victoria Road, Barking IG11 8PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Kamalathanan Veerapathiran against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/01311/PRIEXT, dated 2 July 2021, was refused by notice dated 12 August 2021.
 - The development proposed is 'ground floor rear extension with flat roof'.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a ground floor rear extension with flat roof at 45 Victoria Road, Barking IG11 8PY in accordance with the terms of the application, Ref 21/01311/PRIEXT, dated 2 July 2021, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Preliminary Matters

2. Article 3(1) and Schedule 2, Part 1, Class A of the GPDO grant planning permission for the enlargement of a dwellinghouse subject to limitations and conditions. Paragraph A.4 of Class A applies to development which would exceed the limits at paragraph A.1(f) but would comply with the limits at paragraph A.1(g).
3. The proposed development would comprise a single storey rear extension to a mid-terrace house which would extend beyond the rear wall of the house by more than 3 metres, but less than 6 metres. Paragraph A.4 is therefore applicable to the proposed extension, and the appellant sought prior approval from the Council. Paragraph A.4(3)(a) states the local planning authority may refuse such an application where, in the opinion of the authority, the proposed development would not comply with the conditions, limitations or restrictions applicable to the development.
4. The Council's decision notice states prior approval is required for the proposed development, which was refused because it considered the proposed development would fail to accord with the conditions, limitations or restrictions of Class A. The Council's officer report clarifies that it was considered the proposal would fail to accord with paragraph A.1(g) because 'the proposed

development extends beyond the rear wall, however, then curves around so it no longer sits behind the rear wall’.

Main Issue

5. Taking the above into account, the main issue is whether the proposed development would be permitted by Schedule 2, Part 1, Class A of the GPDO.

Reasons

6. The rear garden of the appeal dwelling is angled away from its rear elevation. Part of the proposed rear extension would therefore protrude to the side of the appeal dwelling, following the angled side boundaries of the rear garden. However, the proposed extension would remain positioned beyond the rear wall of the appeal dwelling, and it is clear that no part would extend beyond the original rear wall of the appeal dwelling by more than 6 metres.
7. The layout of the rear garden and the positioning of the proposed extension along its angled side boundaries would not prevent the proposal from complying with paragraph A.1(g) of Class A. There is no information before me to suggest the proposal would otherwise fail to accord with the provisions of Class A.

Conclusion

8. For the reasons given above, the appeal succeeds.

L Douglas

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/W/21/3290012

Appeal Application Description:

Demolition of existing garage and the construction of a two storey 1x bedroom dwellinghouse

Decision:

Appeal
Allowed and
Costs
Awarded



Meadow Walk

Meadow Rd

Meadow Rd

Meadow Rd

Shortcrofts Rd

Shortcrofts Rd

Technique
Football coaching

Rrr trrmort
Book Shop

t.l. discounts
Discount Store

Spurling Rd

Ivyhouse Rd

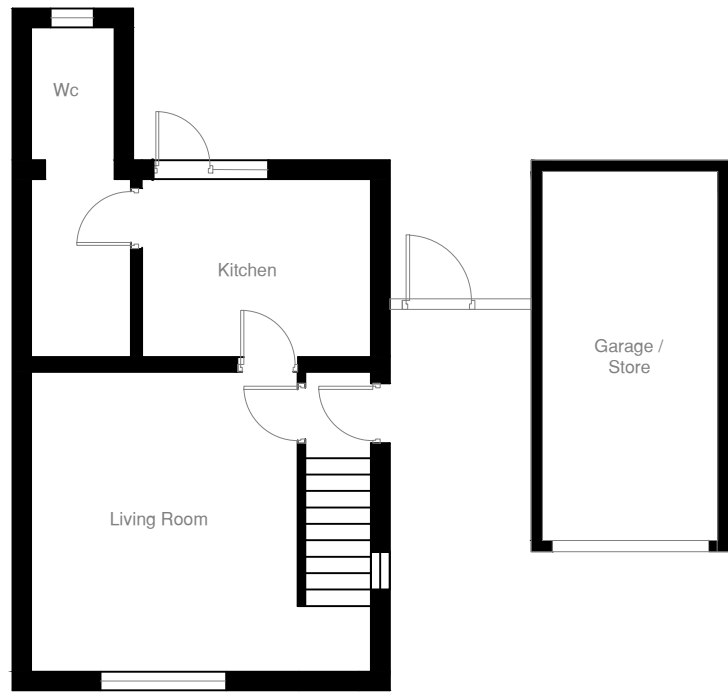
Ivyhouse Rd

Ivyhouse Rd

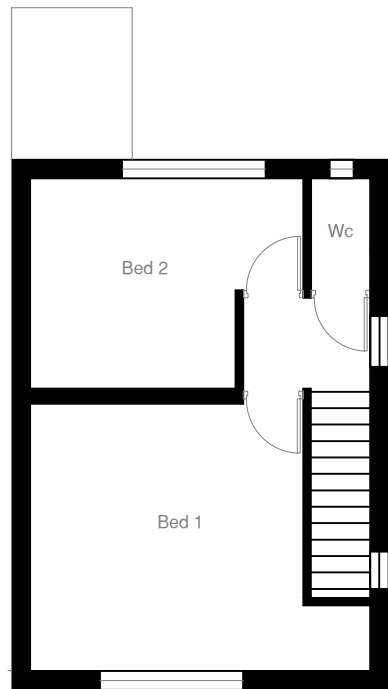
Ivyhouse Rd

BasedOnDemand
Electronics Retail and Repair Shop

Jlk security



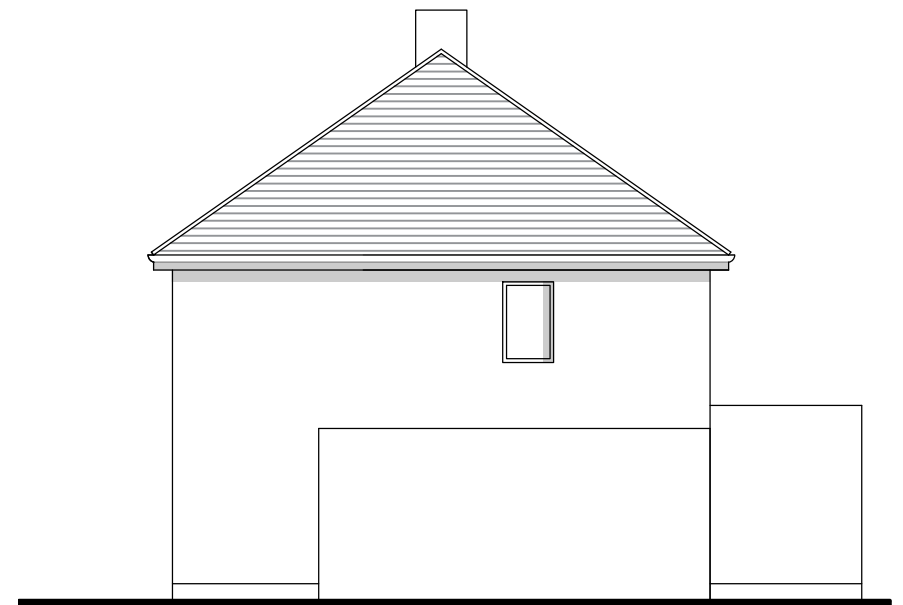
GROUND FLOOR PLAN
1:100 / A3



FIRST FLOOR PLAN
1:100 / A3



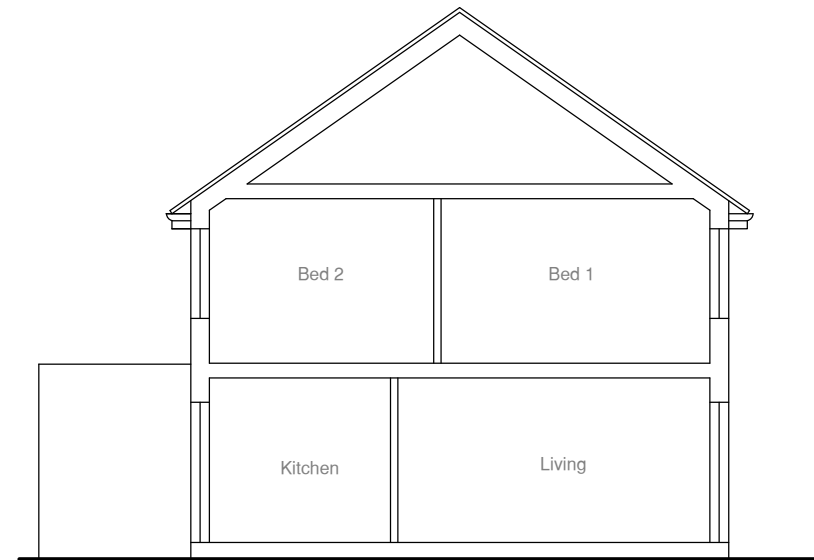
FRONT ELEVATION
1:100 / A3



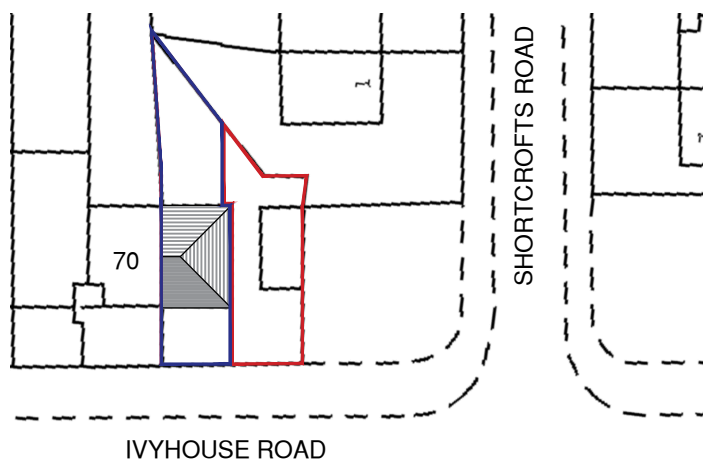
SIDE ELEVATION
1:100 / A3



REAR ELEVATION
1:100 / A3



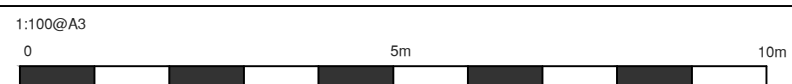
SECTION
1:100 / A3



SITE & ROOF PLAN
1:500 / A3



Job title
68 IVYHOUSE ROAD, DAGENHAM, RM9 5RR
NOTE: THESE DRAWINGS ARE FOR PLANNING PURPOSES ONLY.
A MEASURED SURVEY IS REQUIRED ON SITE BEFORE CONSTRUCTION.

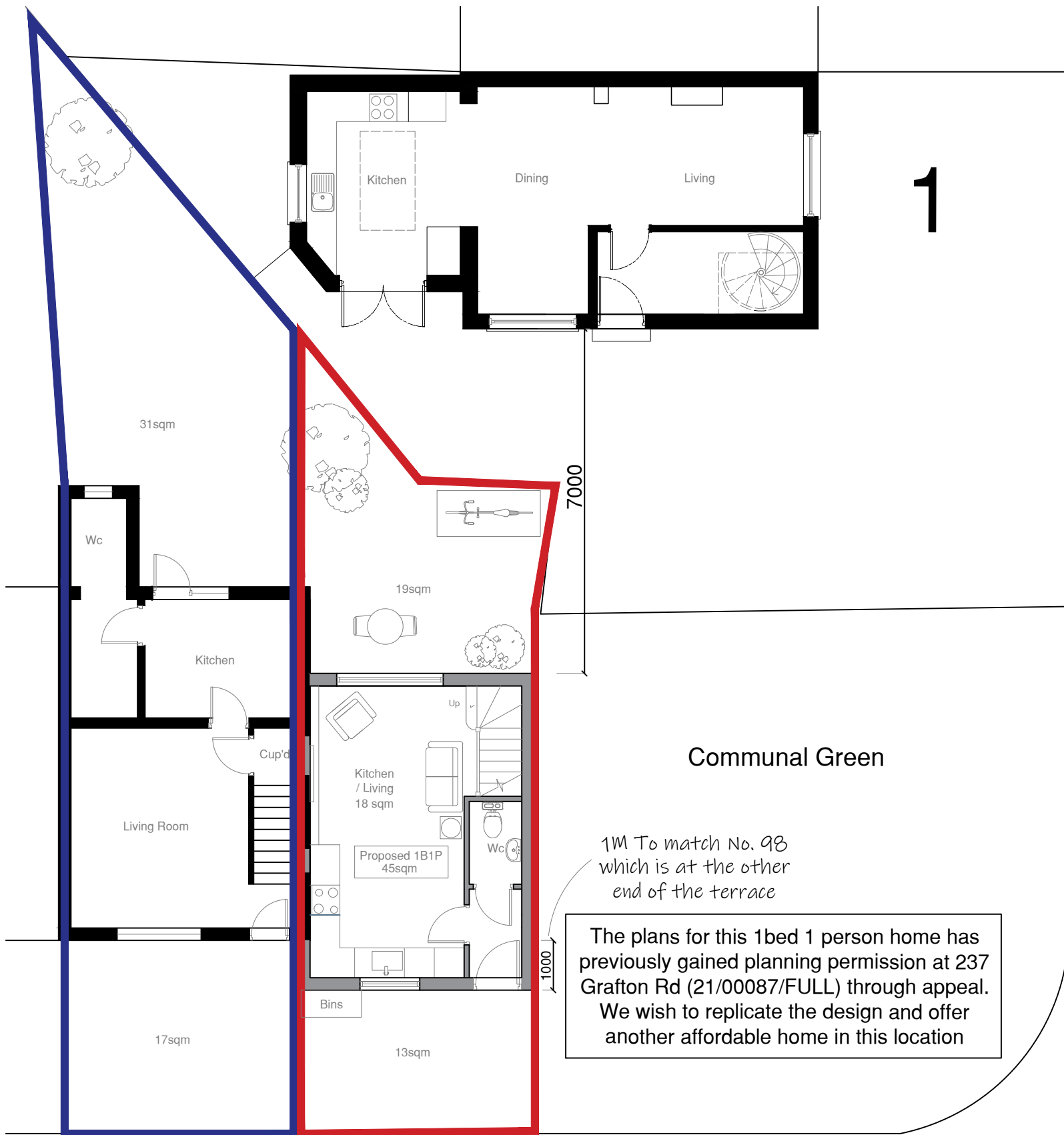


Drawing title
EXISTING PLANS
Job No
1524_PL02
Scale @ A3
1:100
Date

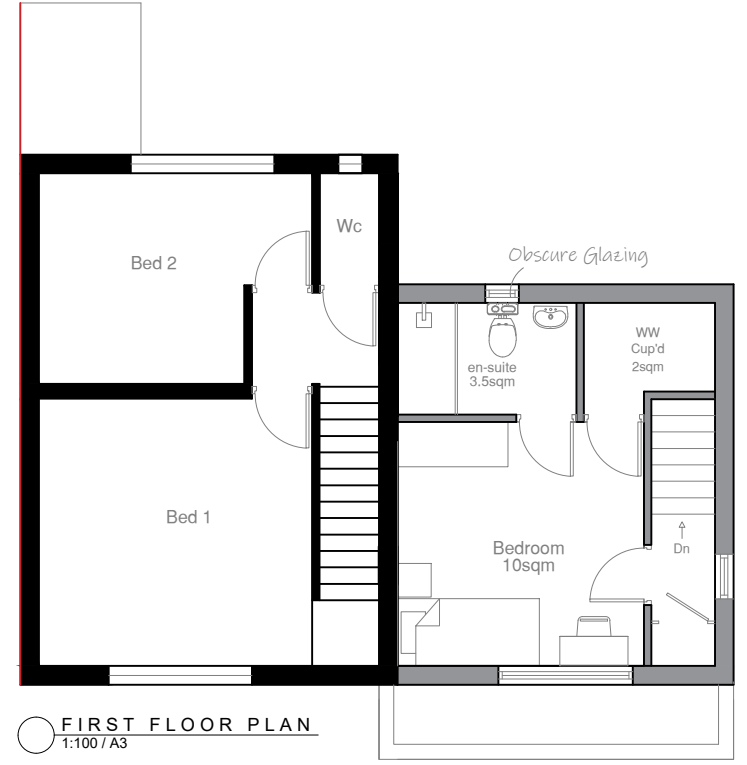
Drawn by
RJ



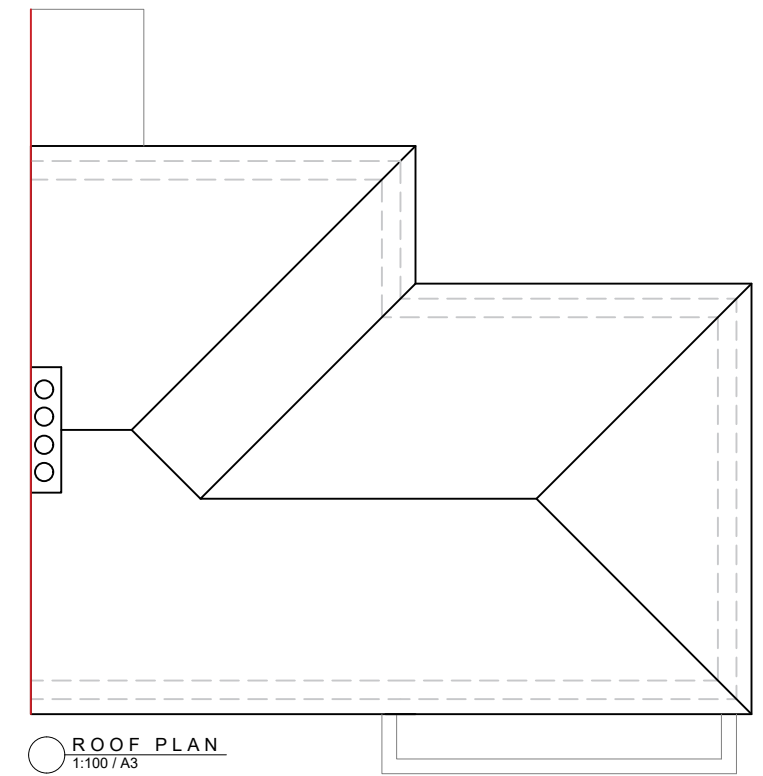
PLANNING
www.randRplanning.co.uk
RobertJon@Live.co.uk
Tel: 07436007718



GROUND FLOOR & BLOCK PLAN
1:100 / A3



FIRST FLOOR PLAN
1:100 / A3



ROOF PLAN
1:100 / A3



SECURE BIN STORE



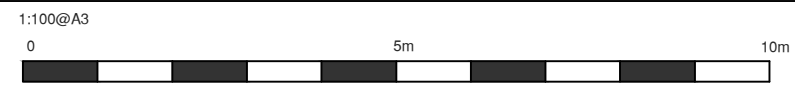
SECURE CYCLE STORE



6FT TIMBER FENCE



Job title
68 IVYHOUSE ROAD, DAGENHAM, RM9 5RR
NOTE: THESE DRAWINGS ARE FOR PLANNING PURPOSES ONLY. A MEASURED SURVEY IS REQUIRED ON SITE BEFORE CONSTRUCTION.



Drawing title
PROPOSED FLOOR & BLOCK PLAN
Job No
1524_PL03
Scale @ A3
1:100
Date

Drawn by
RJ

r&R
PLANNING
www.randRplanning.co.uk
RobertJon@Live.co.uk
Tel: 07436007718

LBBD Reference: 21/01042/FULL

Robert Fry
40 Parkview House
Hornchurch
RM12 4YW

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 21/01042/FULL
Address: 68 Ivyhouse Road, Dagenham, Barking And Dagenham, RM9 5RR
Development Description: Demolition of existing garage and the construction of a two storey 1x bedroom dwellinghouse

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: Robert Fry
40 Parkview House
Hornchurch RM12 4YW

Applicant: Bharadia
RM12 4YW

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 21/01042/FULL
Application Type: Full Planning Permission
Development Description: Demolition of existing garage and the construction of a two storey 1x bedroom dwellinghouse
Site Address: 68 Ivyhouse Road, Dagenham, Barking And Dagenham, RM9 5RR
Date Received: 03 June 2021
Date Validated: 16 June 2021

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The proposed dwellinghouse for reasons of siting would result in unacceptable levels of overshadowing detrimental to the standard of living of current and future residents of nos. 1 Shortcroft Road. The proposal therefore constitutes overbearing and unneighbourly development, as such, it is considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, February 2019)
- Policies GG1, GG3 and D14 of the London Plan (March 2021)
- Policy BP8 of the Borough Wide DPD (March 2011)
- Policies DMD1 and DMSI3 of the Draft Local Plan Regulation 19 consultation version (October 2020)

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application: -

- 1524_PL04a PROPOSED ELEVATIONS [Revision A] dated N/A received by LPA 08.07.2021
- 1524_PL03a PROPOSED FLOOR & BLOCK PLAN [Revision A] dated N/A received by LPA 08.07.2021
- Planning Statement
- 1524_PL01 Location & Block Plan dated N/A
- Design and access statement

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is

likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 04.08.2021

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Appeal Decision

Site visit made on 16 August 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 OCTOBER 2022

Appeal Ref: APP/Z5060/W/21/3290012

68 Ivyhouse Road, Dagenham RM9 5RR

- 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 Bharadia against the decision of the Council for the London Borough of Barking and Dagenham.
 - The application Ref 21/01042/FULL, dated 3 June 2021, was refused by notice dated 4 August 2021.
 - The development proposed is described as a “proposed 1 bed 1 person dwelling.”
-

Decision

1. The appeal is allowed and planning permission is granted for a proposed 1 bed 1 person dwelling at 68 Ivyhouse Road, Dagenham RM9 5RR in accordance with the terms of the application, Ref 21/01042/FULL, dated 3 June 2021, subject to the conditions in the attached schedule.

Applications for costs

2. The application for costs made by the appellant against the Council is the subject of a separate decision.

Preliminary Matters

3. The Council has confirmed that they considered the proposal on the revised plans that were submitted during the application process. I will do the same and will consider those plans referenced on the decision notice.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of No 1 Shortcrofts Road with particular reference to overshadowing.

Reasons

Living conditions of adjoining occupants

5. The appeal site occupies a prominent corner plot at the junction of Ivyhouse Road and Shortcrofts Road. The surrounding area is mainly residential with predominately 2-storey terrace dwellings creating an overall suburban feel. The appeal proposal would provide an additional residential unit as part of a two-storey side extension to the existing property. The proposed extension would replace an existing flat roofed garage that is positioned to the side of the existing dwelling with 1 Shortcrofts Road located to the rear of the existing garage.

6. Policy D6 of The London Plan adopted March 2021 (LP) indicates that sufficient sunlight should be provided to surrounding housing that is appropriate for its context. Policy BP8 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document adopted March 2011 (DPD) expects that development should not lead to significant overshadowing.
7. The proposal would be roughly to the south of the dwelling at 1 Shortcrofts Road and the dwelling would be higher than the existing garage. As such, the building would cast a longer shadow towards that neighbouring property and its garden area. It was clear from my visit to the site, that the ground floor windows in the flank elevation of No 1 already experience some overshadowing during the morning hours due to the proximity of the existing property at the appeal site. However, from the details before me it is clear that the ground floor at No 1 is an open plan kitchen/diner/living room that benefits from a dual aspect, with windows serving the front and the rear of the property. Even if there were some interruption of sunlight reaching that room, the other window serving that room would be unaffected.
8. Furthermore, the submitted sun shadow profile snapshots showing the shadow effect of the proposed dwelling on No 1, indicate that in summertime there would be no shadow cast over No 1 or its garden. As such it is unlikely to have a significant loss of light through overshadowing above that currently experienced. In winter, however, in the afternoon when the sun is lower in the sky, there would be some overshadowing of the flank elevation. At that time of day and season this would not, however, be harmful to the living conditions of occupants of this property, given the existing relationship, relatively short time frame and dual aspect nature of the living conditions.
9. The Council has not submitted any evidence to counter the findings of this study, and what has been submitted by the appellant reinforces my view that any over-shadowing caused by the proposal would not be significant. I am also aware of the previous decision on the site and the re-determined appeal¹, following the quashing of the original appeal decision, which proposed a building closer to No 1 than that under the current scheme.
10. With regard to the main issue, I conclude that the proposal would not result in harm to the living conditions of the existing occupiers of the adjoining dwelling with particular reference to overshadowing. The scheme would be compliant with LP Policy D6 and DPD Policy BP8 which amongst other things, are concerned with housing quality and protecting residential amenity. The proposal is also consistent with the advice in the National Planning Policy Framework 2021 (the Framework), which amongst other things, seeks high quality design and a good standard of amenity for all existing and future occupants of buildings.

Other Matters

11. I have had regard to a previous appeal decision at the appeal site. Whilst the main issue is similar, nevertheless I have determined this appeal on its own merits and based on all the evidence before me.
12. The principle of the scheme is not in dispute. The proposal would also make a small but valuable contribution to the provision of housing required by Barking

¹ Appeal Ref: APP/Z5060/W/20/3249128

and Dagenham. The Framework requires a significant boosting of the supply of homes and the LP emphasises the importance of small sites in meeting housing needs.

13. I have had regard to the decisions at 237 Grafton Road and 18 Stockdale Road including the allowed appeal decision² for a similar development as highlighted by the appellant and the Council. These developments may have some design similarities however based on the information I have about these other cases; the orientation and context would appear to be different. The character of each site and how these relate to the living conditions of existing occupiers also varies. Each scheme needs to be considered on its own merits and circumstances.
14. Several other matters have also been raised by interested parties and I have taken them all into account. These include matters such as amenity space, the 5-year supply of deliverable housing sites, the planning balance and application of paragraph 11 d) of the Framework, and the previous quashed and redetermined appeal decision. However, whilst I take these representations on board, I have not been presented with compelling evidence that would lead me to a different overall conclusion that the appeal should be allowed.

Conditions

15. I have considered the Councils suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary, or for the sake of consistency, brevity, or clarity. The numbers given in brackets (X) refer to the condition being imposed, with the order being prescribed by the time when the condition needs to be complied with.
16. In addition to the standard time limit condition (1), I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty (2). I have also attached a condition requiring the use of matching materials in the interests of a good quality appearance to the development (3). The scope for planting is limited within the appeal site. The need therefore to provide soft treatments to the front garden area and the site boundaries should be provided to protect the character and appearance of the area (4). In order to ensure that there is appropriate cycle parking and storage I have imposed a condition requiring its provision (5). The restricted nature of the plot requires the removal of permitted development rights to protect the character and appearance of the area, with the exception of other roof alterations (6). Due to the proximity of other residential occupiers the hours of construction should be restricted in the interests of the living condition of these occupiers (7).
17. I have not imposed conditions relating to M4(2) compliance; water efficiency and acoustic protection since these regulations are controlled under the separate Building Control legislation, as such planning conditions would be unnecessary. Nor have I imposed the condition requesting details of a construction logistic plan given the relatively minor nature of the scheme it is unlikely to affect amenities or highway safety, as such it is also unnecessary.
18. The appeal site is in residential use and there is no evidence that it is likely to be contaminated and so the need for a full investigation and risk assessment

² Appeal Ref: APP/Z5060/W/20/3260545

has not been shown. A material change of use from residential purposes would require planning permission in any event and so a condition requiring written approval from the Council would be of no effect.

Conclusion

19. For the reasons given I conclude that the appeal should succeed.

Robert Naylor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1524_PL01, 1524_PL02, 1524_PL03a and 1524_PL04a.
- 3) The materials to be used in the external surfaces of the extensions hereby approved shall match those of the existing dwelling.
- 4) No part of the development hereby permitted shall be occupied until details of the treatment of the front garden area and of all boundaries have been submitted to and approved in writing by the local planning authority. The approved details shall be carried out prior to the occupation of the dwelling hereby permitted or within timescales previously agreed in writing by the local planning authority.
- 5) No part of the development hereby permitted shall be occupied until the cycle storage provision as approved shall be implemented and retained thereafter for the lifetime of the development.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, B and E in Part 1 of Schedule 2 to that Order shall be carried out.
- 7) Other than internal works that are inaudible at the site boundaries, demolition, construction and associated activities to carry out the development hereby permitted shall not take place other than between 0800 to 1800 hours on Monday to Friday and 0800 to 1300 hours on Saturday and not at all on Sunday or on Public or Bank Holidays. Any works which are associated with the generation of ground borne vibration shall only be undertaken between 0800 and 1800 hours on Monday to Friday.



Costs Decision

Site visit made on 16 August 2022

by R Naylor Bsc (Hons) MPhil MRTPI

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

Decision date: 05 OCTOBER 2022

Costs application in relation to Appeal Ref: APP/Z5060/W/21/3290012 68 Ivyhouse Road, Dagenham RM9 5RR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Mohamed Bharadia for a full award of costs against the Council of the London Borough of Barking and Dagenham.
 - The appeal was against the refusal of planning permission for a proposed 1 bed 1 person dwelling.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant submits that the Council has acted unreasonably on substantive and procedural grounds in that it has failed to have regard to the decision of the High Court to quash the original appeal decision¹. Furthermore, the appellant contends the Council has failed to provide an accurate evaluation of the proposal and erroneously relied on the Inspectors decision, subsequently quashed, as a material consideration despite being aware of the outcome of the High Court challenge, as such they consider this constitutes unreasonable behaviour.
4. Section 70(2) of the Town and Country Planning Act 1990 as amended, is clear that, *'in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations'*.
5. The High Court ruling to quash the Inspectors decision was communicated to all parties on 2 August 2021, although the Council issued their subsequent refusal two days later on 4 August 2021. The Council has highlighted that "BeFirst" carry out their statutory planning function on their behalf, and that the High Court ruling was received during the final checks before this decision was issued. Nevertheless, at that time the Council was reasonably aware of the High Court challenge. In my view they could have been more cautious before relying as they did in their officer report, on that previous Inspector's reasoning

¹ Appeal Ref: APP/Z5060/W/20/3249128

in those circumstances. Although I acknowledge, the Inspectors original decision was quashed on the basis that he did not supply adequate reasons for his decision, this would not prejudice a new Inspector in the redetermination of the appeal reaching a similar conclusion.

6. Nevertheless, the Council should have clearly demonstrated on planning grounds why the proposal was unacceptable and provide clear evidence to substantiate that reasoning. In my appeal decision, I have reached the view that the proposal would not result in harm to the living conditions of the adjoining dwelling with particular reference to overshadowing. Little evidence was put forward by the Council to support their reason for refusal or establish what levels of overshadowing existed, and if so, how this would be made worse by the smaller proposed development. Nor has the alleged harm to amenity been substantiated other than a significant reliance on the dismissed (now quashed and allowed) appeal decision.
7. I therefore accept that the applicant might reasonably have expected the Council to take the High Court ruling of 2 August 2021, on board and to have amended its decision in view of that. In the planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy and the relevant material considerations, the development proposed could reasonably have been permitted. The Council did not do so, and despite the arguments advanced in the Council's costs statement, I consider that the Council acted unreasonably in failing to do so.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Barking and Dagenham shall pay to Mr Bharadia, the costs of the appeal proceedings described in the heading of this decision, and such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Robert Naylor

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/W/22/3296524

Appeal Application Description:

Demolition of an existing garage and the construction of a new semi detached two storey 2x bedroom dwelling including a single storey side extension on the new property and a roof light to the front of the loft, and a pitched roof to match 144 Marston Avenue.

Decision:

Appeal Allowed



Marston Cl

Marston Ave

Marston Ave

Marston Ave

Marston Ave

Stansgate Rd

Stansgate Rd

Stansgate Rd

Braintree Rd

Stansgate Rd

JP&L Exotics
Fishmonger

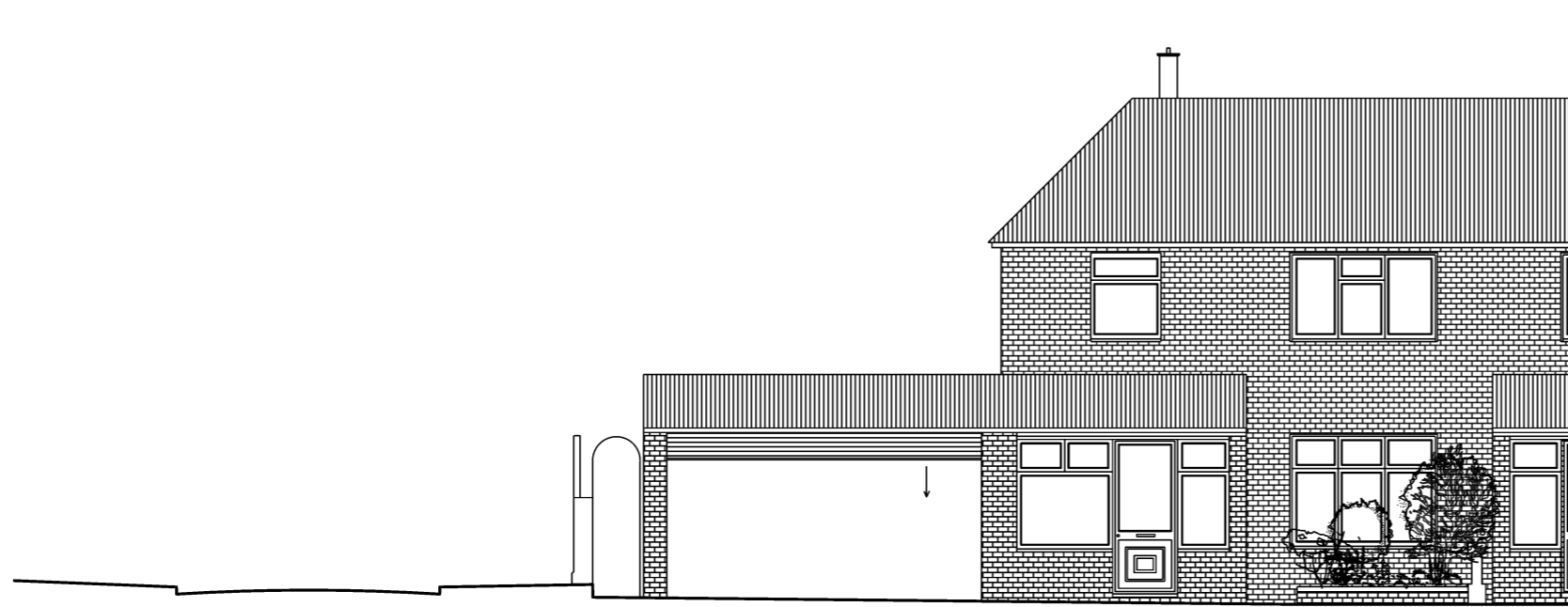
Heathpark Launderette

Costcutter
Home Equipment Store

Uncle John's
Fish & chips

Google

- General Notes
1. Do not scale
 2. All dimensions are shown in millimetres unless otherwise noted
 3. Refer to project based risk assessments before undertaking any work
 4. Notify the architect of any discrepancy immediately



Front elevation



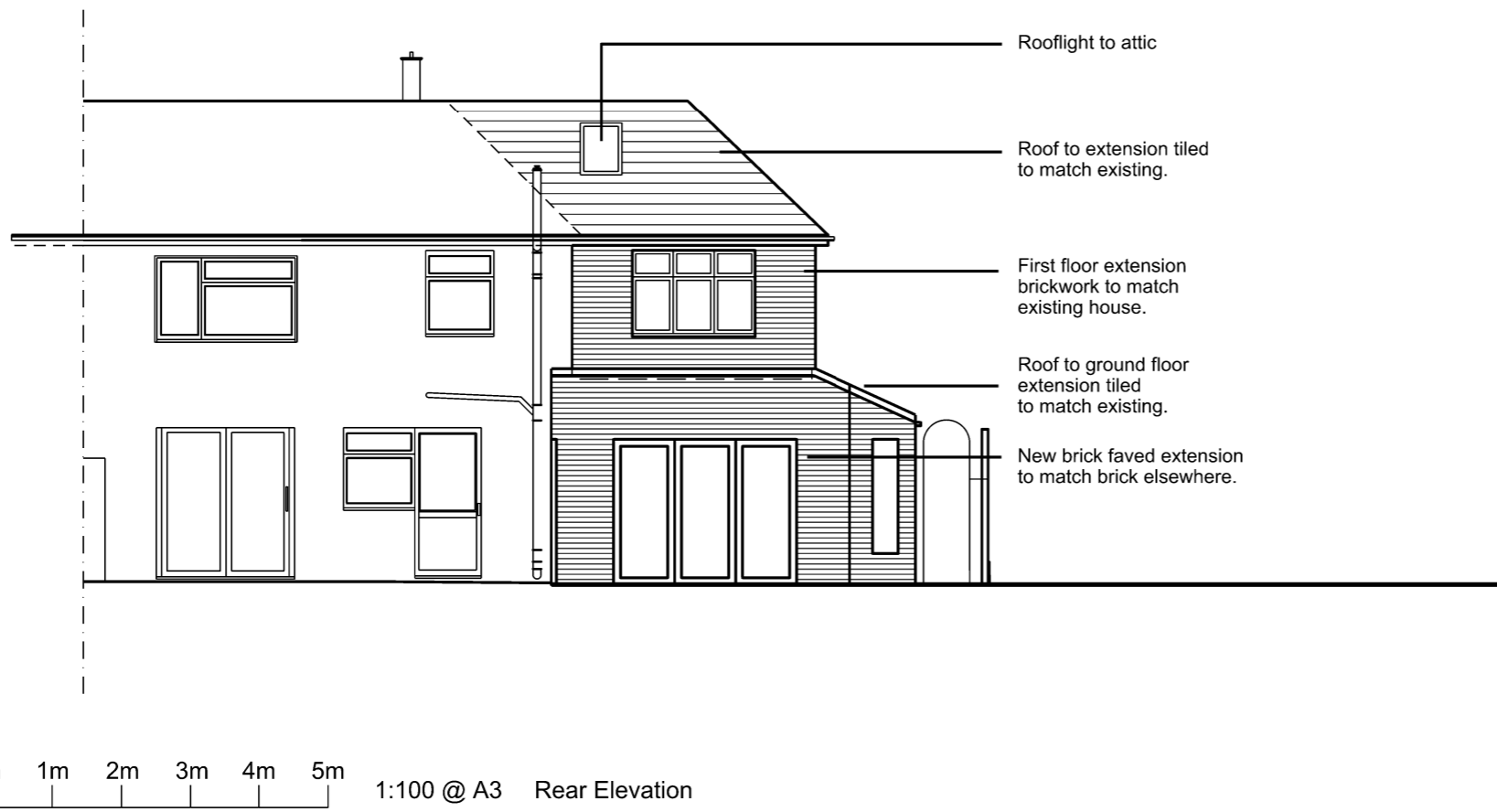
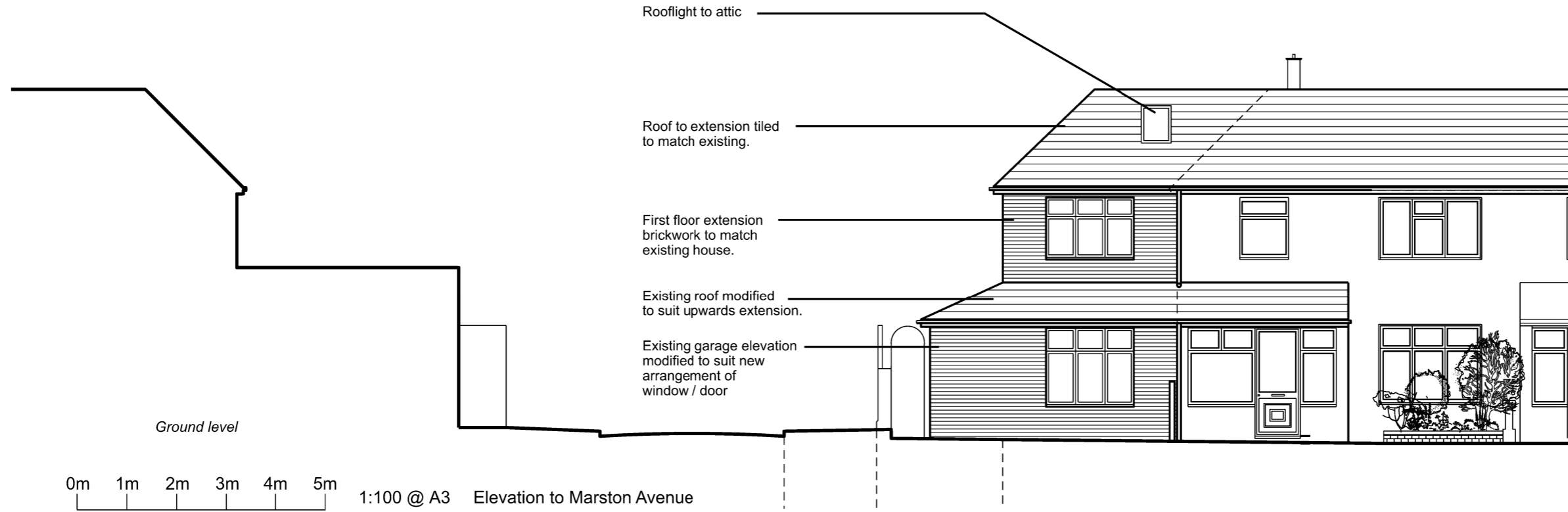
Rear elevation

0m 1m 2m 3m 4m 5m 1:100 @ A3

P1 2021/11/29 First Issue

Rev	Date	Reason For Issue	Chk
David Lees Architects <small>david@davidleesarchitects.co.uk 07597 573 892</small>			
Client I & V Properties Ltd			
Project 144 Marston Avenue, Dagenham, RM10 7LJ			
Title Existing Elevations			
Status Planning			
Project Number 2127	Date 2021/11/29	Checked By DL	
Revision P1	Scale @ ISO A3 1:100	Approved By DL	
Drawing Number A-3-003			

- General Notes
1. Do not scale
 2. All dimensions are shown in millimetres unless otherwise noted
 3. Refer to project based risk assessments before undertaking any work
 4. Notify the architect of any discrepancy immediately



P1 2021/11/29 First Issue

Rev	Date	Reason For Issue	Chk
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David Lees Architects
 david@davidleesarchitects.co.uk 07597 573 892

Client
 I & V Properties Ltd

Project
 144 Marston Avenue, Dagenham, RM10 7LJ

Title
 Proposed Front and Rear Elevations

Status
 Planning

Project Number 2127	Date 2021/11/29	Checked By DL
------------------------	--------------------	------------------

Revision P1	Scale @ ISO A3 1:100	Approved By DL
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Drawing Number
 A-3-007

LBBB Reference: 21/02160/FULL

David Lees

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 21/02160/FULL
Address: 144 Marston Avenue, Dagenham, Barking And Dagenham, RM10 7LJ
Development Description: Demolition of an existing garage and the construction of a new semi detached two storey 2x bedroom dwelling including a single storey rear extension on the new property and a roof light to the front of the loft, and a pitched roof to match 144 Marston Avenue.

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: David Lees
Applicant: Private Client
63 HASKARD ROAD
DAGENHAM

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 21/02160/FULL
Application Type: Full Planning Permission
Development Description: Demolition of an existing garage and the construction of a new semi detached two storey 2x bedroom dwelling including a single storey rear extension on the new property and a roof light to the front of the loft, and a pitched roof to match 144 Marston Avenue.
Site Address: 144 Marston Avenue, Dagenham, Barking And Dagenham, RM10 7LJ
Date Received: 30 November 2021
Date Validated: 30 November 2021

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The proposed development, by reasons of scale, sitting and massing would erode the gap between the application site and No 146 Marston Avenue. This would be particularly noticeable when perceived from Marston Avenue. The development of the two storey dwelling with single storey rear extension would have an enclosing effect which would generate visual harm upon the cul-de-sac and the wider street scene. Furthermore, the proposal would convey the appearance of a subservient side extension, rather than a new dwelling in its own right and as such would lack a sense of access and approach when viewed from Marston Avenue. The development is contrary to:

- Paragraph 130 of the National Planning Policy Framework (2021);
- Policies D1, D4 and D8 of the London Plan (March 2021);
- Policies CP2, CM1 and CP3 of the LDF Core Strategy (July 2010)
- Policies BP2 and BP11 of the LDF Borough Wide Development Plan Policies DPD (March 2011);
- Policies SP2, DMD1 and DMD4 of the Draft Local Plan (Regulation 19 Autumn 2021);
- Residential Extensions and Alterations Supplementary Planning Document (February 2012)

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application: -

- Block Plan - 02.09.2021
- Site location plan - 02.09.2021
- Flood risk assessment

- Design and access statement - 11.2021
- Fire statement - 11.2021
- Proposed ground floor plan - A-3-004 REV P1 - 29.11.2021
- Proposed roof plan - A-3-006 REV P1 - 29.11.2021
- Proposed first floor plan - A-3-005 REV P1 - 29.11.2021
- Proposed front and rear elevations - A-3-007 REV P1 - 29.11.2021
- Proposed side elevations - A-3-008 REV P1 - 29.11.2021

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 24.01.2022

Yours sincerely,

[Marilyn Smith](#)

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
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- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Appeal Decision

Site visit made on 7 September 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2022

Appeal Ref: APP/Z5060/W/22/3296524
144 Marston Avenue, Dagenham RM10 7LJ

- 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 Valeri Kalatchev against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/02160/FULL, dated 30 November 2021, was refused by notice dated 24 January 2022.
 - The proposed development is described as “The proposal is to subdivide the plot to create a new self contained two bed house by extending and modifying the existing garage attached to no 144 Marston Avenue. The garage will be extensively remodelled, extended to the rear and a new narrow first floor constructed above part of the garage. A new pitched hipped roof will be constructed above to match the existing roof pitch and design.”
-

Decision

1. The appeal is allowed and planning permission is granted for development as follows: “Subdivide the plot to create a new self contained two bed house by extending and modifying the existing garage attached to no 144 Marston Avenue. The garage will be extensively remodelled, extended to the rear and a new narrow first floor constructed above part of the garage. A new pitched hipped roof will be constructed above to match the existing roof pitch and design”, at 144 Marston Avenue, Dagenham RM10 7LJ in accordance with the terms of the application, Ref 21/02160/FULL, dated 30 November 2021, and the plans submitted with it, subject to the conditions in the schedule below.

Preliminary Matters

2. A modified description of development was used by the Council on the decision notice. However, I am unclear whether this was agreed by the applicant and it differs from the description on the application form, notably in terms of the extent of proposed works to the existing garage. Therefore, in the banner heading and formal decision above I have used the description of proposed development as originally provided on the application form. However, I have omitted wording which is solely descriptive in nature and does not relate to proposed development.
3. Although no applicant name was provided on the application form, the appellant’s name was confirmed as the appropriate party during consideration of the appeal and is included in the heading above.
4. The reason for refusal refers to conflict with policies in the Draft Local Plan (Regulation 19 Autumn 2021). The Council has confirmed that this refers to the London Borough of Barking and Dagenham Draft Local Plan 2037 Second

Revised Regulation 19 Consultation Version (Autumn 2021), which has been submitted for Examination in Public (EiP). However, there is no evidence before me as to any findings from the EiP on the soundness of the relevant policies or the extent of any unresolved objections. I have taken this into account when considering the weight to be attributed to the emerging Local Plan below.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to separation between buildings and how the proposed dwelling would be perceived in the street scene.

Reasons

6. Marston Avenue is a residential street laid out in short terraces, mostly of four to six properties. Gaps between each terrace are generally narrow and there is a well-defined and continuous building line along both sides of the road.
7. The proposed development would occupy a corner site at the junction of Marston Avenue and Marston Close. The latter is a cul de sac of terraced properties around a small green and parking area. The corner plots to either side of Marston Close are wider than most of their neighbours and each includes a double garage attached to the end of the terrace.
8. The proposed dwelling would be on the same alignment as the existing garage, set back from the boundary with Marston Close, retaining a pathway between the front and rear gardens. Since the garage already exists, the distance between the buildings to either side of Marston Close would be unchanged. The garage is a fairly substantial structure which already screens views into the cul-de-sac from Marston Avenue to some extent. As such, the degree of inter-visibility between Marston Close and Marston Avenue at street level would be largely unaffected.
9. There would be an increased sense of enclosure at first floor level, resulting from the introduction of a second storey to form the upper floor of the proposed dwelling. However, the proposed alignment of the first floor flank wall, stepped further back from the site boundary, would maintain a reasonable sense of space around the corner of the terrace at this higher level.
10. Since the existing gaps between terraces are generally narrow, the street scene along Marston Avenue does not have a particularly spacious character. Therefore, the degree of enclosure around this corner would be consistent with the established character of the area. Within Marston Close, the green space provides a sense of spaciousness which would be maintained. The single storey projection at the rear of the proposed dwelling would be modest in scale and largely screened by the existing boundary fencing. Sufficient garden area would be retained to accommodate this additional building mass without the proposed dwelling appearing unduly prominent or intrusive.
11. The proposed design would harmonise with the adjoining terrace, incorporating a fully hipped roof continuing the existing ridge line, facing brickwork matching the rest of the terrace and similar fenestration. Although the proposed dwelling would be narrower than its neighbours, this would not disrupt the rhythm of the street scene to any material degree, since there is already some variation in the length of each terrace.

12. The proposed side entrance would be a departure from the forward-facing entrances found on the existing terraces. However, a side entrance is not a particularly unusual design approach for an end terrace property on a corner site. The proposed gate to Marston Close would help to identify this clearly as the front door, and there would also still be direct access from Marston Avenue, in the form of the retained and modified driveway.
13. Overall, the design strikes a reasonable balance between integrating with the form of the existing building, while creating a separate dwelling, having a sense of approach proportionate to the modest scale of the development.
14. I conclude that the proposed development would not harm the character and appearance of the area. It would accord with Policies D1, D4 and D8 of the London Plan adopted March 2021, Policies CP2, CM1 and CP3 of the Core Strategy¹, Policies BP2 and BP11 of the Borough Wide Development Policies DPD² and relevant paragraphs in the National Planning Policy Framework July 2021. These policies amongst other things require that development protects or enhances the character and amenity of the area, protects and reinforces local distinctiveness and supports a well-designed and accessible public realm.
15. Based on the evidence available to me, I cannot be certain that Policies SP2, DMD1 and DMD4 of the emerging Local Plan are in their final form, since modifications may be proposed as a result of the ongoing Examination in Public. For that reason, I have attributed only limited weight to these emerging policies. In any event, based on the wording included in the Draft Local Plan (Regulation 19 Autumn 2021), none of these emerging policies would materially change the approach in the adopted development plan, in so far as is relevant to the issues raised in this appeal. Therefore the precise weight which should be attached to the emerging Local Plan has not been a determinative factor in my consideration of the issues as set out above.
16. The Residential Extensions and Alterations Supplementary Planning Document (February 2012) provides guidance for people who want to extend and improve their home. Since the proposed development is for the formation of a separate dwelling, albeit one attached to the existing terrace, the SPD is not directly applicable. Therefore I have given it limited weight.

Other Matters

17. The Council's officer report highlights a requirement for cycle parking spaces which is not included in the proposed plans. This is a matter which can be addressed through imposition of conditions, as set out below.

Conditions

18. The Council has suggested a number of conditions which I have considered against advice in the National Planning Policy Framework July 2021 and Planning Practice Guidance. As a result I have amended some of them for consistency, clarity and omitted others.

¹ Planning for the Future of Barking and Dagenham Local Development Framework Core Strategy adopted July 2010

² Planning for the Future of Barking and Dagenham Local Development Framework Borough Wide Development Policies Development Plan Document adopted March 2011

19. A condition specifying the approved plans is necessary as this provides certainty. A condition to secure use of matching external materials is required to ensure that the proposed dwelling is well integrated with the existing terrace.
20. Only limited details have been provided of the proposed boundary treatment. Since the use of boundary treatment to define the approach to the proposed dwelling has been relevant to my consideration of the issues above, further details are required to ensure that this is implemented successfully, as well as to ensure that boundary treatment is appropriate to the character of the area.
21. Conditions are required to secure formation of separate vehicular accesses for the existing and proposed dwelling, together with implementation of on-site parking areas. This is in order to ensure that adequate access and parking facilities are available to support a more intensive residential use without impacting highway safety or the free flow of traffic. This includes provision for parking and storage of bicycles in accordance with Development Plan requirements, as highlighted by the Council.
22. Finally, a condition to prevent insertion of any windows in the south-facing elevation at the rear is necessary to ensure that mutual privacy is maintained following sub-division of the site.
23. According to the Council's officer report, the Environmental Protection consultee recommended that conditions be imposed relating to acoustic protection and contaminated land. However, neither was included in the Council's list of proposed conditions.
24. No specific risks relating to land contamination have been highlighted in the evidence before me. Furthermore, only limited ground disturbance is proposed, since it is intended that the existing garage structure would be adapted and extended. The proposed dwelling would abut an existing external structural wall and I have not been provided with any evidence indicating that this would provide insufficient acoustic protection for a separate dwelling. As such, I conclude that these suggested conditions would be neither necessary nor fairly and reasonably related to the development in question.

Conclusion

25. For the above reasons, I conclude that the proposed development is in accordance with the development plan as a whole, and that there are no other relevant material considerations that would indicate a decision otherwise would be appropriate, therefore the appeal should be allowed subject to the conditions set out in the schedule below.

Jane Smith

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans:
 - Site location plan (undated)
 - Existing Ground Floor Plan – A-3-001 Rev P1
 - Existing First Floor Plan – A-3-002 Rev P1
 - Existing Elevations – A-3-003 Rev P1
 - Proposed ground floor plan - A-3-004 Rev P1
 - Proposed first floor plan - A-3-005 Rev P1
 - Proposed roof plan - A-3-006 Rev P1
 - Proposed front and rear elevations - A-3-007 Rev P1
 - Proposed side elevations - A-3-008 Rev P1
3. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the existing building.
4. No part of the development hereby permitted shall be first occupied unless and until details of all proposed walls, fences, gates or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved details and thereafter so retained.
5. The dwelling hereby permitted shall not be occupied until means of vehicular access to both the existing and proposed dwellings on the site have been constructed in accordance with the approved plans. Both accesses shall thereafter be retained.
6. No part of the development hereby permitted shall be first occupied unless and until space has been laid out within the site in accordance with the approved plans for cars to be parked. Thereafter the car parking areas shall be retained and maintained for their designated purpose.
7. Prior to the occupation of the dwelling hereby permitted, details of arrangements for the parking and storage of bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle parking and storage facilities shall be provided prior to the first occupation of the dwelling hereby permitted, in accordance with the approved details, and thereafter so retained.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted in the south-facing elevation of the single storey rear element of the dwelling hereby permitted.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

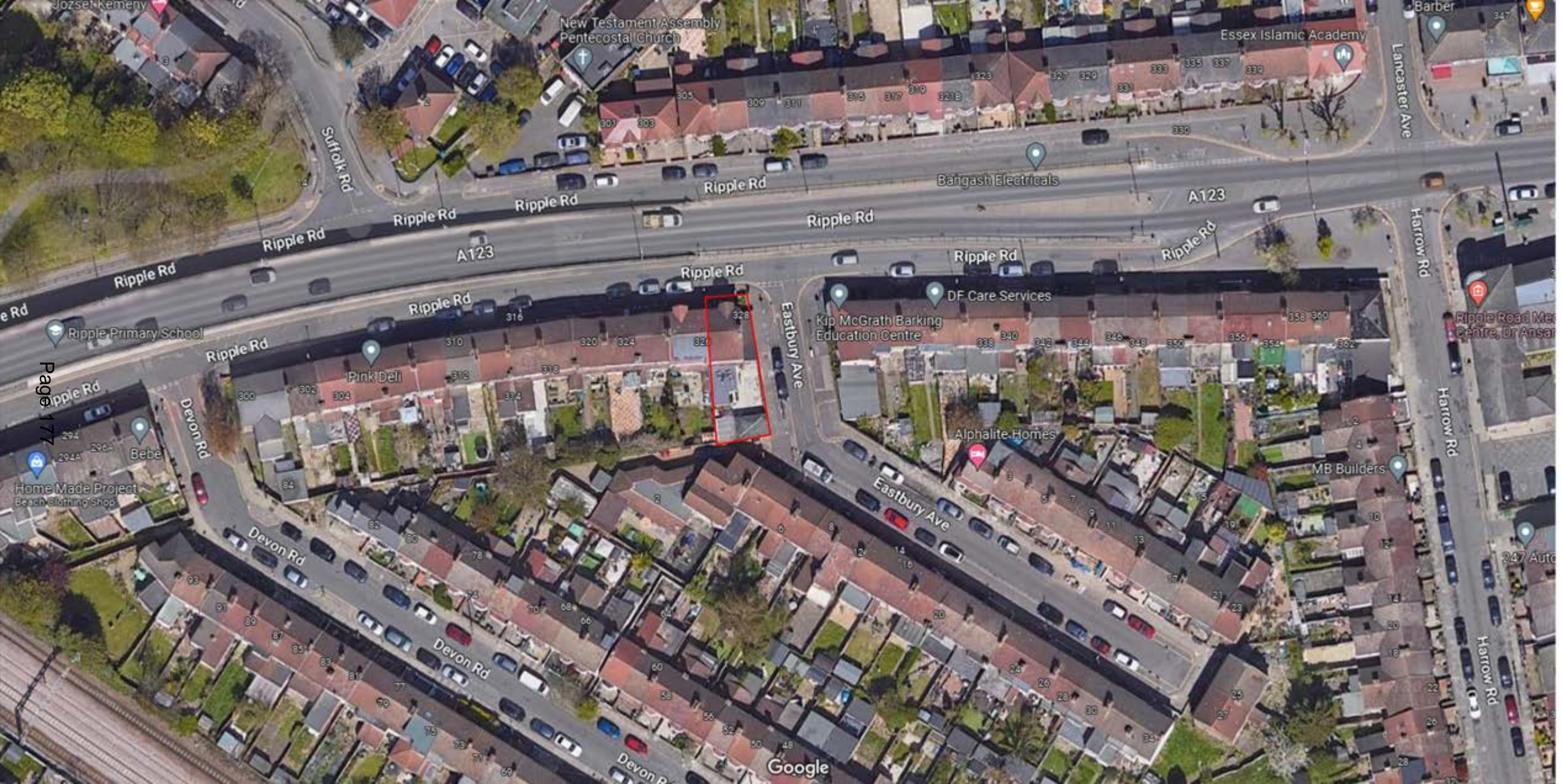
APP/Z5060/W/21/3288107

Appeal Application Description:

Conversion of existing dwelling into 3 flats (1x studio, 1x 2 bedroom and 1x 3 bedroom) including internal alterations, a rear dormer extension including one roof light to the rear, four roof lights to the front and six windows to the side, with associated cycle parking and refuse storage.

Decision:

Appeal Allowed

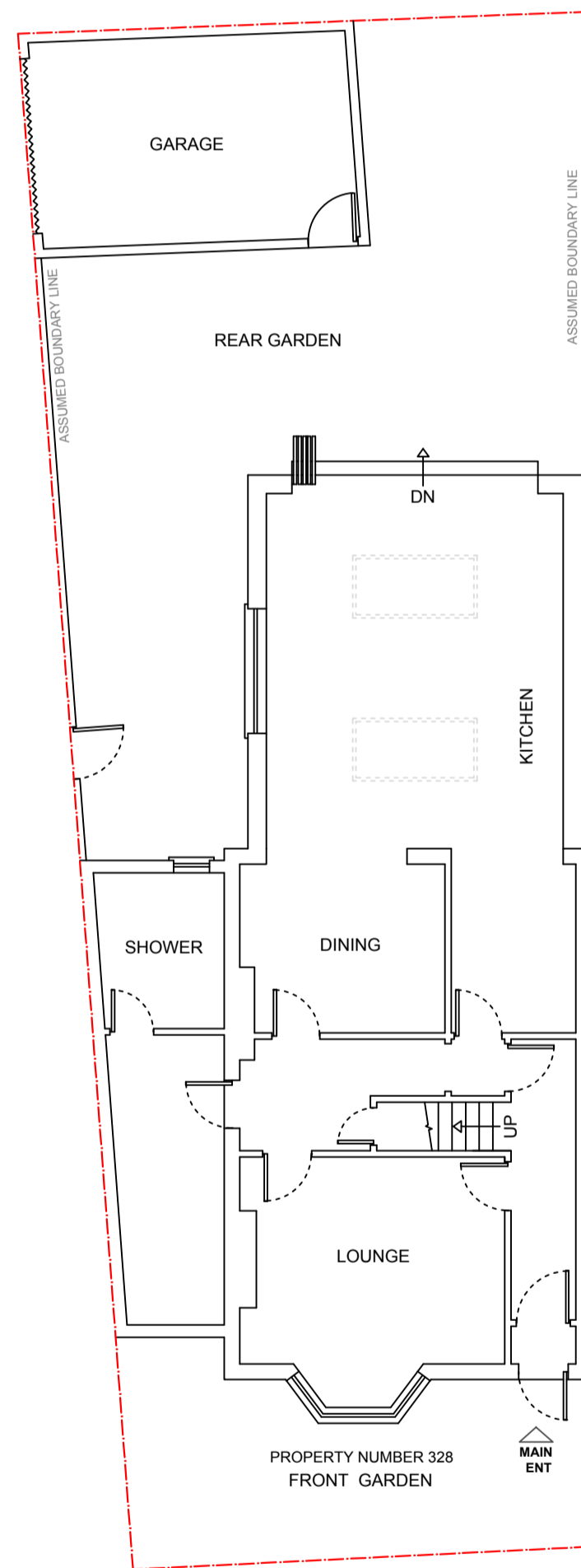
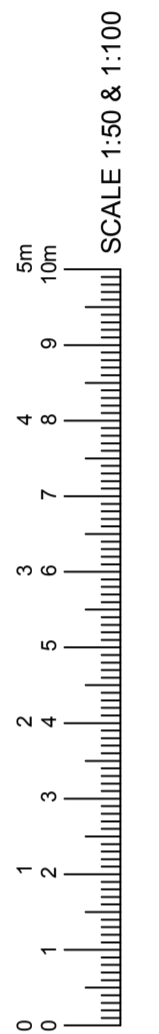


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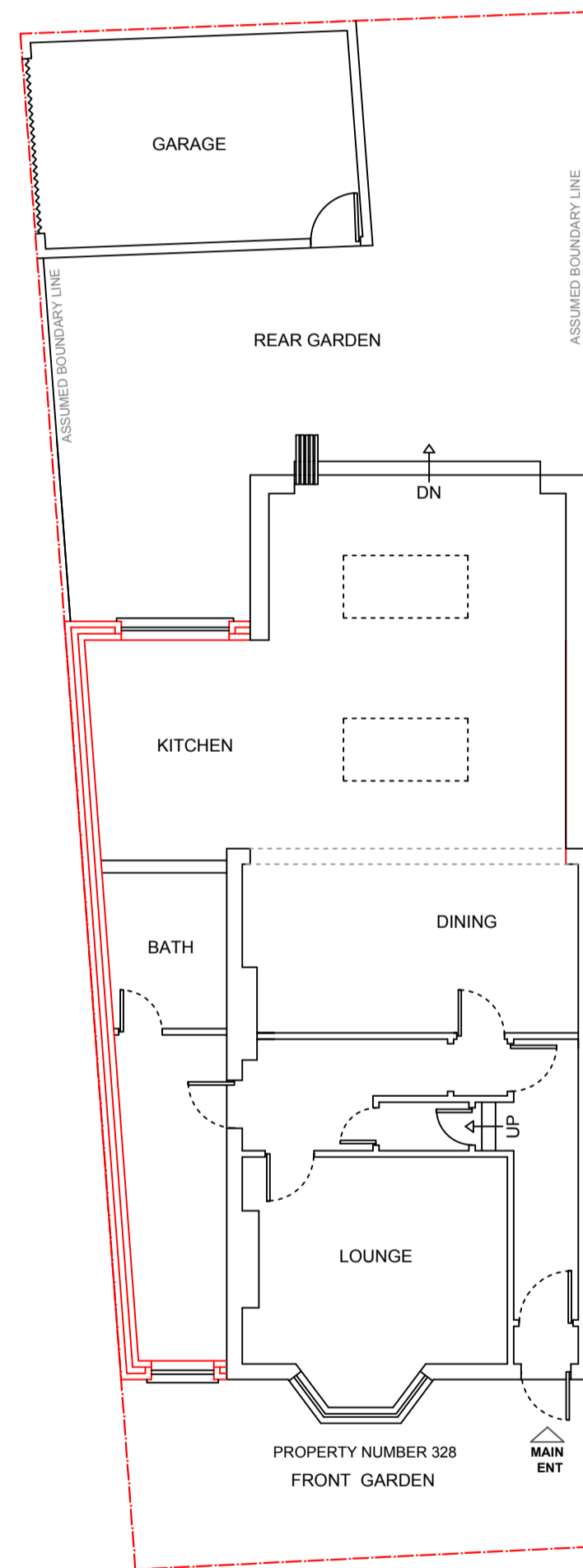
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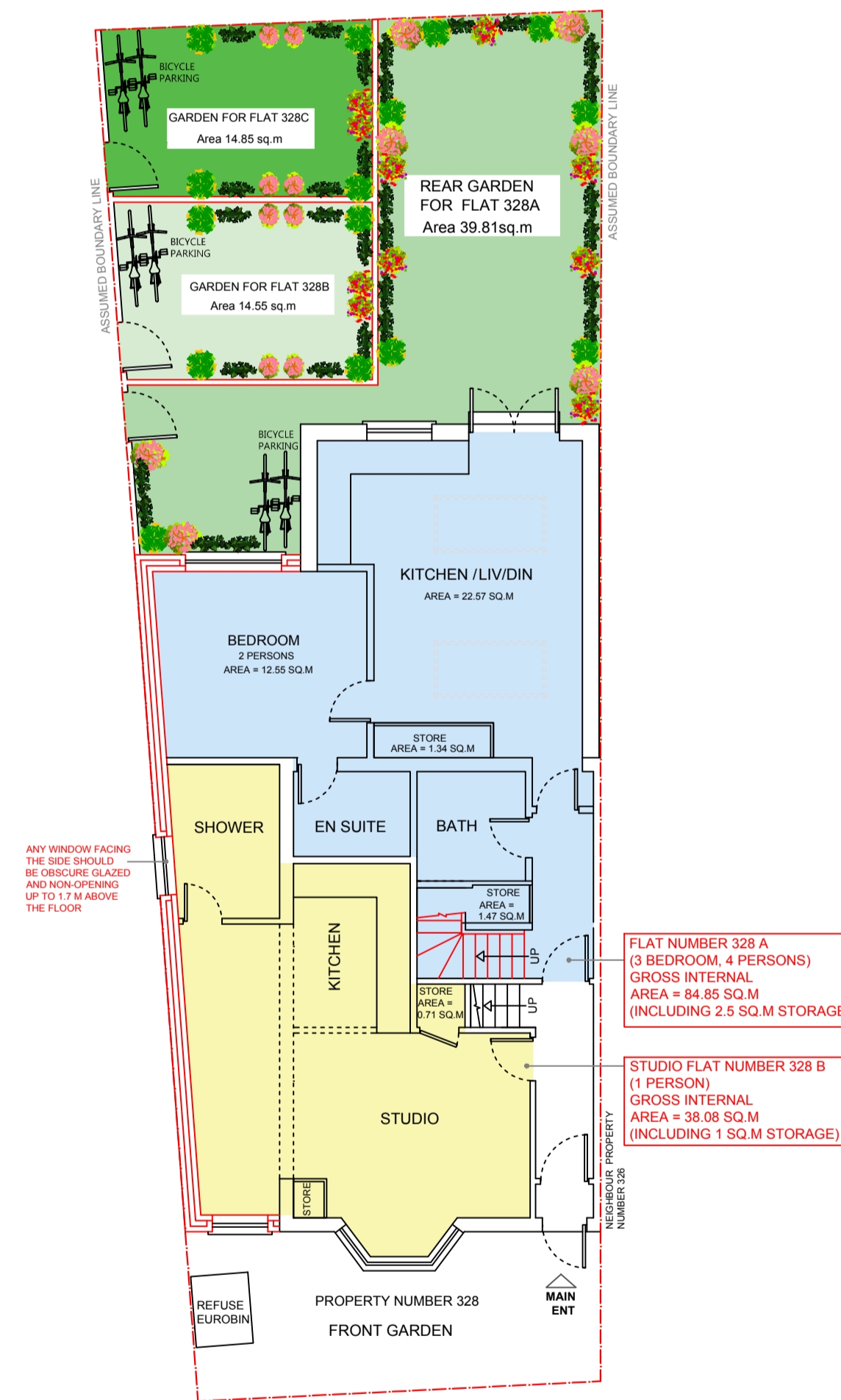
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328 A	03	04		84.85 SQ.M	2.5 SQ.M	39.81 SQ.M
328 B	STUDIO FLAT		38.08 SQ.M		1 SQ.M	14.55 SQ.M
328 C	02	03		72.805 SQ.M	2 SQ.M	14.85 SQ.M



1 GROUND FLOOR - EXISTING
1:100



2 GROUND FLOOR - AS APPROVED
1:100



3 GROUND FLOOR - PROPOSED
1:100

ALL WORK TO COMPLY WITH CURRENT BUILDING REGULATIONS AND CODES OF PRACTICE.
ALL DIMENSIONS IN MM UNLESS NOTED OTHERWISE
MEASURED SURVEY DOES NOT INCLUDE FOR INTRUSIVE SURVEY TO DETERMINE EXACT LOCATION OF STEEL WORK SUPPORTING STRUCTURE
THIS DRAWING IS PREPARED SOLELY FOR DESIGN AND PLANNING SUBMISSION PURPOSES. IT IS NOT INTENDED OR SUITABLE FOR EITHER BUILDING REGULATIONS OR CONSTRUCTION PURPOSES AND SHOULD NOT BE USED FOR SUCH.
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PLEASE NOTE: PROPERTY OWNER TO ENSURE THAT ALL ASPECTS OF THE 'PARTY WALL ETC. ACT 1987' ARE COMPLIED WITH PRIOR TO ANY WORK COMMENCING ON SITE.
VARIATIONS IN SQUARENESS, DEPTH OF PLASTER ETC. MUST BE CHECKED FOR. WHERE NEW WALLS ARE SHOWN AS ALIGNED WITH EXISTING WALLS, PHYSICAL REMOVAL OF BRICKWORK AND / OR PLASTER TO ESTABLISH THE ACTUAL POSITION OF THE WALL BEING ATTACHED TO MUST BE CHECKED.
ANY DEVELOPMENT WITHOUT A CERTIFICATE OF LAWFULNESS OR PLANNING PERMISSION IS SOLELY AT OWNERS RISK.
MATERIALS SHOULD MATCH THOSE OF THE EXISTING DWELLING

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DOCUMENTS SHOULD BE USED AS THE DRAWING STATUS DESCRIBED. ANY OTHER USE IS DONE SO AT THE RESPONSIBILITY OF THE USER.

Revision	Description	Date
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169 Southpark Drive Ilford IG3 9AD
Email getrapidplans@gmail.com
Web site www.getrapidplans.co.uk

ADDRESS 328 RIPPLE ROAD, BARKING, IG11 7RG

PROJECT 1) FLATS CONVERSION

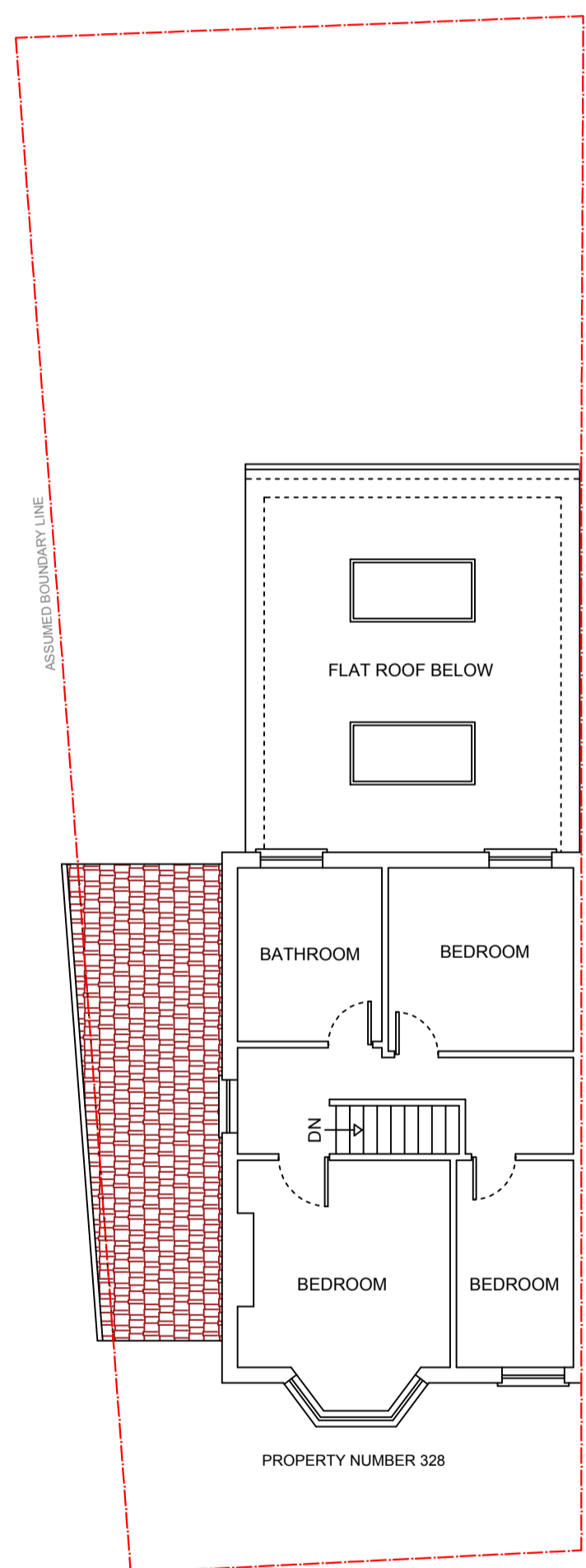
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DRAWING NO J72-1	REVISION
	DRAWN BY
	CHEK BY
	DATE 04-08-2021

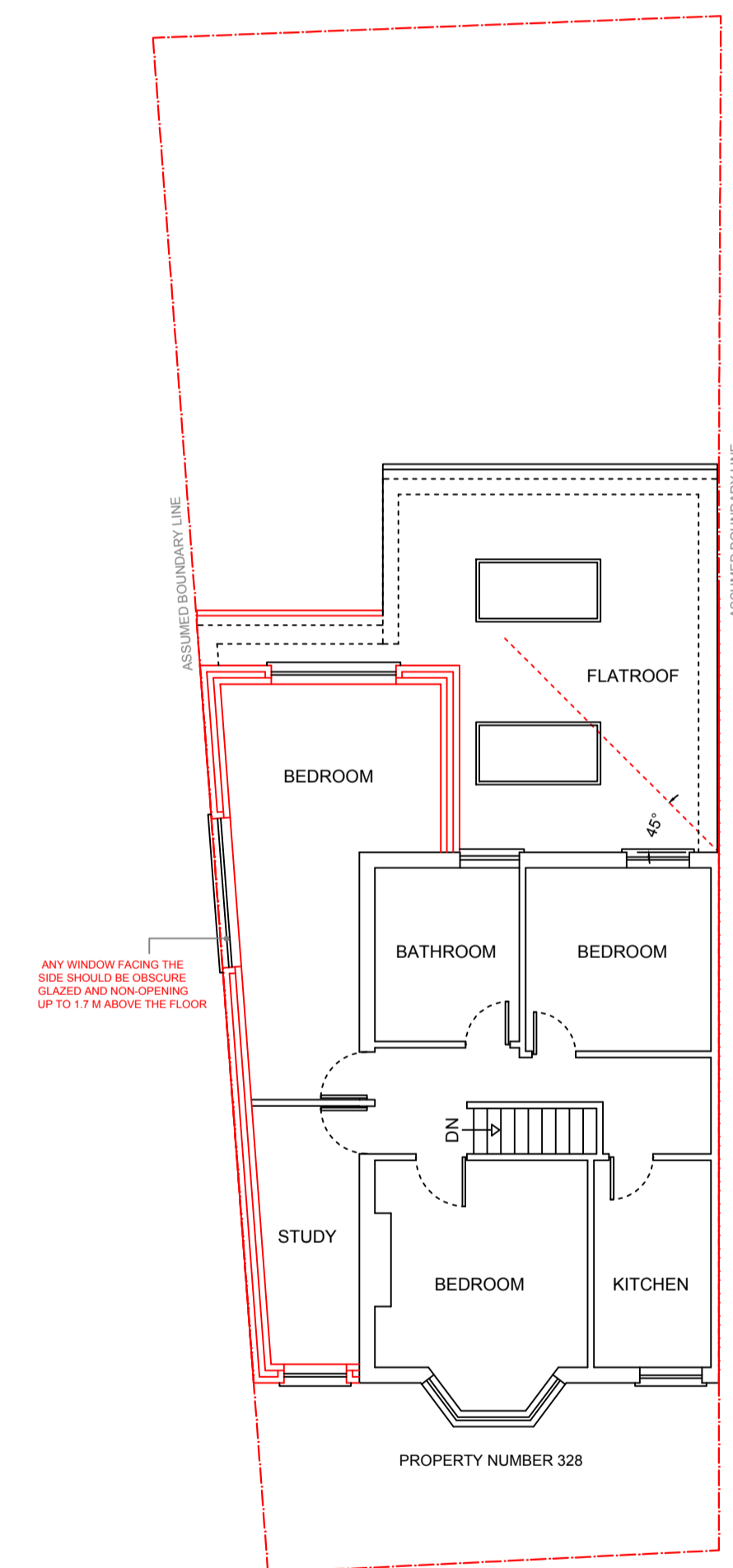
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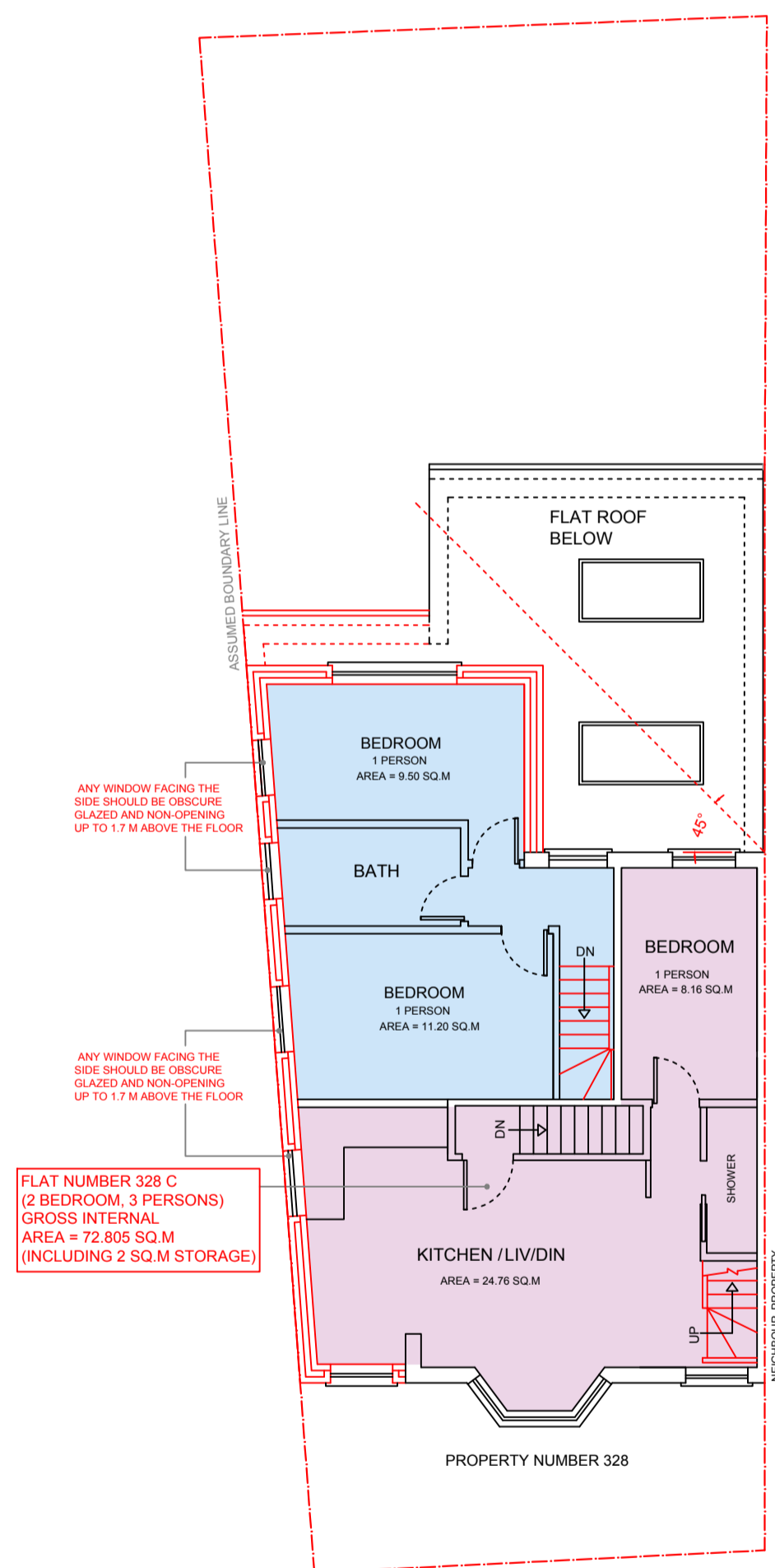
SCALE 1:50 & 1:100



4 FIRST FLOOR - EXISTING
1:100

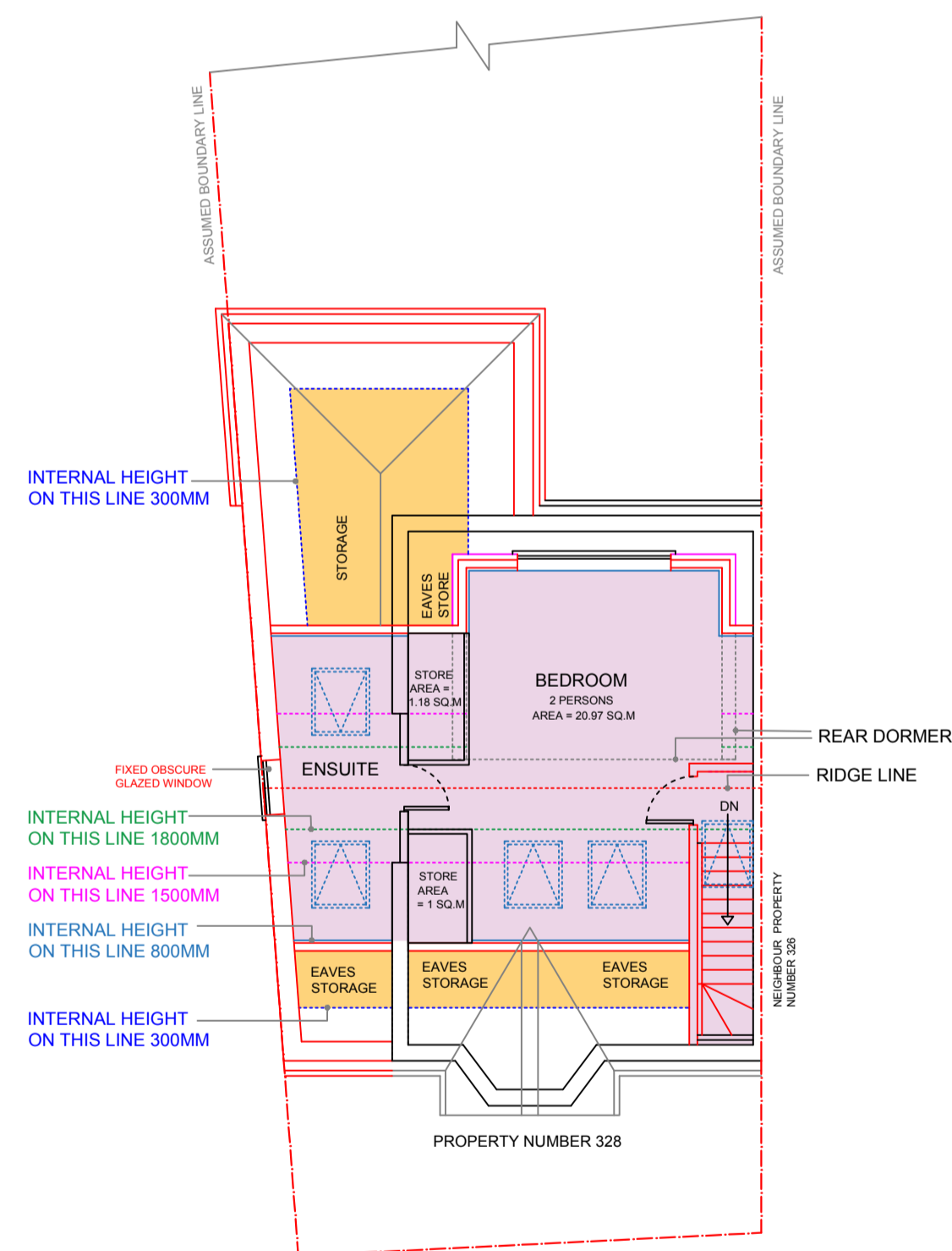


5 FIRST FLOOR - AS APPROVED
1:100



6 FIRST FLOOR - PROPOSED
1:100

ROOF SURFACE AREA = 41.003 SQ. M
40% OF THE REAR ROOF = 41.003/100 X 40
= 16.401
= (LENGTH X DEPTH)
= 4.429 X 3.703
= 16.400 SQ. M
VOLUME OF REAR DORMER = 1/2 (LENGTH X HEIGHT X DEPTH)
= 1/2 (4.429 X 1.791 X 3.209)
= 12.727 CUBIC METERS

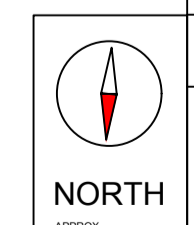


7 LOFT - PROPOSED
1:100

ALL WORK TO COMPLY WITH CURRENT BUILDING REGULATIONS AND CODES OF PRACTICE.
ALL DIMENSIONS IN MM UNLESS NOTED OTHERWISE
MEASURED SURVEY DOES NOT INCLUDE FOR INTRUSIVE SURVEY TO DETERMINE EXACT LOCATION OF STEEL WORK SUPPORTING STRUCTURE
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Revision	Description	Date
<p>GET RAPID PLANS 02084786567 / 07538938251 / 07507665812 169 Southpark Drive Ilford IG3 9AD Email getrapidplans@gmail.com Web site www.getrapidplans.co.uk</p>		
<p>ADDRESS 328 RIPPLE ROAD, BARKING, IG11 7RG</p>		
<p>PROJECT 1) FLATS CONVERSION</p>		
<p>TITLE FLOOR PLANS</p>		
DRAWN AT	SCALE	
HEAD OFFICE	1:100 @A1	
DRAWING NO	REVISION	DRAWN BY
J72-2		
		DATE
		04-06-2021



LBBB Reference: 21/01570/FULL

Hasnain Ikram

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 21/01570/FULL
Address: 328 Ripple Road, Barking, Barking And Dagenham, IG11 7RP
Development Description: Conversion of existing dwelling into 3 flats (1x studio, 1x 2 bedroom and 1x 3 bedroom) including internal alterations, a rear dormer extension including one roof light to the rear, four roof lights to the front and six windows to the side, with associated cycle parking and refuse storage.

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: Hasnain Ikram **Applicant:** c/o Agent

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 21/01570/FULL
Application Type: Full Planning Permission
Development Description: Conversion of existing dwelling into 3 flats (1x studio, 1x 2 bedroom and 1x 3 bedroom) including internal alterations, a rear dormer extension including one roof light to the rear, four roof lights to the front and six windows to the side, with associated cycle parking and refuse storage.
Site Address: 328 Ripple Road, Barking, Barking And Dagenham, IG11 7RP
Date Received: 22 August 2021
Date Validated: 25 August 2021

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The conversion of a 3 bedroom single dwellinghouse into 1 x 3 bedroom flat, 1 x 2 bedroom flat and 1 x studio flat represents the loss of a good quality single dwellinghouse with generous external and internal amenity space which is capable for use by a larger family. This is a form of housing in high demand within the borough which the Council is seeking to protect from conversion. The principle of development is considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, July 2021)
- Policies GG4, H1, H2 and H9 of the London Plan (March 2021)
- Policies CM1, CM2 and CC1 of the Core Strategy DPD (July 2010)
- Policy BC4 of the Borough Wide DPD (March 2011)
- Policies SPDG1, SP3 and DMH4 of the Draft Local Plan Regulation 19 consultation version (October 2020)
- Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017)
- London Borough of Barking and Dagenham Housing Delivery Test Action Plan 2020

2. The proposal fails to provide adequate on site external amenity space which is functional or useable harmful to the standard of living of residents of the 2 bedroom and 3 bedroom flats. The proposal is considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, July 2021)
- Policy D6 of the London Plan (March 2021)
- Policy BP5 of the Borough Wide DPD (March 2011)
- Policy DMNE1 of the Draft Local Plan Regulation 19 consultation version (October 2020)

3. The proposed conversion will increase the number of households on site from 1 to 3, as such, the proposal is considered to generate more waste, noise, comings and goings and general disturbances than currently produced on site harmful to the standard of living of neighbouring residents. The proposal is considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, July 2021)
- Policies GG1, GG4 and D14 of the London Plan (March 2021)

- Policy BP8 of the Borough Wide DPD (March 2011)
- Policies DMD1 and DMSI3 of the Draft Local Plan Regulation 19 consultation version (October 2020)

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application: -

- J72-1 Ground Floor Plans [Revision A] dated 04.08.2021
- J72-2 Floor Plans dated 04.08.2021
- J72-3 Roof Plans dated 04.08.2021
- J72-4 Front and Rear Elevations dated 04.08.2021
- J72-5 Side Elevations dated 04.08.2021
- J72-6 Measurement Floor Plans [Revision A] dated 04.08.2021
- J72-7 Sections dated 04.08.2021
- J72-8 Site Plans [Revision A] dated 04.08.2021
- Site Location Plan

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 20.10.2021

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Appeal Decision

Site visit made on 12 July 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/Z5060/W/21/3288107

328 Ripple Road, Barking IG11 7RP

- 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 Caiya Weng against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/01570/FULL, dated 20 August 2021, was refused by notice dated 20 October 2021.
 - The development proposed is conversion of existing property to create 3x new flats with associated cycle parking and refuse storage.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing property to create 3x new flats with associated cycle parking and refuse storage at 328 Ripple Road, Barking IG11 7RP in accordance with the terms of the application, Ref 21/01570/FULL, dated 20 August 2021, subject to the conditions in the attached schedule.

Procedural Matters

2. I note that the name of the appellant is different from the name of the applicant stated on the application form. I have been advised that this was because a representative of the applicant's agent was recorded as the applicant in error. I have therefore referred to the appellant, the intended applicant, in the banner heading above.

Main Issues

3. The main issues are:
 - The effect of the proposal on the supply of family housing;
 - Whether the proposal would provide satisfactory living conditions for future occupiers, specifically relating to the amount and utility of the proposed garden space; and
 - The effect of the proposal on the living conditions of neighbouring occupants, specifically relating to outlook, noise, and disturbance.

Reasons

Supply of family housing

4. The appeal property is located in a residential area made up predominantly of similar sized houses. It is close to shops and services located further east along

Ripple Road and Ripple Infants and Junior School is located almost directly opposite. The property is a 2-storey, 3-bedroom end of terrace house set on a moderate sized plot with space to the front and a private rear garden. The amount of rear garden space is limited due to it containing a single detached garage, rear extension, and outbuilding. Most of the houses in the surrounding area appear to be used as single dwellinghouses, although there are some flats further along Ripple Road next to the railway track.

5. Policy CC1 of the Council's Core Strategy (2010) (Core Strategy), in summary, seeks to ensure that sufficient family housing is created and maintained in the Borough. It defines this as three-bedroom, four bedroom or larger units. Similarly, I understand that policy H10 of the London Plan (2021) sets out how decision-taking should have regard to the need for additional family housing and the role of one and two bed units in freeing up existing family housing. The National Planning Policy Framework (Framework) likewise expects that policies on housing provision are informed by demographic information, with express reference made in paragraph 62 to families.
6. I acknowledge that being relatively generous, and previously extended, the property at present is likely to be attractive to larger households. The proposal would inevitably intensify the use of No 328. I accept in that context it would result in an arrangement which is likely to be less attractive to some families, by virtue of more limited space.
7. However, proposed flat 328A would have 3 bedrooms, thus representing family housing within the terms defined by the Core Strategy and London Plan. As annotated on drawing No J72-1 revision A, that split-level unit would have a gross internal area of 84.85 square metres, which meets space standard expectations of a two storey, 3-bedroom unit occupied by 4 individuals. Based on the information before me, the layout and room size of proposed unit 328A is such that it would allow for comfortable occupation by a family. I note in particular that there would be a well-proportioned kitchen/ living/ dining room that would lead out directly to a rear garden. Albeit that neighbouring properties appeared to be principally similar dwellings to No 328 as it currently stands, I nevertheless saw that there is a mixture of housing types in the area, such that flats would not inherently be out of keeping.
8. Accordingly, I find the proposal would accord with policies CM1, CM2, and CC1 of the Core Strategy and policy BC4 of the Borough Wide Development Policies Development Plan Document 2011 (DPD). These seek, amongst other things, to provide suitable housing in the right location and promote the delivery and retention of family sized accommodation. It would also accord with policies GG4, H1, H2 and H9 of the London Plan 2021 and the Housing Supplementary Planning Guidance, which seek, amongst other things, to deliver the homes that are needed and support the provision of homes on small sites and the efficient use of the existing housing stock.

Garden Space

9. The proposal would provide a private garden for each of the 3 flats. However, they would not meet the Council's minimum external amenity space standards as set out at policy BP5 of the Borough Wide DPD. While they would meet the minimum standards set out in Policy D6 of the London Plan, this policy clearly states that these standards should only be applied where there are no higher local standards.

10. The amount of garden space provided for the 2-bedroom flat, 328C, at 14.85sqm would be significantly below the Council's minimum standard of 40sqm. It would benefit from private access but not direct access. While this may not be optimal in terms of convenience, that is not a wholly atypical arrangement in respect of flats and occupants would not necessarily use this space less because of residing on upper floors. Thus, this does not justify providing a garden space of a size that is significantly below standard.
11. It may be that the space provided for the 3-bedroom family sized flat, 328A, at 39.81sqm would only be slightly below the Council's minimum standard of 40sqm and that it would benefit from direct access. However, the amount and utility of the garden spaces would be further exacerbated by the inclusion of cycle parking. While the area to the front of the house is relatively large, given that it is not private and will contain the refuse and recycling storage, its value as an additional outdoor space for future occupants would be limited.
12. For the reasons above, I find the limited size of the garden spaces would result in cramped living conditions for the future occupiers of flats 328A and 328C. While the level of shortfall in respect of flat A is limited, and while smaller outside spaces may be acceptable to some electing to live in this location, the proposal would conflict with policy BP5 of the Borough Wide DPD and the application of policy D6 of the London Plan.
13. The proximity of public open spaces, including Greatfields Park, moderates this harm to a degree. Furthermore, I recognise that, while the proposal conflicts with the application of Policy D6 of the London Plan, the garden spaces meet the minimum standards for private outdoor space set by this policy.
14. The appellant has referred to an appeal decision¹ to support the shortfall in garden space. However, the appeal relates to a very different scale of development which had significant regeneration benefits and was assessed against a different policy context.

Outlook, Noise and Disturbance

15. I accept that the proposal would likely generate more occupants than the existing house. Flats would be occupied independently, which may result in comings and goings at different times compared to the occupation of a single house. I acknowledge that the area tends to be comprised of similar properties, and note that an additional intensity of noise may in theory arise within the property and use of outside spaces.
16. However, there are higher density examples of housing relatively nearby, such that some additional intensity of use would not be uncharacteristic. The existing house is generous and, subject to its extension, could in itself host a large number of residents. The surrounding area is, moreover, fairly lively. There is noise generated at various times from the shops and services on Ripple Road, local schools, together with vehicular movements along the A123 itself.
17. In that context the additional intensity that the proposal would entail would not, in my view, diverge significantly from prevailing conditions. The scheme would integrate reasonably with the prevailing character of the area. I note

¹ APP/M4320/W/20/3266042; APP/Z5060/W/21/3268706

there are also separate provisions for dealing with noise, from whatever property, which amounts to a statutory nuisance.

18. Notwithstanding this, the separate households would require more refuse and recycling storage. The area in front of the house would provide adequate space for this storage and I am satisfied that the delivery of this could be addressed by condition. For these reasons the proposal would not unduly affect the living conditions of neighbouring occupants. Thus, it would accord with policy BP8 of the Borough Wide DPD and policies GG1, GG4 and D14 of the London Plan that seek, amongst other things, to ensure that high quality living conditions are delivered by residential development for existing and proposed occupiers.

Other Matters

19. Concerns have been raised regarding the quality of accommodation in terms of internal space. However, given that all the flats meet the nationally described space standards, I am satisfied that in this regard the proposal would provide satisfactory living conditions to future occupants.
20. The Council refer to their emerging Local Plan which is currently progressing through examination at a relatively advanced stage. While that plan cannot yet be accorded full weight, insofar as relevant to the circumstances here it seeks to protect family housing which I have dealt with under the first main issue in any event.

Planning Balance

21. Housing Delivery Test data from 2020 returns a result of 57% and for 2021 66%. Although performance has therefore evidently improved, given footnote 8 to the NPPF, paragraph 11.d) ii) is engaged. Namely, given that housing delivery has faltered relative to needs, permission should be withheld only where the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits. In that context I have reasoned that the proposal would be acceptable in terms of the supply of family housing and effects on living conditions of those nearby.
22. The sole matter on which I identified harm would result is in respect of outside space provision. Nevertheless, for the reasons given in paragraphs 12 to 14 of this decision, the weight accorded to that harm is limited. Moreover, the scheme would meet the minimum garden space figures in policy D6 of the London Plan, if not the application of that policy, and there are no set thresholds in the Framework. Consequently, whilst outside space arrangements would perhaps be sub-optimal, they would not be significantly so, or unacceptable to many individuals in this central location. That is in clear contrast to the Inspector who determined the appeal at 169 Hardie Road brought to my attention by the Council.²
23. In this instance the proposal would deliver much needed housing in an area close to facilities, service and public transport. It would make efficient use of land and would support the objective of the Framework in boosting the supply of homes. Delivery has evidently been faltering for many years and therefore needs are pressing. There would also be economic benefits during conversion

² Ref. APP/Z5060/W/20/3265198, where the Inspector considered that the scheme there would have caused significant harm to the character and appearance of the area and that it would fail to provide adequate living conditions.

and occupants would bring trade and life to the nearby area. In that context the adverse effects of allowing the appeal would not significantly and demonstrably outweigh the harm that would result. Accordingly, other material considerations justify allowing the appeal.

Conditions

24. The Council requests that 8 conditions be imposed, which I conclude on below. In addition to the changes explained below, I have amended the wording of certain conditions to ensure that they meet the tests in the Framework and Planning Practice Guidance without altering their fundamental aims.
25. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty.
26. To protect the character and appearance of the area a condition is necessary to clarify the full details of the hard and soft landscaping, including its establishment and maintenance. I have also imposed a condition to ensure the external materials used in the development match the existing house for the same reason. However, a condition requiring a scheme of improvement works to uplift the external facades of the existing house is not directly relevant to the development being permitted.
27. To also protect the character and appearance of the area, as well as to ensure adequate living conditions for future and neighbouring occupants, conditions are required to clarify the details of boundary treatments and refuse and recycling storage. As the details of the boundary treatments can be included in the details of the hard and soft landscaping, I have combined these requirements into a single condition. To encourage sustainable modes of transport, a condition is also necessary to ensure the provision of cycle parking facilities from occupation and their retention.
28. I have not imposed the condition requiring the additional window on the eastern elevation of the property to be finished in obscure glaze, as it is not clear which window the condition is referring to. Notwithstanding this, the plans show all the windows on this elevation, which would all be newly constructed, to be obscure glazed and non-opening up to 1.7m above floor level. The condition is, therefore, imprecise and unnecessary.

Conclusion

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

Hannah Guest

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos J72-1 (Rev A); J72-2; J72-3; J72-4; J72-5; J72-6 (Rev A); J72-7; J72-8 (Rev A).
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Before any dwelling hereby permitted is first occupied, a hard and soft landscaping scheme shall have been implemented in line with details previously submitted to, and agreed in writing by, the local planning authority. These details shall include a full planting schedule and plan for the front and rear gardens, and the position, design, materials and type of boundary treatments, including secure pedestrian gates into the rear gardens. Once implemented the landscaping shall thereafter be maintained.
- 5) Before any dwelling hereby permitted is first occupied, refuse and recycling storage shall have been implemented in line with details previously submitted to, and agreed in writing by, the local planning authority. Once implemented the refuse and recycling storage shall thereafter be maintained.
- 6) Before any dwelling hereby permitted is first occupied, bicycle storage within each garden shall have been implemented in line with details previously submitted to, and agreed in writing by, the local planning authority. Once implemented the bicycle storage shall thereafter be maintained.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/D/22/3308606

Appeal Application Description:

Construction of an outbuilding

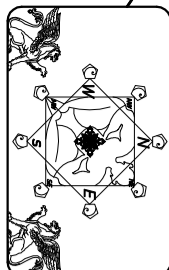
Decision:

Appeal
Allowed



Learning Cycle Tutors

Google



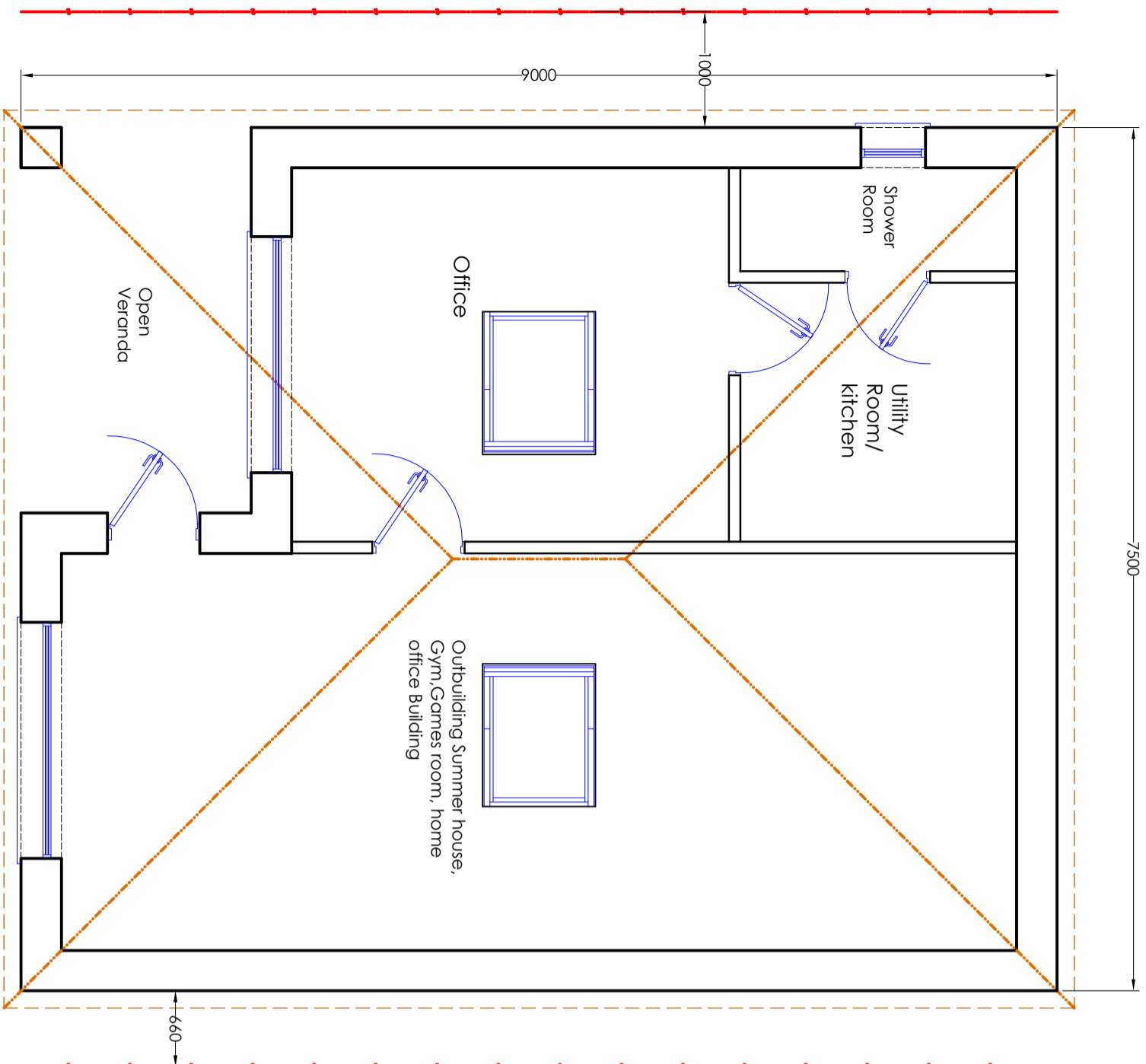
T.M.D.S.Ltd
 Architectural Services
 & Vastu Consultancy
 Mobile : 07887555550

Client's:
Mr Rustem Geca
 Proposed Development:
 180 Longbridge Road
 Essex
 IG11 8ST

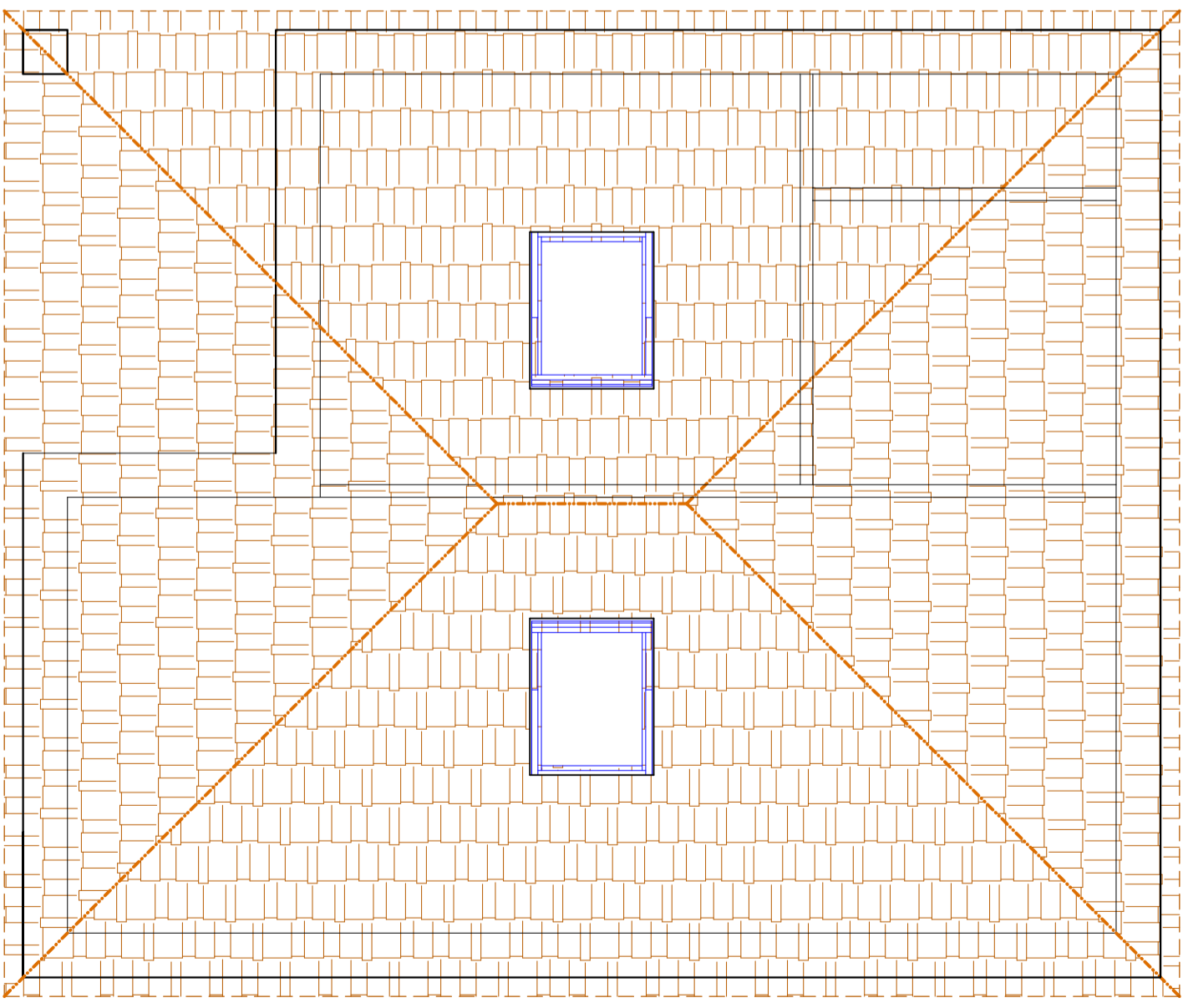
Issue:
 Planning Approval
 Scale: 1:50@A3
 Job No: 310/Rev 3/ind
 Date: 2022/07/11
 Dwg No: 1

Project Description
 Outbuilding Summer house,
 Gym,Games room, home office
 Building
 Utility Room/Kitchen

GENERAL NOTES : "This drawing is prepared solely for design and planning submission purposes. It is not intended or suitable for either Building Regulations or Construction purposes and should not be used for such".
 Structural Design and Building Control Approval is required before construction commences. This drawing is subject to copyright do not reproduce this drawing without prior permission.



Proposed Ground Floor Plan



Proposed Roof Plan

LBBB Reference: 22/01251/HSE

Kirit Tailor

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 22/01251/HSE
Address: 180 Longbridge Road, Barking, Barking And Dagenham, IG11 8ST
Development Description: Construction of an outbuilding

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: Kirit Tailor
Applicant: Rustem Geca
180 LONGBRIDGE ROAD
BARKING

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/01251/HSE
Application Type: Householder Planning Permission
Development Description: Construction of an outbuilding
Site Address: 180 Longbridge Road, Barking, Barking And Dagenham, IG11 8ST
Date Received: 20 July 2022
Date Validated: 20 July 2022

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The proposed scale of the outbuilding is considered overly large and not appropriate for the rear garden setting, taking into consideration the existing extension at the property. This reduces the quality of amenity and raises concerns over it being considered ancillary to the main dwelling.. As such, the proposed development is contrary to:

- National Planning Policy Framework National Planning Policy Framework (NPPF) (DLUHC, 2021)
- Policy D4 of the London Plan (March 2021)
- Policy CP3 of the Local Development Framework (LDF) Core Strategy (July 2010)
- Policies BP8 and BP11 of the Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)
- The Residential Extensions and Alterations Supplementary Planning Document (February 2012)
- Policies SP2, DMD1 and DMD6 of The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application:

- External Area Site Plan, 04, 22/08/22
- Proposed Elevations, 02, 11/07/22
- Plans, 01, 11/07/22
- Block Plan, 03, 11/07/22

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 30/08/22

Yours sincerely,

Marilyn Smith**Marilyn Smith**Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Appeal Decision

Site visit made on 9 December 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2022

Appeal Ref: APP/Z5060/D/22/3308606 180 Longbridge Road, Barking, IG11 8ST

- 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 Rustem Geca against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 22/01251/HSE dated 20 July 2022, was refused by notice dated 30 August 2022.
 - The development proposed is construction of an outbuilding.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of an outbuilding at 180 Longbridge Road, Barking, IG11 8ST in accordance with the terms of the application Ref 22/01251/HSE dated 20 July 2022 and in accordance with the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision;
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg No: 1; Drg No: 2; Drg No: 3; and Drg No: 4.
 - 4) The outbuilding hereby approved may only be used for purposes incidental to the enjoyment of the dwellinghouse as such. It may not be used for purposes conflicting with the use of the property as a single dwellinghouse and in particular, it may not be used as a separate unit of accommodation.

Procedural Matters

2. The description of the development proposed is taken from the Council's decision notice, which is clear. The application form describes the development proposed as "an Outbuilding Summer house, Gym, Games room, home office Building, Utility Room/kitchen."
-

3. The appeal property benefits from planning permission¹ for development including a rear dormer extension and a single storey rear extension. Works relating to this existing permission appeared to be advanced at the time of my site visit.
4. The Council states that the proposed development would not result in any harm to the amenity of neighbouring occupiers.
5. The Council, in its reason for refusal, considers the proposal to be overly large and inappropriate for the rear garden setting as, when combined with the extension to the host property, it would, in the Council's view, "reduce the quality of amenity."
6. Whilst the Council, in its reason for refusal, states that there are "concerns over (the proposal) being considered ancillary to the main dwelling," I am mindful that the Council has suggested the imposition of a condition that would address this matter.
7. Taking all of the above into account, this decision letter focuses on the main issues in this case, which are as set out below.

Main Issues

8. The main issues in this case are the effect of the proposed development on local character; and whether the living conditions of current and future occupiers would be acceptable with regards to private outdoor amenity space.

Reasons

Local Character

9. The appeal property is an extended two storey semi-detached dwelling with living accommodation at roof level. It is set back from the road behind a short front garden/driveway area fronted by a low garden wall. There is a pavement and a wide grass verge between the garden wall and Longbridge Road.
10. The appeal property has a long garden to the rear. Behind this long garden there is a detached garage and a further area of land, including access to the garage.
11. During my site visit, I observed the appeal property's garden to be expansive. I also noted that it backs onto an area characterised by the presence of gardens and large outbuildings including, but not limited to, the appeal property's detached garage. The presence of gardens and large outbuildings affords the area a green and spacious character, albeit with large outbuildings appearing as a common feature.
12. Whilst the proposed outbuilding would be quite large, a substantial open area of rear garden would still remain between it and the house; and there are also further areas of garden land in front of the house and adjacent to the existing detached garage.
13. Further to this, the proposal would be situated adjacent to the existing detached garage and would be located within the vicinity of other large outbuildings.

¹ Reference: 22/00050/HSE.

14. As a consequence of all of the above, I find that the proposal would appear comfortable in its surroundings.

15. Taking this into account, I find that the proposed development would not harm the character and appearance of the area and would not be contrary to the National Planning Policy Framework; to London Plan (2021) Policy D4; to DPD² policies BP8 and BP11; to Core Strategy³ policy CP3; or to the Council's Residential Extensions and Alterations Supplementary Planning Document (2012), which together amongst other things, protect local character.

Living Conditions

16. The Council's Residential Extensions and Alterations Supplementary Planning Document (2012) generally seeks to ensure that extensions do not cover more than 50% of garden space when taken together with existing extensions or outbuildings. The proposed development, when combined with other extensions to the appeal property, would not amount to development covering more than 50% of the appeal property's garden space. This is accepted by the Council.

17. The Council goes on to state that the proposal, in combination with existing extensions, would cover more than 50% of useable rear garden space. However, I have found above that a substantial area of the rear garden would still remain and in its own Officer's Report, the Council itself has asserted that, even taking the proposal into account, "there is still ample garden remaining."

18. The proposal provides for plentiful outside private amenity space and there is no substantive evidence before me to demonstrate that that this would not be the case, or that the amount of remaining private amenity space would be so deficient as to result in any significant harm.

19. Furthermore, I note that Supplementary Planning Guidance is simply that. It provides guidance rather than policy requirements to be slavishly adhered to. In this case, the proposed development would be situated within a large garden and a large area of garden would be retained.

20. Taking all of the above into account, I find that the proposed development would be acceptable in respect of the living conditions of current and future occupiers with regards to private outdoor amenity space. The proposed development would not be contrary to the National Planning Policy Framework; to London Plan (2021) Policy D4; to DPD policies BP8 and BP11; to Core Strategy policy CP3; or to the Council's Residential Extensions and Alterations Supplementary Planning Document (2012), which together amongst other things, seek to protect residential amenity.

Conditions

21. I have considered the conditions suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition controlling external finishes is necessary in the interests of local character.

² Barking and Dagenham Borough Wide Development Policies Development Plan Document (2011).

³ Barking and Dagenham Core Strategy (2010).

22. A condition controlling the use of the outbuilding and preventing the outbuilding from being used as a separate unit of accommodation is necessary in the interests of ensuring that its use remains ancillary to the dwellinghouse. This is in order to comply with the limitations imposed by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Conclusion

23. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/W/22/3302777

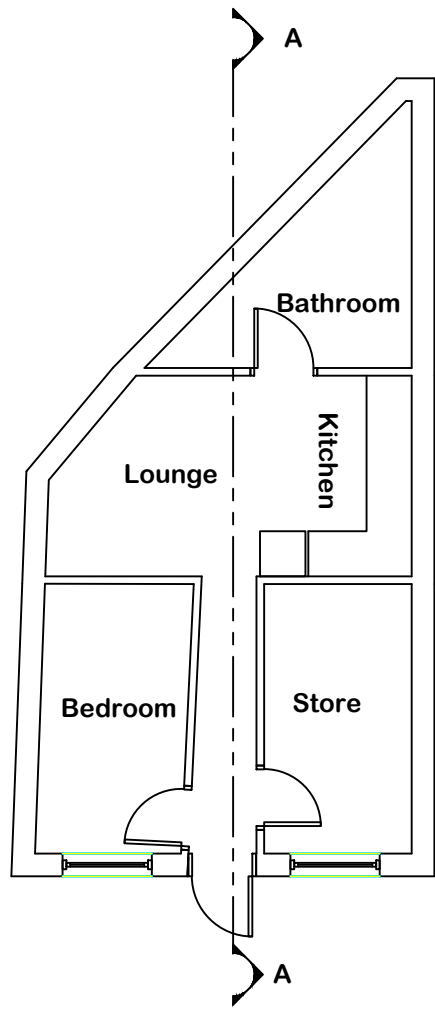
Appeal Application Description:

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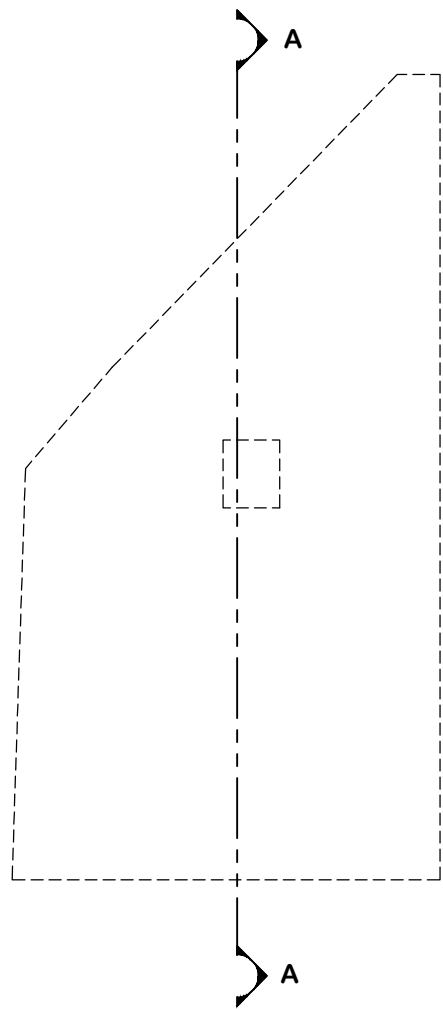
Decision:

Appeal
Allowed

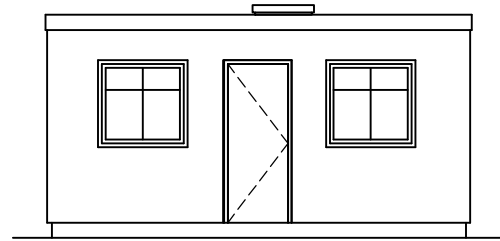




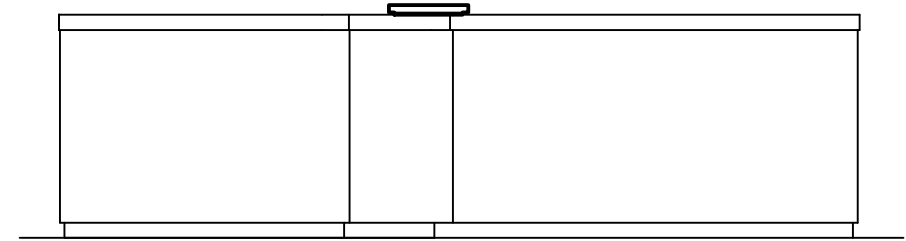
EXISTING & PROPOSED FLOOR PLAN



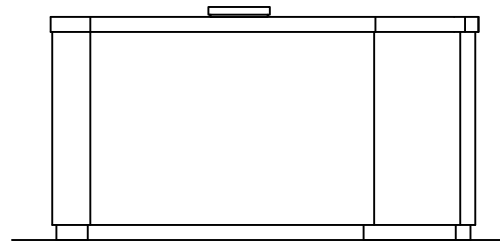
EXISTING & PROPOSED ROOF PLAN



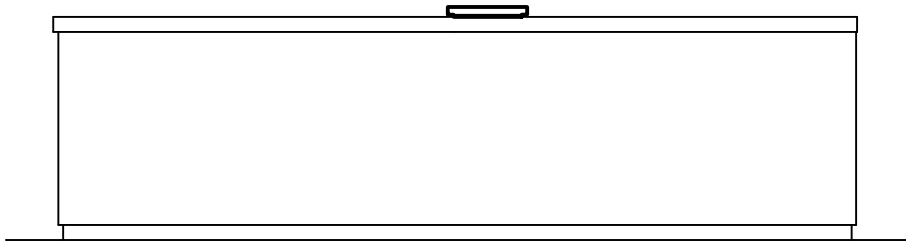
EXISTING & PROPOSED FRONT ELEVATION



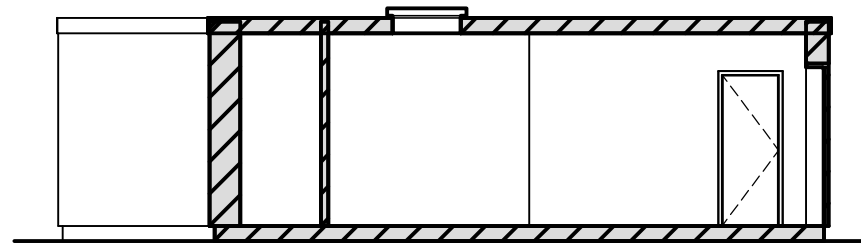
EXISTING & PROPOSED SIDE ELEVATION



EXISTING & PROPOSED REAR ELEVATION



EXISTING & PROPOSED SIDE ELEVATION



EXISTING & PROPOSED SECTION A - A

General Notes: All dimensions in mm unless specified otherwise | Contractors to confirm all dimensions on site



City Landmark Designs
(Planning, Appeals, Architectural, Calculations, Building Construction & Management)

1 Beadles Parade, Rainham Road South, Dagenham, Essex, RM10 8YL
Tel: 0208 593 2929 Mob: 07983 965 580
Email: info@citylandmark.net
Website: www.citylandmark.net

Proposed development:

Retention of the converted rear garden outbuilding into one bedroom flat.

Site location:

86 Bell Farm Avenue
RM10 7BB

Drawing No: 01

Scale: 1:100 @ A3

Date: Feb 2022

LBBB Reference: 22/00278/FULL

City Landmark Designs

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 22/00278/FULL
Address: 86 Bell Farm Avenue, Dagenham, Barking And Dagenham, RM10 7BB
Development Description: Retrospective application for the construction of a single storey rear outbuilding and conversion into a one-bedroom flat to be used as accommodation ancillary to the main dwellinghouse

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: City Landmark Designs
Applicant: Ade Oloyode
86 BELL FARM AVENUE
DAGENHAM

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00278/FULL
Application Type: Full Planning Permission
Development Description: Retrospective application for the construction of a single storey rear outbuilding and conversion into a one-bedroom flat to be used as accommodation ancillary to the main dwellinghouse
Site Address: 86 Bell Farm Avenue, Dagenham, Barking And Dagenham, RM10 7BB
Date Received: 04 February 2022
Date Validated: 05 May 2022

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The proposed 1 bed flat for reasons of size, scale, design and siting will appear at odds with the prevailing patterns of development given it would sit to the rear of the building line. The proposal therefore constitutes backland development which lacks in a sense of access, safety and approach. The proposal therefore represents an uncharacteristic and unsympathetic addition which is detrimental to the character and appearance of the property, terrace row and the surrounding local area. The proposal is considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, 2021);
- Policies D1, D4 and D8 of the London Plan (March 2021);
- Policy CP3 of the Core Strategy DPD (July 2010);
- Policy BP11 of the Borough Wide DPD (March 2011);
- Policies SP2, SP4 and DMD1 of the Draft Local Plan Regulation 19 consultation version (October 2020)

2. The proposal fails to provide ample bedroom space and adequate private external amenity space which is functional or useable harmful to the standard of living of residents of the 1 bedroom dwelling. The proposal is considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, July 2021)
- Policy D6 of the London Plan (March 2021)
- Policy BP5 of the Borough Wide DPD (March 2011)
- Policy DMNE1 of the Draft Local Plan Regulation 19 consultation version (October 2020)

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application: -

- Site Location Plan and Block Plan - Drawing no: 02 - Dated Feb 2022
- Existing Outbuilding Floor Plan, Roof Plan, Front, Rear and Side Elevations and Section Plan - Drawing no: 01 - Dated Feb 2022

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 19.06.2022

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Appeal Decision

Site visit made on 12 January 2023

by **L Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 February 2023

Appeal Ref: APP/Z5060/W/22/3302777

86 Bell Farm Avenue, Dagenham RM10 7BB

- 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 Pastor Ade Oloyode against the decision of the London Borough of Barking and Dagenham Council.
 - The application Ref 22/00278/FULL, dated 4 February 2022, was refused by notice dated 19 June 2022.
 - The development is a rear garden outbuilding converted into a one-bedroom flat to be used as accommodation ancillary to the main dwellinghouse.
-

Decision

1. The appeal is allowed and planning permission is granted for a rear garden outbuilding converted into a one-bedroom flat to be used as accommodation ancillary to the main dwellinghouse, at 86 Bell Farm Avenue, Dagenham, RM10 7BB in accordance with the terms of the application, Ref 22/00278/FULL, dated 4 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 01 (Floor Plan, Roof Plan, Front, Rear and Side Elevations and Section Plan), and Drawing No. 02 (Site Location Plan and Block Plan).
 - 2) The outbuilding hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the main dwelling known as 86 Bell Farm Avenue, Dagenham, RM10 7BB.

Preliminary Matters

2. The Council amended the original description of development from that on the application form to add that the outbuilding is to be used as accommodation ancillary to the main dwellinghouse. As this ancillary nature is accepted by the appellant and is a key element of their proposal, I have included this in the description of development in the banner heading above.
3. An outbuilding is already present on the site and in use as residential accommodation, and it appears to be as shown on the plans before me. For the avoidance of doubt, I have determined the appeal based on the submitted plans.

Main Issues

4. The main issues are the effect of the development on:
- the character and appearance of the area; and
 - the living conditions for its occupier.

Reasons

Character and appearance

5. The appeal site is an end terrace 2-storey residential dwelling which incorporates single storey extensions to its side and rear. The property has a flat roofed single storey building sited at the end of the rear garden. The proposal is for the use of this outbuilding as a dwelling annex ancillary to the main dwelling, and it provides a bedroom, lounge/kitchen, bathroom, and storeroom. There are no proposed alterations to the existing garden or wider plot. The site is within a predominantly residential area, with Central Park Dagenham directly to its rear.
6. While the Council has assessed the proposal as a new stand-alone dwelling and thus categorised the outbuilding's character as backland development, its use is ancillary to the main dwelling as it provides additional floorspace for the main dwelling's occupants. I therefore find a rear garden location is appropriate in principle, as is a lack of street presence or direct street access and approach. This ancillary nature could be further safeguarded by the imposition of a condition to control against the outbuilding being occupied or used as a separate entity to the main house.
7. The outbuilding is subordinate to the street's existing dwellings in height, mass, and scale. It is single storey with a flat roof, and its materials are sympathetic to the general character of the dwellings. I also noted a number of other structures in the rear gardens of Bell Farm Avenue, evident in views from the park. In this context the appeal outbuilding does not appear incompatible with its surroundings.
8. In conclusion therefore, the development does not cause harm to the character and appearance of the area, and complies with policy CP3 of the Barking and Dagenham Core Strategy (2010), policy BP11 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document (DPD) (2011), and policies D1 and D4 of the London Plan (2021). The proposal also complies with Section 12 of the National Planning Policy Framework ('the Framework') (2021). Together this suite of policies require development proposals to deliver good design, achieve high quality standards in relation to the design and layout of new buildings and spaces, for the design of buildings and layout of new development to protect or enhance the character of the area, and to provide a safe, convenient, accessible, and inclusive built environment.
9. Based on the evidence available to me, I cannot be certain that Policies SP2 and DMD1 of the emerging Local Plan are in their final form. In any event, based on their wording included in the Barking and Dagenham Draft Local Plan 2037 (Second Revised Regulation 19 Consultation Version, Autumn 2021), these emerging policies would not materially change the approach in the adopted development plan, insofar as is relevant to the issues raised in this

appeal. Therefore, the precise weight which should be attached to the emerging Local Plan has not been a determinative factor in my consideration of this main issue.

10. The Council's reason for refusal also includes policy SP4 of the Draft Local Plan, but this relates to delivery of social and cultural facilities, and policy D8 of the London Plan, which refers to public realm, and so I do not find them directly relevant to this appeal.

Living conditions

11. The Council has assessed the proposal based on living conditions policies and standards which would be applied to a new dwelling. While the proposal is not for a new dwelling, these policies generally seek to ensure satisfactory standards of living conditions for residents. Similarly, the Nationally Described Space Standard is useful as a proxy, in the absence of other detailed guidance for ancillary accommodation. The outbuilding has a slight deficiency against the specified standards, but I find this is acceptable considering its ancillary nature. I was also further satisfied on my site visit that there is sufficient internal space, as it did not feel cramped overall, and the bedroom accommodated a bed plus space for some furniture and circulation.
12. The outbuilding is single aspect, with only the bedroom and storeroom incorporating windows. While the kitchen/lounge therefore has no direct outlook, it was very bright internally due to the rooflight plus light through the glazed front door. On balance this lack of outlook is acceptable considering the ancillary nature of the floorspace and its garden outbuilding location.
13. The outbuilding's occupant shares the existing dwelling's access, garden, and parking. The lack of a separate private garden supports the nature of the proposal as ancillary accommodation. This is therefore not a factor causing harm to the standard of living conditions for its occupier.
14. In conclusion, the development provides acceptable living conditions for its occupier. In as much as the policies seek to ensure satisfactory standards of living conditions the development complies with policies BP5 of the Development Policies DPD and D6 of the London Plan. It also complies with paragraph 130 of the Framework regarding the need to provide a high standard of amenity for existing and future users. As above, the precise weight which should be attached to policies DMD1 and DMNE1 of the Draft Local Plan has not been a determinative factor in my consideration of this main issue.

Other Matters

15. I note the suggestion that the outbuilding has previously been used as private rental accommodation, but this has not affected my determination of the current proposal.

Conditions

16. I have attached a condition to specify the approved plans to provide clarity for the terms of the permission. I have also imposed a condition requiring the outbuilding to not be occupied or used at any time other than for a purpose ancillary to the residential use of the dwelling, as this is central to the acceptability of the scheme.

17. The Council proposed a condition requiring details of cycle parking to be agreed. As the outbuilding includes a large storage room, I do not find this necessary.
18. The Council also proposed a condition requiring agreement of car parking details. However, although the dwelling is located in a PTAL 1a area, a lack of parking was not cited as a reason for refusal. Furthermore, my site visit identified off-street parking available for at least 3 cars. Therefore, in reflecting paragraph 56 of the Framework and the Planning Practice Guidance, I find that a condition requiring details of car parking spaces is not necessary.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the development accords with the development plan taken as a whole, and therefore the appeal is allowed.

L Hughes

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

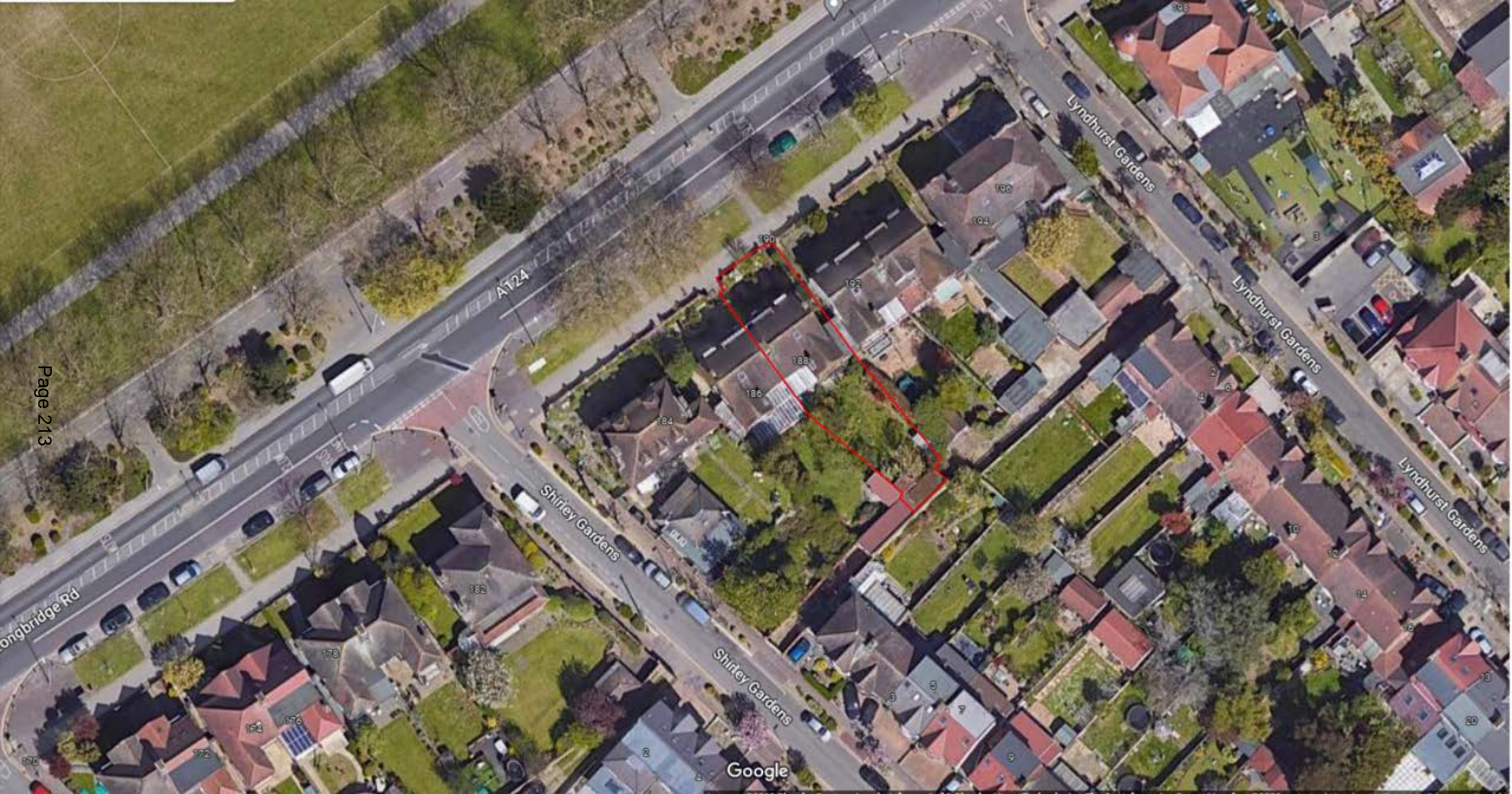
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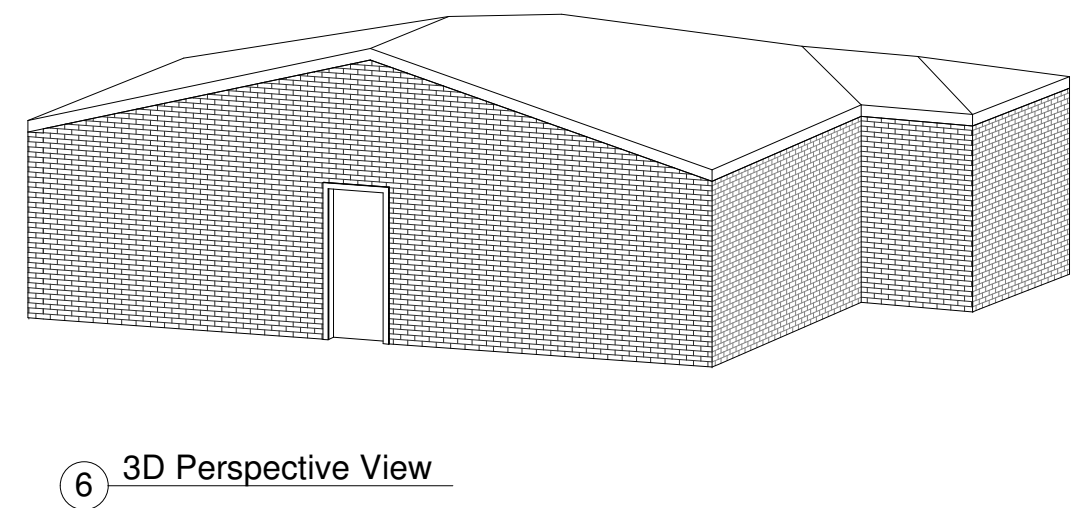
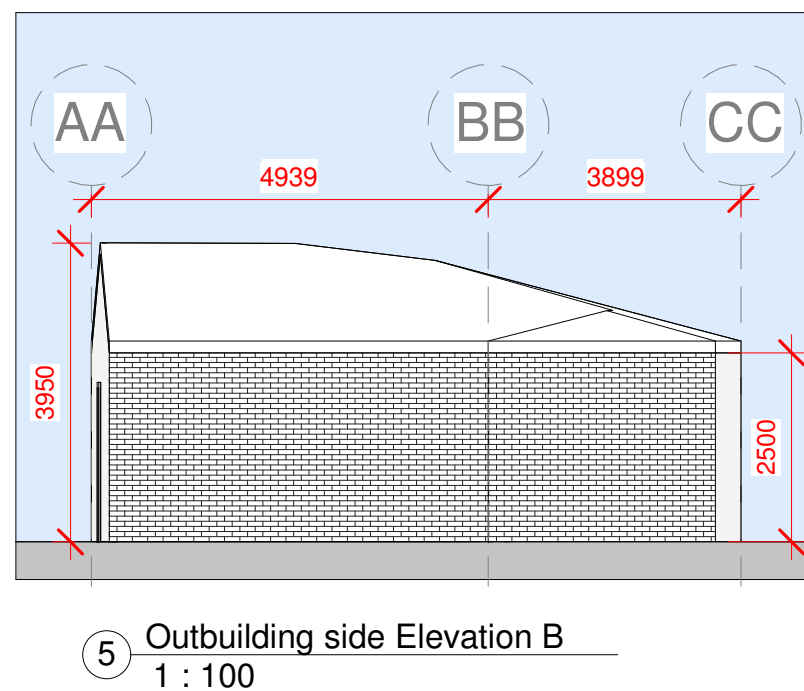
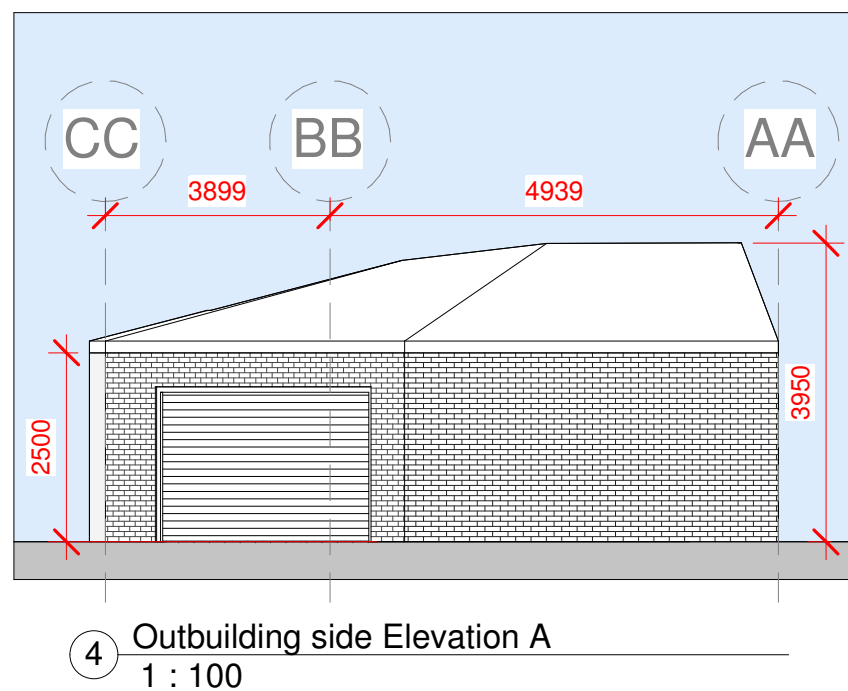
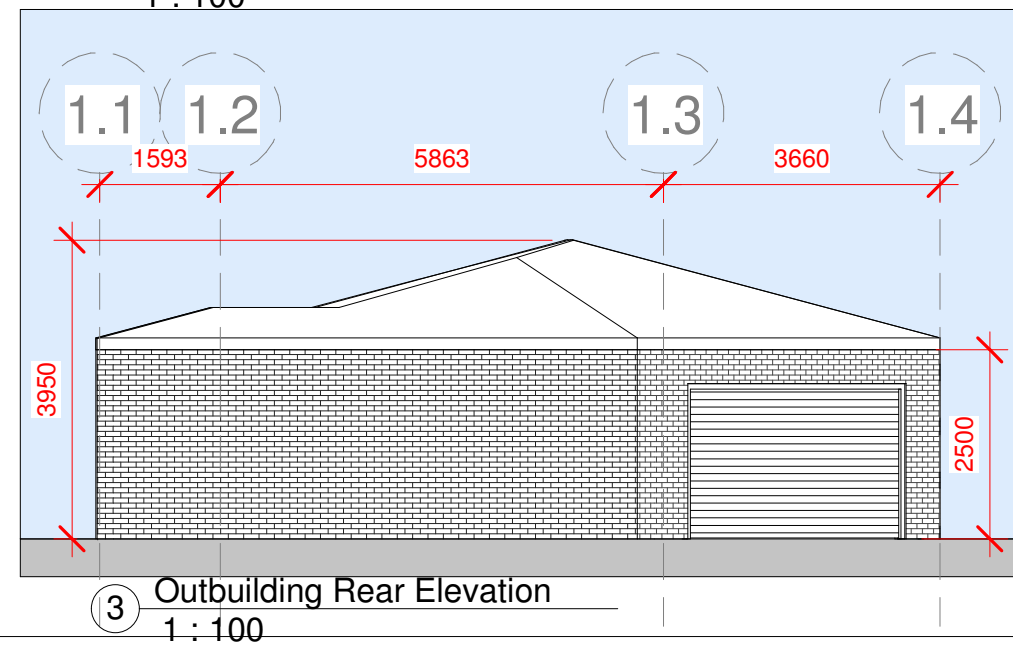
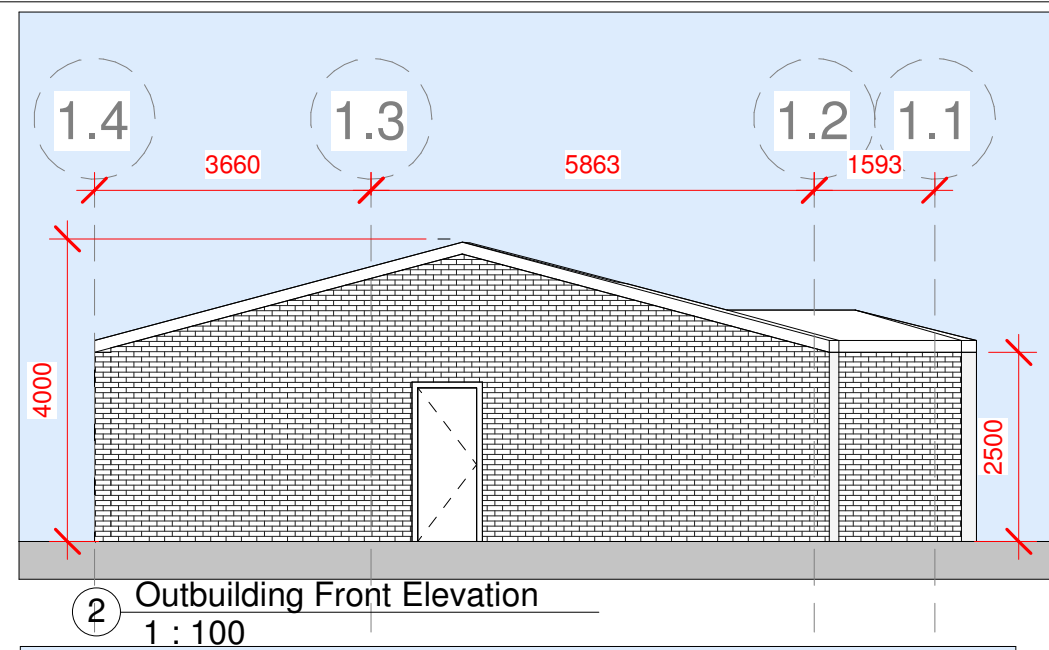
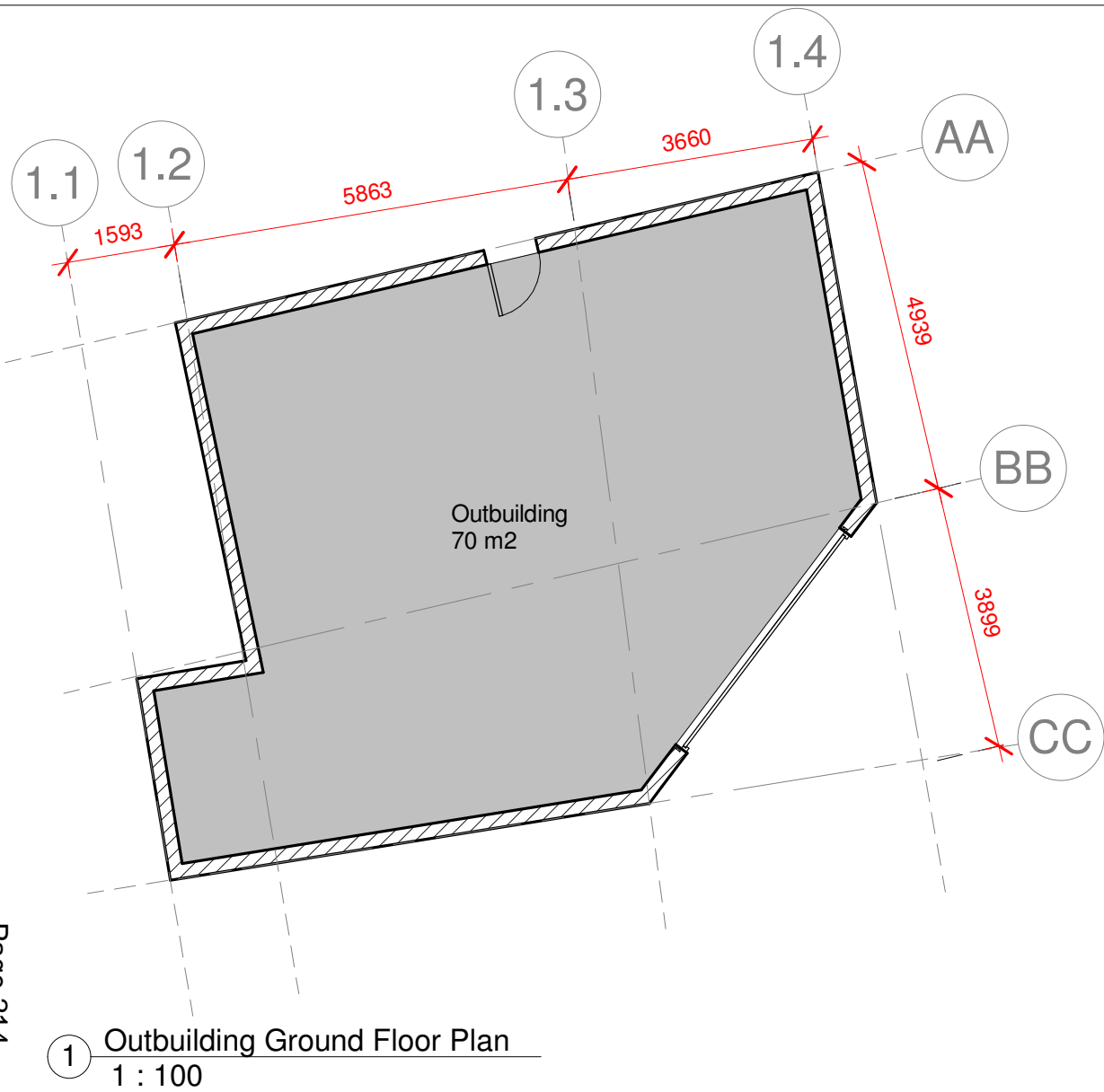
Appeal Application Description:

Application for a lawful
development certificate
(proposed) for the demolition of
the existing outbuilding and the
construction of a new outbuilding

Decision:

Appeal
Dismissed





LBBB Reference: 21/01222/CLUP

Ben Dalton
4 The Triangle
BARKING
IG11 8QA

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 21/01222/CLUP
Address: 188 Longbridge Road, Barking, Barking And Dagenham, IG11 8SU
Development Description: Application for a lawful development certificate (proposed) for the demolition of the existing outbuilding and the construction of a new outbuilding

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: Ben Dalton
4 The Triangle
BARKING IG11 8QA

Applicant: Ali Kholghi
IG11 8QA

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 21/01222/CLUP
Application Type: Lawful Development Certificate (Proposed Use)
FIRST SCHEDULE (Use / Development / Matter): Application for a lawful development certificate (proposed) for the demolition of the existing outbuilding and the construction of a new outbuilding
SECOND SCHEDULE (Site Address): 188 Longbridge Road, Barking, Barking And Dagenham, IG11 8SU
Date Received: 29 June 2021
Date Validated: 06 July 2021

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby certifies that the use / development / matter described in the FIRST SCHEDULE to this certificate in respect of the land specified in the SECOND SCHEDULE and as identified on the plans specified below **WAS NOT LAWFUL ON 06 July 2021** within the meaning of Section 191 of the Town and Country Planning Act 1990 for the following reason(s):

Reason(s):

1. The proposed development does not comply with the relevant conditions, limitations or restrictions applicable to development permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Specifically the proposed development fails to comply with Class E in its entirety and Class E.1(e)(ii) as detailed below:

The proposed development cannot be considered under Class E by virtue of failing to provide evidence of have a use that is incidental to the enjoyment of the main dwellinghouse.

Notwithstanding, Class E.1(e)(ii) *states that development will not be permitted under Class E if the height of the building, enclosure or container would exceed 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse. The proposed outbuilding is situated directly on the boundary of the curtilage of the dwellinghouse and has a height of 4m. It therefore fails to comply with Class E.1(e)(ii).*

Plan(s) and Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application: DPB/BD/P/001- Location Plan- 10/06/21, DPB/BD/P/002- Existing and Proposed Site Plan- 10/06/21, DPB/BD/P/003- Outbuilding - Plans and Elevations- 10/06/21, DPB/BD/P/004- Outbuilding - Existing Plans and Elevations- 10/06/21

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would

materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 26/07/21

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Appeal Decision

Site visit made on 24 January 2023

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/Z5060/X/21/3284654
188 Longbridge Road, Barking IG11 8SU

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Ali Kholghi against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application ref 21/01222/CLUP, dated 14 June 2021, was refused by notice dated 26 July 2021.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is demolition of existing outbuilding and construction of new outbuilding.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application sought a certificate of lawfulness for a proposed development. The purpose of an application made under s.192 is to find out whether proposed development, as described in the application form and shown on the drawings, would be lawful if instituted or begun at the time of the application. The burden of proof rests with the appellant and the appropriate test of the evidence is the balance of probabilities.
3. The planning merits of the proposed development are not relevant to this appeal. My decision rests on the facts of the case and the interpretation of any relevant planning law.
4. Correspondence was sent to the appellant requesting access be made available to the site. However, the appellant did not attend at the requested time, and I was unable to view the site. Nevertheless, this has not prevented me from being able to determine the appeal since all the information needed was included with the application and appeal documents, and a decision can be reached on the papers without causing prejudice to any party.

Main Issue

5. I consider that the main issue is whether the Council's decision to refuse to grant an LDC was well-founded.

Reasons

6. The appeal site is a semi-detached dwellinghouse. The application sought to demonstrate that the demolition of an existing outbuilding and the construction

- of a new outbuilding would be development permitted by Article 3(1) Schedule 2 Part 1 Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
7. Class E(a) of the GPDO permits the provision within the curtilage of a dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse as such, subject to certain conditions and limitations.
 8. To benefit from the provisions of Schedule 2 Part 1 Class E of the GPDO, the proposed outbuilding must be required for a purpose incidental to the enjoyment of the dwellinghouse and must meet *all* [my emphasis] the limitations and conditions in Class E.
 9. In considering whether the purpose is incidental it is necessary to consider the purpose(s) for the building and the incidental quality in relation to the enjoyment of the dwellinghouse. It is also necessary to consider whether the building is genuinely and reasonably required to accommodate the uses(s) or activities and consequently achieve that purpose.
 10. Size is a relevant but not conclusive factor in determining whether the proposal would be incidental to the use of the dwellinghouse. In assessing whether the outbuilding is genuinely and reasonably required for incidental purposes it is necessary to apply objective reasonableness in consideration of all the relevant facts and circumstances.
 11. There is no indication of how the outbuilding would be used although the plans show a garage type door. Notwithstanding its size, which I consider to be fairly significant when compared to the dwellinghouse, in the absence of details about how the outbuilding would be used, I cannot conclude that it would be reasonably required for a purpose incidental to the enjoyment of the dwellinghouse.
 12. Accordingly, I find that the submitted evidence does not show, on the balance of probabilities, that the proposed outbuilding would be reasonably required for a purpose incidental to the enjoyment of the dwellinghouse. The proposed development would not, therefore, constitute permitted development by virtue of Schedule 2 Part 1 Class E of the GPDO.
 13. Additionally, the Council stated that the overall height of the outbuilding would be 3.95m which the appellant did not dispute. Consequently, the proposed outbuilding would fail to meet the Class E.1.(e)(ii) requirement as it would exceed 2.5 metres in height and would be within 2 metres of the boundary of the curtilage of the dwellinghouse.
 14. Accordingly, since the appellant has failed to demonstrate that the proposed outbuilding would be reasonably required for a purpose incidental to the enjoyment of the dwellinghouse, and as it does not comply with all the limitations and conditions in Class E, it would not be permitted by Class E of Part 1 of Schedule 2 of the GPDO.

Conclusion

15. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the *demolition of existing outbuilding and construction of new outbuilding* was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Felicity Thompson

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/D/22/3306334

Appeal Application Description:

Construction of a front porch with
pitch roof

Decision:

Appeal
Dismissed

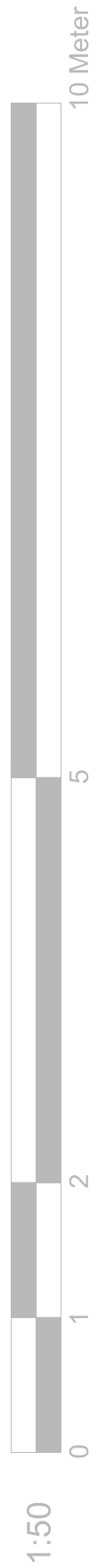


A

B

C

D



EXISTING FRONT ELEVATION

REFERENCE DRAWINGS	

NOTES
PLEASE NOTE THAT BEFORE BUILDING WORKS COMMENCES IT IS THE RESPONSIBILITY OF THE BUILDER OR OWNER TO SERVE PARTY WALL NOTICES TO ALL NEIGHBORS

No	DATE	REVISION	BY	CHK

CONSULTANT
CIVIL ENGINEERS
STRUCTURAL ENGINEERS
ARCHITECTURAL DESIGNERS

Contact: 07947249323

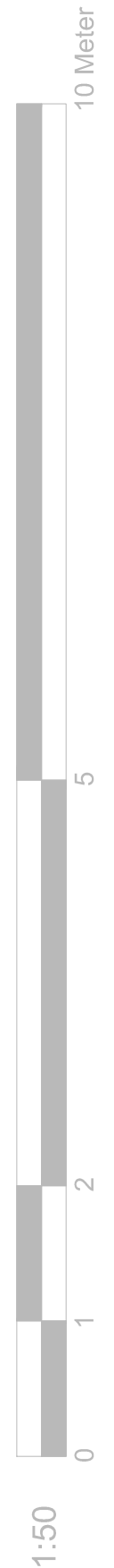
DRAWN F.R	CLIENT/PROJECT 5 WOOD LANE	DRAWING No. D05
CHECKED A.R	TITLE EXISTING FRONT ELEVATION	SCALE: 1:50
PROJECT NO.		DATE: 28-05-2022

A

B

C

D



REFERENCE DRAWINGS	

NOTES
PLEASE NOTE THAT BEFORE BUILDING WORKS COMMENCES IT IS THE RESPONSIBILITY OF THE BUILDER OR OWNER TO SERVE PARTY WALL NOTICES TO ALL NEIGHBORS

No	DATE	REVISION	BY	CHK

CONSULTANT

 CIVIL ENGINEERS
 STRUCTURAL ENGINEERS
 ARCHITECTURAL DESIGNERS
 Contact: 07947249323

DRAWN F.R	CLIENT/PROJECT 5 WOOD LANE	DRAWING No. D07
CHECKED A.R	TITLE PROPOSED FRONT ELEVATION	SCALE: 1:50
PROJECT NO.		DATE: 28-05-2022

A B C D

LBBB Reference: 22/00933/HSE

Civils Consulting Ltd

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 22/00933/HSE
Address: 5 Wood Lane, Dagenham, Barking And Dagenham, RM8 3ND
Development Description: Construction of a front porch with pitch roof

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: Civils Consulting Ltd **Applicant:** Munir Ahmad

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00933/HSE
Application Type: Householder Planning Permission
Development Description: Construction of a front porch with pitch roof
Site Address: 5 Wood Lane, Dagenham, Barking And Dagenham, RM8 3ND
Date Received: 28 May 2022
Date Validated: 28 May 2022

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The proposed development, by reason of its excessive depth fails to respect the character and appearance of the area. The proposal is therefore considered contrary to the Development Plan policies and guidance specified above. The proposal is therefore contrary to the following policies:

- National Planning Policy Framework (NPPF) (DLUHC, 2021);
- Policies D1, D4, D8 of the London Plan (March 2021);
- Policy CP3 of the Local Development Framework (LDF) Core Strategy (July 2010);
- Policy BP11 of the Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011);
- Policies SP2 and DMD6 of The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021);
- Sections 5.1 and 5.2 of the Residential Extensions and Alterations (SPD) (February 2012)

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application: -

- Site Location Plan - Drawing No. D10 - Dated 28.05.2022
- Block Plan - Drawing No. D09 - Dated 28.05.2022
- Proposed Side Elevation - Drawing No. D08 - Dated 28.05.2022
- Proposed Front Elevation - Drawing No. D07 - Dated 28.05.2022
- Proposed Roof Plan - Drawing No. D04 - Dated 28.05.2022
- Proposed Ground Floor Plan - Drawing No. D02 - Dated 28.05.2022

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 19.07.2022

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Appeal Decision

Site visit made on 9 December 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2022

Appeal Ref: APP/Z5060/D/22/3306334

5 Wood Lane, Dagenham, RM8 3ND

- 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 Munir Ahmad against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 22/00933/HSE dated 28 May 2022, was refused by notice dated 19 July 2022.
 - The development proposed is a front porch with pitched roof.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal property benefits from a recent planning permission¹ for the "construction of a small front porch with a pitch roof." The proposal the subject of this appeal is for a larger front porch.

Main Issue

3. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal property is a two storey mid-terrace dwelling extended at roof level and to the rear. It is located in a residential area and is situated along Wood Lane in a prominent position, close to Wood Lane's junction with Bennett's Castle Lane and opposite Wood Lane's junction with Martin Road.
5. The area is largely characterised by the presence of short rows of two-storey terraced houses of broadly similar design, set back from the road behind short gardens and/or parking areas and with longer gardens to the rear.
6. During my site visit, I observed that, whilst many dwellings have been altered and/or extended, the similarities in their overall appearance resulting from the rhythm of development, the common use of similar materials, the predominant presence of hipped roofs to end-dwellings, the regular appearance of gaps

¹ Reference: 22/0399/HSE.

between rows of dwellings and the presence of modest porches or canopies above front doors, provides for a pleasant sense of uniformity.

7. The row of terraced houses within which the appeal property is located presents many of these uniform features. Notably, there is an absence of any large porches to the front elevation of any of the dwellings in the terrace.
8. Whilst the appeal property benefits from a permission for the development of a porch, this is for a modest addition. In contrast, the proposed development is for a larger porch that would project forwards for some considerable depth. I find that the dimensions of the proposal are such that it would result in the development of a porch of such scale that it would appear as an incongruous feature – out of keeping with the uniform qualities of the terrace.
9. The harm arising from the above would be exacerbated as a result of the appeal property's prominent location, such that the proposal would draw undue attention to itself as an incongruent development widely visible in its surroundings.
10. Taking all of the above into account, I find that the proposed development would harm the character and appearance of the area contrary to the National Planning Policy Framework; to London Plan (2021) Policies D1, D4 and D8; to DPD² policy BP11; to Core Strategy³ Policy CP3; and to the Council's Residential Extensions and Alterations Supplementary Planning Document (2012), which together amongst other things, seek to protect local character.

Other Matters

11. In support of his case, the appellant draws attention to other developments in the area. However, as noted above, the proposal would result in harm to its immediate surroundings. Whilst there are examples of other porches elsewhere in the wider area, this is not a factor that mitigates the harm identified.

Conclusion

12. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

² Reference: Barking and Dagenham Borough Wide Development Policies Development Plan Document (2011).

³ Reference: Barking and Dagenham Core Strategy (2010).

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/W/22/3291686

Appeal Application Description:

Change of use of dwelling from 5 self contained flats (unauthorised use) to a House in Multiple Occupation.

Decision:

Appeal
Dismissed



Sashas yah suh nice
Caribbean kitchen

Car prime repair garage

202

Hunters Hall Rd

Hunters Hall Rd

Hunters Hall

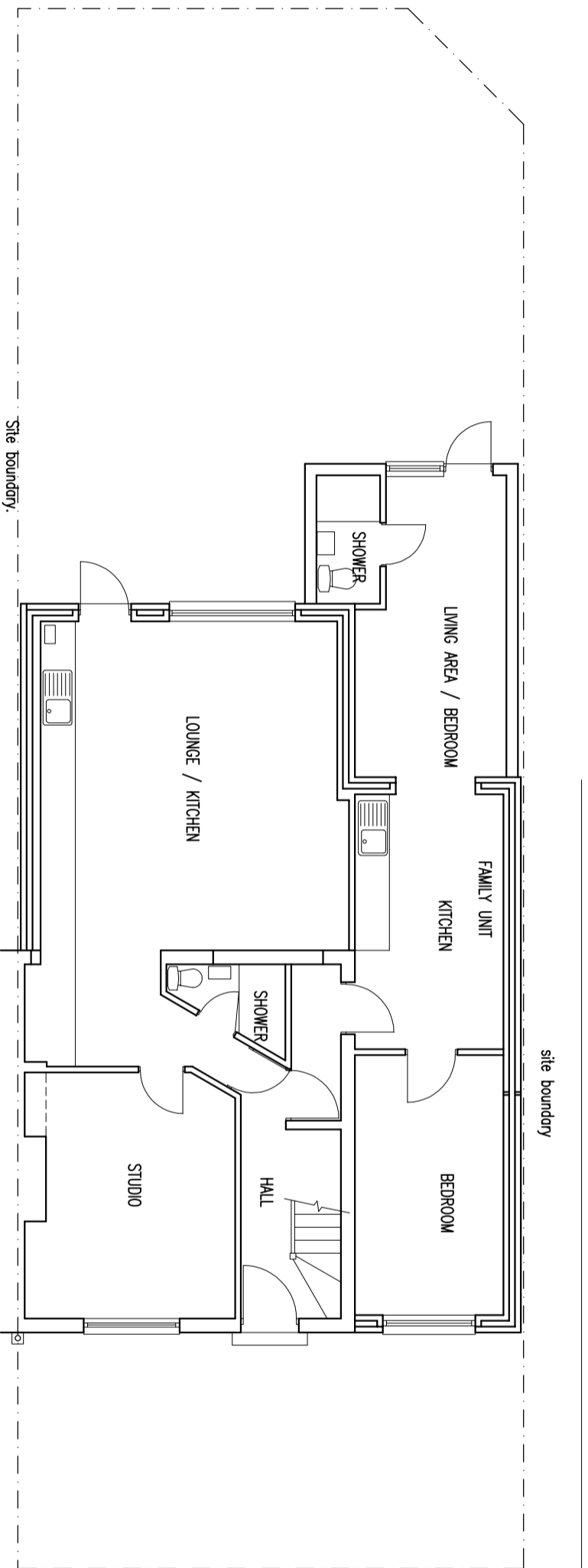
Hunters Square

Hunters Square

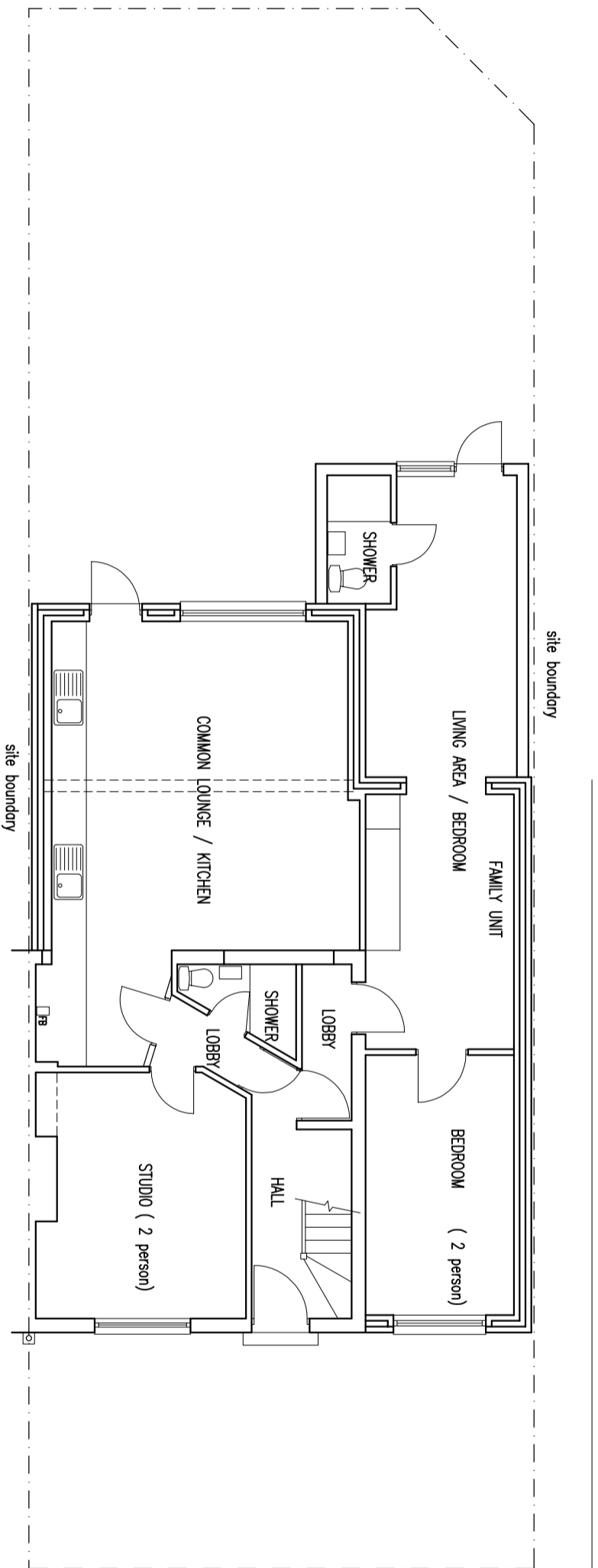
Hunters Square

Google

Backyard Embroidery
Temporarily closed



HUNTERS HALL ROAD



HUNTERS HALL ROAD

0 5 10 15 20

CLIENT DESIGN SERVICES LIMITED. 8 Timberdene Avenue, Barkingside, Essex, IG6 2LS. Tel. 020 8550 3320		EXISTING AND PROPOSED SITE LAYOUTS	Date	July 2021
PROPOSED HOUSE IN MULTIPLE OCCUPATION AT 202 HUNTERS HALL ROAD, DAGENHAM, RM10 8HU		Scale	1:100 @ A3	
		Dgn. No.	C19/62/HMO 07	

LBBD Reference: 21/01397/FULL

Phytsentzos Toouli

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 21/01397/FULL
Address: 202 Hunters Hall Road, Dagenham, Barking And Dagenham, RM10 8HU
Development Description: Change of use of dwelling from 5 self contained flats (unauthorised use) to a House in Multiple Occupation.

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent: Physentzos Toouli
Applicant: Ozmindik Ugur
202 HUNTERS HALL ROAD
DAGENHAM

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 21/01397/FULL
Application Type: Full Planning Permission
Development Description: Change of use of dwelling from 5 self contained flats (unauthorised use) to a House in Multiple Occupation.
Site Address: 202 Hunters Hall Road, Dagenham, Barking And Dagenham, RM10 8HU
Date Received: 22 July 2021
Date Validated: 27 July 2021

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application for the reason(s) listed below.

Reason(s):

1. The conversion of the dwelling into a HMO would result in the loss of a family dwelling house to the detriment of the stock of larger homes in the borough, contrary to the following policies:

- National Planning Policy Framework (MHCLG, February 2019);
- Policies GG4 and H1 of the London Plan (March 2021);
- Policies CM1, CM2 of the Core Strategy DPD (July 2010);
- Policy BC4 of the Borough Wide DPD (March 2011);
- Policies SPDG1, SP3 and DMH4 of the Draft Local Plan Regulation 19 consultation version (October 2020);
- Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017)

2. The proposed HMO has potential to increase activity level and coming and goings to and from the site leading to additional levels of noise and disturbance at the property. This is considered to have a negative impact on neighbouring amenity and in turn the health and wellbeing of neighbouring residents. As such the proposal is contrary to:

- National Planning Policy Framework (MHCLG, February 2019);
- Policies BP8 and BP11 of the Borough Wide DPD (March 2011);
- Policies DMD 1, SP 7 and DMSI 3 of the Draft Local Plan Regulation 19 consultation version (October 2020)

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the

application: -

- Existing and Proposed Site Plans - C19/62/HMO 07 - July 2021
- Proposed Ground Floor Plan - C19//62/HMO 04 - July 2021
- Proposed First Floor Plan - C19//62/HMO 05 - July 2021
- Proposed Loft Floor Plan - C19//62/HMO 05 - July 2021
- Site Location Plan - December 2014
- Planning Statement - July 2021

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 17.09.2021

Yours sincerely,

[Marilyn Smith](#)

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
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- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Appeal Decision

Site visit made on 28 September 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 OCTOBER 2022

Appeal Ref: APP/Z5060/W/22/3291686

202 Hunters Hall Road, Dagenham RM10 8HU

- 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 Ozmindik Ugur against the decision of the London Borough of Barking and Dagenham Council.
 - The application Ref 21/01397/FULL, dated 20 July 2021, was refused by notice dated 17 September 2021.
 - The development proposed is described as 'Change of use of dwelling from 5 self-contained flats (unauthorised use) to a House in Multiple Occupation'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I saw on my visit that the appeal property is currently being used as 5 x self-contained flats. However, I acknowledge that the Council state this use to be unauthorised with an enforcement investigation taking place. I also recognise that the description of the development refers to them as such. The appellant in their statement refers to the use as unauthorised and there is no evidence before me to demonstrate the existing authorised use is anything but a single-family dwelling. Thus, I have assessed the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the Borough's supply of family housing; and
 - the effect of the proposal on the living conditions of occupants of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Family Housing

4. The appeal property is located on the edge of a residential area, close to local facilities and services. Hunters Hall Road is a relatively long road. I saw on my visit that along the section where the appeal property is located there is relatively frequent pedestrian movements associated with people accessing the shops and services on Oxlow Lane. This gave the area a degree of vibrancy. Vehicle movements are less frequent, as this end of the road is a dead end. To the rear of the appeal property are several garages that I understand are rented by the Council, as well as some industrial units.

5. Hunters Hall Road is made up of two-storey terraced properties, which appeared to be predominantly used as single-family dwellings. It has wide pavements which incorporate some parking and give the road a spacious feel. The appeal property is a two-storey end of terrace house with additional accommodation in the roof provided for by a rear dormer extension and velux rooflights. It is set on a moderate sized plot with space to park at the front and a modest sized rear garden.
6. Policy CC1 of the Council's Core Strategy (2010) (Core Strategy), in summary, seeks to ensure that sufficient family housing is created and maintained in the Borough. It defines this as three-bedroom, four bedroom or larger units. I acknowledge that its specific requirements relate to major housing developments (10 units or more). However, the supporting text explains that the Borough has lost larger family accommodation through housing conversion and the aim of the policy is to secure a much higher level of family provision.
7. Residential conversions and Houses in Multiple Occupation (HMOs) are covered by Policy BC4 of the Core Strategy, which seeks to preserve the stock of family housing. To achieve this, the first part of the policy clearly states that, when planning permission is required, the Council will resist proposals which involve the loss of housing with three bedrooms or more.
8. The proposal would change the existing authorised use as a single-family dwelling into an HMO. Although this would not technically result in the loss of a house with three bedrooms or more, the house would no longer be occupied by a single family and, as such, would conflict with the overarching aim of Policy BC4 to preserve the stock of family housing. Given this, the second part of Policy BC4 is not applicable, as it applies to proposals that are not resisted by the first part of the policy. Similarly, while it may be that supporting paragraph 3.4.2 refers to preserving 4-bedroom homes in particular, the overall aim of the policy is to preserve housing of three-bedrooms or more. The intention of the policy is clearly set out in paragraph 3.4.3 which states that it aims to ensure that the current deficit in family homes is not worsened by further flat conversions and HMOs.
9. I acknowledge that Policy H2 of the London Plan (2021) supports the delivery of new homes on small sites. I also understand that there may be evidence that shows there to be a high requirement in the Borough for 1-bedroom units and a greater level of under occupancy than overcrowding. Notwithstanding this, the Council refer to their emerging Local Plan, which is currently progressing through examination at a relatively advanced stage. Policy DMH 4 of the emerging Local Plan seeks to preserve and increase the stock of family housing, in a similar manner to Policy BC4 of the Core Strategy. While that plan cannot yet be accorded full weight, it shows that, based on current evidence, the Council are continuing to resist proposals for the conversion or loss of existing family housing with three or more bedrooms.
10. Furthermore, while I understand that there are no specific statistics regarding the need for 6-bedroom family homes, there is no substantive evidence before me showing that a 6-bedroom property would not be utilised to its full potential or would have a negative impact on the provision of housing in the Borough.
11. For the reasons above, the proposal would harm the Borough's supply of family housing and undermine the Council's specific intention to retain this type of housing. Accordingly, it would conflict with policies CC1 and BC4 of the Core

Strategy, policy GG4 of the London Plan and the aims of the National Planning Policy Framework (the Framework). These policies, amongst other things, seek to ensure that the homes being delivered provide for identified needs, in this case, family housing. It would also not accord with the terms of policies CM1 and CM2 of the Core Strategy and H9 of the London Plan. While these policies support residential development of previously developed land and properties, this is where the land or property is underused or would lead to vacant or under-occupied properties.

12. The proposal would not conflict with policies H1 and H2 of the London Plan, the Housing Supplementary Planning Guidance (2016) or Housing Delivery Test Action Plan (2020). However, the absence of any conflict with these policies does not justify conflict with other policies is a neutral factor in this case.

Living Conditions

13. Whether or not the proposal would generate a greater number of residents than a 6-bedroom family dwelling, given the rooms in HMOs are typically occupied independently, the use of the property would be different. The Council have referred to appeal APP/Z5060/W/20/3253029. I agree with the Inspector of that appeal, that unrelated adults are more likely to have individual daily schedules, deliveries and visitors and less likely to undertake activities together than a family, and that this will result in increased noise and disturbance. However, I understand that the circumstances relating to that appeal were different. The appeal property in that case was in close proximity to neighbouring properties at its sides and rear. Also, the proposal would have resulted in a house being located between two HMOs which would have exacerbated the harm to the living conditions of those occupants, which is not the case for this proposal. Given the size of the existing house, in this case, the subsequent noise and disturbance is likely to be limited. Furthermore, this section of Hunters Hall Road has a degree of vibrancy associated with the nearby facilities and services on Oxlow Lane. It also experiences some noise from the neighbouring commercial uses and garages to the rear. Therefore, any additional comings and goings would likely be a very modest addition to the movement patterns and noise levels that are typical of the area.
14. Notwithstanding this, the unrelated individuals would likely require more refuse and recycling storage. I saw on my visit that the property already had additional bins located at the front to cater for the 5 self-contained flats. From my observations I am satisfied that the provision of any additional bins, including the design of appropriate bin storage, could be secured by condition.
15. For these reasons the proposal would not unduly affect the living conditions of neighbouring occupants. Thus, it would accord with policies BP8 and BP11 of the Borough Wide DPD and the aims of the Framework. These seek, amongst other things, to ensure that high quality living conditions are delivered by residential development for existing and proposed occupiers, including waste facilities.

Planning Balance and Conclusion

16. Housing Delivery Test data from 2020 returns a result of 57% and for 2021 66%. Although performance has therefore evidently improved, there remains a considerable shortfall in delivery, and given footnote 8 to the NPPF, paragraph 11.d) ii) is engaged. Namely, given that housing delivery has faltered relative

to needs, permission should be withheld only where the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits. In that context I have reasoned that the proposal would be acceptable in terms of its effects on living conditions of those nearby.

17. However, I have identified that harm would result with regards to the Borough's supply of family housing. In this regard, the proposal would conflict with policies CC1 and BC4 of the Core Strategy, as well as policy GG4 of the London Plan. These are broadly consistent with the Frameworks aim to reflect the size, type and tenure of housing needed for different groups in the community in planning policies, including those who require housing for families with children.
18. I acknowledge that the proposal would provide additional accommodation that would meet the Technical Housing Standards – Nationally described space standard and could likely be delivered quickly in a location that is close to local facilities and services. However, while the proposal would contribute to the shortfall in housing delivery in the Borough, the contribution would be limited.
19. Therefore, while the Framework seeks to significantly boost the supply of housing and recognises the important contribution that small sites can make to meeting the housing requirement of an area, in this case, the adverse impact of losing a family-sized dwelling would outweigh the benefits of the additional accommodation provided by an HMO.
20. Consequently, when the proposal is assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. The proposal would not, therefore, benefit from the presumption in favour of sustainable development.
21. For the reasons above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Hannah Guest

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

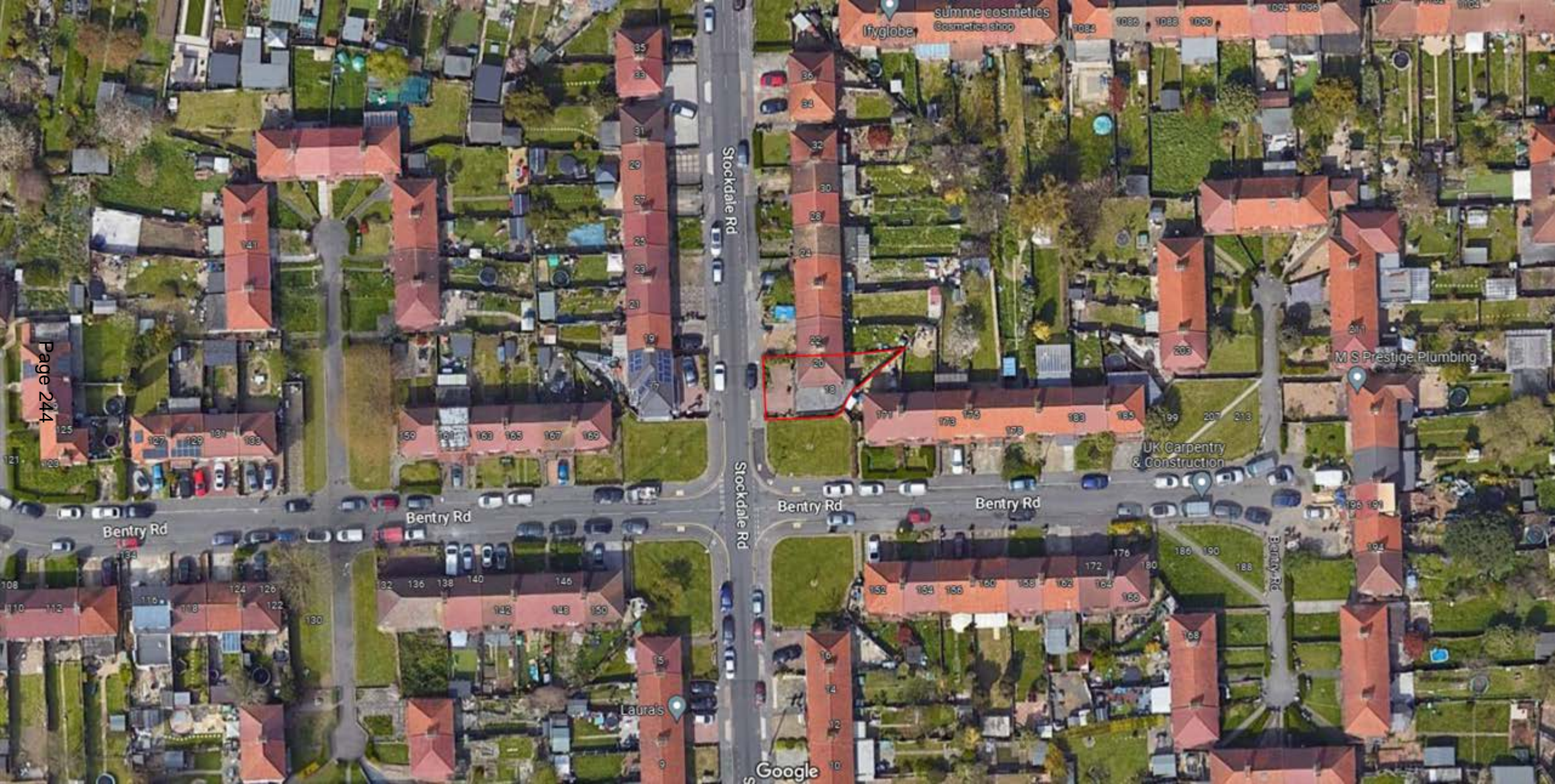
APP/Z5060/W/21/3282938

Appeal Application Description:

Demolition of existing garage and
the construction of a two storey,
1x bedroom dwelling

Decision:

Appeal
Allowed



Stockdale Rd

Stockdale Rd

Bentry Rd

Bentry Rd

Bentry Rd

Bentry Rd

Bentry Rd

summe cosmetics
Cosmetics shop

UK Carpentry
& Construction

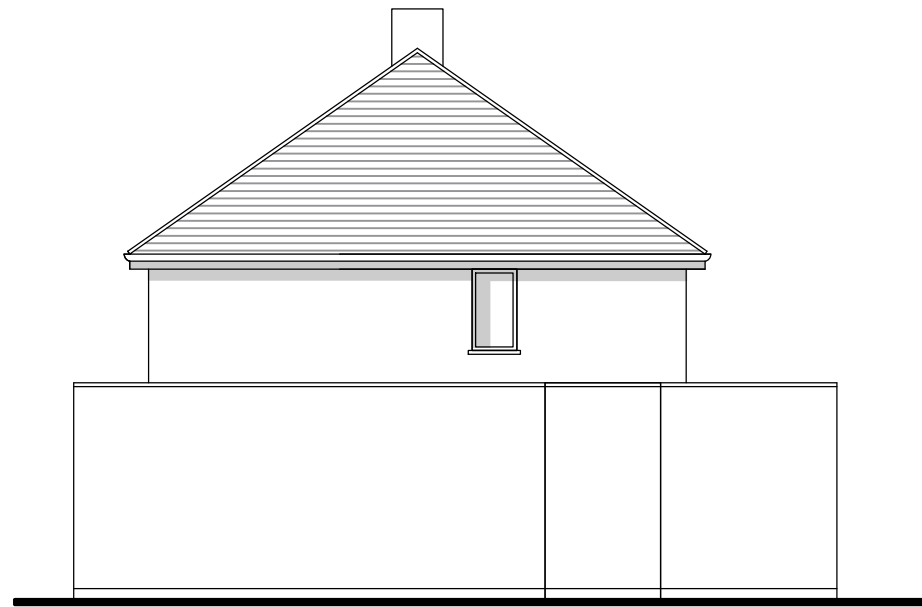
M S Prestige Plumbing

Laura's

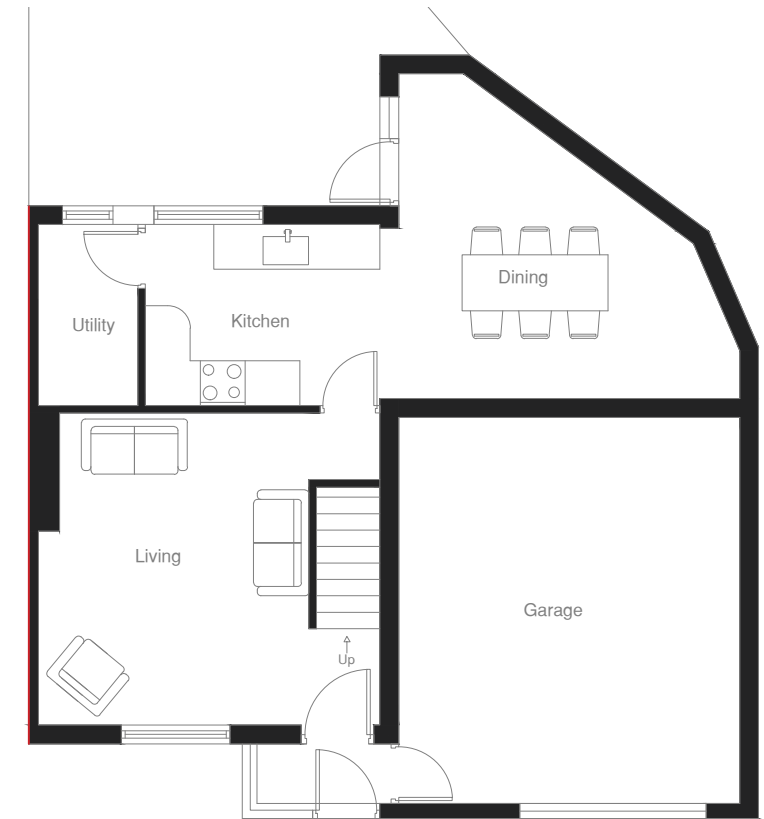
Google



FRONT ELEVATION
1:100 / A3



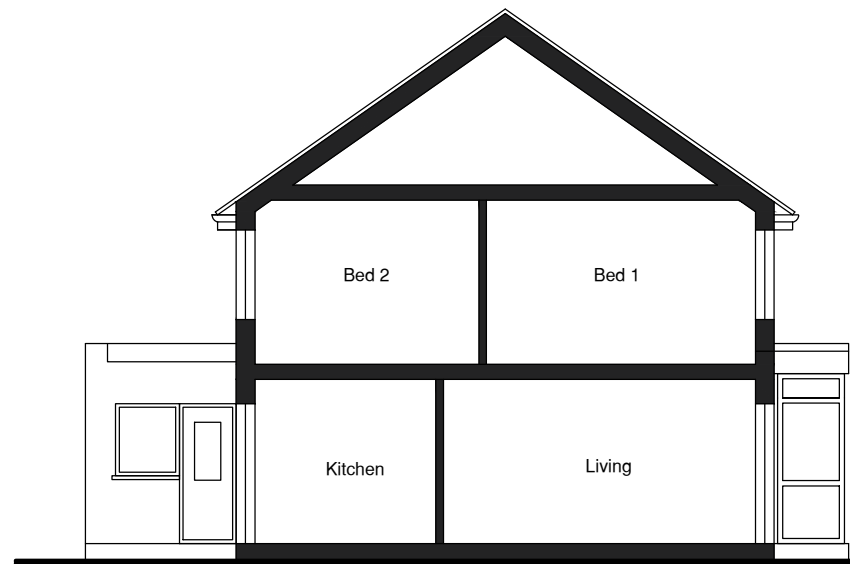
SIDE ELEVATION
1:100 / A3



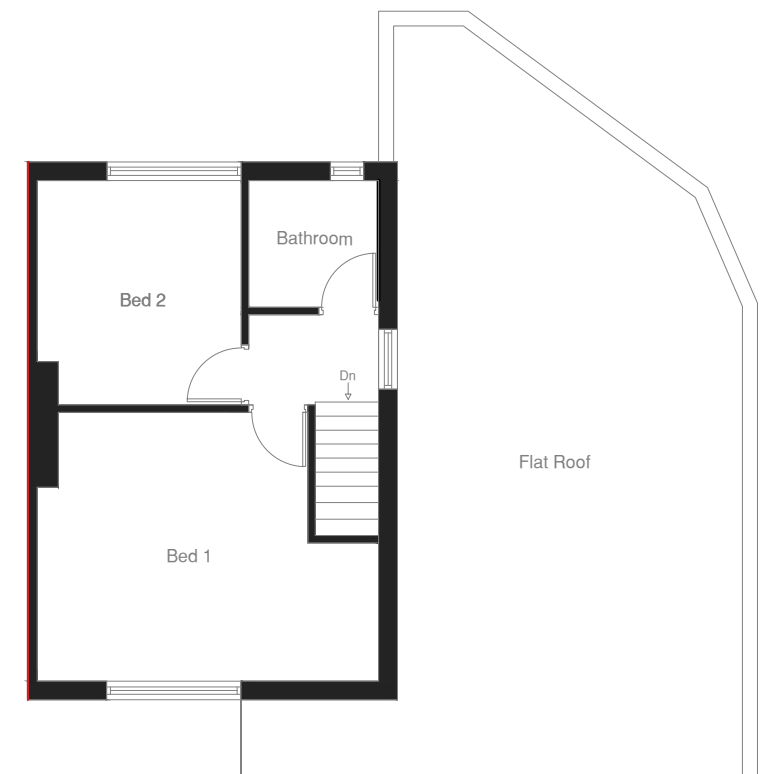
GROUND FLOOR PLAN
1:100 / A3



REAR ELEVATION
1:100 / A3



SECTION
1:100 / A3



FIRST FLOOR PLAN
1:100 / A3



Job title
18 STOCKDALE ROAD, RM8 3PS
NOTE: THESE DRAWINGS ARE FOR PLANNING PURPOSES ONLY.
A MEASURED SURVEY IS REQUIRED ON SITE BEFORE CONSTRUCTION.



Drawing title
EXISTING PLANS
Job No
2024_PL02
Scale @ A3
1:100
Date

Drawn by
RJ

r&R

PLANNING
www.randRplanning.co.uk
RobertJon@Live.co.uk
Tel: 07436007718



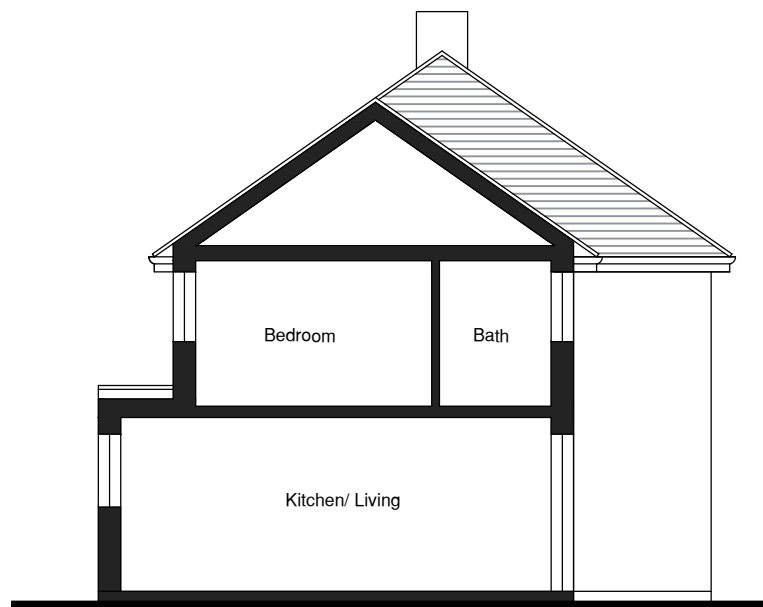
FRONT ELEVATION
1:100 / A3



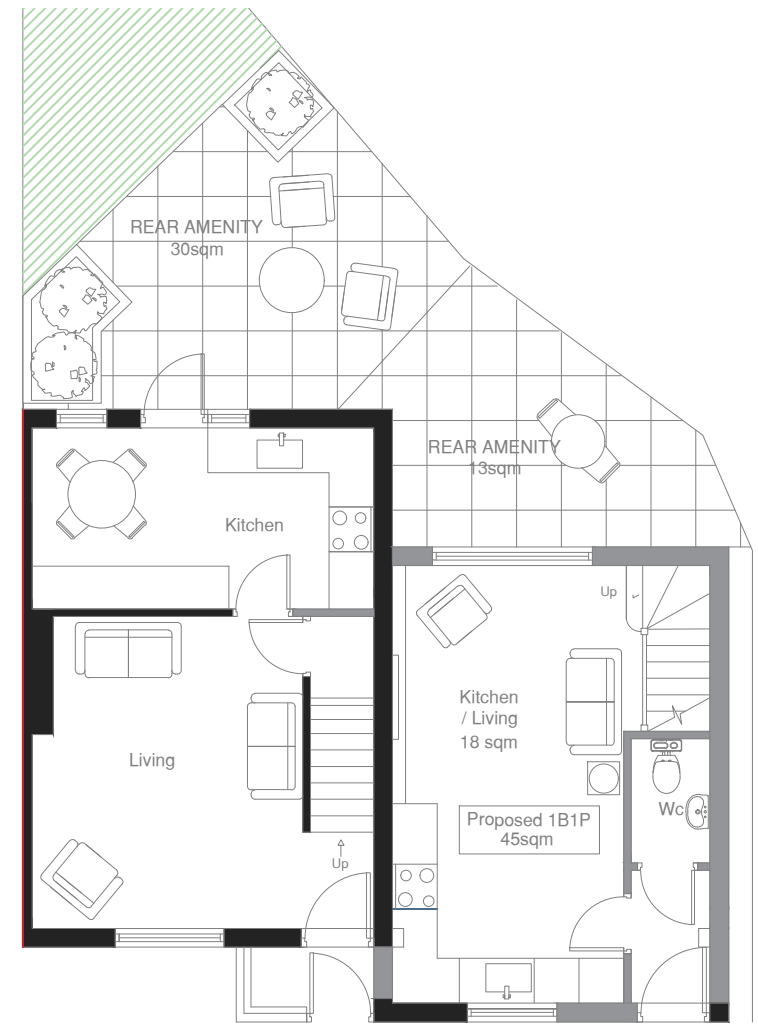
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1:100 / A3



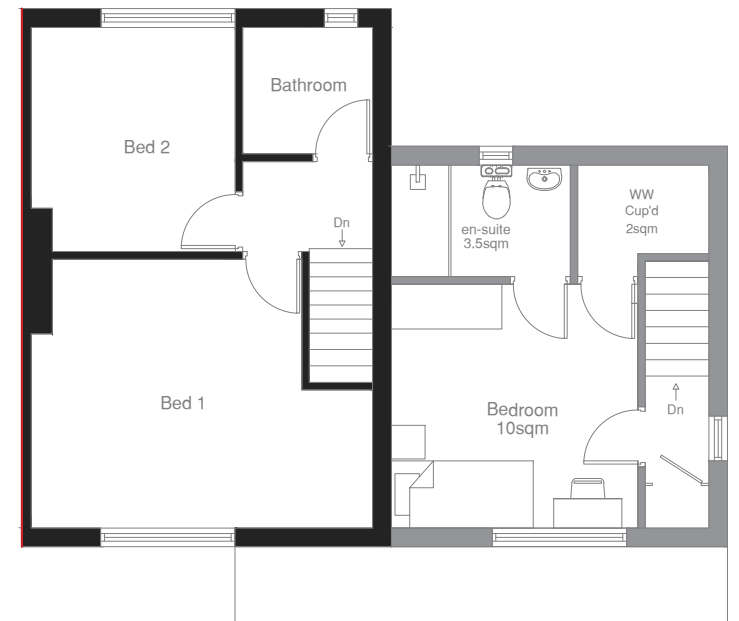
REAR ELEVATION
1:100 / A3



SECTION
1:100 / A3



GROUND FLOOR PLAN
1:100 / A3



FIRST FLOOR PLAN
1:100 / A3



Job title
18 STOCKDALE ROAD, RM8 3PS
NOTE: THESE DRAWINGS ARE FOR PLANNING PURPOSES ONLY.
A MEASURED SURVEY IS REQUIRED ON SITE BEFORE CONSTRUCTION.



Drawing title
PROPOSED PLANS
Job No: 2024_PL03
Scale @ A3: 1:100
Date:
Drawn by: RJ



PLANNING
www.randRplanning.co.uk
RobertJon@Live.co.uk
Tel: 07436007718

LBBB Reference: 21/01190/FULL

Robert Fry
40 Parkview House
Hornchurch
RM12 4YW

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS
AMENDED)**

Dear Sir / Madam,

Application Number: 21/01190/FULL
Address: 18 Stockdale Road, Dagenham, Barking And Dagenham, RM8 3PS
Development Description: Demolition of existing garage and the construction of a two storey, 1x bedroom dwelling

Thank you for your recent application at the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council.

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning and Assurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Agent:	Robert Fry 40 Parkview House Hornchurch RM12 4YW	Applicant:	BHARADIA 40 Parkview House Hornchurch RM12 4YW
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PART 1 - PARTICULARS OF THE APPLICATION

Application Number:	21/01190/FULL
Application Type:	Full Planning Permission
Development Description:	Demolition of existing garage and the construction of a two storey, 1x bedroom dwelling
Site Address:	18 Stockdale Road, Dagenham, Barking And Dagenham, RM8 3PS
Date Received:	25 June 2021
Date Validated:	25 June 2021

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PLANNING PERMISSION has been **GRANTED** for the carrying out of the development referred to in PART 1 hereof and as described and shown on the plan(s) and document(s) submitted with the application, subject to the conditions and reasons listed below.

Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby approved shall only be carried out in accordance with the following approved plans and documents:

- 2024-PL03 - Proposed Plans
- 2024-PL04 - Proposed Site and Roof Plans

No other drawings or documents apply.

Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s), to ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to satisfactorily protect the residential amenities of nearby occupiers.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwellinghouse.

Reason: To ensure that the finished appearance of the development will respect the character and visual amenities of the local area.

4. Prior to occupation of the development, details of the cycle parking facilities, shall be submitted to and approved in writing by the Local Planning Authority. The submission should include details of the security, monitoring and access arrangements for the cycle parking facilities. The development shall not be occupied until the approved details have been implemented. Thereafter, the cycle parking facilities shall be permanently retained.

Reason: In the interests of promoting cycling as a safe, efficient and non-polluting mode of transport and in accordance with policy BR11 of the Borough Wide Development Policies Development Plan Document.

5. No development shall commence until:

(a) an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments; and
- iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)'; and

- b. a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) The approved remediation scheme must be carried out in accordance with its terms prior to commencement of the development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met.

- d. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: Contamination must be identified prior to commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy BR5 of the Borough Wide Development Policies Development Plan Document.

6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: In the interest of the character and amenities of the local area

Summary of Policies and Reasons:

In deciding to grant planning permission in this instance, Be First, working in partnership the London Borough of Barking and Dagenham, found the proposal to be acceptable following careful consideration of the relevant provisions of the National Planning Policy Framework, the Development Plan and all other relevant material considerations. Upon review, the London Borough of Barking and Dagenham is satisfied that any potential material harm resulting from the proposal's impact on the surrounding area would be reasonably mitigated through compliance with the conditions listed above.

The following policies are of particular relevance to this decision and for the imposition of the abovementioned conditions:

National Planning Policy Framework (NPPF) (MHCLG, February 2019)

London Plan (2020)

Policy D1 - London's Form, Character and Capacity for Growth

Policy D4 - Delivering Good Design

Policy D6 - Housing Quality and Standards

Policy H1 - Increasing Housing Supply

Policy H2 - Small Sites

Policy HC1 - Heritage Conservation and Growth

Local Development Framework (LDF) Core Strategy (July 2010)

Policy CM1 - General Principles for Development

Policy CM2 - Managing Housing Growth

Policy CR2 - Preserving and Enhancing the Natural Environment

Policy CP2 - Protecting and Promoting our Historic Environment

Policy CP3 - High Quality Built Environment

Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)

Policy BP2 - Conservation Areas and Listed Buildings

Policy BP5 - External Amenity Space

Policy BP8 - Protecting Residential Amenity

Policy BP10 - Housing Density

Policy BP11 - Urban Design

Policy BR5 - Contaminated Land

Policy BR11 - Walking and Cycling

The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Consultation Version, September 2020)

The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Consultation Version, September 2020) is at an "advanced" stage of preparation. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making, unless other material considerations indicate that it would not be reasonable to do so.

Policy SP2 - Delivering a well-designed, high quality and resilient built environment

Policy SP 3 - Delivering homes that meet peoples' needs

Policy SP4 - Delivering quality design in the borough.

Policy DMD1 - Securing high quality design

Policy DMD4 - Heritage assets and archaeology remains

Policy DMD6 - Householder extensions and alterations

Supplementary Planning Documents

DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended)

The above policies can be viewed on the Council's website: www.lbbd.gov.uk/planning.

Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to work with the Applicant in a positive and

proactive manner. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

This development is potentially liable for payment of both the Mayor of London and London Borough of Barking and Dagenham's Community Infrastructure Levies (CIL). Further information about CIL, including the process that must be followed and forms that will be required, can be found on the Council's website: <https://www.lbbd.gov.uk/developer-contributions-cil-and-s106> . CIL forms can be submitted to: S106CIL@befirst.london

DATE OF DECISION: 12/08/2021

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **Eight (8) weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Working in partnership



**Barking &
Dagenham**

Be First Regeneration Ltd

9th Floor Maritime House
1 Linton Road, Barking
London
IG11 8HG

THE BUILDING REGULATIONS 2010 (AS AMENDED)

Building Control

Most construction requires Building Control.

Our Building Control team are here to make that process as streamlined as possible while protecting you, the property owner.

The simplest way to get started is to register and apply on our portal:

<https://online-befirst.lbbd.gov.uk/>

As Building Control, we will check the work carried out to ensure that it complies with current regulations.

Unlike private approved inspectors, we are not a business that will close due to financial or regulatory issues, nor will we cancel an application once it has been accepted and paid for.

If you would like further information before applying or need to discuss a large commercial or residential project, please email buildingcontrol@befirst.london with any queries or to request a call.





Appeal Decision

Site visit made on 5 April 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

Appeal Ref: APP/Z5060/W/21/3282938

18 Stockdale Road, Dagenham RM8 3PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Bharadia against the decision of the Council of the London Borough of Barking and Dagenham.
- The application Ref 21/01190/FULL, dated 22 June 2021, was approved on 12 August 2021 and planning permission was granted subject to conditions.
- The development permitted is for the demolition of existing garage and the construction of a two storey, 1x bedroom dwelling.
- The conditions in dispute are:
 - No.5 which states:

No development shall commence until: (a) an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

 - i. a survey of the extent, scale and nature of contamination;*
 - ii. an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments; and*
 - iii. an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)'; and*

(b) a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) The approved remediation scheme must be carried out in accordance with its terms prior to commencement of the development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning

Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met.

(d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- No.6 which states:
Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the Local Planning Authority.
 - The reasons given for the conditions are:
 - No.5: *Contamination must be identified prior to commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy BR5 of the Borough Wide Development Policies Development Plan Document.*
 - No.6: *In the interest of the character and amenities of the local area.*
-

Decision

1. The appeal is allowed and the planning permission Ref 21/01190/FULL for the demolition of existing garage and the construction of a two storey, 1x bedroom dwelling at 18 Stockdale Road, Dagenham RM8 3PS granted on 12 August 2021 by the Council of the London Borough of Barking and Dagenham, is varied by deleting conditions 5 and 6 and substituting for them the following condition:
 - 5) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Part 1, Classes A, B, C, D, E, G and H of Schedule 2 to that Order shall be carried out to the dwelling hereby permitted.

Preliminary Matters

2. The Council's statement refers to the application having been refused. It is clear from the decision notice and subsequent appeal submissions that the proposal was approved, subject to a series of conditions. This appeal seeks the removal of conditions 5 and 6 which relate to land contamination and permitted development rights. Section 79(1) of the Town and Country Planning Act 1990 allows me to allow or dismiss the appeal or reverse or vary any part of the decision (whether the appeal relates to that part or not) and I may deal with the proposal as if it had been made to me in the first instance.

Main Issue

3. The main issue is whether the conditions are reasonable and necessary having regard to:
 - (i) risks from contamination of the land; and
 - (ii) the character and appearance of the area.

Reasons

Land Contamination

4. During the consideration of the planning application, the views of the Council's Environmental Protection Officer (EPO) were sought, and no objection was raised subject to the imposition of an extensive condition relating to the assessment and remediation of potential land contamination. This condition was considered necessary by the EPO given the absence of information on how the garage had previously been used. This recommendation was accepted by the Case Officer and the wording of condition 5 followed this internal advice.
5. However, there is no evidence before me of a history of contamination or previous use that could have given rise to such concerns. An internal examination of the garage clearly shows it to be of breeze block construction. There is one double power socket on the rear internal wall but there are no shelves or any signs that the garage might have been used for any sort of repairs to vehicles or as a more general workshop.
6. A large piece of carpet covered the central part of the garage floor. When pulled back, the lighter shading of the concrete floor beneath the carpet suggested that it had been there for quite some time. There were no indications that the carpet was trying to hide any signs of contamination. The garage only contained the general detritus that might be expected on a domestic garage concrete floor.
7. Accordingly, I am unable to identify a clear risk of contamination which would arise from the construction works and thus indicate condition 5 to be reasonable or necessary.
8. Without this condition the proposed development would be consistent with the requirements of Policy BR5 of the Borough Wide Development Policies Development Plan Document March 2011 (DPD). This policy seeks, amongst other things, to adopt a risk-based approach to land contamination and ensure that development which would give rise to such problems does not proceed.

Permitted Development Rights

9. Paragraph 56 of the National Planning Policy Framework (the Framework) states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Paragraph 54 of the Framework states that conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance (PPG) advises that blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of

- reasonableness and necessity. Therefore, the removal of permitted development rights needs to be supported by a clear justification.
10. The appeal site is a two-storey end of terrace dwelling located close to the junction with Bentry Road. Houses in Stockdale Road and Bentry Road are generally of uniform appearance and set back from their site frontages, giving the area around the appeal site a pleasant and spacious context. This spaciousness is enhanced by the open, grassed areas on all four corners of the Stockdale/Bentry Road junction.
 11. The proposal would form a subservient addition to the existing property, with the roof replicating the shape and pitch of the rest of the terrace. Given the existing street scene together with the appeal site's position and prominence, I am satisfied that additional works that would increase the size, bulk or profile of the built form, could lead to harmful consequences in terms of the character and appearance of the wider area.
 12. In addition to extensions and works to the roof, the restriction should also include works involving a porch, outbuildings, microwave antenna or chimneys, flues etc. Such works could have harmful consequences for the size, bulk or profile of the house and thus the wider area. The removal of all these permitted development rights is therefore justified.
 13. In considering the scheme, the Council had regard to the recent appeal decision¹ for No.237 Grafton Road (No.237). I visited Grafton Road and observed that site. Both Grafton and Stockdale Roads are characterised by houses of similar size and appearance with hipped roofs of similar pitch. Both roads appear to be part of the wider Becontree Estate. Where extensions are evident, they are subservient to the main dwelling and generally the roofscape in the vicinity of both sites has been subject to minimal disruption.
 14. I note that the Inspector who considered the Grafton Road appeal did not restrict permitted development rights. Whilst there are clear similarities between the two sites and the schemes, I observed some differences in context. The appeal site is highly visible when turning into Stockdale Road from Becontree Avenue. To my mind, the alignment of the houses in Grafton Road tend to obscure views of the side of No.237 to a far greater extent when approaching from Turnage Lane, than the houses in Stockdale Road do when approaching the appeal site from Becontree Avenue. I also note from the appeal decision that permitted development was not an issue directly raised for the Inspector to consider.
 15. The appellant is also concerned that the existing dwelling would be deprived of its permitted development rights. Having read the Officer Report (OR), the Council's decision and their appeal statement, they do not suggest to me that the Council's concerns regarding permitted development were in relation to the existing dwelling. The Council do not appear to make any comments in this regard.
 16. Without good reason, permitted development rights should not normally be removed from an existing dwelling. I note that the existing dwelling would lose some floorspace but the building-to-plot ratio would not be diminished for the worse. Given the position of the boundary between the existing and proposed

¹ APP/Z5060/W/20/3260545

dwelling, a rear extension under permitted development would be set away from the rear elevation of the new dwelling and to the north of it. The situation in relation to the rear roof would remain unchanged. As such, there does not appear to be any sound planning reasons to remove permitted development rights from the existing dwelling.

17. However, I shall attach an amended condition, to make clear that removal of permitted development rights relates only to the proposed dwelling and not the existing one.
18. Although no policies were cited in the reason for the condition, I note that Policy CP2 of the Core Strategy as well as Policy BP2 of the Borough Wide DPD were referenced in the OR when considering the design and appearance of the proposal and its wider visual effects. In finding that additional works to the proposed dwelling as permitted development could have harmful consequences for the character and appearance of the area, I consider a condition removing such rights would accord with the above-mentioned policies which, amongst other things, seek to preserve and protect the character of the Becontree Estate.

Other Matters

19. As I am deleting condition 5 (a pre-commencement condition), it has not been necessary for me to address the issue of securing the appellant's agreement to the wording.
20. Interested parties have highlighted concerns with regard to the proposal creating additional demand for vehicle parking in the area. However, the Council's Transport Officer has noted that the proposal is to retain 1 off-street parking space for the new property and that this is acceptable. I have no substantive evidence before me to come to a different conclusion.
21. Representations have been made regarding the possible loss of light and privacy to neighbours and that the development could create additional noise. Notwithstanding the lack of any substantive evidence, given the size and design of the proposed dwelling, together with its position relative to neighbouring dwellings, the living conditions of neighbours would not be adversely affected.
22. Concerns regarding repairs to the boundary fence between Nos. 18 and 20 Stockdale Road are outside the scope of this appeal.

Conclusion

23. I have deleted conditions 5 and 6. For consistency of numbering, I am imposing a new condition 5, to remove permitted development rights to the proposed dwelling, which is necessary in order to protect the character and appearance of the wider area. All other aspects of planning permission 21/01190/FULL remain unaltered.
24. For the reasons given above, having considered the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should succeed.

Stewart Glassar

INSPECTOR