

Notice of Meeting

PLANNING PERFORMANCE REVIEW SUB-COMMITTEE

Wednesday, 3 April 2024 - 6:00 pm
Council Chamber, Town Hall, Barking

Members: Cllr Muhammad Saleem (Chair); Cllr Jack Shaw (Deputy Chair); Cllr Alison Cormack, Cllr Harriet Spoor and Cllr Sabbir Zamee

Date of publication: 22 March 2024

Fiona Taylor
Chief Executive

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Please note that this meeting will be webcast via the Council's website. Members of the public wishing to attend the meeting in person can sit in the public gallery on the second floor of the Town Hall, which is not covered by the webcast cameras. To view the webcast online, click [here](#) and select the relevant meeting (the weblink will be available at least 24-hours before the meeting).

AGENDA

- 1. Apologies For Absence**
- 2. Declaration of Interests**
- 3. Review of Planning Decisions- Performance Report (April 2023 - March 2024) (Pages 1 - 303)**

Application bundle starts from Page 11 (Appendix A to the covering report)

Appeal bundle starts from page 187 (Appendix B to the covering report)

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Be First Regeneration Ltd
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IG11 8HG



Working in partnership with



Performance Review Sub-Committee Report

Performance Report
1st April 2023 – 31st March 2024

Prepared 22/03/2024

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. A number of these cases are then selected for examination/evaluation 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 and 10 appeals decided between 1 April 2023 and 31st March 2024. To add context to this sample, an overview of all decisions taken within the period 1 April 2022 and 31st March 2024 is provided below.

This report has been prepared ahead of the publication of the DHLUC performance data for the 24-month period ending December 2022. 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. March's application figures will also be added to the report presented to committee in April.

PART 1: DLUHC PERFORMANCE DATA

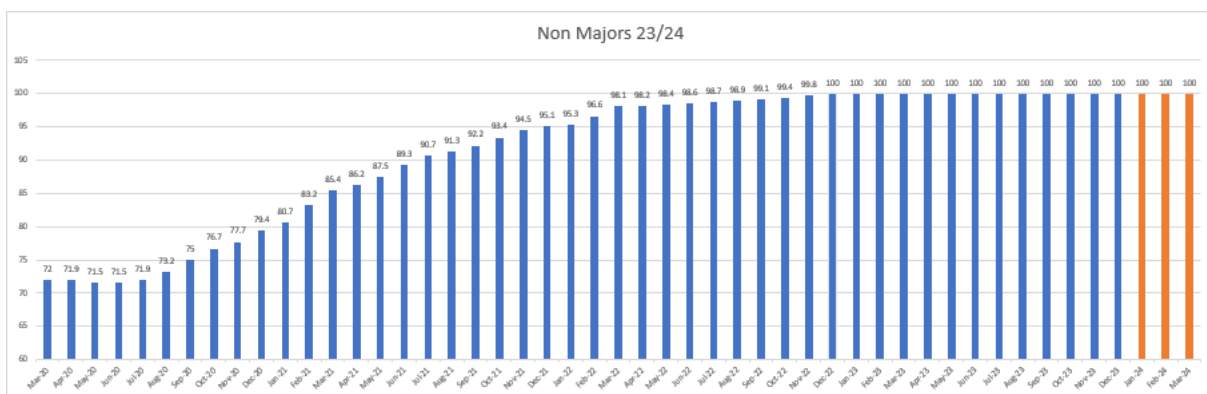
Major Development Performance (24 months to March 2024): Benchmarked against DLUHC Table 151

100% (51 out of 51) of all 'major' applications were determined within time April 2022 – March 2024. 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 38x 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 2024): 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)



- The bars in blue represent the performance of the team as published quarterly by DLUHC.
- The bars in orange represent performance based on monthly performance data.

100% (1,754 out of 1,754) of all ‘non-major’ applications were determined ‘within time’ April 2022 – March 2024. This performance has placed 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. **LB Barking has now maintained this first-placed ranking for 15 consecutive months.**

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.

Pos	Local Authority	% within 8 weeks no EOT
1	Barking and Dagenham	92.97%
2	Watford	86.17%
3	Arun	81.59%
4	North Tyneside	81.43%
5	Tunbridge Wells	79.98%
6	Chelmsford	78.96%
7	Coventry	78.78%
8	Medway	78.44%
9	Three Rivers	78.29%
10	Redbridge	77.58%

As per DLUHC data published December 2023 (based on the 24-month average prior to Sept 2023), **93%** 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.

PART 2: FINANCIAL YEAR 2023-2024 PERFORMANCE DATA

Applications determined:

	Q1 <i>Apr 23 – Jun 23</i>	Q2 <i>Jul 23 – Sep 23</i>	Q3 <i>Oct 23 – Dec 23</i>	Q4* <i>Jan 24 – Feb 24</i>	12 Month Total <i>Apr 23 – Feb 24*</i>
Majors (Determined in time)	100% (5 out of 5)	100% (2 out of 2)	100% (7 out of 7)	100% (3 out of 3)	100% (17 out of 17)
Minors (Determined in time)	100% (57 out of 57)	100% (52 out of 52)	100% (46 out of 46)	100% (18 out of 18)	100% (173 out of 173)
Others (Determined in time)	100% (127 out of 127)	100% (160 out of 160)	100% (133 out of 133)	100% (54 out of 54)	100% (474 out of 474)
CLE's & CLP's (Determined in time)	100% (91 out of 91)	100% (99 out of 99)	100% (87 out of 87)	100% (46 out of 46)	100% (323 out of 323)

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 <i>Apr 23 – Jun 23</i>	Q2 <i>Jul 23 – Sep 23</i>	Q3 <i>Oct 23 – Dec 23</i>	Q4 <i>Jan 24 – Feb 24</i>	12 Month Total <i>Apr 23 – Feb 24</i>
Planning Appeals (Dismissed)	56% (9 out of 16)	77% (10 out of 13)	64% (9 out of 14)	73% (16 out of 22)	68% (44 out of 65)

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 equal to the national average. 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 2023- March 2024 achieved a **65% (246 out of 377)** approval of all Householder applications, a slight (1%) decrease 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.

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 987 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?
24/00025/Full	476, Ripple Road, Barking	Refused	YES	n/a
23/01965/Hse	106, Manor Road, Dagenham, RM10	Approved	YES	n/a
23/01902/ Hse	11, Stratton Drive, Barking	Approved	YES	n/a
23/01447/Full	3, Seagull Close, Barking, IG11 OGX	Approved	YES	n/a
23/01197/ Hse	28, Western Avenue, Dagenham, RM10 8XH	Refused	NO	YES
22/00025/Full	108, Hatfield Road, Dagenham, RM9 6JS.	Refused	YES	n/a
22/02100/Full	97, Gay Gardens, Dagenham, RM10 7TH	Refused	YES	n/a
22/02117/Full	144, Marston Avenue, Dagenham, RM10 7LJ	Approved	YES	n/a
23/00248/Full	229, Westrow Drive, Barking, IG11 9BS	Refused	YES	n/a
23/00327/Full	733, Becontree Avenue, Dagenham, RM8 3HH	Refused	YES	n/a

Further Detailed Review

The sub-committee received a bundle at Appendix A 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:					
•					

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: <ul style="list-style-type: none"> 			

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: <ul style="list-style-type: none"> 			

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 2023 and 13th March 2024 out of a total of 65 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
APP/Z5060/W/22/3304836	75 Longbridge Road, Barking, Barking And Dagenham, IG11 8TG	Appeal Dismissed
APP/Z5060/W/22/3311509	345 Hedgemans Road, Dagenham, Barking And Dagenham, RM9 6DR	Appeal Allowed
APP/Z5060/X/22/3294717	195 Morley Road, Barking, Barking And Dagenham	Appeal Allowed
APP/Z5060/D/22/3306726	14 Thornhill Gardens, Barking, Barking And Dagenham, IG11 9TX	Appeal Allowed
APP/Z5060/D/22/3313390	128 Western Avenue, Dagenham, Barking And Dagenham, RM10 8UH	Appeal Allowed
APP/Z5060/W/22/3313463	2 Dewey Road, Dagenham, Barking And Dagenham, RM10 8AR	Appeal Allowed
APP/Z5060/D/23/3321946	20 Oval Road North, Dagenham, Barking And Dagenham, RM10 9EL	Appeal Allowed
APP/Z5060/D/23/3329141	231 Westrow Drive, Barking, Barking And Dagenham, IG11 9BS	Appeal Allowed
APP/Z5060/W/23/3326911	135 Hatfield Road, Dagenham, Barking And Dagenham, RM9 6JT	Appeal Allowed
APP/Z5060/W/23/3328582	20 Tenby Road, Chadwell Heath, Romford, Barking And Dagenham, RM6 6NB	Appeal Allowed

Further Detailed Review

The sub-committee received a bundle at Appendix B 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:			
<ul style="list-style-type: none"> • 			

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:			
<ul style="list-style-type: none"> • 			

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

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

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**Barking &
Dagenham**

Performance Review Sub-Committee

Application Reference:

24/00025/FULL

Application Description:

Construction of a 2 Bedroom dwelling to land adjoining 476 Ripple Road

Decision:

Refused



Ripple Rd

A123

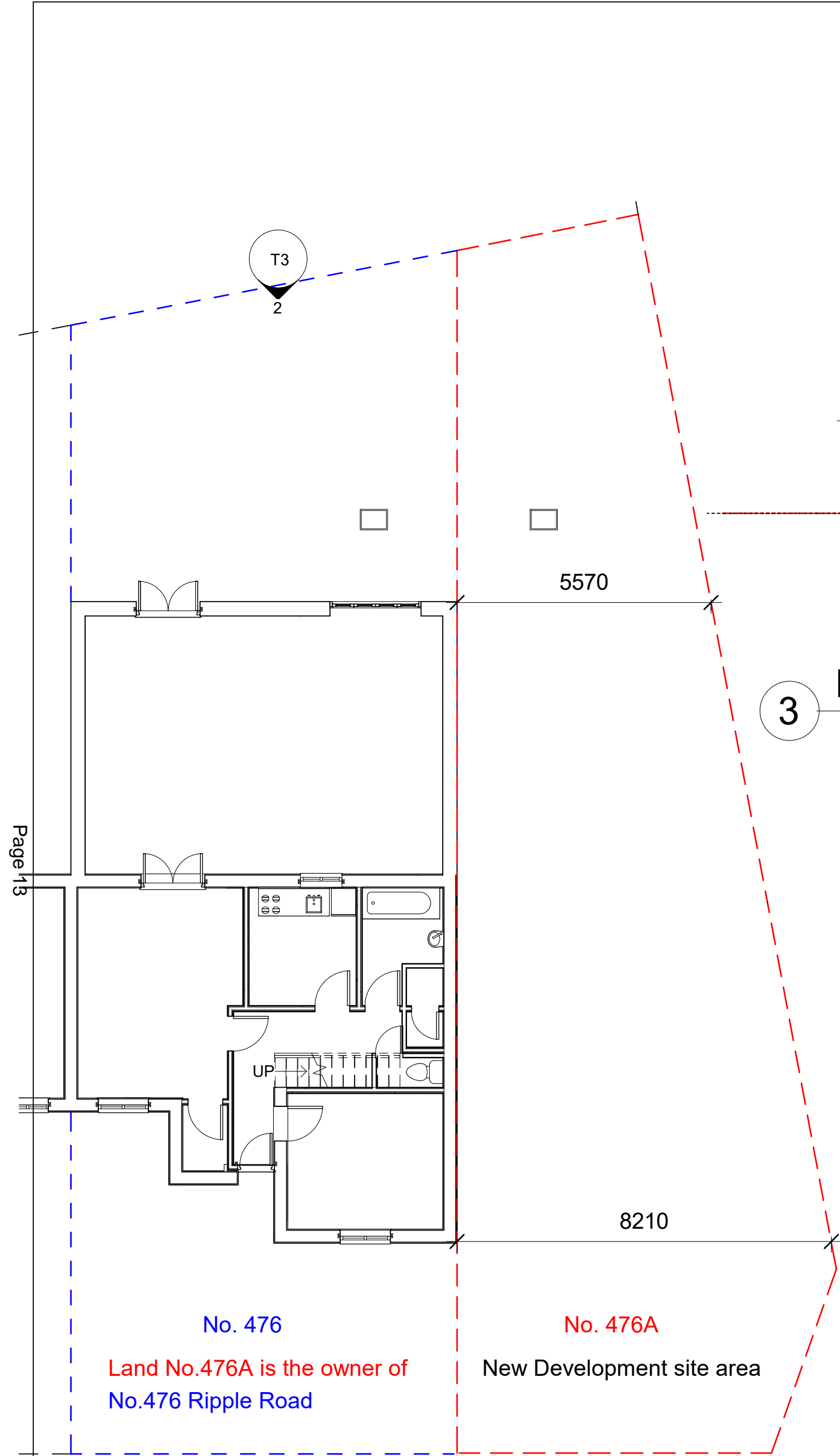
A123

Ripple Rd

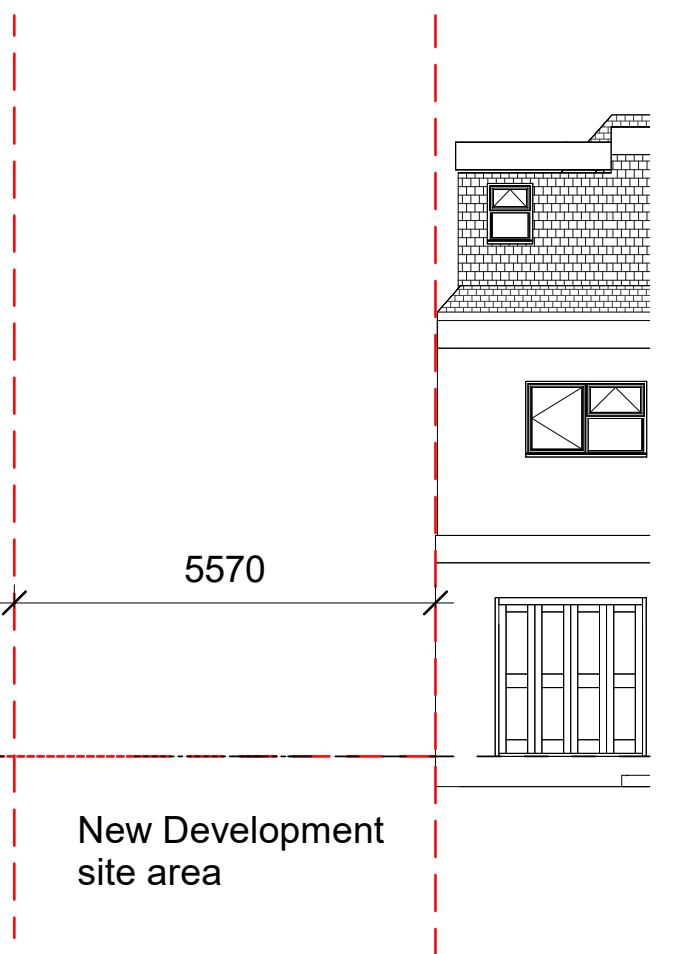
Tudor Rd

Tudor Rd

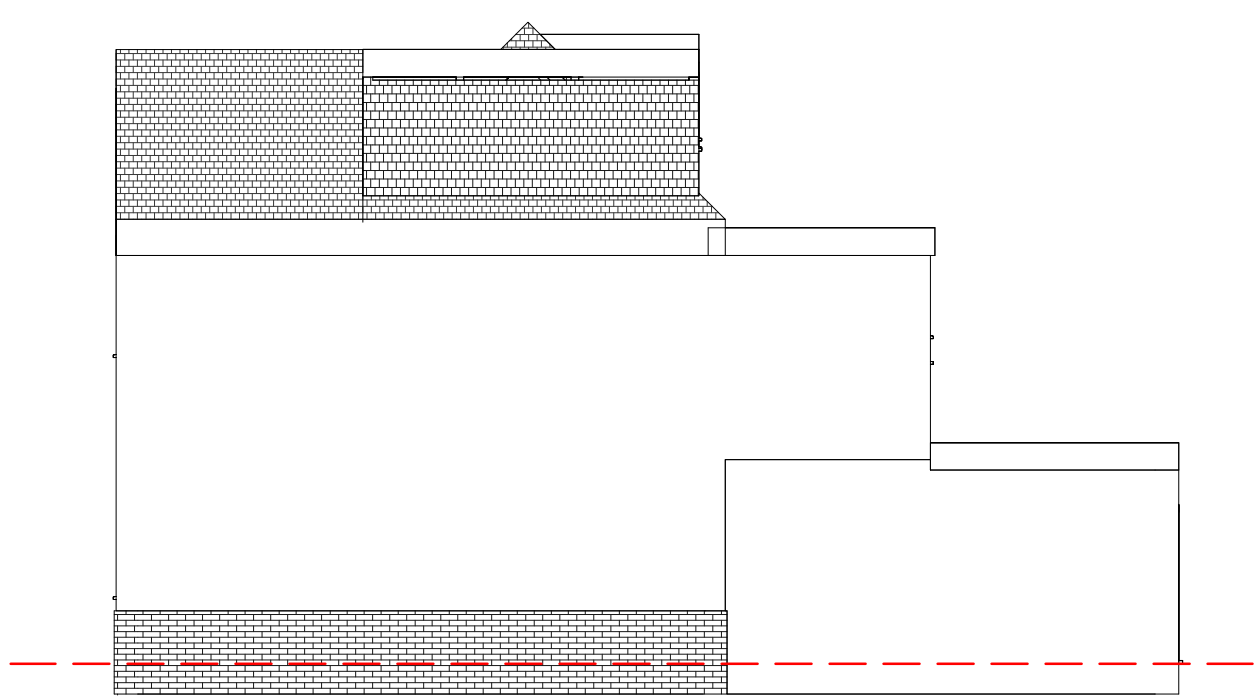
Page 12



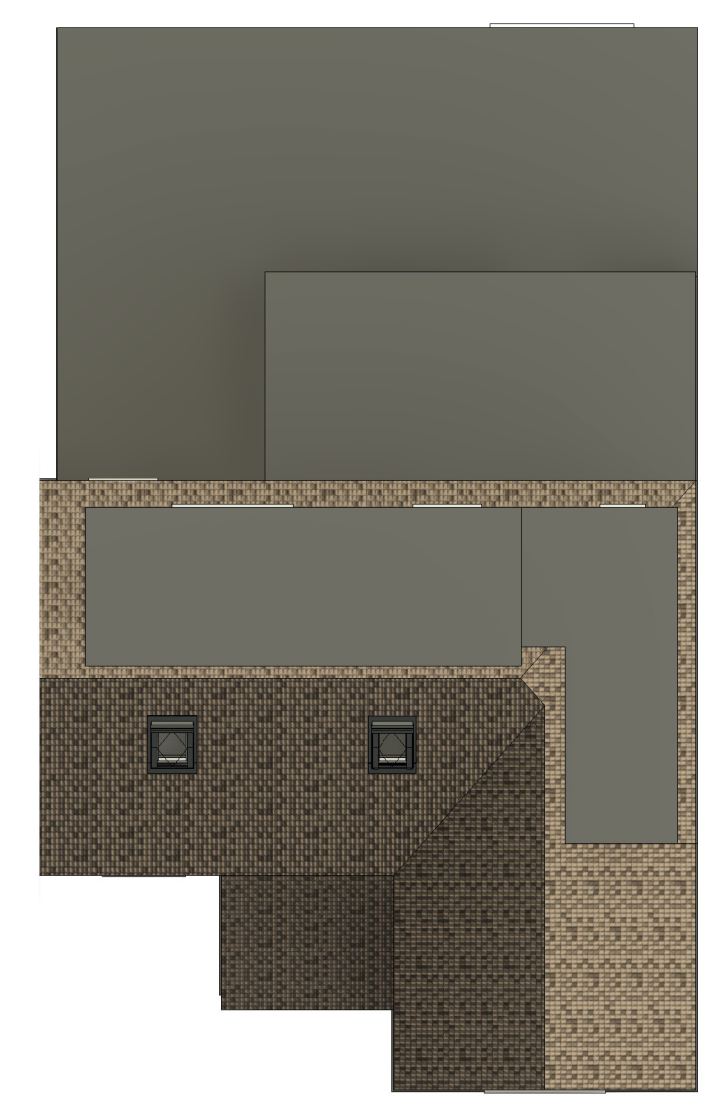
1 Existing Ground Floor
1 : 100



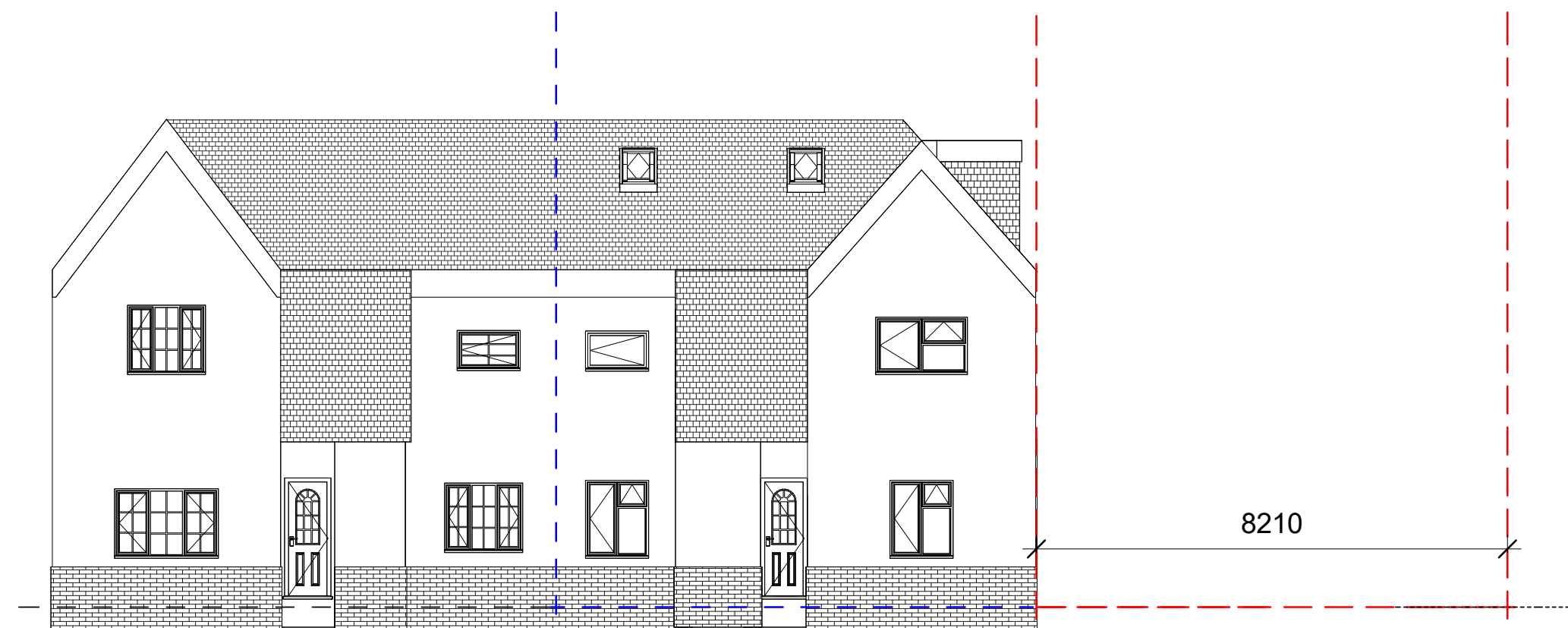
3 Existing Rear Elevation
1 : 100



5 Existing Right Elevation
1 : 100



4 Existing Roof Plan



2 Existing Front Elevation
1 : 100

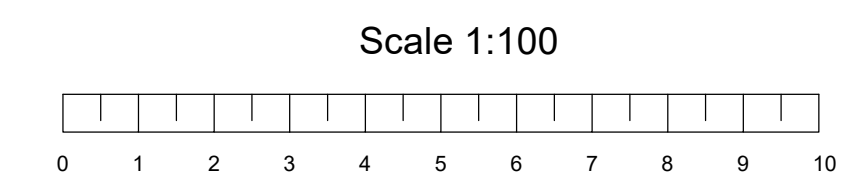
No. 476
Land No.476A is the owner of
No.476 Ripple Road

No. 476A
New Development site area

No. 478

No. 476
Land No.476A is the owner of
No.476 Ripple Road

No. 476A
New Development site area

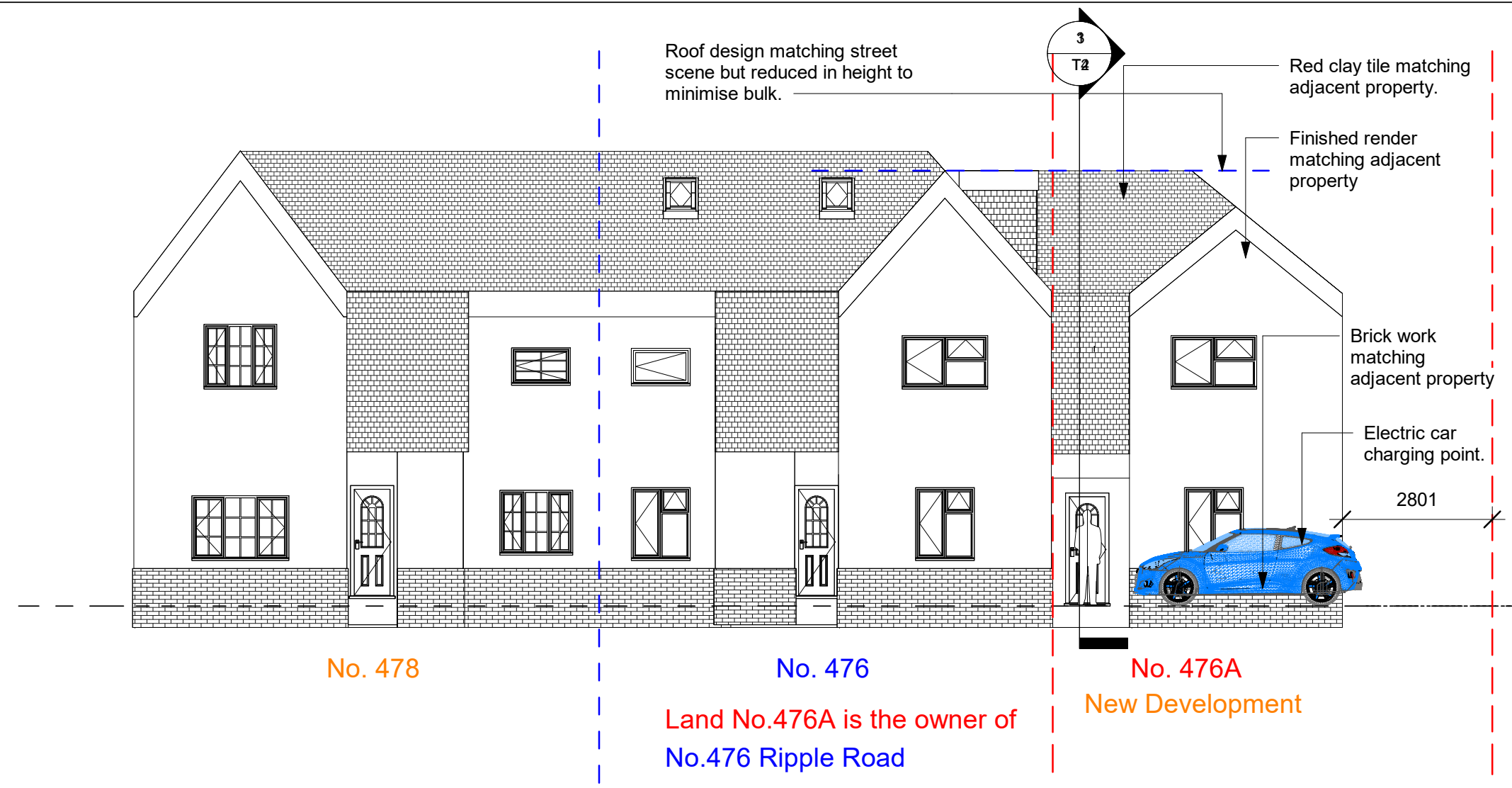


Project Title	
New development of 2 Bed property adjacent to 476 Ripple Road, Barking, IG11 9RY	

Client	
Tariq Butt 476 Ripple Road Barking IG11 9RY	

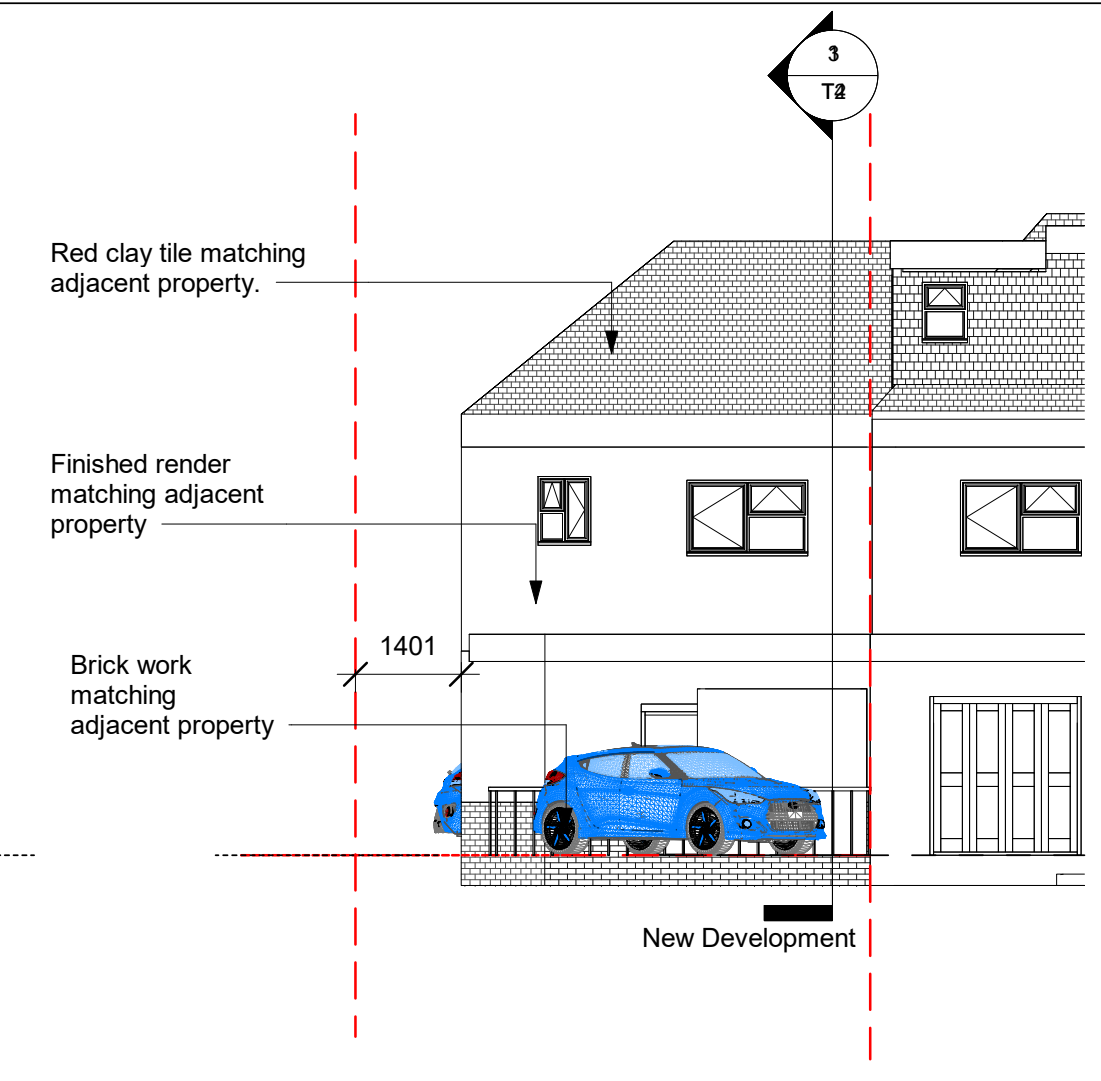
Agent	
AS Architectural Technologist 30 Dalkeith Road Ilford, Essex IG1 1JD	

Date	Drawing Title	Drw No.
28/09/23	Proposed: Ground Floor Plan First Floor Plan Roof Plan	1
Scale		A2 1 : 100

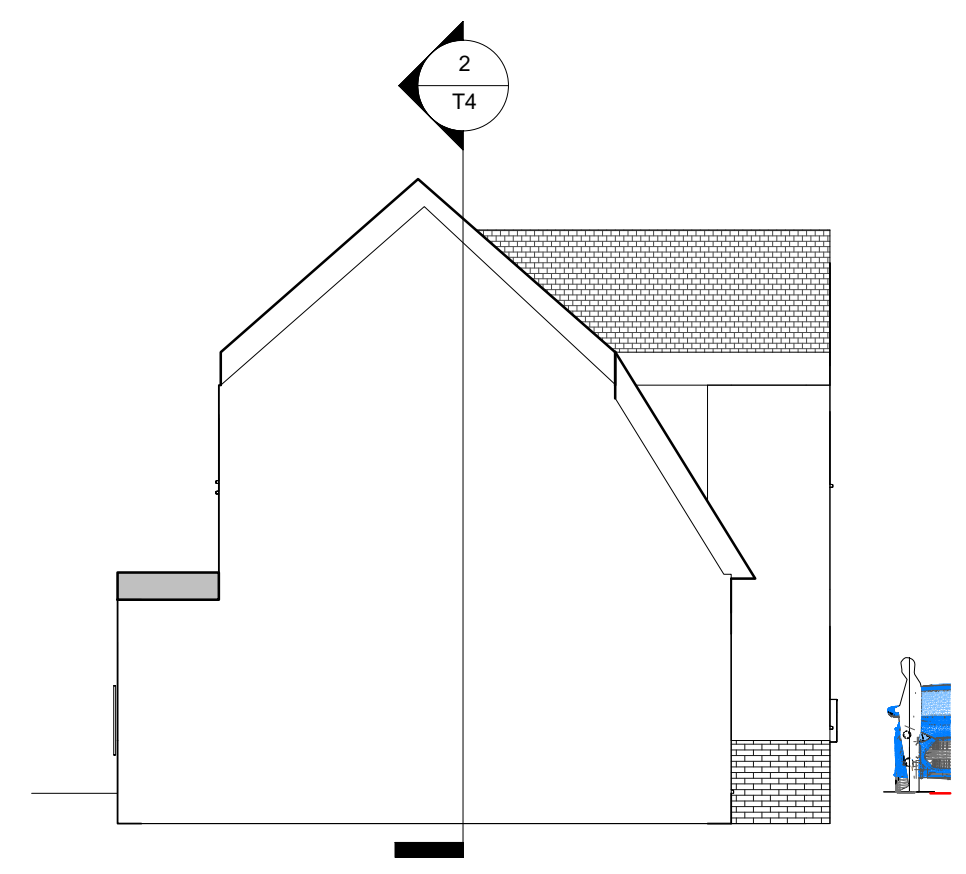


No. 478
 No. 476
 Land No.476A is the owner of No.476 Ripple Road
 No. 476A
 New Development

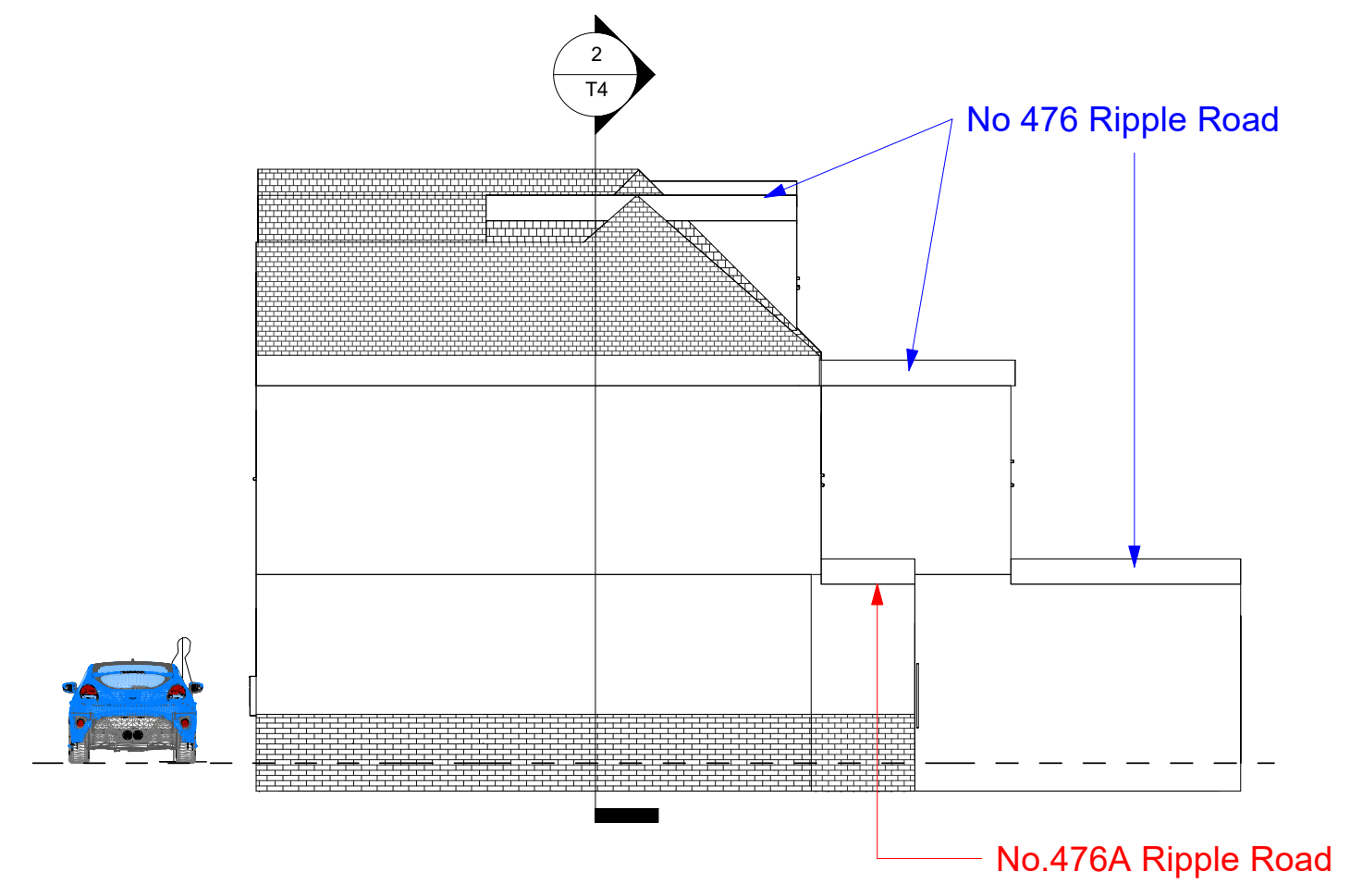
1 Proposed Front Elevation
 1 : 100



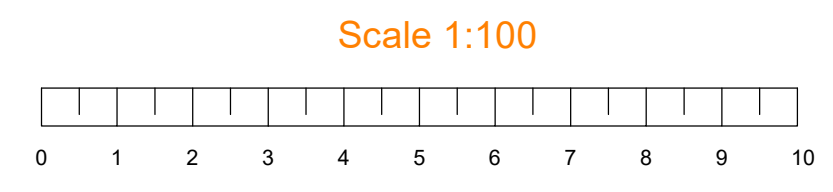
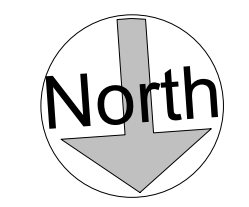
2 Proposed Rear Elevation
 1 : 100



3 Proposed Left Elevation
 1 : 100



4 Proposed Right Elevation
 1 : 100



Project Title	
New development of 2 Bed property adjacent to 476 Ripple Road, Barking, IG11 9RY	

Client	
Tariq Butt 476 Ripple Road Barking IG11 9RY	

Agent	
AS Architectural Technologist 30 Dalkeith Road Ilford, Essex IG1 1JD	

BSc (Hons) Architectural Design Technology, CIAT, ARB 1		
Date	Drawing Title	Drw No.
18/12/23	Proposed Elevations	3
Scale		A2 1 : 100

Delegated Report

Application for Planning Permission

Case Officer:	Annie Utting	Valid Date:	15 January 2024
Officer Recommendation:	Refuse	Expiry Date:	11 March 2024
Application Number:	24/00025/FULL	Recommended Date:	04 March 2024
Address:	476 Ripple Road, Barking, Barking And Dagenham, IG11 9RY		
Proposal:	Construction of a 2 Bedroom dwelling to land adjoining 476 Ripple Road		

Planning Constraints

The application site is located within an Archaeological Priority Area (Tier II - Ripple Road).

Site, Situation and Relevant Background Information

The application site is located on the southern side of Ripple Road, occupying a prominent corner plot at the junction with Tudor Road. It sits next to 476 Ripple Road, which is under the ownership of the applicant, and currently comprises curtilage of this dwelling. Number 476 (referred to as the 'host dwelling') is a two storey semi-detached dwelling which benefits from front, side and rear curtilage. It has a front-projecting gable feature, creating a 'bookend' effect, which is characteristic of the local area. The front elevation is stepped symmetrically across the semi-detached pair, with the main front elevation appearing recessed at the centre, a porch area with a catslide roof beside this, followed by the gable projections sitting forwardmost at either side. This is a distinctive housing typology which contributes positively to the character of the area. The dwelling has been extended through a part single storey, part two storey rear extension and rear and side dormer roof extensions.

The surrounding area is largely residential in nature, comprised of uniform terrace rows and semi-detached dwellings. There is a school further to the north and Eastbury Manor House to the south. This area also forms an approach to the Becontree Estate, a non-designated heritage asset comprising a large residential area strongly characterised by small blocks of symmetrical short terraces, semi-detached housing, wide verges and small open spaces.

Two applications for a new dwelling have been refused at this site with the decisions upheld at appeal. A further application was refused on 24/11/2023, and this has not been appealed. Key points from these are summarised below:

16/01309/FUL

This proposal was for a new two storey dwelling which would be detached with a gable roof. Permission was refused by reason of loss of spaciousness on a prominent corner site resulting in an intrusive building, undue harm to neighbouring amenity and car parking/highway safety issues.

At appeal (ref. APP/Z5060/W/16/3164632), the Inspector found material harm to character and appearance, neighbouring amenity and highway safety.

22/01913/FULL

This proposal was for a new two storey dwelling attached to the host property with a simple design and hip-pitched roof set below the main ridgeline. Permission was refused by reason of scale, design and siting, as it would fail to appear subservient to the main dwelling, would result in the closure of a characteristic gap at a corner plot, would unbalance the symmetry across the semi-detached pair and would disrupt the wider street pattern of bookend end-of-terrace/semi-detached dwellinghouses on the corner plots.

At appeal (ref. APP/Z5060/W/23/3317226), the Inspector supported these findings, noting also that the approach to the Becontree Estate and the wider street scene would be harmfully affected by the loss of openness.

Importantly, the Inspector found that 'the adverse impacts of the development on the character and appearance of the host property and the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the presumption in favour of sustainable development does not apply.'

23/01549/FULL

This proposal was for a new two storey dwelling attached to the host dwelling. The proposal would mimic the host dwelling insofar

as it would replicate the porch with catslide roof and front-projecting gable sections of the host dwelling, including materials, window design and roof form. It would not include a recessed main front elevation and as such would appear to sit forward of the semi-detached pair. The proposed roof would have a gable end on the side which faces the host dwelling and a hipped end on the opposite side. The host dwelling has a hipped roof form, meaning there would be a gap between the two roofs, partially filled in by the existing side dormer which would abut the side elevation of the new dwelling.

The application was refused for the following reasons:

1. The proposed development, by reason of scale, siting and design, would feature an incongruous roof form, would result in the closure of a characteristic gap at a prominent corner plot, would unbalance the semi-detached pair and would disrupt the surrounding pattern of development. As such, the proposal would cause undue harm to the character and appearance of the host dwelling and surrounding area. The proposal is thus contrary to the following policies which seek to ensure that development recognises local character and promotes good design whilst protecting and enhancing historic environments: [policies].
2. The proposed development is located in an area of poor public transport accessibility and fails to provide a suitable car parking strategy. In the absence of sufficient information, it has not been demonstrated that the proposal would not result in undue harm to parking stress in the area. As such, the proposal is found to be at odds with the following policies: [policies].

Proposed Development

The present application seeks to construct a two storey, two bedroom dwelling attached to the host dwelling. The proposal would mimic the host dwelling insofar as it would replicate the porch with catslide roof and front-projecting gable sections of the host dwelling, including materials and window design, albeit with a different ridge height and pitch to the front projecting feature. It would not include a recessed main front elevation and as such would appear to sit forward of the semi-detached pair. It would span the depth of the original side elevation of the host dwelling, with a further ~1.3m single storey rear extension beyond the original rear elevation. It would be set back by ~1.4m from the side boundary.

The proposed roof would have a gable end on the side which faces the host dwelling and a hipped end on the opposite side, set below the ridge of the host dwelling's roof. The host dwelling has a hipped roof form, meaning there would be a gap between the two roofs, which is largely filled in by the existing side dormer which would abut the side elevation of the new dwelling.

The new dwelling would have a living room and kitchen/dining room at ground floor level, and a double bedroom with en-suite, single bedroom and bathroom at first floor.

The new dwelling would have front, side and rear curtilage. The front curtilage would host refuse storage and one car parking space with electric vehicle charging accessed from Tudor Road. Cycle storage and one further car parking space would be provided at the end of the rear garden.

It is noted that the proposed plans show the addition of roof space which goes beyond the red line boundary. However, it was not considered expedient to request amendments in this instance given the outstanding concerns as outlined in this report. It is noted that this does not present concern with regards to ownership certificates, as the additional development sits within the ownership boundary.

The proposal does not differ significantly from that previously refused under 23/01549/FULL. The submitted design and access statement sets out that in response to refusal reason 1, 'the roof has been amended to reduce roof height and maintaining the street scene. The corner gap had previously been reduced to keep a generous corner plot gap, any increase in corner will reduce the internal space of the new development will cause the new development to not be complying with the internal space standards.' In response to refusal reason 2, it sets out that 'parking has been introduced for 2 spaces one in the front of the property and the other at the rear.'

The following assessment is therefore largely the same as that undertaken for 23/01549/FULL, though amends have been made where relevant to reflect updated policy or the revised plans.

Key Issues

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

ASSESSMENT

Principle of the Development

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning decisions are to be governed by the development plan, read as a whole, unless other material considerations indicate otherwise.

Paragraph 11(d) of the NPPF is applicable to this application (pursuant to footnote 8), meaning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF when taken as a whole. While this presumption in favour of sustainable development is a substantial material consideration, it does not replace the legal responsibility set by s38(6) of the PCPA 2004 as outlined above (see *Gladman v SSHCLG* [2020] EWHC 518 (Admin)).

Policy H1 of the London Plan seeks to increase housing supply, with Table 4.1 setting out a ten-year target for net completions of 19,440 for LBBB. Policy H2 supports the use of small sites, highlighting that boroughs should pro-actively support well-designed new homes on small sites. This can take a number of forms, such as: new build, infill development, residential conversions, redevelopment or extension of existing buildings, including non-residential buildings and residential garages, where this results in net additional housing provision. These developments should generally be supported where they provide well-designed additional housing to meet London's needs. This is supported by the recent LPG: Optimising Site Capacity: A Design-led Approach (GLA, June 2023), and LPG: Small Site Design Codes (GLA, June 2023).

The delivery of housing that meets the borough's needs and support for housing targets is further set out in policies CM1 and CM2 of the Core Strategy and chapter 5 of the draft Local Plan.

Assessment

The proposal would add one unit to the borough's housing supply, the principle of which is supported in the above policy. It is noted that the proposal is on a small site, and as such could likely be built out relatively quickly and is supported by para. 70 of the NPPF.

Dwelling Mix and Quality of Accommodation

Internal amenity

Paragraph 135 of the NPPF sets out that planning decisions should ensure that developments create places that have a high standard of amenity for existing and future users. Policy BP6 of the Borough Wide DPD seeks to ensure that dwellings provide adequate internal space, with each new dwelling providing at least one double bedroom. Policy D6 of the London Plan states that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. It requires space standards in line with the document Technical housing standards – nationally described space standard (NDSS), a national standard which sets the minimum requirements for internal space within new dwellings. The Housing Design Standard LPG sets out further guidance for housing standards in London, including those which are expected to be met, and those which are 'best practice' and therefore strongly encouraged. Policy BP6 of the DPD sets out that it is expected that each new dwelling will provide at least one double bedroom (two bedspaces), and policy D6 of the London Plan sets out that dwellings with two or more bedspaces must have at least one double or twin bedroom that is at least 2.75m wide.

The below table sets out the proposed provision against the NDSS and best practice requirements for a two bedroom three person house:

Area (sqm)	NDSS requirement	Best practice standard	Proposed provision	Compliant
Gross internal area	70	76	78	Yes
Storage	2	2.5	1	No
Bedroom 1	11.5	-	16	Yes
Bedroom 2	7.5	-	9	Yes

The proposal would meet best practice GIA and would provide two good sized bedrooms. Though there is insufficient storage shown, this is not considered to be a significant issue given the proposed GIA. The dwelling would be dual aspect with openable windows for good ventilation as well as daylight/sunlight. As such, the proposed internal amenity space is considered sufficient on balance to facilitate an acceptable quality of accommodation.

External amenity

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 D6 of the London Plan states that where there are no higher local standards in the borough's development plan documents, a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings, with a further 1 sqm per additional occupant, and it must achieve a minimum depth and width of 1.5m. Policy C10 of the Housing Design Standard sets out that best practice is to exceed the minimum depth and width to at least 2.5m to extend its use generally, enabling wheelchair users to manoeuvre and turn more easily, and increase opportunities for planting etc.

Policy BP5 of the DPD requires a 2 bedroom house to provide 50 sqm of external amenity space and a 4+ bedroom house to provide 75 sqm. Rear gardens of houses should have a minimum depth of 12m. It further states that amenity space for all new

dwellings should be: private, useable, functional and safe; easily accessible from living areas; oriented to maximise sunlight; and of a sufficient size to meet the needs of the likely number of occupiers.

The proposal would split the rear garden of the host dwelling, resulting in private external amenity provision of ~57 sqm to the new dwelling and ~58 sqm to the host dwelling. While this is not fully compliant with the above policies, it is recognised that it complies with the London Plan, Housing SPG and 'best practice' guidance, which are more up to date. Further, the amenity space would be to the rear of the dwellings, directly accessible and of a functional layout. As such, the proposal is considered to be acceptable in this regard.

Conclusion

The proposal is considered to provide sufficient internal and external amenity space to facilitate an acceptable quality of accommodation. As such, it is considered acceptable in this regard and compliant with the policies outlined above.

Design and Quality of Materials

Policy

Section 12 of the NPPF aims to achieve well designed places, highlighting the key role that good design plays in sustainable development and creating better places. Policy D4 of the London Plan and paragraph 135 of the NPPF help to establish the importance of design in making planning decisions. Importantly, paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and supplementary planning documents. Policies CP2 and CP3 of the Core Strategy, policies BP8 and BP11 of the Borough Wide DPD, policies SP2, DMD1 and DMD6 of the draft Local Plan and further support proposals which are well designed and have regard to the local character and existing environment. The borough's Residential Extensions and Alterations SPD also seeks to ensure that development is sympathetic to local character.

Assessment

It is noted that an objection was received citing concern over the impact of the proposal on the view of Eastbury House and on bird life noting that there would be a loss of garden space. These concerns will be addressed below.

While it is noted that the design is significantly altered from the previous appeals outlined above, some of the design-based concerns carry through to the present proposal, and this is reflected in the following assessment.

The use of matching materials and similarity in design and window proportions is recognised. However, due to its scale, height and design, the proposal would still serve to unbalance the existing semi-detached pair. The existing 'book-end' style forms part of the local distinctiveness of the area, and is defined by its positioning on the outermost dwellings of a semi-detached pair or terrace row. The addition of a further book-end would result in three adjoining dwellings with this architectural feature, thereby undermining an intrinsic character of the book-end style and detracting from the local distinctiveness created by the existing pair. The proposed addition of a further book-end would cause undue harm to the original character and form of the semi-detached pair and surrounding area.

Notwithstanding the above concerns over the principle of adding a further book-end to the semi-detached pair, it is noted that while the proposal seeks to replicate the book-end style, its narrow form resulting from the lack of a matching recessed main front elevation prevents the proposal from achieving this. The proposed dwelling would be narrower than those existing, and resultingly would differ in its proportionality, which appears uncomfortable when viewed within the street scene.

It is recognised that the proposal aims to address the previous concerns raised regarding the roofscape through a reduction in the ridge height. Though the reduction in ridge height would mean that the gap in the roofscape would be filled by the existing dormer window, this does not present a positive roofscape. The result would have the appearance of a dormer built around the ridge of the new dwelling. The new dwelling would also have a different pitch to the front gable end, as well as a different ridge height. The roofscape is considered to be overly complex and incongruous with the surrounding roof forms. The Residential Extensions and Alterations SPD pays reference to the importance of roof design, particularly in side extensions, and while it is recognised that the proposal is for a new dwelling, the aims of the SPD in respecting the existing character are still of relevance. It is considered that the proposal would materially alter the existing roof form, detracting from the character of the existing dwelling and surrounding area. This would also disrupt the symmetry of the semi-detached pair and the symmetry across the junction. The proposal would therefore jar with the surrounding pattern of development.

The proposed dwelling would be set in from the side boundary and would respect the building line of Ripple Road. Whilst a reasonable separation distance would be retained to the rear, the proposal would project significantly beyond the established building line of Tudor Road. The Residential Extensions and Alterations SPD guides that on particularly prominent corners, extensions should not normally extend beyond the adjacent building line which shares the junction. While this proposal is for a new dwelling rather than side extension, the impact caused would be similar and as such this guidance is considered to be of relevance. It is considered that due to its prominence beyond the building line of Tudor Road, its corner plot position and overall bulk, the proposal would appear unduly dominant within the street scene. It would fill the existing gap on site and would appear incongruous when viewed in comparison to the existing pattern of development surrounding the junction. Although key views would not be blocked, the approach to the Becontree Estate and the wider street scene would be harmfully affected by the loss of openness.

The impacts outlined above would cause harm to the character and appearance of the host dwelling, street scene and surrounding area. It is further noted that the impact is especially significant due to the siting on a prominent corner plot, with the proposal visible along both Ripple Road and Tudor Road, as well as on the approach to Eastbury Manor House, a Grade I listed building.

As raised by neighbouring comments, the proposal would result in the loss of some garden cover, which may impact local wildlife. It is noted that the retention of garden cover is cited in the Small Sites Design Code. However, this alone is not considered to warrant refusal, noting that some green cover would be retained and that this did not form a reason for refusal previously.

Conclusion

For the reasons given above, the proposal would harm the character and appearance of the host dwelling and area, in conflict with the policies listed above which seek to ensure development recognises local character and promotes good design whilst protecting and enhancing historic environments. There would also be conflict with the aims of the Residential Extensions and Alterations SPD and the NPPF which seek to ensure development is sympathetic to local character.

Impacts to Neighbouring Amenity

Policy

The NPPF and London Plan policies GG3, D6 and D14 all have reference to the importance of quality development which addresses neighbouring amenity and avoids unacceptable impacts.

The borough's development plan seeks to ensure that development proposals protect residential amenity, with particular reference to daylight, sunlight, overshadowing, outlook and privacy. This aim is contained within policies BP8 and BP11 of the Borough Wide DPD and policy DMD1 of the draft Local Plan. Policy DMD1 of the draft Local Plan seeks to ensure that all development proposals consider the impact on neighbouring amenity with regard to significant overlooking (loss of privacy and immediate outlook) and overshadowing (unacceptable loss of daylight/sunlight). Policy DMSI3 further expands on this noting development proposals which generate an unacceptable level of nuisance including noise, waste, comings and goings and general disturbances will be resisted. This is supported by policy BP8 of the Borough Wide DPD.

Assessment

Due to separation distances, it is considered that there would be no undue harm to the amenity of the dwellings to the rear of the site and those across the junction with regards to daylight, sunlight, outlook and privacy.

The host dwelling is shown on existing plans as having no side facing windows or doors, and as such the proposal would not result in the loss of light through closure of any side openings. The proposal would not extend beyond the building lines of the host dwelling and is therefore not considered to have any undue impact to this dwelling with regards to daylight, sunlight or outlook. There would be no side facing windows, ensuring there is no concern over loss of privacy to the host dwelling.

It is recognised that the proposal would increase the number of residents on site, which could lead to increased noise, light, comings-and-goings and general disturbance. However, given these impacts are associated with residential use and the siting is along a residential street, this is considered to be acceptable.

Conclusion

No undue impact to neighbouring amenity has been identified and the proposal is thus found to be acceptable in this regard.

Sustainable Transport

Policy

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 states 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 further supported by policies T6.1 and T5 of the London Plan, policies DMT2 and DMT3 of the draft Local Plan and policies BR9, BR10 and BR11 of the Borough Wide DPD.

Policy T6 of the London Plan sets out that developments which are not well connected by public transport should be designed to provide the minimum necessary parking ('car-lite'), rather than car-free. Policy BR9 of the Borough Wide DPD sets out that London Plan maximum car parking standards will be used, and that final levels of provision for each development will be agreed having taken into account matters such as on-street parking availability, access and amenity impacts and the local environment. It further sets out that the council welcomes car-free development but only where the potential impact on on-street car parking can be managed. Areas most suitable for car-free development are areas of higher public transport accessibility levels and CPZs. Policy

DMT 2 of the draft Local Plan also supports car-free/car-lite development, though it notes that in areas of poor public transport accessibility, car parking can help facilitate the building of family housing so developments may be required to provide a car parking provision nearer the London Plan maximum.

Paragraph 114 of the NPPF states that when assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Policy BR11 of the DPD states that the 'design and layout of new development should take account of the needs of cyclists and walkers, for example by providing safe, secure, convenient, accessible and direct access for pedestrians to, from and within the development. Standard 8 of the Housing SPG states that 'all main entrances to houses, ground floor flats and communal entrance lobbies should be visible, clearly identifiable, and directly accessible from the public realm.'

Assessment

It is noted that an objection was received citing concern over the existing and proposed parking arrangements. This will be addressed in the relevant section below.

Access

New access is proposed from the public highway which would result in the removal of on-street CPZ parking. Transport officers raised concern over this.

Car parking

The site is within PTAL 2, meaning it has poor access to public transport, and as such the proposal should be designed to provide appropriate car parking in line with the London Plan. The proposal shows two off-street parking spaces, one to the front curtilage and one to the rear, and it is recognised that EV charging would be provided in line with the London Plan. It is noted that the rear space is labelled as 'existing,' however there is no dropped kerb and any existing arrangement is not formalised, likely necessitating illegal driving over the footway. The introduction of a parking space here would necessitate the removal of on-street CPZ parking. The front space may also necessitate the removal of on-street CPZ parking. Transport officers have advised that the council will refuse crossover requests where this will result in the removal or reduction in on-street parking, and it is noted that resistance to the loss of on-street parking is also set out in the Residential Extensions and Alterations SPD. It is further noted that the front crossover would necessitate the removal of street furniture, with no strategy for this presented. In addition, the front parking space is located very close to the junction, which could present highway safety concerns. As such, it is considered that sufficient parking has not been provided on-site.

In light of this, Transport officers requested that a parking stress survey be conducted using the Lambeth Parking survey methodology, and that the company must be independent and the scope of study needs to be agreed with LHA prior to review. This is to establish whether the development needs to be car-free. No parking survey has been submitted with the application, and it is therefore not possible to ascertain whether additional on-street parking could be accommodated or whether a car-free legal agreement needs to be secured.

It is recognised that the previously refused application found that this concern could be addressed by way of condition. However, the parking proposed under this application differs in location to that previously refused, with one of the spaces closer to the junction and requiring the removal of street furniture. Further, transport officers have specifically requested a parking stress survey in order that they can ascertain whether the development needs to be car-free. Further information is therefore required to determine whether a car-free legal agreement needs to be secured. As such, this matter cannot be addressed by way of condition. It is also recognised that permitting development which would result in additional cars utilising on-street parking is having a cumulative impact on parking stress in the borough. It is therefore considered that the overspill of cars from the proposed development may have the potential to cause undue harm to parking stress in the area.

In summary, it is found that the proposed parking arrangement is not acceptable and that there is insufficient information to determine whether on-street parking could be accommodated or whether a car-free legal agreement would need to be secured. In view of this, it is considered that there is an absence of sufficient information to demonstrate that the proposal would not result in undue harm to parking stress.

Cycle parking

The proposed 2no. cycle parking spaces is acceptable, but further details are required to ensure compliance with the London Plan and draft Local Plan. This could be addressed by condition.

Refuse storage

The proposed refuse storage is considered acceptable should further details be secured by condition.

Construction

To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway, the amenities of local residents and the area generally, Transport officers requested that a condition requiring a Construction Logistics Plan pro forma be attached to any consent.

Conclusion

Concerns over cycle and refuse storage could be resolved through condition. However, the concerns over car parking could not be addressed by way of condition as outlined above. The proposal fails to provide sufficient information to demonstrate that no undue harm would be caused to parking stress.

Accessibility

LBBD Access were consulted on this application and commented that a ground floor WC should be provided. It was not considered expedient to request this amendment given the outstanding issues identified within this report.

Archaeology

The application site is within a Tier II Archaeological Priority Area. Under the previous refusal, GLAAS advised that a pre-commencement condition be attached to any consent requiring a stage 1 written scheme of investigation (WSI) be submitted to and approved in writing by the local planning authority. The WSI should be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.

CONCLUSION

The principle of development is supported, as the proposal represents a net addition of one unit to the borough's housing supply. Quality of accommodation is considered to be acceptable in terms of both internal and external amenity space. There is also no undue harm identified to neighbouring amenity.

However, there is significant concern over design and transport matters. The proposal would not provide acceptable off-street parking, and no information has been provided to ascertain whether on-street parking could be accommodated. The proposal therefore fails to demonstrate that no undue harm would be caused to parking stress.

The proposal has not addressed previous concerns over scale, design and siting as outlined in the previous decisions and appeals. It would cause material harm to the character and appearance of the host dwelling and surrounding area, appearing unduly dominant and incongruous. This is in conflict with the NPPF, as well as policies D1 and D4 of the London Plan, CP2 and CP3 of the Core Strategy and BP2, BP8 and BP11 of the Borough Wide DPD, and should be given significant weight.

Still, the NPPF and development plan seek to increase the supply of housing and highlight the important contribution that small sites can make to this. The proposal would make an efficient use of land and would contribute to the borough's housing supply. However, as noted in appeal ref. APP/Z5060/W/23/3317226 at this site, one additional dwelling would make little difference to the overall supply of housing, even though the shortfall in supply is substantial. Therefore, these benefits would be of moderate weight.

Consequently, the adverse impacts of the development on the character and appearance of the host property and the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is in line with the inspector's findings at appeal. The failure to demonstrate no undue harm to parking stress further adds to the harm caused by the proposal. For these reasons, the proposal is considered to be at odds with the development plan and the Framework, and 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, 2023)	
London Plan (March 2021)	<ul style="list-style-type: none"> Policy GG1 Building strong and Inclusive Communities Policy GG4 Delivering the homes Londoners Need Policy H1 Increasing Housing Supply Policy H2 Small Sites Policy HC1 Heritage conservation and growth Policy GG2 Making the best use of land Policy D6 Housing Quality and Standards Policy D4 Delivering Good Design Policy D5 Inclusive Design Policy D7 Accessible Housing Policy D1 London's form, character and capacity for growth Policy D3 Optimising site capacity through the design-led approach Policy D8 Public Realm Policy GG3 Creating a healthy city Policy D14 Noise Policy SI10 Aggregates Policy T6.1 Residential Parking Policy T5 Cycling
Local Development Framework (LDF) Core Strategy (July 2010)	<ul style="list-style-type: none"> Policy CM1 General Principles of Development Policy CM2 Managing Housing Growth Policy CP3 High Quality Built Environment Policy CC1 Family Housing Policy CP2 Protecting and Promoting our Historic Environment
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	<ul style="list-style-type: none"> Policy BC4 Residential Conversions and Houses in Multiple Occupation Policy BP10 Housing Density Policy BP11 Urban Design Policy BP8 Protecting Residential Amenity Policy BP5 External Amenity Space Policy BR9 Parking Policy BR10 Sustainable Transport Policy BR11 Walking and Cycling Policy BP2 Conservation Areas and Listed Buildings
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 gone through Local Plan Examination in Public in November 2023. 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)	<ul style="list-style-type: none"> Policy SPDG1 Delivering Growth Policy SP3 Delivering Homes that Meet People's Needs Policy SP2 Delivering a well-designed, high quality and resilient built environment Policy SP8: Planning for integrated and sustainable transport Policy DMH3 Specialist housing Policy DMNE1 Parks, open spaces and play space Policy DMD1 Securing high-quality design Policy DMD 4: Heritage assets and archaeological remains Policy DMSI3 Nuisance Policy DMSI5 Land contamination Policy DMT2 Car parking Policy DMT3 Cycle parking Policy DMNE3 : Nature conservation and biodiversity
	<ul style="list-style-type: none"> DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended) Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017)

APPENDIX 2

Relevant Planning History			
Application Number:	23/01549/FULL	Status:	Refused
Description:	Construction of a 2 Bedroom dwelling to land adjoining 476 Ripple Road.		
Application Number:	22/01913/FULL	Status:	Refused (appeal dismissed)
Description:	Construction of a new two storey 3xbed dwelling, including the construction of single storey rear extensions to the new and existing dwellings, and internal alterations to accommodate an additional bedroom to the existing 476 Ripple Road.		
Application Number:	22/00991/HSE	Status:	Approved
Description:	Construction of a part two storey part single storey rear extension including the removal of the ground floor side windows and the addition of a first floor side window.		
Application Number:	22/00162/PRIEXT	Status:	Prior Approval Not Required
Description:	Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 6.00 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.		
Enforcement Case:	16/01309/FUL	Status:	Refused (appeal dismissed)
Alleged breach:	Erection of two storey 2 bedroom detached house.		

APPENDIX 3

Consultations		
Consultee:	Date Consulted:	Summary of response:
LBBB Environmental Protection	16/01/2024	No objections and no conditions recommended.
LBBB Access	16/01/2024	A ground floor WC should be provided. It's hard to tell from drawings whether there's level access and this is not mentioned in the Design and Access Statement.
LBBB Refuse	16/01/2024	No response.
Be First Transport	16/01/2024	Access - concern over new access due to removal of CPZ and health and safety Car parking - object. New dropped kerb is in close proximity to the pedestrian crossing, presenting a health and safety concern. There is no 'existing' off-street parking as labelled, and the parking here would require the removal of on-street CPZ parking. Crossover requests will be refused where this will result in the removal or reduction of on street parking. No adequate parking has been provided. Parking stress survey required to determine whether this needs to be car free or car lite. Cycle parking - must be sheltered or covered and in line with LCDS, recommend a condition. Refuse - no site specific comments. Construction - CLP pro forma required.
Designing Out Crime (Met Police)	16/01/2024	Our unit will not make any official comment, as the size and nature of the development is not within our official remit.
Thames Water	16/01/2024	No response.

APPENDIX 4

Neighbour Notification	
Date Consultation Letter Sent:	16/01/2024
Date Press Notice Published:	n/a
Date Site Notice Erected:	n/a

<i>Address:</i>	<i>Summary of response:</i>
Not given	This development would significantly alter the view of Eastbury House and create parking issues. Already residents of 476 Ripple Rd are using Tudor Rd to access a garden area to park on. This will, if permission is given for a dropped kerb, remove one parking bay and the same will occur with this development losing another. The area is becoming devoid of bird life, my latest submission to the big garden bird watch netted just 5 birds) caused in part by gardens being constantly eroded by concrete and developments. The building will protrude from the existing building line in Tudor Rd deflecting from the appearance of Grade 11 listed Eastbury House.

LBBD Reference: 24/00025/FULL

Shahid Siddique

**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: 24/00025/FULL
Address: 476 Ripple Road, Barking, Barking And Dagenham, IG11 9RY
Development Description: Construction of a 2 Bedroom dwelling to land adjoining 476 Ripple Road

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

application:

- Proposed Ground Floor Plan, First Floor Plan and Roof Plan - 2 - 18/12/2023
- Proposed Elevations - 3 - 18/12/2023
- Proposed Section 1 and Proposed Section 2 - 4 - 18/12/2023
- Site Plan - 18/12/2023
- Location Plan - 7 - 29/09/2023
- Proposed Site Plan - 9 - 29/09/2023
- Proposed Rendered Front and Rear Elevation - 10 - 18/12/2023
- Proposed Rendered Front and Rear Elevation [2] - 10 - 18/12/2023
- Design and Access Statement - 04/01/2023

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: 06/03/2024

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

As of 06/12/2023 there is no longer a 'fee waiver' for revised planning applications at the same site submitted within 12 months of the date of decision. As such, the same application fee will apply for any resubmission following refusal or withdraw even if: the applicant is the same as the applicant of the original application; the site boundary is the same as the site boundary of the original application; and 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:

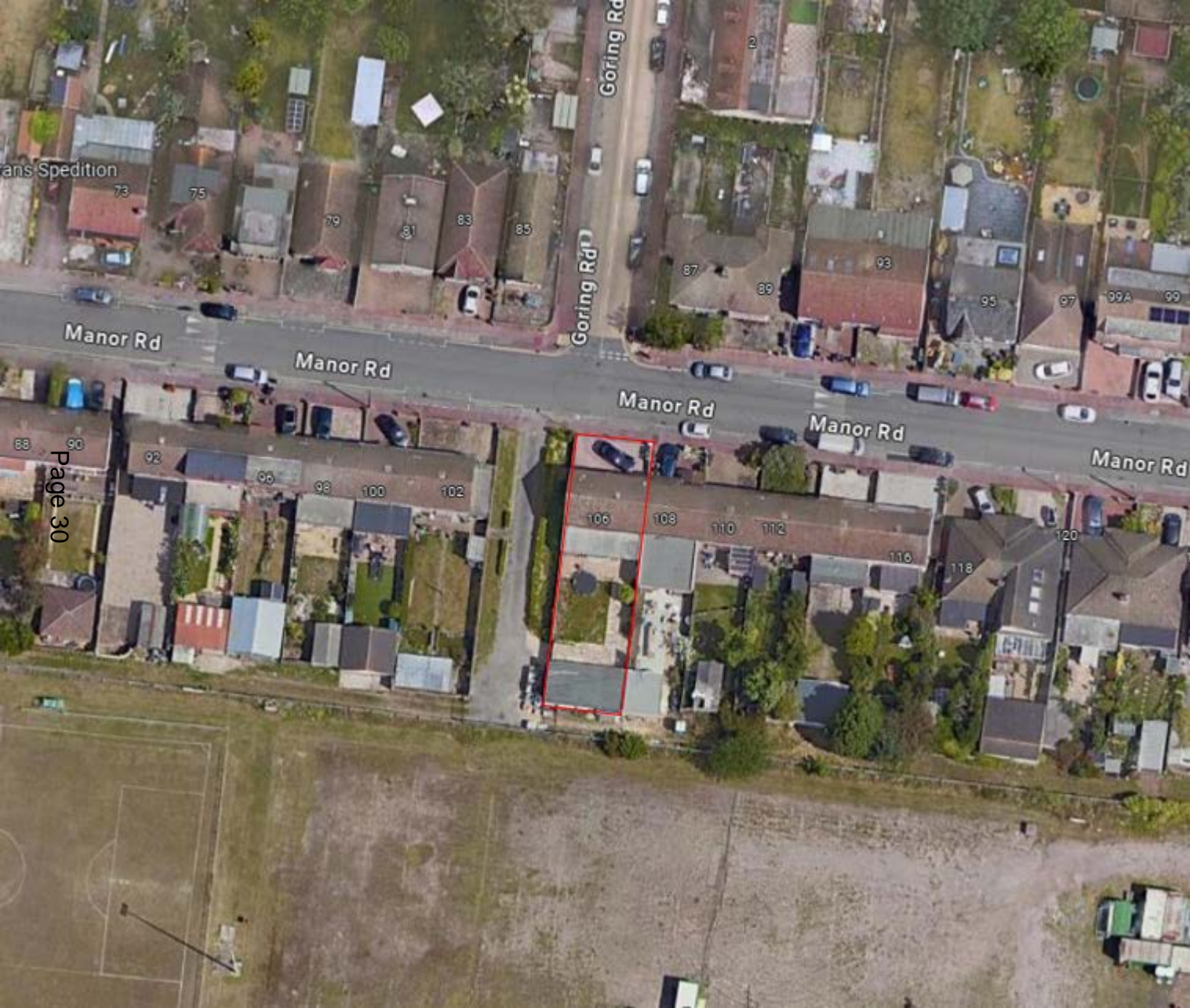
23/01965/HSE

Application Description:

Demolition of existing outbuilding and construction of a 1 bedroom annexe in the rear garden

Decision:

Approved



ans Spedition

Page 30

Goring Rd

Manor Rd

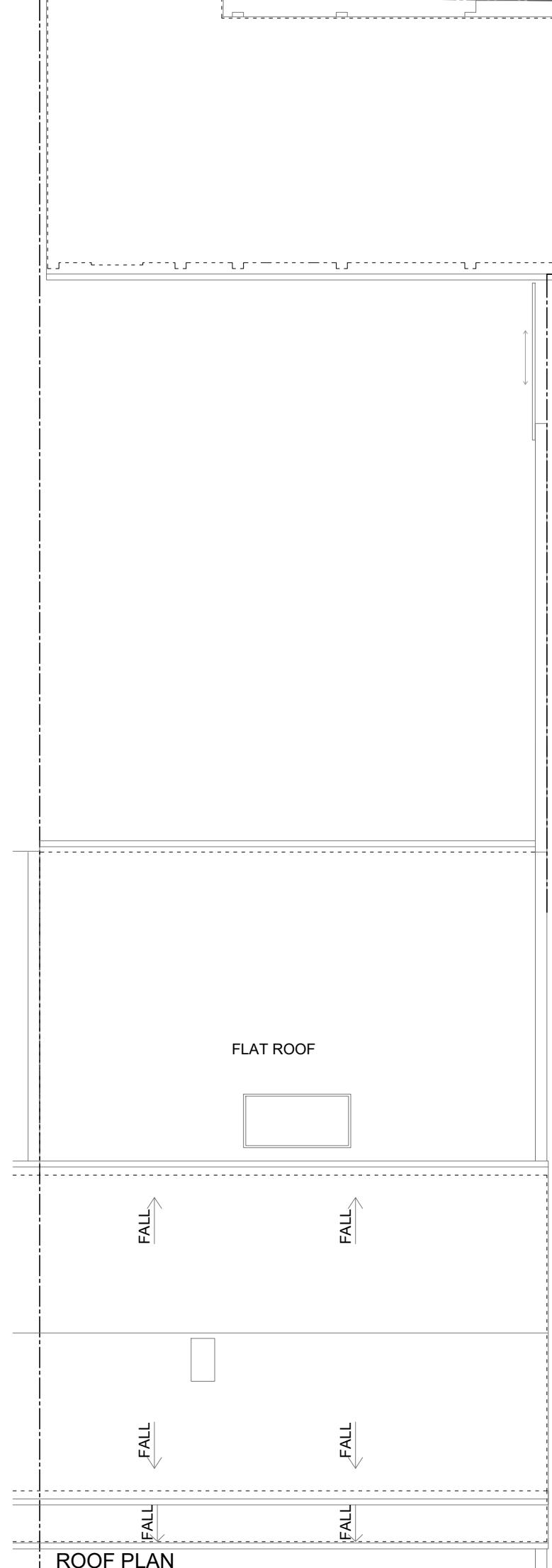
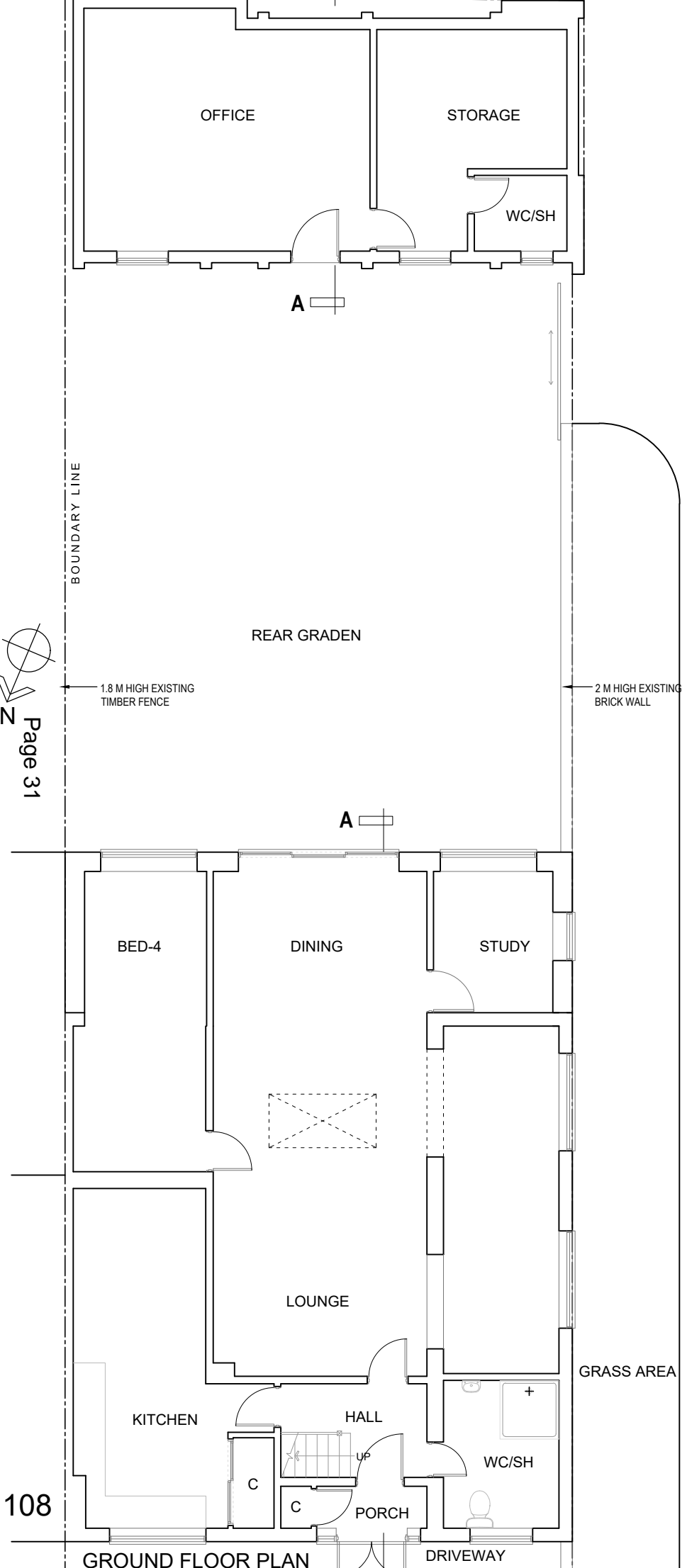
Manor Rd

Manor Rd

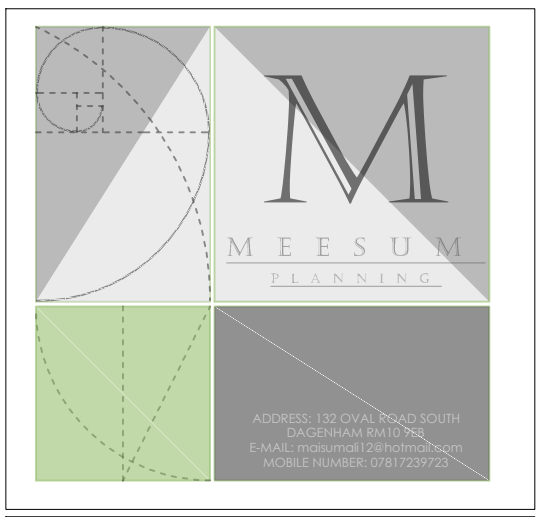
Manor Rd

Manor Rd

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ACCESS WAY



AMENDMENTS:

Rev.	By	Date	Note

PROJECT DETAIL:

TITLE: PROPOSED REAR GRANNY ANNEX

CLIENT: MR. Muhammad Shahid Akhtar

ADDRESS: 106 MANOR ROAD, DAGENHAM

DRAWING DETAIL:

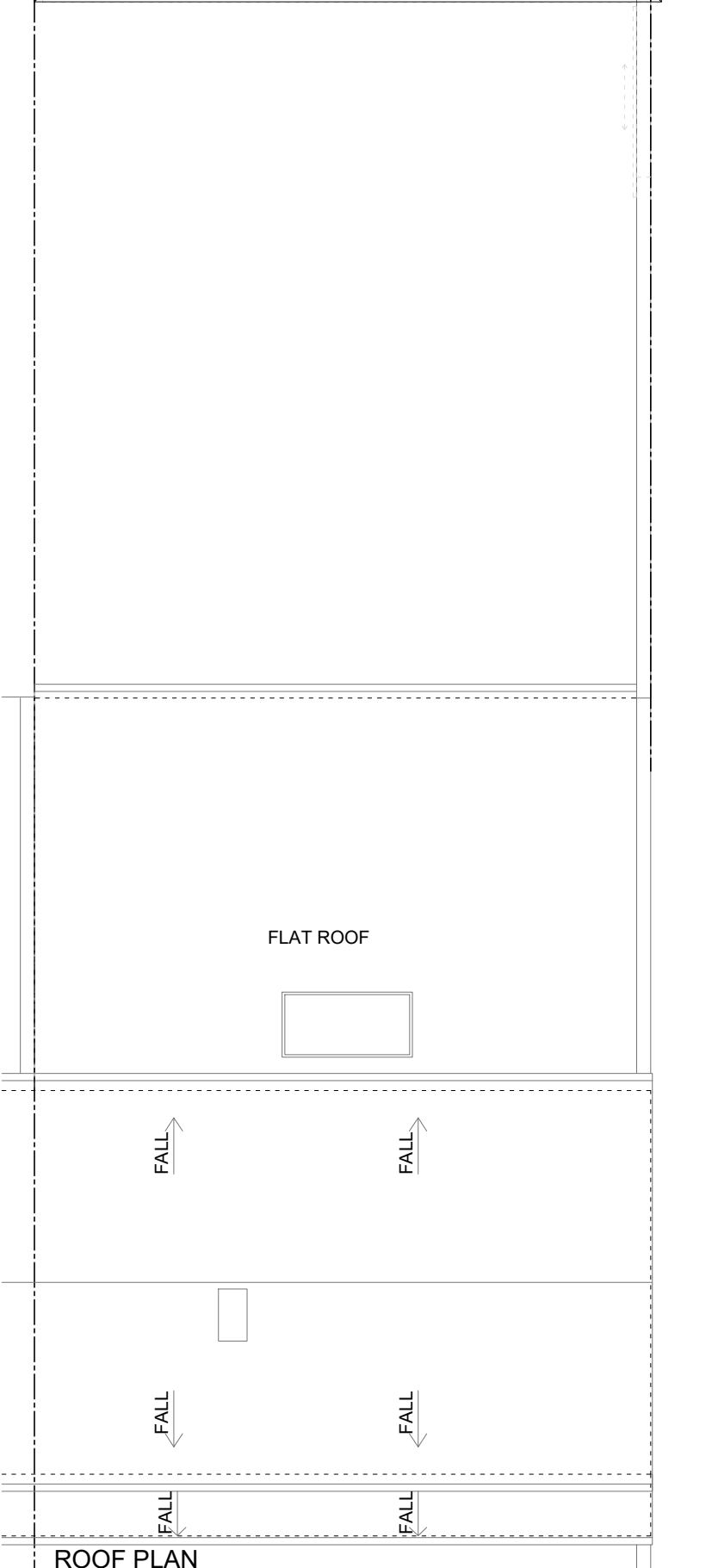
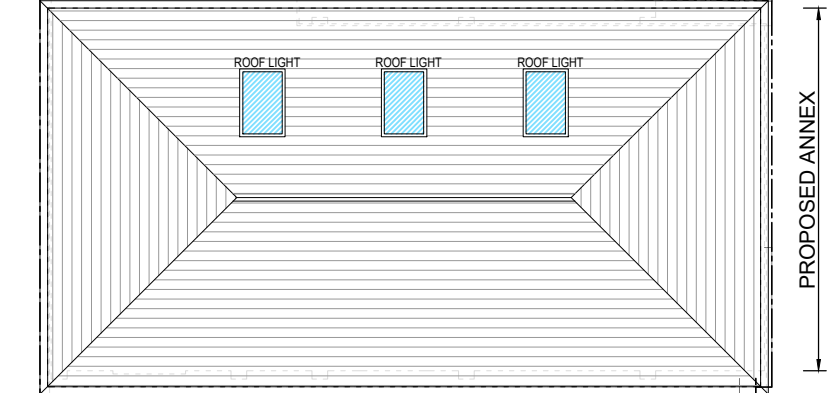
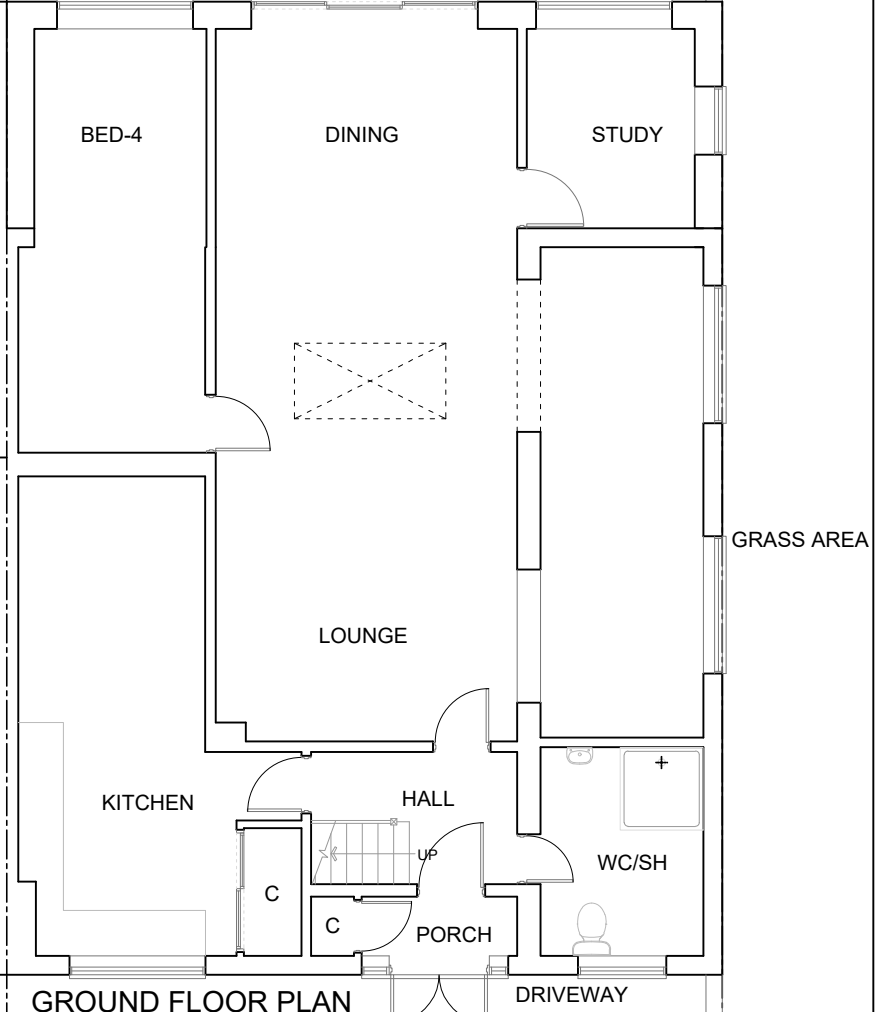
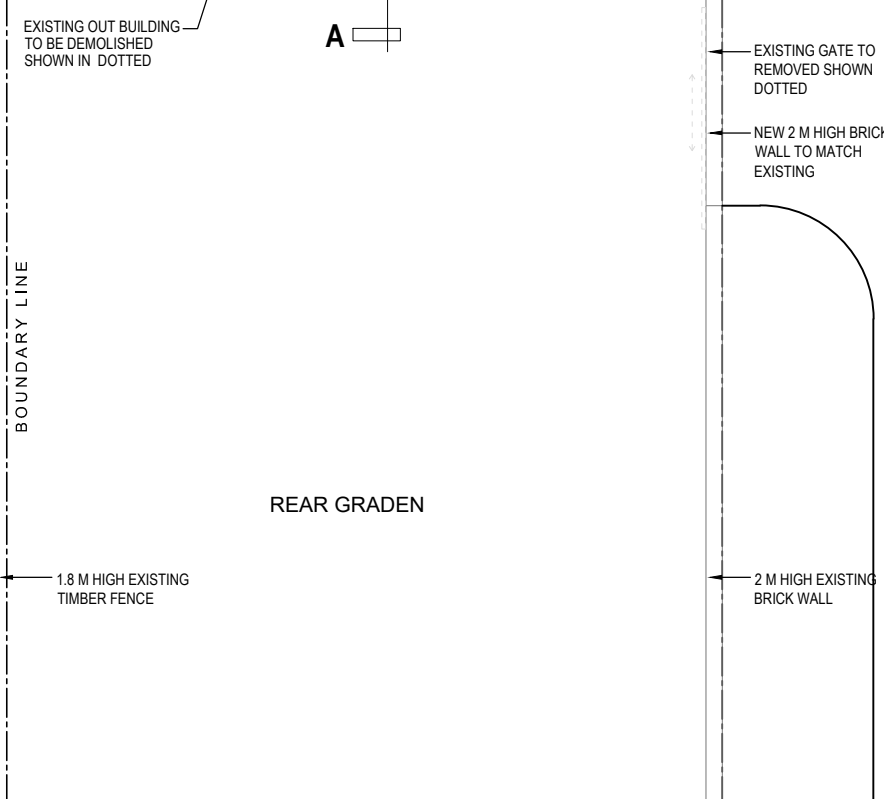
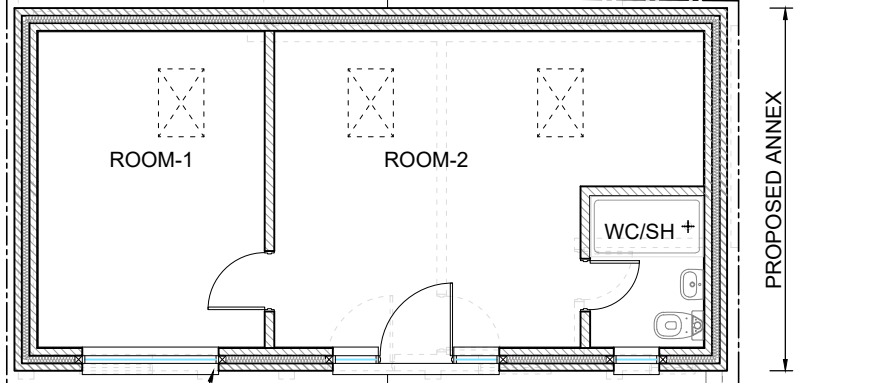
TITLE: EXISTING PLANS

DRAWING NUMBER	REVISION
E- 101	

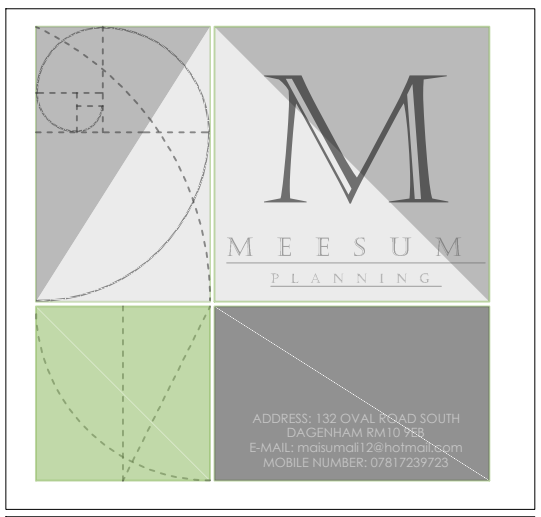
DRAWN BY: M.A	DATE: 10.12.23
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SCALE: 1:100@A3

0M 1M 2M 3M 4M 5M



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AMENDMENTS:

Rev.	By	Date	Note

PROJECT DETAIL:

TITLE: PROPOSED REAR GRANNY ANNEX

CLIENT: MR. Muhammad Shahid Akhtar

ADDRESS: 106 MANOR ROAD, DAGENHAM

DRAWING DETAIL:

TITLE: PROPOSED PLANS

DRAWING NUMBER	REVISION
P- 101	B

DRAWN BY: M.A	DATE: 10.12.23
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SCALE: 1:100@A3

The proposed annex is to accommodate autistic children living with their parents and required constant support within the same curtilage of the main dwelling. The proposed annex will help the children to exercise some degree of independence, responsibilities and privacy.

Annex would only be ancillary to the main dwelling within the residential curtilage and would be used for this purpose only not used as a separate dwelling. To ensure that annex design has shared amenities to the main dwelling, which are shared garden access and shared kitchen.

Delegated Report

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

Case Officer:	Esther Rubinsohn	Valid Date:	16 January 2024
Officer Recommendation:	Approve	Expiry Date:	12 March 2024
Application Number:	23/01965/HSE	Recommended Date:	26 February 2024
Address:	106 Manor Road, Dagenham, Barking And Dagenham, RM10 8BE		
Proposal:	Demolition of existing outbuilding and construction of a 1 bedroom annexe in the rear garden		

Site Location

The application site is a two-storey, end-of-terrace dwelling located on the South side of Manor Road. The dwellings along the terrace row are all uniform in bulk, mass and design. It is noted that the outbuildings are a common feature within the rear gardens dwellings along Manor Road.

Relevant Planning History

Application Number:	22/01964/PRIEXT	Status:	Prior Approval Not Required (Decision Issued:16/12/2022)
Description:	Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 6.00 metres. The maximum height of the proposed extension from the natural ground level is 2.89 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.45 metres.		
Application Number:	16/01304/CLU_E	Status:	Not Lawful (Certificate) (Decision Issued: 14/02/2017) <u>Appeal</u> Appeal Reference: 17/00050/REFUSL Appeal Decision: Appeal Dismissed
Description:	Application for a certificate of lawfulness for an existing use: Use of outbuilding as independent dwelling.		
Application Number:	78/00115/TP	Status:	Approved (Decision Issued: 17/04/1978)
Description:	Erection of two storey side extension to provide bathroom and enlarged kitchen on ground floor with extended bedroom accommodation over		
Application Number:	72/00101/TP	Status:	Approved (Decision Issued: 06/03/1972)
Description:	Erection of front door porch and kitchen extension		
Application Number:	73/00838/TP	Status:	Approved (Decision Issued: 12/11/1973)
Description:	Erection of single storey rear dining room extension		
Enforcement Case:	10/00306/NOPERM	Status:	Enforcement Notice Issued <u>Appeal</u> Appeal Reference: Appeal Decision: Appeal Dismissed
Alleged breach:	Alleged use of rear garden o/building as separate dwelling		
Enforcement Case:	15/00184/TPOBRH	Status:	Case Closed
Alleged breach:	HMO		

Proposed Development

Background

As seen below, in the planning history section above, an enforcement case (15/00004/ENF) was filed for the existing outbuilding

being used as a separate dwelling. An enforcement notice was issued which was consequently appealed by the applicant. The appeal was dismissed on 11/01/2016.

The requirements of the notice were:

1. Cease the use of the outbuilding as separate residential accommodation.
2. Remove all fixtures and fittings that facilitate that use (including bathroom and kitchen facilities)
3. Remove all subsequent waste materials.

Therefore, did not require the complete removal/demolition of the outbuilding, therefore was adhered to. This proposal has clearly indicated within the plans that no kitchen will be installed within the outbuilding.

Proposed Development

The proposed development would involve the demolition of the existing outbuilding and construction of a new outbuilding of similar scale, mass and bulk for the use as an annexe. It has been stated that this outbuilding would be used by the autistic children of the owners of the dwelling to gain a level of freedom without completely leaving home.

The proposed outbuilding would have the following proportions:

- Depth: 4.8metres
- Width: 9.4 metres
- Max height: 3.5metres
- Roof treatment: Hipped, pitched form

Neighbour Notification	
Date Consultation Letter Sent:	16/01/2024
Number of Neighbours Consulted:	2
<i>No response received.</i>	

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) (December 2023)	
London Plan (March 2021)	<ul style="list-style-type: none"> • Policy D4 - Delivering Good Design • Policy D6 - Housing Quality and Standards
Local Development Framework (LDF) Core Strategy (July 2010)	<ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none"> • Policy SP2 - Delivering a well-designed, high quality and resilient built environment • Policy DMD1 - Securing high quality design • Policy DMD6 - Householder extensions and alterations • Policy DMNE3 - Nature conservation and biodiversity
Supplementary Planning Documents (SPD)	<ul style="list-style-type: none"> • 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.
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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>	YES
<i>Does the proposed development respect and accord to the established local character?</i>	YES
<i>Is the proposed development acceptable within the street scene or when viewed from public vantage points</i>	YES
<i>Is the proposed development acceptable and policy compliant?</i>	YES

<i>Officer Comment:</i>	<p>Policy</p> <p>Paragraph 131 of the National Planning Policy Framework (NPPF) talks about creation of high quality beautiful and sustainable building and places. This is reflected in Policy D4 (Delivery good design) of the London Plan, Policy CP3 (High quality built environment) of the Core Strategy, Policy BP11 (Urban design) of the Borough Wide Development Policies DPD, strategic policy SP 2 (Delivering a high quality and resilient built environment) as well as policies DMD 1 (Securing high-quality design) and DMD 6 (Householder extensions and alterations) of the Draft Local Plan 2037 (Reg 19). All these policies seek to ensure that development is designed in a sensitive and appropriate manner which minimises impact on surrounding neighbours and respects the character of the area.</p> <p>Section 5.7.2 of the Residential Extensions and Alterations SPD (2012) provides specific design guidance for outbuildings, specifically stating the following:</p> <p style="padding-left: 40px;"><i>"Outbuildings may be required for any number of purposes, for example, as gymnasiums, playrooms etc. If your outbuilding requires planning permission then you must consider the impact it may have in terms of design and amenity.</i></p> <p style="padding-left: 40px;"><i>a) 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".</i></p> <p>Assessment</p> <p>The application site already consists of an outbuilding of similar scale and massing to that of the proposed. This proposal aims to modernise the outbuilding. Officers believe that as an existing outbuilding is located in the positioning of the proposed outbuilding, it would have little impact to the character and design of the area.</p> <p>The new outbuilding has been proposed to house the owners autistic children, who are not independent enough to live alone but want some level of freedom. The outbuilding would have two rooms. No kitchen would be supplied within the outbuilding, which would require those living in the outbuilding to use the dwelling for the key activities such as meal times. This means there would still be a functional connection between the outbuilding and main dwelling. This proposed outbuilding would therefore not be able to function as a dwelling in its own right.</p> <p>The above consideration is supported by some appeal decisions. Particular reference is made to an appeal ref. APP/Z5060/D/22/3313390 which was allowed for an outbuilding. In this appeal, the Inspector stated "<i>The SPD does not oppose annexe accommodation in principle. Whilst the Council's delegated report advises that no reason has been given for an annexe, there does not appear to be any policy requirement to do so</i>". The Inspector went onto conclude that as there is still a functional connection between the main dwelling and the outbuilding that the use would be considered ancillary. It was recommended by the Inspector that a condition should be applied to enforce ancillary use. This is supported by a number of other appeals (APP/Z5060/W/22/3302777, APP/Z5060/D/23/3321946).</p> <p>Furthermore, originally the site had side access into the garden from the service road which is located to the West of the dwelling. This is going to be removed as part of the proposal, therefore the outbuilding would only be able to be accessed through the main dwelling.</p> <p>As a result, it cannot be argued that this proposed outbuilding would not be ancillary to the main dwelling. In order to ensure, ancillary use officers have included a condition enforcing that the outbuilding shall not be</p>
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used as its own self-contained unit. Further, additional informative have been included within the decision notice indicating the spot checks that the Planning Enforcement Team will carry out.

Delivering Neighbourly Development								
	Number 102 Manor Road	Number 108 Manor Road	N/A			Number 104 Manor Road	Number 108 Manor Road	N/A
Outlook:				Overshadowing:				
Loss from habitable rooms?	NO	NO		Shadow cast into rooms?	NO	NO		
<i>Is it unacceptable?</i>	NO	NO		<i>Is it unacceptable?</i>	NO	NO		
				Shadow into garden?	NO	NO		
Loss of Privacy:				<i>Is it unacceptable?</i>	NO	NO		
Overlooking the garden?	NO	NO						
<i>Is it unacceptable?</i>	NO	NO		Overbearing:				
Overlooking into rooms?	NO	NO		Impact on habitable rooms?	NO	NO		
<i>Is it unacceptable?</i>	NO	NO		<i>Is it unacceptable?</i>	NO	NO		
				Impact on gardens?	NO	NO		
Loss of Daylight:				<i>Is it unacceptable?</i>	NO	NO		
Loss into habitable rooms?	NO	NO						
<i>Is it unacceptable?</i>	NO	NO						
Officer Comment:	Policy							
	Part D in Policy D6 (Housing Quality and Standards) of the London Plan, Policies BP8 and BP11 of the Borough Wide DPD, and Policies DMD1 and DMD6 of the Draft Local Plan 2037 (Reg 19) all emphasise that new development 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).							
Officer Comment:	Assessment							
	<p><u>Number 102 Manor Road</u></p> <p>Number 102 is located to the West of the application site. The dwellings are separated by private service road. The outbuilding would therefore be significantly offset from the boundary of no.102 by about 9.3metres. It is therefore not considered to have a detrimental impact on the residents at no.102.</p> <p><u>Number 108 Manor Road</u></p> <p>Number 108 is adjoined to the East of the dwelling</p> <p>The proposed outbuilding would abut the boundary with no.108. That being said, the height of the outbuilding would only be about 2.2 metres at the eaves and would have a total height of 3.5metres in the centre of the pitch. An outbuilding of similar massing and scale is currently situated in the same location as the proposed. Further, no.108 has an existing outbuilding which would mitigate most of the potential impact of the outbuilding. Overall, officers do not believe the proposed outbuilding would have a significantly harmful impact on no.108.</p>							

Delivering Sustainability	
Does the proposed development promote or enhance biodiversity?	YES
Has established vegetation been preserved or appropriately relocated/mitigated against?	YES

The application has not incorporated any proposed biodiversity enhancement measures and the

Officer Comment:

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.

CONCLUSION

The proposed development would respect the character and appearance of the area without having any unacceptable impact on the living conditions of neighbouring properties. The proposal is therefore considered to accord with the Development Plan policies and guidance specified above, and it is recommended that planning permission be granted.

LBBB Reference: 23/01965/HSE

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

Dear Maisum Ali,

Application Number: 23/01965/HSE
Address: 106 Manor Road, Dagenham, Barking And Dagenham, RM10 8BE
Development Description: Demolition of existing outbuilding and construction of a 1 bedroom annexe in the rear garden

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: Maisum Ali
Applicant: Naeem Akhtar
106 MANOR ROAD
DAGENHAM

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 23/01965/HSE
Application Type: Householder Planning Permission
Development Description: Demolition of existing outbuilding and construction of a 1 bedroom annexe in the rear garden
Site Address: 106 Manor Road, Dagenham, Barking And Dagenham, RM10 8BE
Date Received: 28 December 2023
Date Validated: 16 January 2024

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. Time limit (Compliance)

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. Approved Drawings (Compliance)

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

- Site Location and Block Plans (dated: 10/12/2023)
- Proposed Elevations (drawing number: P-102, revision B, received: 28/02/2024)
- Proposed Floor and Roof Plans (drawing number: P-101, revision B, dated: 28/02/2024)
- Design and Access Statement (received: 16/01/2024)

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. Matching Materials (Compliance)

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. Ancillary Outbuilding (Compliance)

The outbuilding hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential

use of the dwelling known as 106 Manor Road and as shown on the plans hereby approved

Reason: To protect the character and appearance of the surrounding area, to safeguard the living conditions of neighbouring occupiers and to ensure that the building is not used as self-contained accommodation, which may give rise to substandard living conditions.

Informative(s):

1. Spot checks on approved applications

The Applicant's attention is drawn to the condition requiring the use of the outbuilding hereby approved to remain ancillary to the host property. For clarity, the outbuilding has been approved with the use as demonstrated on the approved plans only, and it shall not be leased, rented or sold for use as separate self-contained accommodation. The London Borough of Barking and Dagenham Planning Enforcement Team conduct spot checks on this type of application to ensure compliance with the planning consent. Spot checks can be completed at any time and without contact in advance. Should you wish to use the outbuilding for an alternate purpose to that approved, you should contact the Local Planning Authority in advance of any works/use to confirm whether planning permission would be required. Should third parties be concerned that the outbuilding is being used as a separate form of accommodation, they are advised to log an enquiry with the London Borough of Barking and Dagenham Planning Enforcement Team, further details available here: <https://www.lbbd.gov.uk/planning-building-control-and-local-land-charges/planning/planning-enforcement>

2. Private Sector Housing

The outbuilding hereby approved is for use as ancillary space to the host property. Notwithstanding, this grant of planning permission does not override or circumvent any duties set out within the Housing Act 2004. Should the outbuilding be used for sleeping accommodation, whether ancillary or otherwise, the Private Sector Housing Team reserves the right to issue a prohibition order (with associated fee) preventing such a use in compliance with the Housing Act 2004. Further information is available here: <https://www.lbbd.gov.uk/private-sector-housing>

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) (December 2023)

London Plan (March 2021)

- Policy D4 - Delivering Good Design
- Policy D6 - Housing Quality and Standards

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)

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.

- Policy SP2 - Delivering a well-designed, high-quality and resilient built environment
- Policy DMD1 - Securing high-quality design
- Policy DMD6 - Householder extensions and alterations

Supplementary Planning Documents (SPD)

- Residential Extensions and Alterations SPD (February 2012)

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: 06/03/2024

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

As of 06/12/2023 there is no longer a 'fee waiver' for revised planning applications at the same site submitted within 12 months of the date of decision. As such, the same application fee will apply for any resubmission following refusal or withdraw even if: the applicant is the same as the applicant of the original application; the site boundary is the same as the site boundary of the original application; and 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.



Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Application Reference:

23/01902/HSE

Application Description:

Demolition of existing 2 x outbuildings and construction of an outbuilding, the construction of a front extension to accommodate a porch, the construction of a part two storey part single storey side and rear extension and the construction of a hip-to-gable roof extension to accommodate a rear dormer extension including two roof lights to the front to facilitate the conversion of roof space into habitable accommodation

Decision:

Approved



Brockdish

Stratton Dr

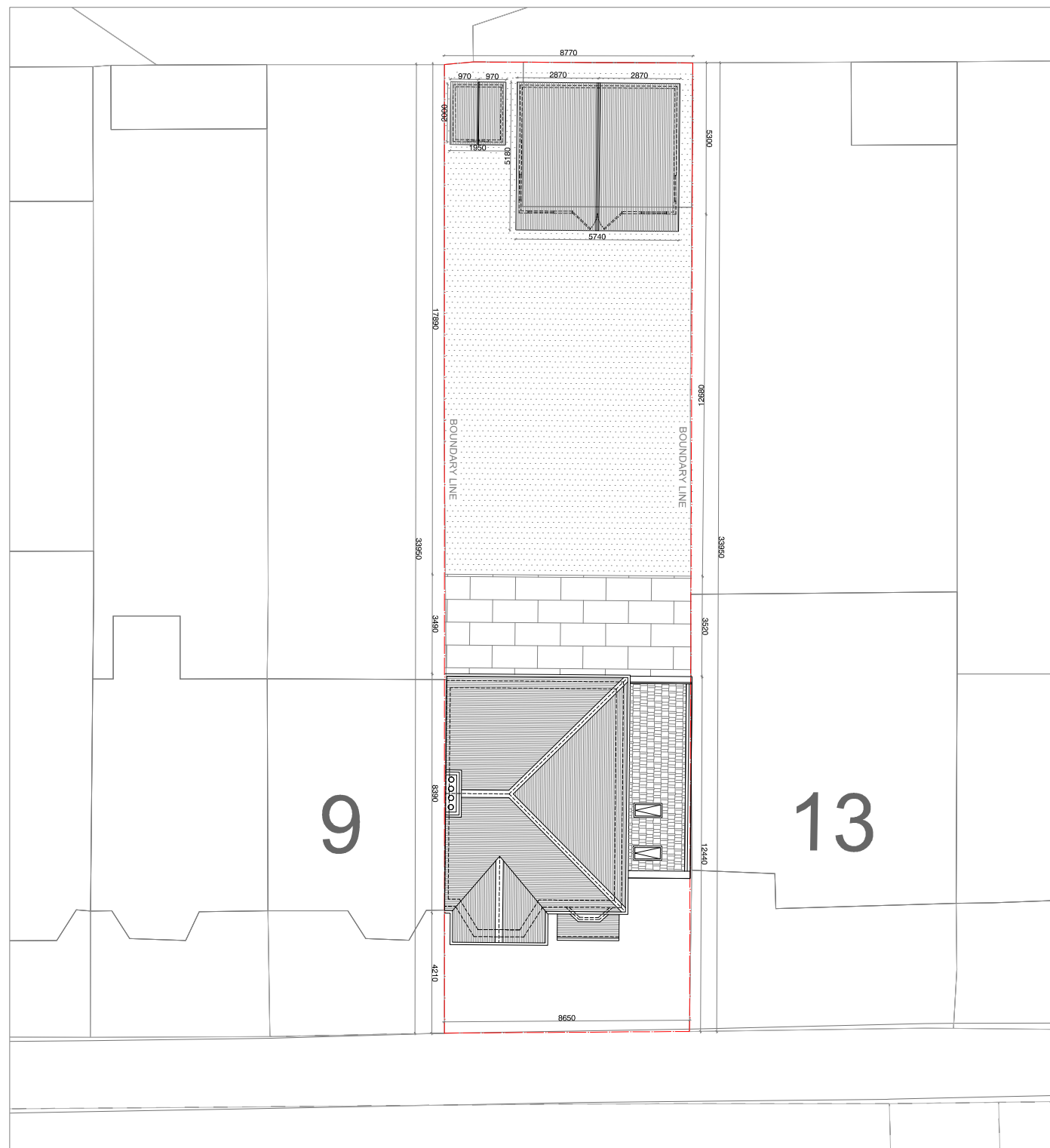
Stratton Dr

Halsham Cres

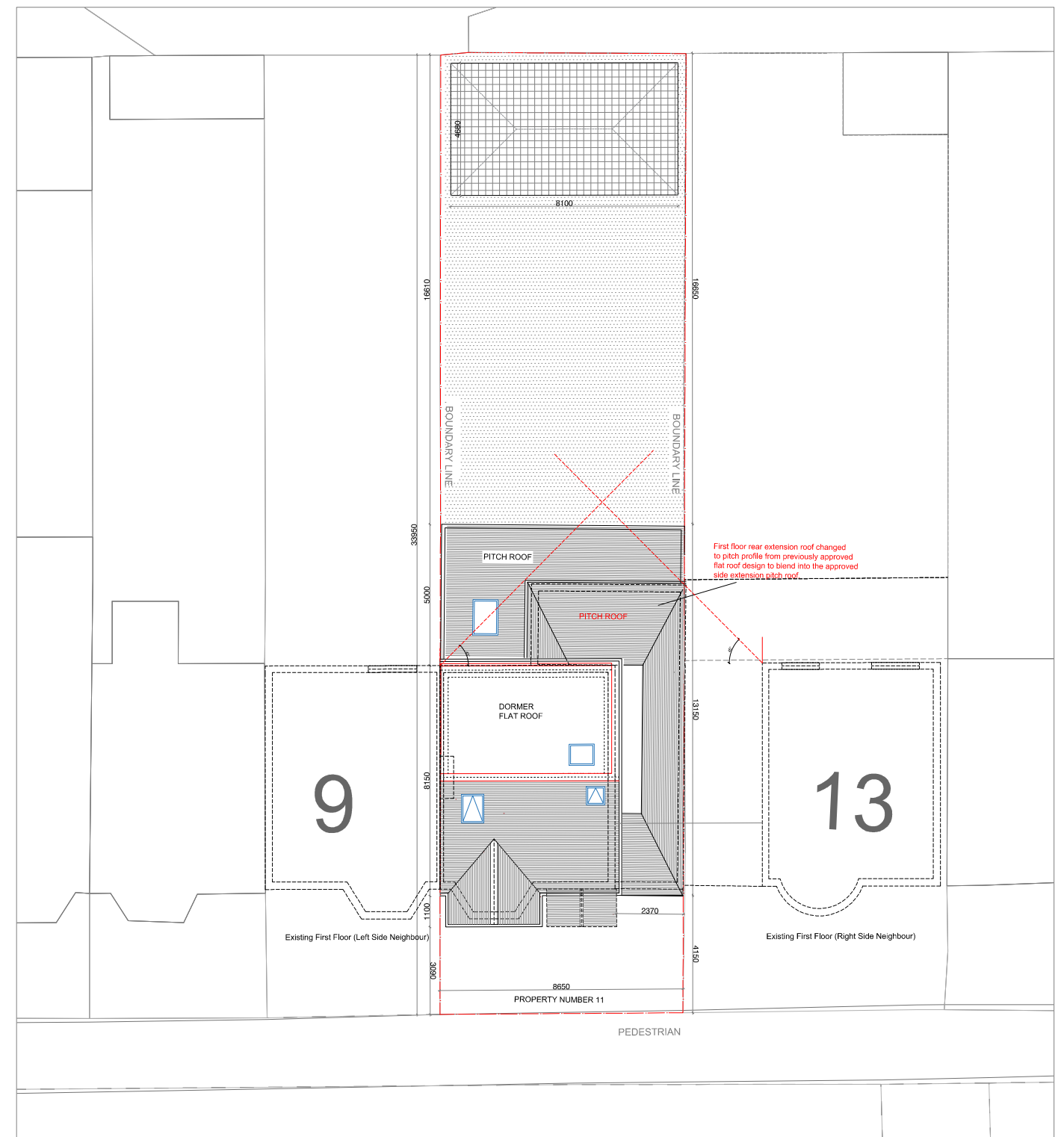
APlus Driving School

Beccles Dr

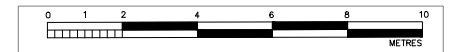
Page 45



EXISTING SITE PLAN
SCALE 1:200



PROPOSED SITE PLAN
SCALE 1:200



PROJECT DESCRIPTION:

PROPOSED PITCH ROOF TO REPLACE APPROVED FLAT ROOF OVER REAR FIRST FLOOR EXTENSION AT 11 STRATTON DRIVE, BARKING, IG11 9HJ (Ref: 23/01008/HSE)

Date: 04-12-2023

Drawing No: AA11SD02

Revision No: 03

Scale: 1:200 @ A3

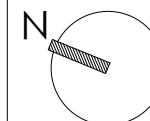


TITLE : SITE PLAN

Project Status: Planning

Site Location:

11 STRATTON DRIVE, BARKING, IG11 9HJ



NOTE:

All Measurements to be checked on site before any building work commences. Discrepancy amendments should be made and informed to relevant parties concerned. Location of structural components to be confirmed by Structural Engineer. All works carried out should be according to Building Regulations. For Planning Purposes only.
© Active Architecture.

Delegated Report

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

Case Officer:	Annie Utting	Valid Date:	18 December 2023
Officer Recommendation:	Approve	Expiry Date:	12 February 2024
Application Number:	23/01902/HSE	Recommended Date:	18 January 2024
Address:	11 Stratton Drive, Barking, Barking And Dagenham, IG11 9HJ		
Proposal:	Demolition of existing 2 x outbuildings and construction of an outbuilding, the construction of a front extension to accommodate a porch, the construction of a part two storey part single storey side and rear extension and the construction of a hip-to-gable roof extension to accommodate a rear dormer extension including two roof lights to the front to facilitate the conversion of roof space into habitable accommodation.		

Planning Constraints

No relevant constraints.

Site Context and Relevant Background Information

The application site is located on the eastern side of Stratton Drive within a residential area comprised primarily of terrace rows. It hosts a two storey end-of-terrace dwelling with a single storey side extension and two rear outbuildings.

The site was granted consent on 21/08/2023 under 23/01008/HSE for the construction of a part single storey part two storey rear and side wrap around extension, front porch, hip-to-gable and dormer roof extension and an outbuilding. This consent in part relied upon the following fallback positions:

- 5m single storey rear extension across the width of the original rear elevation considered to be permitted development under 23/00726/PRIEXT, with prior approval not required
- Consent for a two storey side extension with a hip pitched roof, set in from the front elevation at first floor level, under 21/00417/HSE
- A lawful development certificate for a hip to gable roof extension and large dormer window under 21/00416/CLUP

The present proposal differs from that previously approved under 23/01008/HSE only in the addition of a pitched roof to the proposed first floor rear extension.

Proposed Development

The proposed hip-to-gable and dormer roof extension are the same as that found to be lawful under 21/00416/CLUP.

The proposed front porch would measure ~2.4 x 1.05m, resulting in an internal floorspace of ~2 sqm. It would have a dual pitched roof with a maximum height of ~3.25m and height at eaves of ~2.3m.

The proposed single storey rear extension would have a depth of 5m and would span the full rear elevation. It would comprise a pitched roof design with a maximum height of 3.5m and height at eaves of 3m.

The proposed two storey extension would sit above the existing single storey side extension, flush with the front elevation and extending out to the side boundary. It would then wrap around the rear, extending a further ~2.85m beyond the original rear elevation, and set back from the northern site boundary by ~2.85m. It would feature a crown roof design, sitting below the ridge height of the main roof. This would adjoin with part of the dormer window to the rear.

The proposed outbuilding would replace those existing. It would measure ~7.9 x 4.5m, resulting in an internal floorspace of ~30 sqm. It would comprise a hip pitched roof design with a maximum height of ~3.5m and height at eaves of ~2.5m. It would sit to the rear of the rear garden and would be used as a gym.

The proposal also involves replacing the existing first floor bay window with a regular window.

Neighbour Notification

Date Consultation Letter Sent:	18/12/2023
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Number of Neighbours Consulted:	6
<i>No response received.</i>	

Relevant Planning History			
Application Number:	23/01341/HSE	Status:	Refused
Description:	<i>Construction of a single storey part rear/side extension and first floor part rear and side extension, front porch and Hip-to-gable roof extension to accommodate a rear Dormer extension including two roof lights to the front to facilitate conversion of roof space into habitable accommodation. Demolition of existing two outbuildings and construction of a single outbuilding.</i>		
Application Number:	23/01008/HSE	Status:	Approved
Description:	<i>Construction of a single storey part rear/side extension and first floor part rear and side extension, front porch and Hip-to-gable roof extension to accommodate a rear Dormer extension including two roof lights to the front to facilitate conversion of roof space into habitable accommodation. Demolition of existing two outbuildings and construction of a single outbuilding.</i>		
Application Number:	23/00726/PRIEXT	Status:	Prior Approval Not Required
Description:	Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 5.00 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.		
Application Number:	23/00438/PRIEXT	Status:	Prior Approval Refused
Description:	Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 5.00 metres. The maximum height of the proposed extension from the natural ground level is 3.40 metres. The height at eaves level of the proposed extension measured from the natural ground level is 3.26 metres.		
Application Number:	21/01093/NONMAT	Status:	Refused
Description:	Non material amendment to planning permission 21/00417/HSE dated 28/04/2021 comprising of the change of pitched roof to flat roof on the first floor side extension		
Application Number:	21/00417/HSE	Status:	Approved
Description:	Construction of a first floor side extension.		
Application Number:	21/00416/CLUP	Status:	Lawful (Certificate)
Description:	Application for a lawful development certificate (proposed) for the construction of a hip-to-gable roof extension to accommodate a rear dormer extension including three roof lights to the front and a Juliette balcony to facilitate conversion of roof space into habitable accommodation.		
Application Number:	00/00452/FUL	Status:	Approved
Description:	Erection of single/two storey side/rear extension to provide garage, kitchen and dining room on ground floor with bedroom and bathroom over		

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, 2023)	
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 gone through Local Plan Examination in Public in November 2023. 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 DMD1 - Securing high quality design Policy DMD6 - Householder extensions and alterations Policy DMNE3 - Nature conservation and biodiversity

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>		YES
<i>Does the proposed development respect and accord to the established local character?</i>		YES
<i>Is the proposed development acceptable within the street scene or when viewed from public vantage points</i>		YES
<i>Is the proposed development acceptable and policy compliant?</i>		YES

<i>Officer Comment:</i>	<p><u>Policy</u></p> <p>Section 12 of the NPPF aims to achieve well designed places, highlighting the key role that good design plays in sustainable development and creating better places. Policy D4 of the London Plan and paragraph 135 of the NPPF help to establish the importance of design in making planning decisions. Importantly, paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and supplementary planning documents. Policies CP2 and CP3 of the Core Strategy, policies BP8 and BP11 of the Borough Wide DPD, policies SP2, DMD1 and DMD6 of the Draft Local Plan and further support proposals which are well designed and have regard to the local character and existing environment. Guidance in achieving this is set out in the council's Residential Extensions and Alterations SPD.</p> <p>Section 5.2 of the SPD sets out that special care should be taken to ensure that porch extensions do not dominate the front of the house. Special care should be taken to ensure that the porch does not result in the loss of or disguise features which are important to the character of the house. They should have a depth of no more than 1m.</p> <p>Section 5.3 of the SPD sets out that single storey rear extensions should not normally have a depth greater than 3.65m, and where a pitched roof is proposed should have a maximum height of no more than 4m and height at eaves of no more than 3m. Over 50% of the original curtilage should be retained. Two storey rear extensions should sit within a 45 degree angle as measured from the corner of neighbouring dwellings. Their design should be sympathetic to the original house, in particular their roof treatment. Flat roofed extensions will not be considered acceptable in the vast majority of circumstances.</p> <p>Section 5.4 sets out that side extensions along terrace houses should sit flush with the front elevation and should be particularly sympathetic in terms of roof treatment, detailing and materials. Extending to the side may close the gap separating terraces, having a detrimental impact on the street scene.</p> <p>Section 5.6 of the SPD sets out that rear dormer windows should sit entirely within the roofslopes and do not overly dominate the house. Materials should be matching and windows should be aligned. It further sets out that hip-to-gable extensions will not usually be considered acceptable, as they materially alter the character of the roof.</p> <p>Section 5.7 of the SPD sets out that outbuildings must be ancillary or related to the use of your property as a dwellinghouse. They should be designed and positioned in a manner which restricts their impact upon neighbouring dwellings.</p> <p><u>Assessment</u></p> <p>The proposal would only differ from that approved under consent 23/01008/HSE by the addition of a pitched crown roof to the proposed first floor rear extension, which previously featured a flat roof. Given that the rest of the proposal could be constructed under 23/01008/HSE should this application be refused, the only matter for consideration here is the addition of a pitched roof to this element. A full assessment of all other aspects of the proposal can be found in the officer report for 23/01008/HSE, available here.</p>
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The SPD supports pitched roofs on first floor rear extensions, explicitly stating that flat roof designs will typically not be supported. The assessment for 23/01008/HSE acknowledged this, but found that the harm caused by the proposed flat roof would not warrant refusal in this instance. Given the support for pitched roofs in the SPD, it is considered that the addition of a pitched roof would be an improvement to the design of the rear extension. The roof is also designed to form a continuation of the side extension, helping to improve the congruence of the proposal. There is some concern over the merging of the pitched roof with the proposed dormer, as this serves to complicate the roofscape. However, the pitched roof is overall considered to better reflect the character and appearance of the original dwelling and surrounding area, and the harm identified through the merging of the pitched roof and dormer is not found to constitute undue harm such as to warrant refusal of this application.

Conclusion

Aside from the pitched roof to the rear extension, the proposal benefits from a fallback position established under 23/01008/HSE. Officers have assessed the impact of the proposed change to a pitched roof and considered this to be acceptable, noting in particular that it complies with the guidance in the SPD. As such, the proposal is found to be acceptable in this regard.

Delivering Neighbourly Development								
	9	13	N/A			9	13	N/A
Outlook:				Overshadowing:				
Loss from habitable rooms?	YES	YES		Shadow cast into rooms?	YES	NO		
Is it unacceptable?	YES	NO		Is it unacceptable?	YES			
				Shadow into garden?	YES	YES		
Loss of Privacy:				Is it unacceptable?	YES	NO		
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	NO		
				Impact on gardens?	YES	NO		
Loss of Daylight:				Is it unacceptable?	YES			
Loss into habitable rooms?	YES	YES						
Is it unacceptable?	YES	NO						

Policy

The borough's development plan seeks to ensure that development proposals protect residential amenity, with particular reference to daylight, sunlight, overshadowing, outlook and privacy. This aim is contained within policies BP8 and BP11 of the Borough Wide DPD and policy DMD6 of the Draft Local Plan. Policy DMD6 requires proposals to be designed in such a way that they do not impact on quality of life for neighbouring residents. Policy D6 of the London Plan also highlights the importance of protecting residential amenity. The council's Residential Extensions and Alterations SPD sets out guidance to help ensure proposals protect residential amenity in section 4.2.

The SPD sets out that single storey rear extensions should not normally exceed 3.65m to ensure there is no material loss of daylight and outlook to neighbouring dwellings. For a pitched roof design, the height should not exceed 4m maximum and 3m at eaves. It further sets out that first floor rear extensions should sit within a 45 degree angle as measured from the corner of neighbouring dwellings.

Assessment

The proposed change to the roof design of the first floor rear extension would not result in a materially

different impact to neighbouring amenity compared with that consented under 23/01008/HSE, noting that the first floor rear extension would still sit within a 45 degree angle as required by the SPD. As such, consent 23/01008/HSE forms a fallback position and the proposal is considered to be acceptable in this regard. For completeness, the previous assessment is repeated below:

9 Stratton Drive

This dwelling is situated to the north of the application site along the same terrace and the proposed single storey rear extension would abut the boundary. It has no rear extension, meaning the proposed single storey rear extension would extend a further 5m from the rear elevation of number 9. This exceeds the guidance in the SPD by 1.35m. This would result in an unacceptable loss of outlook, daylight and sunlight, particularly given the orientation. However, it is noted that the extension deemed consent under 23/00726/PRIEXT would have a similar impact, and could be constructed in the event of a refusal of this application. The additional impact would be from the increased roof height, from a 3m flat roof to a pitched roof with maximum height 3.5m and height at eaves of 3m. The additional impact caused by this is not considered to constitute undue harm. As such, the impact from the single storey rear extension is considered to be acceptable on balance. The proposed double storey rear extension would have a depth of 2.85m and would be set back from the boundary by 3.15m. As such, it would fall within a 45 degree angle as measured from the corner of number 9, in compliance with the SPD. It is therefore considered to have an acceptable impact on the amenity of number 9.

Officer Comment:

13 Stratton Drive

This dwelling is situated to the south of the application site. It has an existing single storey side/rear extension along the boundary with the application site. As such, the proposed single storey rear extension would extend a further ~2m from the rear elevation of number 13. While this would cause some loss of outlook and daylight, the depth does fall within the 3.65m guidance in the SPD and the impact is therefore not considered to constitute undue harm. The proposed double storey rear extension would have a depth of 2.85m and would abut the boundary. Number 13 has a single storey side extension, with the first floor set back from the boundary by ~2.95m. As such, the proposal would fall within a 45 degree angle as measured from the first floor corner of number 13. The impact is therefore considered to be acceptable.

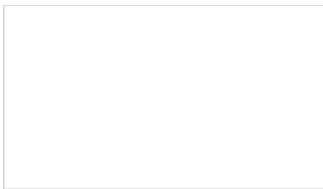
Conclusion

The proposed single storey rear extension would cause harm to the amenity of number 9. However, the additional impact compared with the fallback position established under 23/00726/PRIEXT would not constitute undue harm, and it is further noted that there would be no material increase in harm compared with that consented under 23/01008/HSE. As such, the proposal is considered to have an acceptable impact on neighbouring amenity on balance.

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
Officer Comment:	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.

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
Officer Comment:	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.

CONCLUSION
The proposed development would respect the character and appearance of the area without having any unacceptable impact on the living conditions of neighbouring properties. The proposal is therefore considered to accord with the Development Plan policies and guidance specified above, and it is recommended that planning permission be granted.



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBB Reference: 23/01902/HSE

Idris Anjary

**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: 23/01902/HSE
Address: 11 Stratton Drive, Barking, Barking And Dagenham, IG11 9HJ
Development Description: Demolition of existing 2 x outbuildings and construction of an outbuilding, the construction of a front extension to accommodate a porch, the construction of a part two storey part single storey side and rear extension and the construction of a hip-to-gable roof extension to accommodate a rear dormer extension including two roof lights to the front to facilitate the conversion of roof space into habitable accommodation

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: Idris Anjary
Applicant: Rajindher Singh
11 STRATTON DRIVE
BARKING

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 23/01902/HSE
Application Type: Householder Planning Permission
Development Description: Demolition of existing 2 x outbuildings and construction of an outbuilding, the construction of a front extension to accommodate a porch, the construction of a part two storey part single storey side and rear extension and the construction of a hip-to-gable roof extension to accommodate a rear dormer extension including two roof lights to the front to facilitate the conversion of roof space into habitable accommodation
Site Address: 11 Stratton Drive, Barking, Barking And Dagenham, IG11 9HJ
Date Received: 13 December 2023
Date Validated: 18 December 2023

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:

- Location Plan and Block Plan - AA11SD01 R03 - 04/12/2023
- Proposed Floor Plan - AA11SD07 R03 - 04/12/2023
- Proposed Loft and Roof Plan - AA11SD08 R03 - 04/12/2023
- Proposed Elevation - AA11SD09 R03 - 04/12/2023
- Proposed Elevation - AA11SD10 R03 - 04/12/2023
- Proposed Section - AA11SD11 R03 - 04/12/2023
- Proposed Outbuilding Floor Plan - AA11SD15 R03 - 04/12/2023
- Proposed Outbuilding Elevation - AA11SD16 R03 - 04/12/2023

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. The outbuilding hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as 11 Stratton Drive and as shown on the plans hereby approved.

Reason: To protect the character and appearance of the surrounding area, to safeguard the living conditions of neighbouring occupiers and to ensure that the building is not used as self-contained accommodation, which may give rise to substandard living conditions.

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) (DLUHC, 2023)

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)

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 gone through Local Plan Examination in Public in November 2023. 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.

Policy SP2 - Delivering a well-designed, high-quality and resilient built environment
Policy DMD1 - Securing high-quality design
Policy DMD6 - Householder extensions and alterations

Supplementary Planning Documents

Residential Extensions and Alterations (SPD) (February 2012)

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

Informatives:

1. The Applicant's attention is drawn to the condition requiring the use of the outbuilding hereby approved to remain ancillary to the host property. For clarity, the outbuilding has been approved with the use as demonstrated on the approved plans only, and it shall not be leased, rented or sold for use as separate self-contained accommodation. The London Borough of Barking and Dagenham Planning Enforcement Team conduct spot checks on this type of application to ensure compliance with the planning consent. Spot checks can be completed at any time and without contact in advance. Should you wish to use the outbuilding for an alternate purpose to that approved, you should contact the Local Planning Authority in advance of any works/use to confirm whether planning permission would be required. Should third parties be concerned that the outbuilding is being used as a separate form of accommodation, they are advised to log an enquiry with the London Borough of Barking and Dagenham Planning Enforcement Team, further details available here: <https://www.lbbd.gov.uk/planning-building-control-and-local-land-charges/planning/planning-enforcement>.

2. The outbuilding hereby approved is for use as ancillary space to the host property. Notwithstanding, this grant of planning

permission does not override or circumvent any duties set out within the Housing Act 2004. Should the outbuilding be used for sleeping accommodation, whether ancillary or otherwise, the Private Sector Housing Team reserves the right to issue a prohibition order (with associated fee) preventing such a use in compliance with the Housing Act 2004. Further information is available here: <https://www.lbld.gov.uk/private-sector-housing>.

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.lbld.gov.uk/developer-contributions-cil-and-s106> . CIL forms can be submitted to: S106CIL@befirst.london

DATE OF DECISION: 02/02/2024

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

As of 06/12/2023 there is no longer a 'fee waiver' for revised planning applications at the same site submitted within 12 months of the date of decision. As such, the same application fee will apply for any resubmission following refusal or withdraw even if: the applicant is the same as the applicant of the original application; the site boundary is the same as the site boundary of the original application; and 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

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**Barking &
Dagenham**

Performance Review Sub-Committee

Application Reference:

23/01447/FULL

Application Description:

Construction of a double storey side extension to create a 2 x bed dwelling.

Decision:

Approved



Seagull Ct

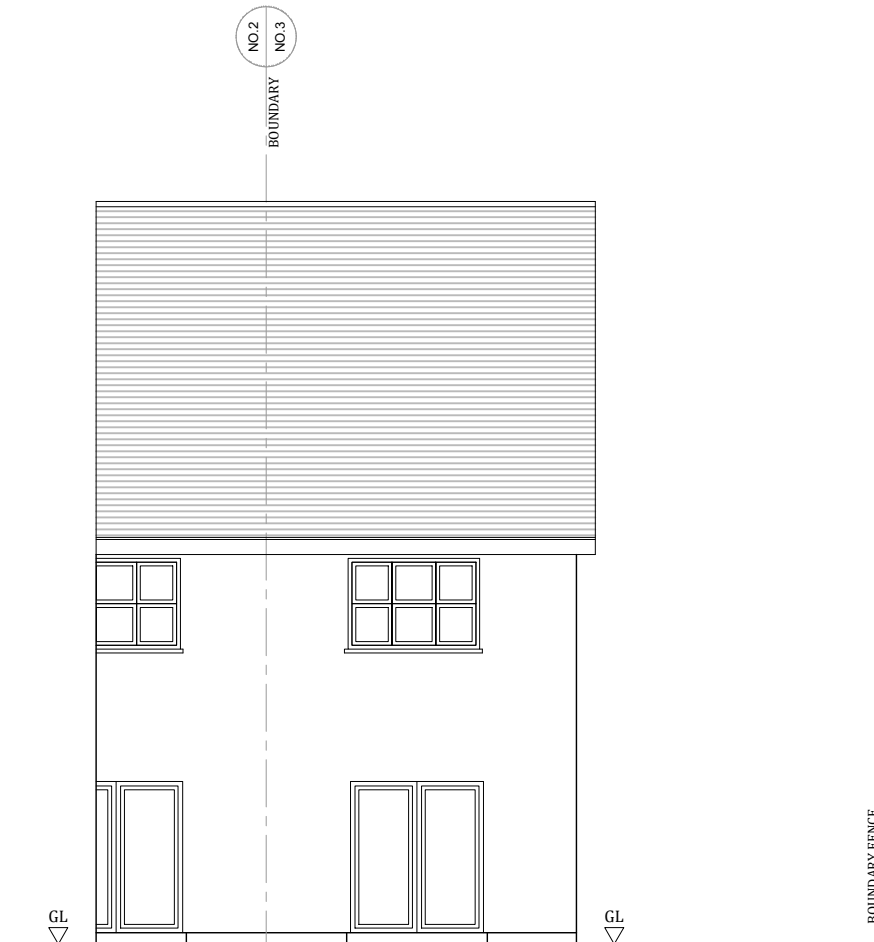
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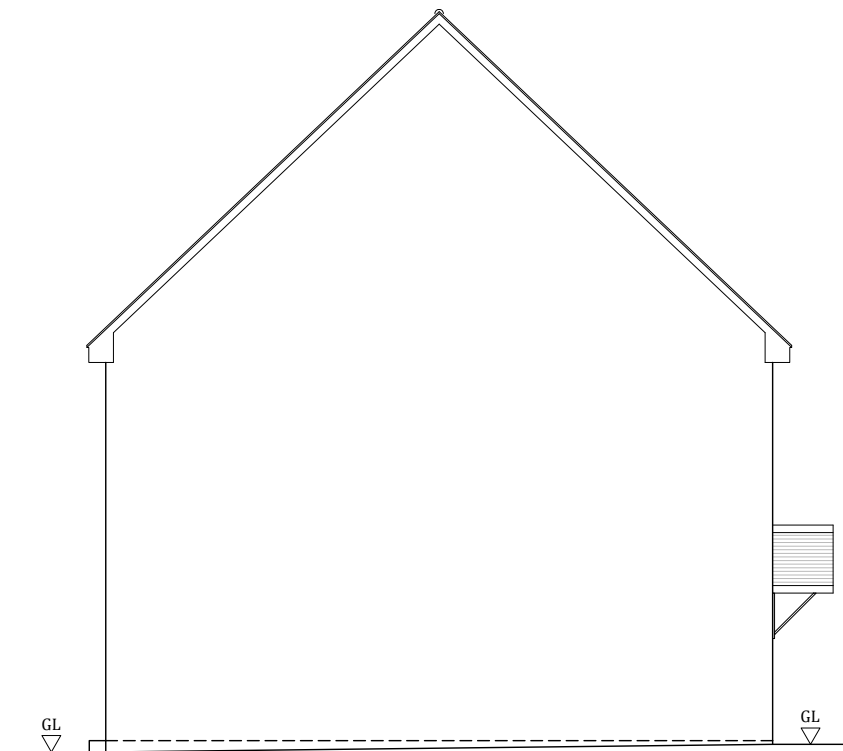
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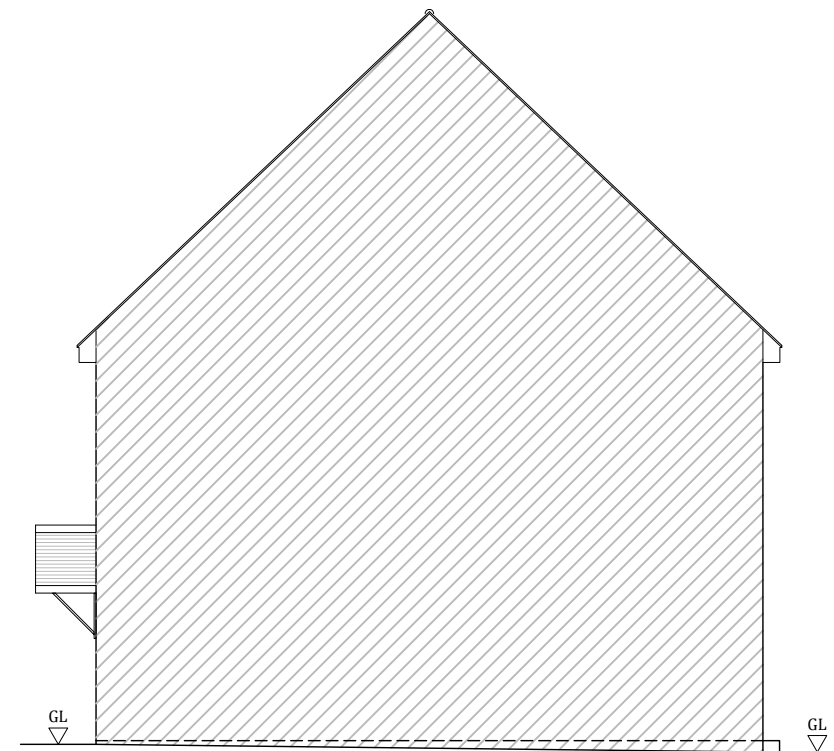
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EXISTING SIDE ELEVATION



EXISTING OTHER SIDE ELEVATION



UK ARCHITECTURAL SERVICES LTD
[310 CHADWELL HEATH LANE, RM6 4YH]

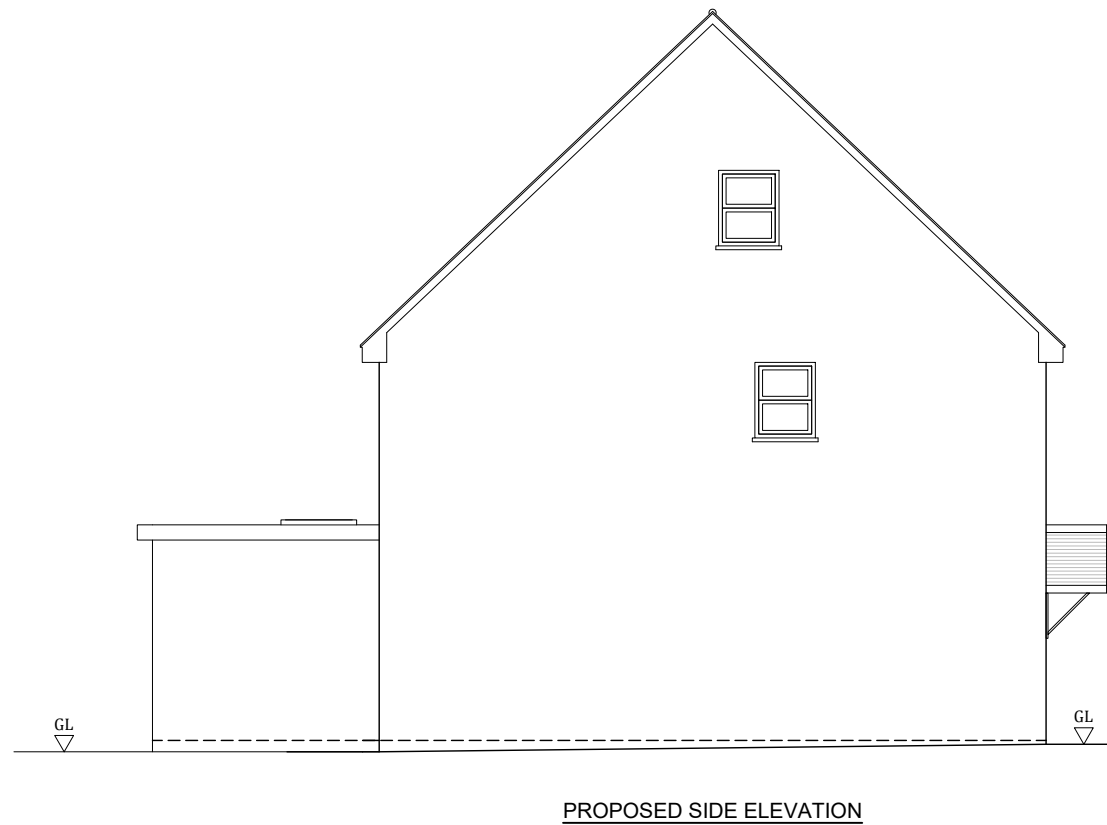
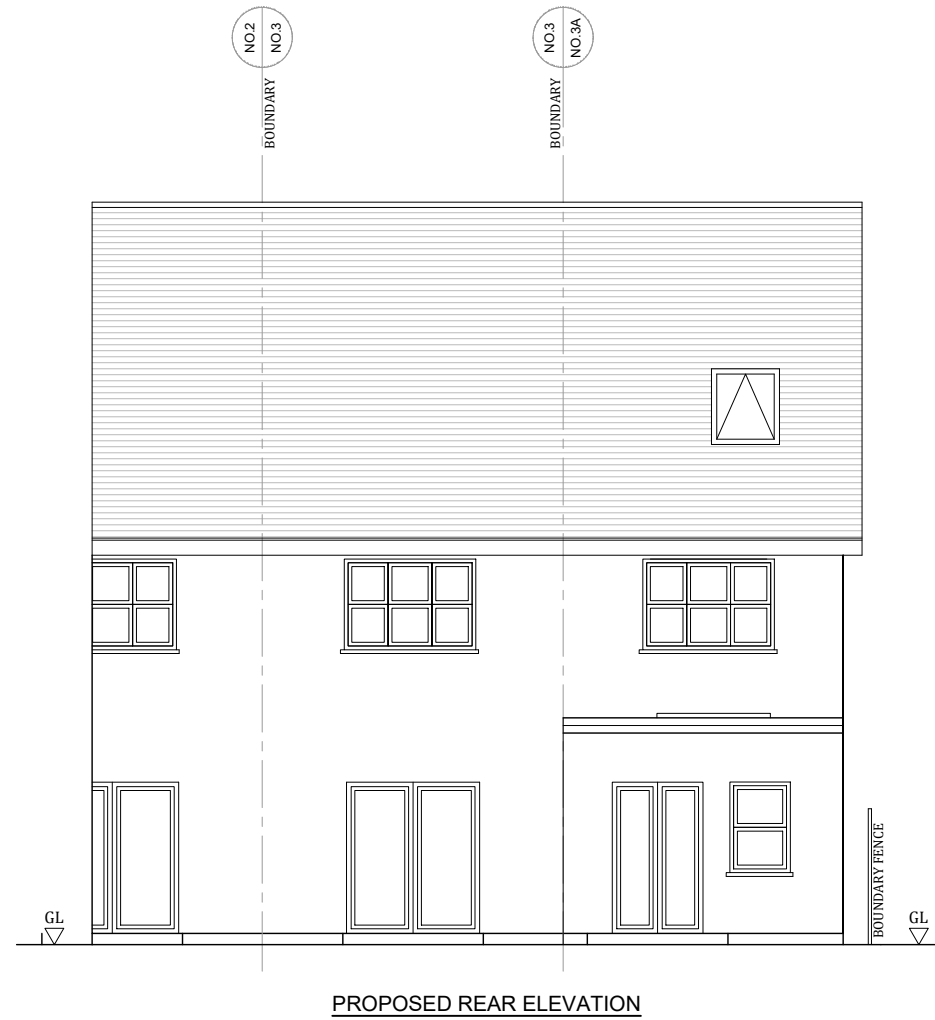
PH: 07503257938 Email:shazu.cee@gmail.com

PROJECT:
3 SEAGULL CLOSE IG11 0GX
DWG TITLE:
DOUBLE-STOREY SIDE EXTENSION
FOR THE PURPOSE OF A NEW BUILD
HOUSE

CLIENT:
DINU BRGUTA

DWG NO:
DHA/324/REV05

SCALE	DATE	DRAWN BY
1:100 @ A3	SEPT. 2023	M .AHMED MSc Engr



UK ARCHITECTURAL SERVICES LTD [310 CHADWELL HEATH LANE, RM6 4YH] PH: 07503257938 Email:shazu.cee@gmail.com		
PROJECT: 3 SEAGULL CLOSE IG11 0GX DWG TITLE: DOUBLE-STOREY SIDE EXTENSION FOR THE PURPOSE OF A NEW BUILD HOUSE		
CLIENT: DINU BRGUTA		
DWG NO: DHA/324/REV06		
SCALE 1:100 @ A3	DATE SEPT. 2023	DRAWN BY M .AHMED MSc Engr

Delegated Report

Application for Planning Permission

Case Officer:	Esther Rubinsohn	Valid Date:	18 September 2023
Officer Recommendation:	Approved	Expiry Date:	13 November 2023
Application Number:	23/01447/FULL	Recommended Date:	18 October 2023
Address:	3 Seagull Close, Barking, Barking And Dagenham, IG11 0GX		
Proposal:	Construction of a double storey side extension to create a 2 x bed dwelling.		

Planning Constraints

- Archaeological Priority Area - Tier III, Barking Level and Dagenham Marsh

Site, Situation and Relevant Background Information

The application site is a two-storey, end-of-terrace dwelling located on the North East side of Seagull Close. The terrace row consists of three dwellings, all of which are very uniform and symmetrical to each other. The plot of number 3 Seagull Close is located on a bend in the road.

The dwellings situated within Seagull Close do not have a regular rhythm or design. The close consists of a range of different building designs and forms. It is noted, however, that the houses within the close are reasonably well setback from the highway, with quite sizeable front gardens, which creates a sense of openness. The highway itself it also quite wide too.

The house was constructed under the application 01/00526/FUL (Approved: 12/02/2002) part of the Phase 2A Barking Reach development.

Proposed Development

Proposed development

The proposed development involves the construction of a new 2x bedroom dwelling adjoining to the North side elevation of the existing dwelling.

It would have a depth of about 8.8 metres (the same depth at a two storey level as the other dwellings on the terrace row) and a width of 3.7metres. The dwelling would have an additional single storey rear extension which would extend the depth to about 11.8 metres at a single storey level. The width of the dwelling would be slightly less than the width of the other dwellings on the terrace row (4metres wide). It would have a gabled roof and the layout and design of the dwelling would reflect the existing houses on the terrace row, with the same door design and fenestration.

The house would be set in from the pavement by about 0.5metres and would be treated with a planted buffer to reflect the how the boundary is treated at no.29 Galleons Drive whereby the dwelling also sits parallel to the highway, adjacent to the pavement. The existing trees to the front fo the proposed dwelling would be retained, with additional plants and landscaping being included within the rear garden of the dwelling.

Amendments sought

Originally the application was for a three-bedroom dwellinghouse, which adjoined to the Northern wall of no.3 Seagull Close and extended right up to the boundary with the highway. They proposed to remove the existing trees to the front of the proposed house, introduce an inadequate parking space to the front of the dwelling and extend the new dwelling right up onto the boundary with the pavement of the highway.

Officers therefore sought the following amendments which the applicant complied with:

- Retain the trees in the front garden and incorporate soft landscaping - these are a common feature on most corners around the close. Seagull Close as existing is heavily paved, and whilst there are some trees there is not a lot of greenery.
- Remove the proposed off-street parking space. It is not viable due the size of the dropped kerb. Extending the dropped kerb at this location would not be viable due to the bend in the road. The location of the trees in the front garden would also mean that the parking space would have been unusable.

- A proposed planning buffer - In terms of the proposed house, it extended right up to the boundary with the pavement. As seen from other properties around Seagull Close, they are either set back from the highway or they have a planted buffer to set back the house slightly from the pavement. Please see number 29 Galleons Drive as an example. This planting buffer would need to be at least 0.5metres wide. As such, the house may have to reduce in width, it may therefore be more viable to make the house into a 2xbed rather than 3xbed dwelling. All the rooms must still comply with the national internal space standards as laid out in Policy D6 of the London Plan.

Officers also recommended the addition of some Photovoltaic Panels to be included on the roof to encourage greater sustainability of the new dwelling, however this was not added.

Relevant Planning History

The site has no relevant planning history.

Key Issues

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

ASSESSMENT

Principle of the Development

Policy

Paragraph 61 of the National Planning Policy Framework (NPPF) states 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'.

Policy H1 (Increasing housing supply) and Table 4.1 of the London Plan places a strategic expectation that the borough will need to deliver 19,440 as a 10-year housing target (annualised to 1,944 per year) between 2019 and 2029. The emerging policy in the draft Local Plan reflect this target. This policy also requires that Londoners have a genuine choice of homes that they can afford which meets their requirements for different types of high-quality accommodation. In addition, Policy H2 (Small sites) supports the use of small sites, highlighting that boroughs should support the construction of well-designed dwellings on small sites.

Policy CM1 (General principles for development) and CM2 (Managing housing growth) 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 SPDG 1 (Delivering growth in Barking and Dagenham) 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 SP 3 (Delivering homes that meet peoples needs) emphasising the need to optimise suitable sites to help deliver suitable housing for the Borough's high levels of identified housing need.

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.

Assessment

The proposed development involves the construction of a new three storey dwelling, 2-bedroom dwellinghouse that would house up to 4 occupants which adjoin to the North of no.3 Seagull Close. As noted above, policies support developments which seek to increase the provision of housing within the Borough. This proposed development would therefore result in a net-increase of the housing stock by 1 in the borough. As such, the development is considered acceptable in principle however this is subject to the other material considerations which will be discussed later in the report.

Standard of Accommodation

Internal Space Standards

Policy

The technical housing standards - nationally described space standards, Policy D6 (Housing Quality and Standards) and Table 3.1 of the London Plan set the minimum requirements for internal space standards for new dwellings concerning the Gross Internal Area (GIA), bedroom sized, and built in storage. The guidance states that:

- 2-bedroom, 3-persons, three-storey dwelling should provide a GIA of at least 70sqm and built in storage of 2sqm

It further states that a dwelling with two or more bedspaces must have at least one double (or twin) bedroom. In addition double bedrooms should have a floor area of at least 11.5sqm and a width of 2.75metres; single bedrooms should have a floor area of at least 7.5sqm and a width of 2.15metres.

Policy BP6 (Internal Space Standards) of the Borough Wide DPD also provides quantitative and qualitative standards are achieved. The policy differs from the national housing standards and London Plan. As these two documents are up-to-date, the Council will rely on them when checking compliance.

Assessment

- Gross Internal Area (GIA) - approx. 86.2sqm (**Complies**)
- Bedroom 1 - 10.1sqm, 3.23metres wide (**Complies**)
- Bedroom 2 - 15sqm, 3.23metres wide (**Complies**)
- Built-in Storage - 10.3sqm (**Complies**)
- Communal Living Space - 25.4sqm

The proposed dwelling would provide adequate GIA for a 2-bedroom, 3 person dwelling. All the size of the bedrooms would meet the internal space standards. A bathroom would be provided on each floor and would have quite a large communal living space. The internal layout and space provided for the different rooms of the house would be acceptable. The built-in storage would also exceed the minimum proportions as laid out above. As such, the internal lay out of the house is deemed to be acceptable and policy compliant.

Aspect, Daylight, Sunlight, Ventilation

Policy

Part C in Policy D6 (Housing Quality and Standards) of the London Plan requires new development to maximise the provision of dual aspect dwellings and avoid single aspect dwellings. This is to ensure that passive ventilation is possible and to avoid the dwelling to overheat.

Part D of the Policy D6 (Housing Quality and Standards) of the London Plan talks about the design of the development and how it should provide sufficient daylight and sunlight to new housing, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

Assessment

The proposed house would be dual aspect with windows in the front and rear elevation. Each room apart from the utility and bath would have windows. The design of the proposal is considered appropriate and it would allow passive ventilation which would help in avoiding overheating and there would be good amount of daylight and sunlight received by each room given the size of the windows.

External Amenity Space

Policy

Part F(9) in Policy D6 (Housing Quality and Standards) of the London Plan states where there are no higher local standards in the borough Development Plan Documents, a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwelling and an extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5 metres.

Policy BP5 (External Amenity Space) of the Borough Wide DPD states that 3 bedroom dwellings must have at least 60 sqm of external amenity space, which is safe, functional, private and useable. Part 6 in Policy DMNE1 (Parks, open space and play space) of the Draft Local Plan 2037 (Reg 19) seeks to ensure proposals provide adequate external amenity space whereby developments should not rely on upon existing publicly accessible open space to contribute towards on site amenity space and children play space.

Assessment

The proposed dwelling would have an external, private amenity space of about 29.5sqm.

The new dwelling would also result in a loss of private amenity space of the existing dwelling, no.3 Seagull Close. Currently, no.3 has a private amenity space of 122.4sqm, however now with the construction of the dwelling would result in only about 45.3sqm of amenity space being left. This is less than the guidance laid out in the Borough Wide DPD.

That being said, the dwelling is located about a 11-minute walk from Ripple Nature Reserve and about a 21-minute walk from Thames View Playing Field. Further, the proposal still provides some amenity space which would allow general household activities for both of the dwellings. Whilst it is not as much space as would be desired, as the site is not far from green recreational spaces, it is not deemed to be a detrimental issue. The proposed development also presents a good quality, 2-bedroom, 3-person dwelling in terms of internal living space and would increase the housing stock by one in the borough. As such, on balance, the external amenity space falling short of the desired amount, is not deemed to be a reason to warrant a refusal.

Design and Quality of Materials

Policy

Paragraph 126 of the NPPF talks about creation of high quality beautiful and sustainable building and places. Paragraph 130 outlines that planning policies and decisions should aim to ensure that developments (inter alia) function well and add to the overall quality of an area not just for the short-term, but over the lifetime of the development; by sympathetic to local character and history, including the surrounding of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work, and visit. Paragraph 134 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.

Policy D1 (London's form, character and capacity for growth) the London Plan states that development design should respond to local context by delivering buildings and spaces that are positioned and of a scale, appearance and be of high quality. Policies D4 (Delivery good design) provide more detail on design quality, and standards.

Policy CP3 (High quality built environment) of the Core Strategy DPD, policy BP11 (Urban design) of the Borough Wide DPD, and strategic policy SP 2 (Delivering a high quality and resilient built environment) as well as policies DMD 1 (Securing high-quality design) and DMD 6 (Householder extensions and alterations) of the Draft Local Plan 2037 (Regulation 19) all ensure that development is designed in a sensitive and appropriate manner which minimises impact on surrounding neighbours and respects the character of the area.

Assessment

The terrace row as noted above, are all uniform in bulk, mass, siting, scale and design. The proposed dwelling would adjoin to the North of the existing dwelling. The bulk and mass of the dwelling aims to imitate the existing dwellings on the terrace row.

In order to incorporate the planting buffer on the North site boundary of the proposed dwelling, the width of the dwelling has had to be reduced therefore would be about 0.5 metres smaller than the original dwellings on the row. That being said this would not be massively noticeable. The planting buffer is deemed to be more important in this location in order to assist the setback of the house with the pavement, to avoid the dwelling creating a sense of enclosure and be overbearing for pedestrians.

The design of the proposed dwelling aims to mimic the dwellings on the terrace row. The roof of the dwelling would be gabled and adjoin to the existing Northern side of no.3, continuing the singular roofscape of the row. It would also have the same door with a pitched, tiled canopy, and the fenestration design and layout would be sympathetic to the other dwellings on the row. Whilst this new dwelling would not be identical in bulk, mass, scale and design, it would reflect as best it can the other dwellings on the row.

It is noted that this proposed dwelling would fill in the open corner to the North of the dwelling which is currently part of no.3's private amenity space. That being said there is not really a pattern of development within this close. There is not a singular building line, no a pattern of retaining open corner plots. It is also noted that the road is quite wide, with the dwellings reasonably well setback from the highway. As such, this importantly opens up the road and increases the air flow. Building upon the corner plot in this case would have a minimal impact on the openness of the road

This proposed development was discussed with the design team, and they were satisfied with the proposal.

It is noted that no material schedule was provided. In order to ensure high quality materials are used which match the existing dwelling as best of possible, a condition has been included within the decision notice requiring these details to be submitted prior to above ground works.

Impacts to Neighbouring Amenity

Daylight/Sunlight, Overshadowing, Privacy

Policy

Part D in Policy D6 (Housing Quality and Standards) of the London Plan, Policies BP8 (Protecting Residential Amenity) and BP11 (Urban Design) of the Borough Wide DPD, and Policy DMD1 (Securing high-quality design) of the Draft Local Plan 2037 (Reg 19) all emphasise that new development 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). Policy D14 (Noise) of the London Plan and Policy DMSI 3 (Nuisance) of the Draft Local Plan 2037 (Reg 19) further expands on this noting development proposals which generate an unacceptable level of nuisance including noise, waste, comings and goings and general disturbances will be resisted.

Assessment

The front and rear elevations of the main bulk of the house would sit flush to the front and rear elevations of the adjoining dwelling no.3 Seagull Close. The single storey rear extension proposed to the rear of the new dwelling would only extend by a further 3 metres from the rear elevation of the main section of the house. It would have a flat roof and a maximum height of 3 metres. It is therefore not considered to cause great harm on no.3 Seagull Close.

The proposed dwelling has introduced two new windows onto the Northern side elevation of the dwelling. The distance between this side elevation and the dwellings to the north i.e. nos 29-32 Seagull Close is a minimum of about 16.8 metres, therefore these windows are not considered to cause a loss of privacy to these dwellings, nor cause a detrimental loss of outlook, daylight or cause overshadowing.

Noise and Disturbance

Policy

Policy D14 (Noise) of the London Plan requires developments to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposal by avoiding significant adverse noise impact on health and quality of life. Policy BR13 (Noise mitigation) of the Borough Wide Development Policy DPD requires any new development likely to generate harmful levels of noise to be directed away from existing noise sensitive locations, or areas allocated for noise sensitive developments. Where it is not possible to full separate noise sensitive and noise generating land uses, planning permission will only be granted if there will be no exposure to noise above an acceptable level. Policy DMSI 3 (Nuisance) of the draft Local Plan states that all major development must submit a noise and vibration assessment to reduce any adverse impacts to an acceptable level using most appropriate layouts, orientation, design and use of the building.

Assessment

The proposed development would result in an additional household on the site. However, it would only be a maximum of three extra people, therefore no long-term impacts are likely to arise from the provision of a residential development within a predominately residential area. However, there is considerable potential for short-term impacts during the construction phase of development, however given the scale of the works this is not considered to be detrimental or significantly harmful

Summary of Impacts to Neighbouring Amenity

The proposed dwellinghouse, on balance, would have an acceptable impact on neighbouring amenity.

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.

Public Transport

The site has a Public Transport Access Level (PTAL) of 2 which represents poor access to public transport, on a scale of 1 through to 6 whereby 1 represents very poor access to public transport and 6 indicates excellent access. The site is located about a 15-minute walk (0.7miles) from Barking Riverside Station and about 2-minute walk (0.1miles) from Galleons Drive whereby the bus routes EL1 and EL3 run along. Public Transport therefore is still in walking distance from the application site.

Car Parking

Policy

Policies T6 (Car Parking), T6.1 (Residential Parking), and Table 10.3 of the London Plan seek to ensure that new developments control parking provisions to avoid dominance of vehicles on streets. This policy aims to restrict car parking in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals, if this cannot be achieved a car lite approach should be taken.

Table 10.3 states that in outer London area (which Barking and Dagenham is) that have PTAL score of 2-3 and the proposal should provide up to 0.75 per dwelling for 1-2 bed properties. That being said, it also indicates that boroughs can consider standards that allow for higher levels of provision where there is clear evidence that this would support additional family housing. This is further supported by policy BR11 (Walking and Cycling) of the Borough Wide DPD and policy DMT 2 (Car Parking) of the Draft Local Plan 2037 (Reg 19).

Assessment

The application site is not in a Controlled Parking Zone (CPZ) as of currently. This therefore highlights that there is not a high level of parking stress within Seagull Close.

The proposal has not proposed any additional off-street parking. Therefore, this proposed dwelling would result in an extra vehicle being parked on the street. As parking is stress on Seagull Close or surrounding roads is not high, one extra vehicle parking on the street is not considered to have a detrimental impact. Thus, this is not considered a worthy reason for refusal.

Cycle Parking

Policy

Policy T5 (Cycling) and Tables 10.2 of the London Plan encourage development to facilitate and encourage cycling and reduce car dependency and the health problems it creates. Table 10.2 provided a minimum cycle parking standards new dwelling and it states that a minimum of 2 long-stay cycle parking spaces for a 2-bedroom dwelling is required.

This is further supported by policy BR11 (Walking and Cycling) of the Borough Wide DPD and policy DMT3 (Cycle Parking) of the Draft Local Plan 2037 (Reg 19).

Assessment

Within the proposed ground floor plans (DHA/324/REV02), four cycle parking spaces have been proposed to the end of the rear garden. These can be accessed via a side gate which would be located on the North side of the fence. This would give direct access from the highway into the rear garden and easy, accessible bike storage.

No actual bike storage was demonstrated within the plans. Even though the bikes would be stored within the rear garden, through a lockable side fence, to avoid the bicycles getting stolen and avoid rusting, it is thought that providing including secure bike storage is more acceptable. The Be First Transport Officer stated that this should be included in order to make the cycle parking acceptable.

The bike storage must comply with the London Cycle Design Standards and comply with the following:

The cycle parking space must be safe and easily accessible. sets out the minimum cycle parking standards for developments.

- 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, for access to be administered and to provide ongoing maintenance

As such a condition has been included within the decision notice. Prior to occupation details demonstrating the materials and specification for the proposed cycle storage must be submitted and approved by the Local Planning Authority.

Refuse and Recycling

Policy

Part 3 in Policy DMSI 8 (Demolition, construction and operational waste) requires all new development proposals to submit strategy for the minimisation and collection of waste and recycling and include sufficient and accessible space in their design and layout for waste storage and collection within the development. As a minimum, appropriate facilities must be provided, both within the individual units and for the building as a whole, in order to separate and store dry recyclables (card, paper, mixed plastic, metals, glass), organise and residual waste.

The Council's Planning Advice Note on Waste and Recycling Provisions in New and Refurbished Residential Developments (dated 20/05/2021) provides advice on how to calculate storage capacity requires, where the bins should be located and other general advice on waste.

Assessment

The proposed ground floor plans (DHA/324/REV02) demonstrate a the bin storage location to be located to the North side of the front elevation of the new dwelling. This would be suitable location for collection. The proposal provides suitable provision for bin storage and the Be First Transport Officer was happy with the submitted details.

Archaeology

Policy

Paragraph 194 of the NPPF states in determining application, the Local Planning Authorities (LPAs) should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. Where a site on which

development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Policy HC1 (Heritage and Conservation Growth) of the London Plan; Policy CP2 (Protecting and Promoting our Historic Environment) of the Core Strategy; Policy BP3 (Archaeology) of the Borough Wide Development Policies DPD; and Policy DMD 4 (Heritage Assets and Archaeological remains) of the LBBDD the Draft Local Plan support the NPPF and seek to protect all heritage assets in a suitable way

Assessment

The Historic England, Greater London Archaeological Advisory Service (GLAAS) was consulted, and they reviewed the application and advised that the development is not in an area of archaeological interest. No further assessment or conditions are therefore necessary.

CONCLUSION

The proposed development would increase the housing stock within the borough by 1 which therefore would be supported in principle. The design reflects the appearance and built form of the existing dwellings on the terrace row and is not deemed to cause significant harm on the character of the area. It would have and adequate standards accommodation and would not result in a detrimental impact to surrounding dwellings. It would also not cause undue harm on surrounding properties. As such, the proposed development is deemed to be acceptable.

APPENDIX 1

Development Plan Context	
<p>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:</p>	
<p>National Planning Policy Framework (NPPF) (DLUHC, September 2023)</p>	
<p>London Plan (March 2021)</p>	<ul style="list-style-type: none"> • Policy D4 - Delivering good design • Policy D6 - Housing quality and standards • Policy D14 - Noise • Policy H1 - Increasing housing supply • Policy H2 - Small sites • Policy HC1 - Heritage conservation and growth • Policy T5 - Cycle Parking • Policy T6 - Car Parking • Policy T6.1 - Residential Car Parking • Table 3.1 - Minimum internal space standards for new dwellings • Table 4.1 - 10 year targets for net housing completions (2019/20- 2028/29) • Table 10.2 - Minimum cycle parking standards • Table 10.3 - Maximum residential parking standards
<p>Local Development Framework (LDF) Core Strategy (July 2010)</p>	<ul style="list-style-type: none"> • Policy CM1 - General Principles of Development • Policy CM2 - Managing Housing Growth • Policy CP2 - Protecting and promoting our historic environment • Policy CP3 - High quality-built environment
<p>Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)</p>	<ul style="list-style-type: none"> • Policy BP3 - Archaeology • Policy BP5 - External Amenity Space • Policy BP6 - Internal Space Standards • Policy BP8 - Protecting Residential Amenity • Policy BP11 - Urban Design • Policy BR9 - Parking • Policy BR11 - Walking and Cycling
<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.</p>	
<p>The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)</p>	<ul style="list-style-type: none"> • Policy SPDG 1 - Delivering growth in Barking and Dagenham • Policy SP 2 - Delivering a high quality and resilient built environment • Policy SP 3 - Delivering homes that meet people's needs • Policy SPP6 - Dagenham Heathway and Becontree • Policy DMD 1 - Securing high-quality design • Policy DMD 4 - Heritage assets and archaeological remains • Policy DMD 6 - Householder extensions and alterations • Policy DMNE 1 - Parks, open space and play space • Policy DMSI 3 - Nuisance • Policy DMSI 8 - Demolition, construction and operational waste • Policy DMT 2 - Car parking • Policy DMT 3 - Cycle parking
<p>Other Relevant Documents</p>	<ul style="list-style-type: none"> • DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended) • Planning Advice Note on Waste and Recycling Provisions in New and Refurbished Residential Developments (dated 20/05/2021)

- Housing Delivery Test (HDT)
- London Cycling Design Standards (2016)

APPENDIX 2

Consultations		
Consultee:	Date Consulted:	Summary of response:
Transport Officer	19/09/2023	<p>Site Access</p> <p>Access to the building will be from Seagull Close. It looks to me (but unclear) that there is a proposal for new vehicular access from Seagull Close – which would require dropped kerbs. My concern with this is that the site is at the verge of a bend with footway – there may be safety implications to cars trying to turn in and out of Seagull Close whilst a car is trying to access or egress the new build.</p> <p>LBBB Highways team would need to be consulted on this is this is the intention of the applicant and all necessary agreement would need to be reached prior to approval of the planning application.</p> <p>Car Parking</p> <p>The site is in PTAL 2 meaning it has poor access to public transport, therefore, it is likely that most of the users will be relying on private vehicles for commuting to and from the site and requires the least amount of car parking facility if any.</p> <p>The London Plan requires 1 maximum car space for this development and the developer is proposing 1 car space in total – in line with the London Plan requirements.</p> <p>Seagull Close does not currently fall within a CPZ with on-street parking available for residents/non-residents. I do not have concerns about the car parking proposal but have concerns regarding vehicular access as stated in the access section.</p> <p>Great consideration must be made to ensure that this proposal does not negatively impact the existing parking in the area to existing residents and users of the surrounding area.</p> <p>Refuse</p> <p>The proposed site plans submitted make provision for refuse bins to the rear of the proposed dwelling.</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 2 cycle parking spaces. The cycle parking space must be safe and easily accessible. sets out the minimum cycle parking standards for developments.</p> <ul style="list-style-type: none"> • 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, for access to be administered and to provide ongoing maintenance

Applicant has identified 3 cycle parking spaces to the rear of the garden.

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.

Reason: 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.

Construction

Prior to commencement of the development, a Be First CLP proforma in line with the TfL guidelines shall be submitted to and approved in writing by the Council. The details shall include the numbers, size and routes of construction vehicles, provisions within/around the site to ensure that all vehicles associated with the construction works are properly managed to prevent any unwanted disruption to other highway users, and other matters relating to traffic management to be agreed with the licencing officers of the council. Approved details shall be implemented throughout the project period and any changes to the document must be reported back to the council's planning and highways department.

Reason: To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway, the amenities of local residents and the area generally in accordance with Policy DMT 4 of The Local Plan.

Applicant must obtain all the relevant licences prior to the commencement of any construction activities. This includes skip permits, material licences, scaffolding and hoarding licences etc.

There may need to be an agreement between the Council and developer to cover any incidental damages to the highway, as a result of the passage of demolition and construction lorries and plant along these public roads.

Applicant should apply for relevant licences through the council website -

Licence to place objects or structures on a highway | LBBD

Contaminated Land

Records show that the land is potentially contaminated from historical use and the following condition is recommended:

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 'Model Procedures for the Management of Land

Environmental Protection

19/09/2023

Contamination, CLR 11'; 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.

Construction Phase

The proposal is in close proximity to other residential properties and the following condition is recommended:

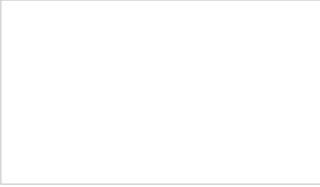
No development shall commence, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall incorporate details of:

- a) the parking of site operatives' vehicles;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) measures to control the emission of dust, dirt, and emissions to air during construction; such measures to accord with the guidance provided in the document "The Control of Dust and Emissions during Construction and Demolition", Mayor of London, July 2014;
- e) noise and vibration control;
- f) a waste management plan for recycling/disposing of waste resulting from demolition and construction works. Demolition and construction work and associated activities, other than internal works inaudible outside the site boundary, are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 Saturday, with no work on Sundays or

		<p>public holidays without the prior written permission of the Local Planning Authority. Any works which are associated with the generation of ground borne vibration are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday. Demolition and construction work and associated activities are to be carried out in accordance with the recommendations contained within British Standard 5228:2009, "Code of practice for noise and vibration control on construction and open sites", Parts 1 and 2. Once approved the Plan shall be adhered to throughout the construction period for the development.</p> <p>Reason: The CMP is required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring residents, and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document. Quality Neutral Informative All developments including minor developments (1 to 9 dwellings) should be air quality neutral in line with the GLA Air Quality Neutral Guidance 2023. Any assessment should take account of emissions from the installation of temporary and permanent boilers, transport sources and all other sources of emissions.</p>
Historic England (Archaeology)	19/09/2023	No archaeological requirements in this case.

APPENDIX 3

Neighbour Notification	
Date Consultation Letter Sent:	19/09/2023
<i>No response received.</i>	



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBBB Reference: 23/01447/FULL

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

Dear Mohi Ahmed,

Application Number: 23/01447/FULL
Address: 3 Seagull Close, Barking, Barking And Dagenham, IG11 0GX
Development Description: Construction of a double storey side extension to create a 2 x bed 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: Mohi Ahmed
310 Chadwell Heath Lane
ROMFORD RM6 4YH

Applicant: DINU BRGUTA
3 SEAGULL CLOSE
BARKING RM6 4YH

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 23/01447/FULL
Application Type: Full Planning Permission
Development Description: Construction of a double storey side extension to create a 2 x bed dwelling.
Site Address: 3 Seagull Close, Barking, Barking And Dagenham, IG11 0GX
Date Received: 18 September 2023
Date Validated: 18 September 2023

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. Time Limit (Compliance)

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. Approved Plans (Compliance)

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

- DHA/324/LOCATION PLAN - Site Location Plan - September 2023
- DHA/324/REV02 - Proposed Ground and First Floor Plans - October 2023
- DHA/324/REV03 - Existing and Proposed Loft Plan - October 2023
- DHA/324/REV04 - Existing and Proposed Roof Plan - October 2023
- DHA/324/07 - Proposed Section Plan - September 2023
- DHA/324/Proposed Block Plan - October 2023
- DHA/324/REV06 - Proposed Front Side and Rear Elevations - October 2023
- DHA/324/Parking plan - October 2023

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. Removal of Permitted Development Rights (Compliance)

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 CLASS A, B, C, D and E in Part 1 of Schedule 2 to that Order shall be carried out to the new dwelling without the prior written permission of the Local Planning Authority.

Reason: In the interest of the character and amenities of the local area

4. Construction Logistics Plan (Details)

Prior to commencement of the development, a Be First Construction Logistics Plan (CLP) proforma in line with the TfL guidelines shall be submitted to and approved in writing by the Council. The details shall include the numbers, size and routes of construction vehicles, provisions within/around the site to ensure that all vehicles associated with the construction works are properly managed to prevent any unwanted disruption to other highway users, and other matters relating to traffic management to be agreed with the licencing officers of the council. Approved details shall be implemented throughout the project period and any changes to the document must be reported back to the council's planning and highways department.

Reason: To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway, the amenities of local residents and the area generally in accordance with Policy DMT 4 of The Local Plan.

5. Contaminated Land Assessment (Details)

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 'Model Procedures for the Management of Land Contamination, CLR 11'; 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.

6. External materials (Details)

Prior to above ground works, details should be submitted demonstrating specifications of the external materials to be used in the proposed development. This should include names, photos and fully mapped out drawings highlighting the different materials. The development shall only be implemented in accordance with the approved details and to the satisfaction of the Local Planning Authority.

Reason: To protect or enhance the character and amenity of the area and to ensure an exemplar finish to the building.

7. Landscaping (Details)

a) All landscaping shown on Proposed Ground Floor Plan, drawing number DHA/324/REV02, received October 2023 shall be completed / planted during the first planting season following practical completion of the development hereby approved. The approved landscaping scheme shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. b) The landscaping and any tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.

Reason: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.

8. Boundary Treatment (Details)

a) Prior to a occupation, details demonstrating the implementation of the planting buffer proposed for the boundary treatment of the development must be submitted and approved by the Local Planning Authority.

b) The landscaping of this buffer shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.

Reason: Reason: To protect or enhance the character and amenity of the area and in interest of biodiversity sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.

9. Cycle Storage (Details)

a) Prior to occupation, details (photos, materials and specifications) of the proposed cycle storage unit should be submitted to and approved by the Local Planning Authority.

b) The cycle storage unit approved under part a) of this condition must be retained thereafter.

Reason: In interests of promoting sustainable travel and reducing crime risk.

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) (DLUHC, September 2023)

London Plan (March, 2021)

- Policy D4 - Delivering good design
- Policy D6 - Housing quality and standards
- Policy D14 - Noise
- Policy H1 - Increasing housing supply
- Policy H2 - Small sites
- Policy HC1 - Heritage conservation and growth
- Policy T5 - Cycle Parking
- Policy T6 - Car Parking
- Policy T6.1 - Residential Car Parking
- Table 3.1 - Minimum internal space standards for new dwellings
- Table 4.1 - 10 year targets for net housing completions (2019/20- 2028/29)
- Table 10.2 - Minimum cycle parking standards
- Table 10.3 - Maximum residential parking standards

Local Development Framework (LDF) Core Strategy (July 2010)

- Policy CM1 - General Principles of Development
- Policy CM2 - Managing Housing Growth
- 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 BP3 - Archaeology
- Policy BP5 - External Amenity Space
- Policy BP6 - Internal Space Standards
- Policy BP8 - Protecting Residential Amenity
- Policy BP11 - Urban Design
- Policy BR9 - Parking
- 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 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.

- Policy SPDG 1 - Delivering growth in Barking and Dagenham
- Policy SP 2 - Delivering a high quality and resilient built environment
- Policy SP 3 - Delivering homes that meet people's needs
- Policy SPP6 - Dagenham Heathway and Becontree
- Policy DMD 1 - Securing high-quality design
- Policy DMD4 - Heritage assets and archaeological remains
- Policy DMD 6 - Householder extensions and alterations
- Policy DMNE 1 - Parks, open space and play space
- Policy DMSI 3 - Nuisance
- Policy DMSI 8 - Demolition, construction and operational waste
- Policy DMT 2 - Car parking
- Policy DMT 3 - Cycle parking

Other Relevant Documents

- DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended)
- Planning Advice Note on Waste and Recycling Provisions in New and Refurbished Residential Developments (dated 20/05/2021)
- Housing Delivery Test (HDT)
- London Cycling Design Standards (2016)

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: 08/11/2023

Yours sincerely,

Marilyn Smith

Marilyn Smith

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.



Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Application Reference:

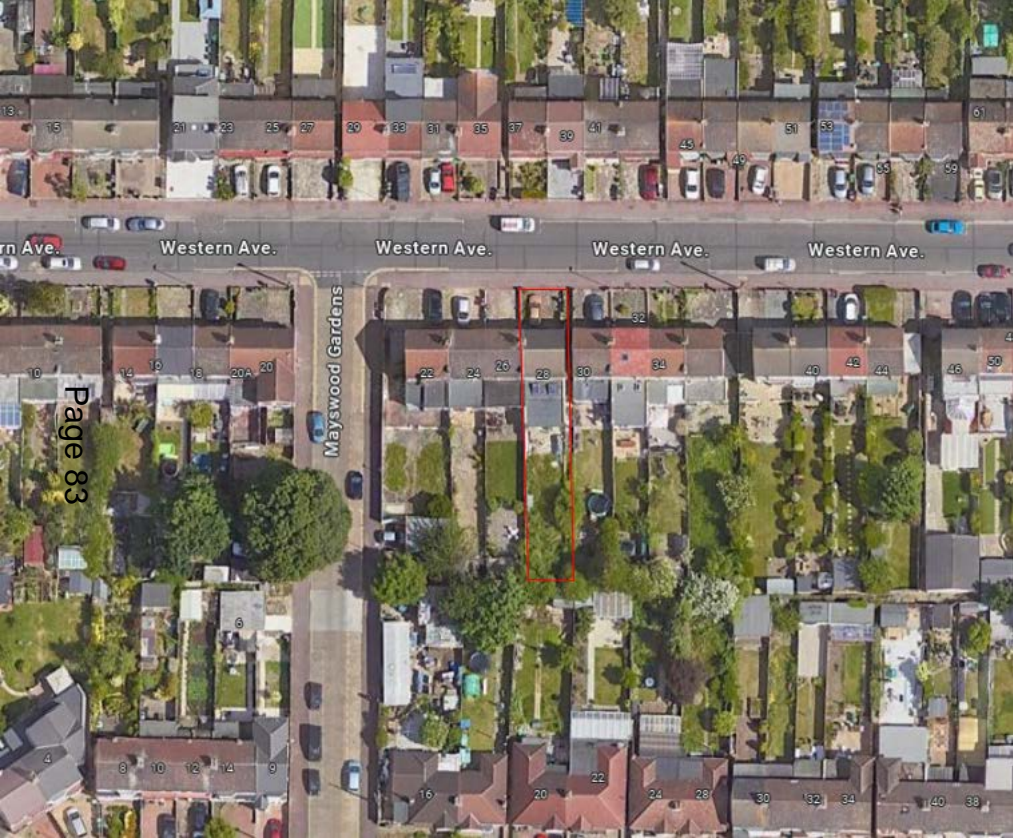
23/01197/HSE

Application Description:

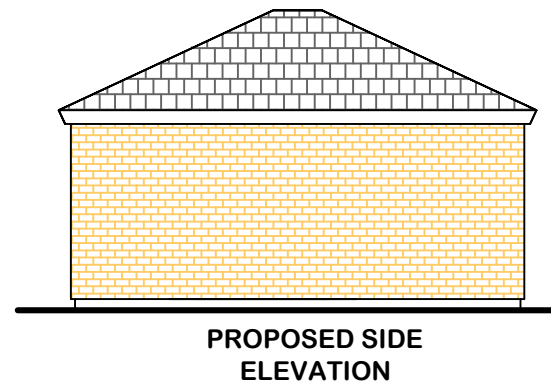
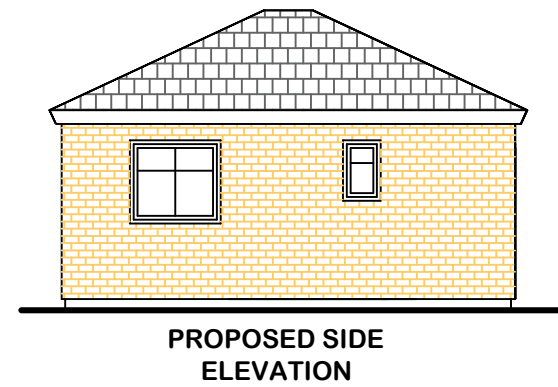
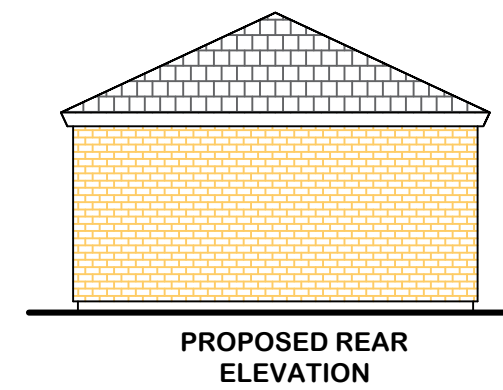
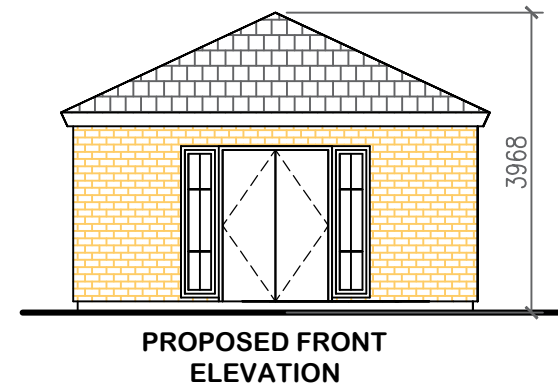
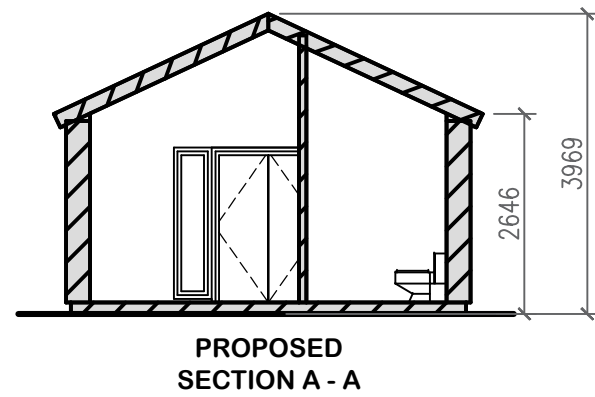
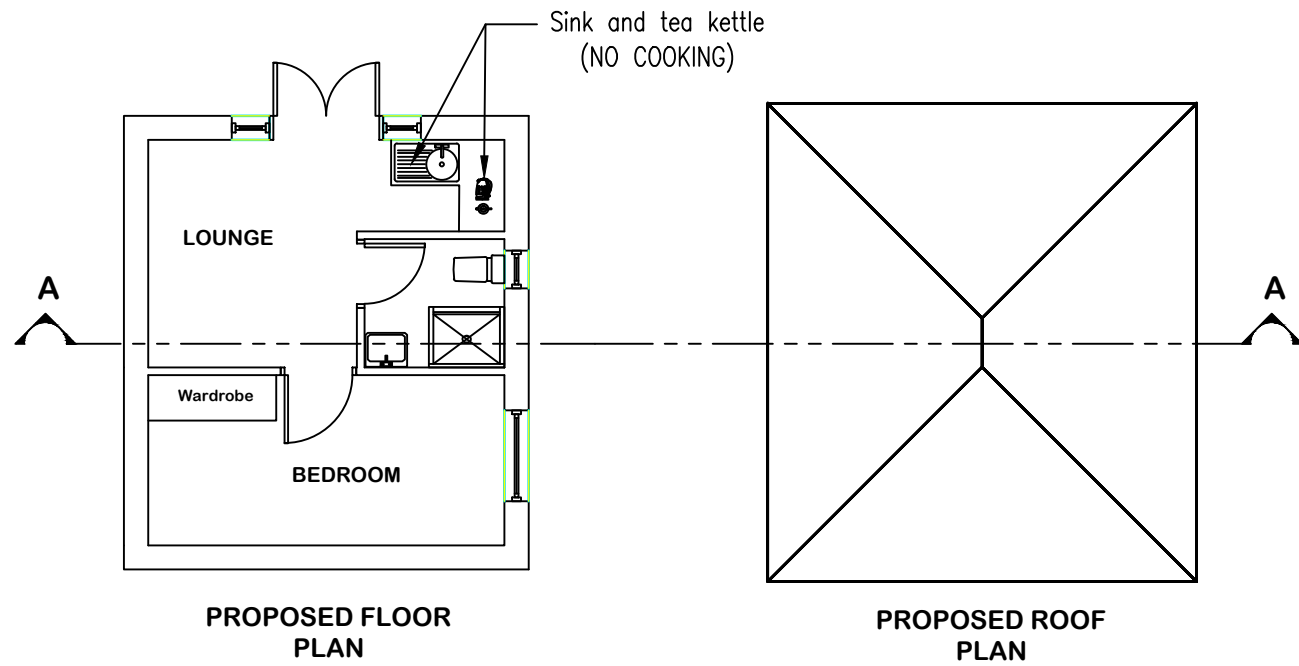
Construction of an annexe to rear garden to provide habitable accommodation.

Decision:

Refused



Page 83



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:

Granny Annexe at the bottom of the garden

Site location:

28 Western Avenue
Dagenham
RM18 8XH

Drawing No: 01bld

Scale: 1:100 @ A3

Date: July 2023

Delegated Report Householder Application for Planning Permission for Works or Extension to a Dwelling			
Case Officer:	Anna Jennings	Valid Date:	03 August 2023
Officer Recommendation:	Refused	Expiry Date:	28 September 2023
Application Number:	23/01197/HSE	Recommended Date:	19 September 2023
Address:	28 Western Avenue, Dagenham, Barking And Dagenham, RM10 8XH		
Proposal:	Construction of an annexe to rear garden to provide habitable accommodation.		

Planning Constraints
<ul style="list-style-type: none"> There are no relevant planning constraints,

Relevant Planning History			
Application Number:	15/01416/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: 2.83 metres and maximum height: 2.95 metres).</i>		

Neighbour Notification	
Date Consultation Letter Sent:	03/08/2023
Number of Neighbours Consulted:	3
Address:	Summary of response:
26 Western Avenue	Points raised: <ul style="list-style-type: none"> The parking on Western Avenue is already restricted- already have two cars on front drive Proposed habitable building faces directly into garden and house- loss of privacy May not be used by family members. Already an opportunity to extend the main dwellinghouse at first floor/convert loft Number 28 is an end terrace- may be self contained, independent from the main house Light pollution into rear of no.26 will impact bedroom and kitchen
24 Western Avenue	Points raised: <ul style="list-style-type: none"> The development will face into kitchen at no.24, overlooking the garden Impacting sunlight and privacy Will add additional car to the road which will impact local parking pressure Garden inappropriate for dwelling

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, September 2023): 12. Achieving well-designed places	
London Plan (March 2021)	<ul style="list-style-type: none"> Policy D1 - London's Form, Character and Capacity for Growth Policy D4 - Delivering Good Design Policy D6 - Housing quality and standards
Local Development Framework (LDF) Core Strategy (July 2010)	<ul style="list-style-type: none"> 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)	<ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none"> • Policy SP2 - Delivering a well-designed, high quality and resilient built environment • Policy DMD1 - Securing high quality design • Policy DMD6 - Householder extensions and alterations • Policy DMNE3 - Nature conservation and biodiversity
Supplementary Planning Documents (SPD)	<ul style="list-style-type: none"> • Residential Extensions and Alterations SPD (February 2012)
Additional Reference 1	<p>Human Rights Act</p> <p>The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.</p> <p>Equalities</p> <p>Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to: "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it." Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to refuse planning permission for this proposed development would comply with the Council's statutory duty under this important legislation.</p>

ASSESSMENT

Principle of the Development	
<i>Is the proposed development acceptable 'in principle'?</i>	NO
<i>Officer Comment:</i>	<p>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.</p> <p>The development is an entirely self-contained residential unit, the use of which is not ancillary to the main dwellinghouse as required by LBD's Residential Extensions and Alterations SPD (2012). Evidence for the outbuilding's self-contained nature is discussed in the following section of this report. As such, the principle of the development is not supported.</p>

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>	YES
<i>Is the proposed development acceptable and policy compliant?</i>	NO
The application site is an end-of-terrace dwellinghouse on the southern side of Western Avenue.	

Permission is sought for *Construction of an annexe to rear garden to provide habitable accommodation.*

1.0 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.

2.0 Construction of an annexe to rear garden to provide habitable accommodation

2.1 Design assessment of proposed outbuilding

The applicant seeks to construct an outbuilding at the rear of the garden in order to create a residential annexe.

LBBB's SPD states that *'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.'*

The proposed outbuilding abuts the rear and side boundaries of the site. It would have a width of 5.36m and a depth of 6m. As such, the overall footprint of the outbuilding would be approx. 32sqm. The outbuilding would feature a dual-pitched roof form at a ridge height of 3.968m. The applicant has stated that *'All the materials to be used for the proposed development will match the prevailing pattern of the locality, to achieve a sense of harmony. UPVC double glazed doors and windows are proposed to be installed in the new development.'* A door is proposed on the front elevation of the outbuilding facing into the rear garden, and windows are proposed on the north and eastern elevations.

Internally, the outbuilding will comprise a bedroom, lounge/kitchenette, and a bathroom. It is noted that this development would not be permissible under permitted development rights given that it is a self-contained dwelling unit which is not ancillary to the main dwellinghouse. Additionally, the height exceeds what what be allowed under permitted development given the siting within 2m from the site boundary.

The proposed development would overshadow the garden area to the north heavily overshadowed by the proposed development, also resulting in the loss of outlook to the host dwelling at no.28.

Whilst officers have regard to the surrounding context of common outbuildings, these largely fall under permitted development and as such are not subject to a planning assessment. Additionally, the uses of the surrounding outbuildings would be limited to an ancillary use to that of the main dwelling.

2.2 Use of outbuilding

LBBB's SPD clearly establishes that an outbuilding's use *'must be ancillary or related to the use of your property as a dwelling. Any unrelated use will normally be refused.'*

The submitted Design and Access Statement claims that the proposed *'Granny Annexe' would be 'for the client's parents', who are 73 years and 68 years old elderly people, due to their ages they need to live in close proximity with the client's family. The annex would offer to the occupant a space where they can live*

Officer Comment:

independently and at the same time will enable the parents to be close to family.'

Internally, the proposed outbuilding provides a bedroom, lounge/kitchen, and a bathroom. Whilst it has been shown that access to the outbuilding will be via the rear garden of the host dwelling, noting the end-of-terrace nature of the dwelling, officers have identified that there is a path running down the eastern side of the application site leading to a path running along the rear of the terrace row, as shown on the block plan. As such, access could potentially be gained to the outbuilding independently from the main dwellinghouse at the site.

It is evident from the internal layout of the outbuilding and potential direct access from the highway that the dwelling unit is entirely self-contained, with no meaningful connection to the main dwellinghouse. As such, it is not ancillary and as such not supported by the SPD. Whilst the plans show a shared garden for the main dwelling and the outbuilding, officers are aware that this could be easily subdivided resulting in total separation of the two dwelling units.

The applicant states that the dwelling would be used by the elderly parents of the main dwelling's occupants. No medical records or other form of evidence has been submitted to provide any demonstration of why a separate accommodation unit would be required. Additionally, officers have concerns with regards to the principle of relocating elderly family members to a self-contained outbuilding separate to the main dwellinghouse, noting that there are other more appropriate opportunities to provide auxiliary living space within the residential curtilage, which could potentially be accommodated through further extensions to the principal dwellinghouse itself. This would allow the disabled family member to continue to utilise communal facilities with ease and be supported.

The proposal would introduce residential use to the rear garden setting. Officers consider that this would be a discordant use of the garden setting which is harmful to the surrounding character and residential arrangement.

The applicant has referred to an example of a granted appeal at 58 Daybrook Road, Merton Park, London SW19 3DH, for 'erection of a pitched hip roof annex to be used as ancillary accommodation to the main dwelling'. This example is not within the London Borough of Barking and Dagenham and does not set any precedent for the acceptability of a proposed development within the borough. Notwithstanding, all applications are assessed on their own merit.

It is considered that the principle of introducing a self-contained outbuilding of primary residential use within the garden setting of the host dwelling is not supported. The proposed development represents an inappropriate and uncharacteristic residential form in a rear garden setting. The proposed development will disrupt the designed-in spatial breaks between existing residential buildings provided by the rear gardens along the terrace row, which is needed for privacy and noise reduction between dwellings. As such, the proposed development could result in harm to neighbouring occupiers including the occupiers of the host dwelling. The privacy at the host dwelling will be significantly impacted, residents within which will also experience significant disturbances primarily from noise and comings-and-goings. The development will also overshadow a portion of the garden and result in the loss of outlook from the host dwellinghouse.

The introduction of a new residential unit to the rear of the dwelling would disrupt the established built pattern. This is considered detrimental to the character of the area, as it would present a discordant use of the garden setting and as such the proposal is found to be unacceptable.

To conclude, 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								
	30 Western Avenue	26 Western Avenue	N/A			30 Western Avenue	26 Western Avenue	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?	YES	YES	
Loss of Privacy:				<i>Is it unacceptable?</i>	NO	NO	
Overlooking the garden?	YES	YES					
<i>Is it unacceptable?</i>	NO	NO		Overbearing:			
Overlooking into rooms?	NO	NO		Impact on habitable rooms?	NO	NO	
<i>Is it unacceptable?</i>				<i>Is it unacceptable?</i>			
				Impact on gardens?	NO	NO	
Loss of Daylight:				<i>Is it unacceptable?</i>			
Loss into habitable rooms?	NO	NO					
<i>Is it unacceptable?</i>							

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.

30 Western Avenue

No.30 sits to the east of the host dwellinghouse, no.28. The development would be separated from no.30 by the footpath running down the eastern side of the application site. Additionally, the development will be sited around 18m from the rear of no.30. As such, there may be very minor overshadowing to the very rear of the garden.

Notwithstanding, officers acknowledge that the introduction of residential use within a garden setting will result in greater disturbances to neighbouring occupants. The site is not considered to be able to accommodate an additional, self-contained dwelling. The dwelling in the rear garden will result in a significant level of noise, comings-and-goings and general disturbances which would impact neighbouring occupiers, especially given the potential access via the path between no.'s 28 and 30, where future occupants would pass by the rear of the neighbouring dwelling resulting in potential loss of privacy. Officers consider the rear garden to be an inappropriate siting for a self-contained dwelling and consider that the access arrangement is also very poor, with no presence from the street scene.

26 Western Avenue

No.26 adjoins the application site to the west. The occupant has provided comments on this application raising the following concerns:

- *The parking on Western Avenue is already restricted- already have two cars on front drive*
- *Proposed habitable building faces directly into garden and house- loss of privacy*
- *May not be used by family members. Already an opportunity to extend the main dwellinghouse at first floor/convert loft*
- *Number 28 is an end terrace- may be self contained, independent from the main house*
- *Light pollution into rear of no.26 will impact bedroom and kitchen*

Officer Comment:

The proposed outbuilding would abut the boundary with no.26, resulting in some potential overshadowing to the rear of the neighbouring rear garden. Notwithstanding, officers recognise that there is an outbuilding at the rear of the neighbouring garden.

Notwithstanding, there is potential for some loss of privacy to the neighbouring garden from when occupants are accessing the rear outbuilding, which compromises neighbouring amenity. The neighbouring dwelling would be around 18m from the proposed outbuilding and as such it is not considered that there will be a harmful overlooking impact to the habitable rooms at no.26.

Concerns raised around parking and light pollution are not material planning considerations under a householder planning application. Concerns around the self-contained nature of the proposed outbuilding have been addressed within this report. Officers have recognised the fact that an outbuilding would not form suitable residential accommodation. The proposed self-contained dwelling proposed in the rear garden of no.28 will result in a significant increase in noise, comings-and-goings and general disturbances which would impact neighbouring occupiers.

24 Western Avenue

No.24 is two dwellings down to the west from the application site, along the terrace row. The occupant has provided comments on this application raising the following concerns:

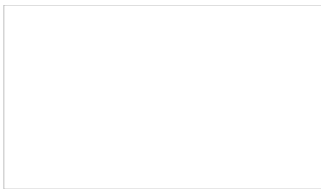
- *The development will face into kitchen at no.24, overlooking the garden*
- *Impacting sunlight and privacy*
- *Will add additional car to the road which will impact local parking pressure*
- *Garden inappropriate for dwelling*

Officers have found within this report that a garden setting is inappropriate for a dwellinghouse in this instance. Concerns raised around parking are not a material planning consideration under a householder planning application. It is unlikely given the distance between the application site and no.24 that there will be a loss of light to the dwelling or garden. There could however be some overlooking into the rear garden of no.24 from the area to the front of the proposed outbuilding, which is not supported.

Overall, consider that the introduction of residential use within the garden setting would result in significant disturbances to neighbouring occupants. The site is not considered to be able to accommodate an additional, self-contained dwelling and the dwelling in the rear garden will result in significant levels of noise, comings-and-goings and general disturbances which will result in harm to the amenity of neighbouring occupiers.

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.

CONCLUSION
<p>The applicant hereby seeks '<i>Construction of an annexe to rear garden to provide habitable accommodation.</i>'</p> <p>The principle of introducing an entirely self-contained outbuilding of primary residential use within the garden of no.28 is not supported. The proposed outbuilding is at odds with the prevailing pattern of development and represents an uncharacteristic and unsympathetic development, disrupting the break between existing residential buildings provided by the rear gardens and failing to accord with the character of the area. The development would result in harm to the occupiers of the main dwelling at no.28.</p> <p>Due to the excessive scale of the proposed outbuilding, and its siting and proximity to surrounding neighbouring dwellings and gardens, the development would result in material harm to neighbouring occupiers, by means of disturbances from the additional generation of noise, waste, smoke, fumes or comings and goings within a rear garden setting.</p> <p>As such, the proposal is considered contrary to the Development Plan policies and guidance specified above, and it is recommended that planning permission be refused.</p>



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBB Reference: 23/01197/HSE

City Landmark Designs
City Landmark
Dagenham
RM10 8YL

**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: 23/01197/HSE
Address: 28 Western Avenue, Dagenham, Barking And Dagenham, RM10 8XH
Development Description: Construction of an annexe to rear garden to provide habitable accommodation.

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
City Landmark
Dagenham RM10 8YL

Applicant: Vahid Shaikh
28 WESTERN AVENUE
DAGENHAM RM10 8YL

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 23/01197/HSE
Application Type: Householder Planning Permission
Development Description: Construction of an annexe to rear garden to provide habitable accommodation.
Site Address: 28 Western Avenue, Dagenham, Barking And Dagenham, RM10 8XH
Date Received: 31 July 2023
Date Validated: 03 August 2023

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 principle of introducing a self-contained outbuilding of primary residential use within the garden setting of no.28 Western Avenue is not supported. The proposal represents an inappropriate and uncharacteristic residential form in a rear garden setting. As such, the proposal is contrary to:

- Paragraph 130 of the National Planning Policy Framework (DLUHC, September 2023);
- Policies D1, D4 and D6 of the London Plan (March 2021);
- Policy CP3 of the Local Development Framework 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 Submission Version, December 2021);
- The Residential Extensions and Alterations Supplementary Planning Document (February 2012)

2. On account of its siting within a rear garden setting, the proposed development is at odds with the surrounding pattern of development and results in harm to neighbouring occupiers through the additional generation of noise, waste, smoke, fumes and comings and goings. The development would therefore constitute unneighbourly development and is contrary to:

- Paragraph 130 of the National Planning Policy Framework (NPPF) (DLUHC, September 2023);
- Policies D1 and D6 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);
- Policies SP2, DMD1 and DMD6 of The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021);
- 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:

- Design and Access Statement- N.d.
- 02bld- Location Plan and Site Plan- 07/2023
- 08bld- Existing and Proposed Site Plan- 07/2023
- 01bld- Proposed Floor Plan, Roof Plan, Front, Rear and Side Elevations and Section A-A- 07/2023

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: 22/09/2023

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:

22/00025/FULL

Application Description:

Retrospective application for the use of outbuilding as self-contained residential accommodation

Decision:

Refused



Hedgemans Rd

Hatfield Rd

Hatfield Rd

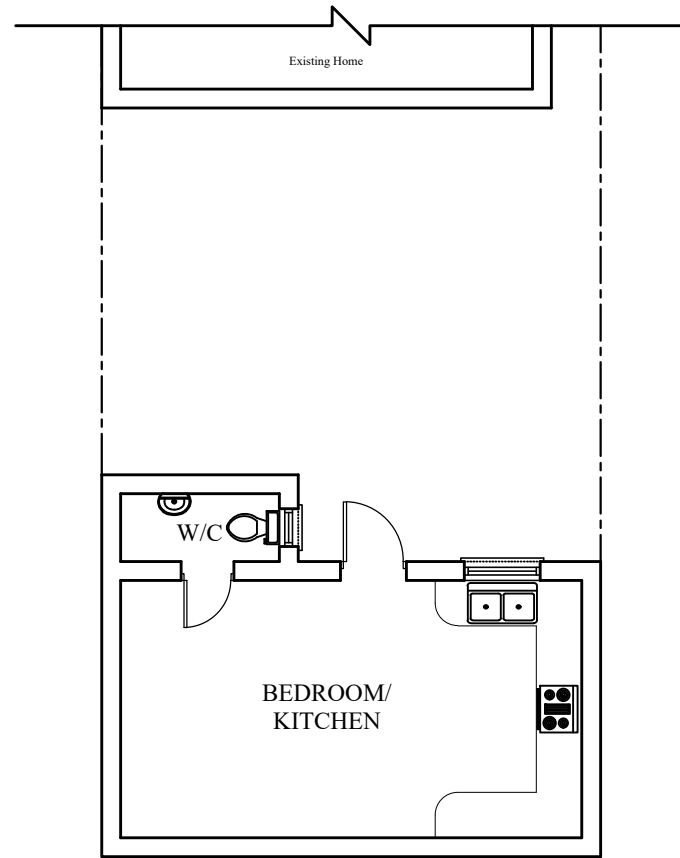
Hatfield Rd Post Box - Royal Mail

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Page 96

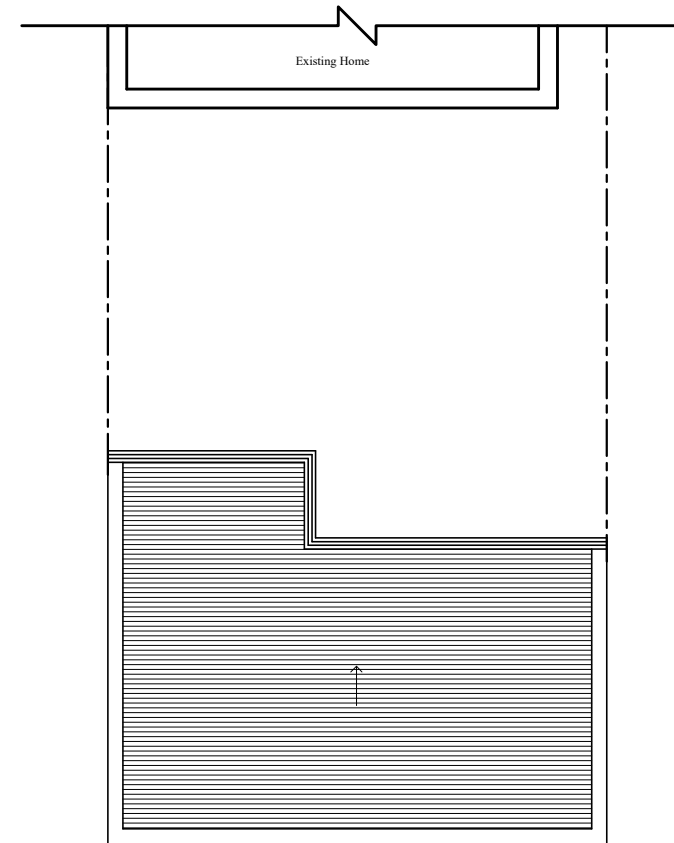
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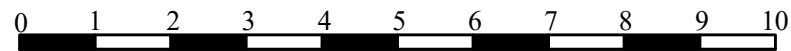
173 178 199 165
108
104
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98



EXISTING GROUND FLOOR



EXISTING ROOF



SCALE BAR 1:100
(1cm = 1M)

<p>REFERENCE</p>	<p>NOTES: ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS. BEFORE BUILDING WORKS COMMENCES IT IS THE RESPONSIBILITY OF THE BUILDER OR OWNER TO SERVE PARTY WALL NOTICE. CLIENT TO ENSURE ALL OF THE CONTRACTORS' WORK ON SITE TO COMPLY WITH AND MEET APPROVAL OF THE RELEVANT BRITISH STANDARDS AND LOCAL AUTHORITY INCLUDING PLANNING AND BUILDING CONTROL DEPARTMENTS.</p>	<p>CONSULTANT: TECH ENGINEERING (UK) LTD. UNIT 4, 46 ILFORD LANE. ILFORD. IG1 2JY Ph: 020 8478 8840, Mob: 078 8885 0200 tech.engineering@yahoo.co.uk</p>	<p>DRAWN GM CHECKED FH</p>	<p>CLIENT/PROJECT 108 HATFIELD ROAD (R/O), DAGENHAM, RM9 6JS</p>	<p>TITLE FLOOR PLAN (FLAT)</p>	<p>DRAWING NO: F1-01 SCALE: 1:100 @ A3 DATE: 19-11-2021</p>
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Delegated Report Application for Planning Permission			
Case Officer:	Anna Jennings	Valid Date:	31 March 2023
Officer Recommendation:	Refused	Expiry Date:	26 May 2023
Application Number:	22/00025/FULL	Recommended Date:	16 May 2023
Address:	108 Hatfield Road, Dagenham, Barking And Dagenham, RM9 6JS		
Proposal:	Retrospective application for the use of outbuilding as self-contained residential accommodation		

Planning Constraints

The application site is within the Becontree Estate.

Site, Situation and Relevant Background Information

The application site is an end-of-terrace dwellinghouse on the eastern side of Hatfield Road.

The initial application description that this application was consulted on was 'Retrospective application for the construction of an outbuilding to be used as additional residential accommodation'.

Notwithstanding, following further investigation into the site using historical imagery available on Google Earth Pro, officers note that this outbuilding has been present at the site since at least 2011. The outbuilding does not benefit from any planning permission or certificate of lawfulness for its initial construction. However, the construction of the building itself would be 'lawful by time', and therefore retrospective permission is not required for the construction of the outbuilding itself. It is noted that this application is related to an ongoing enforcement case at the site (ref.21/00380/ENF) for the 'use of the outbuilding to rent out to tenants'.

The proposal seeks retrospective permission for the use of a pre-existing outbuilding as self-contained residential accommodation. Officers note that there is an ongoing enforcement case at the site (ref.21/00380/ENF) for the 'use of the outbuilding to rent out to tenants'. Notwithstanding, the applicant's Design and Access Statement states that the outbuilding 'will be use [sic] for granny annexe to take care of elders of main house 108 Hatfield road.' However, officers note that were that to be the case, the works would fall under a Householder rather than a Full application. The applicant's Design and Access Statement also states the 'Studio flat will be self-contained with separate kitchen/reception and bathroom facilities.' On account of this discrepancy, officers consider that there is a significant lack of clarity/accuracy provided within the application with regard to the accurate past and existing use of the outbuilding at the application site.

The enforcement case at the site (ref.21/00380/ENF) for the 'use of the outbuilding to rent out to tenants' indicates that the use of the outbuilding is as separate, self-contained dwelling unit that is no longer associated with the use of the main dwellinghouse. A Full Planning Application has been submitted for the formation of a self-contained dwelling unit/use in the rear garden. As such, the application will be assessed as an application for separate self contained accommodation.

The application has subsequently been re-described as 'Retrospective application for the use of outbuilding as self-contained residential accommodation' to more accurately portray the development proposed.

Key Issues

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

ASSESSMENT

Principle of the Development

NPPF

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.

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.

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.

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. Policy GG4 states that those involved in planning and development must work to create mixed and inclusive communities, with good quality homes that meet high standards of design and provide for identified needs, including for specialist housing.

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 for 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. This is evidenced in the past Annual Monitoring Reports. Paragraph 6.1.3 mentions that the Borough is rapidly losing family houses and accommodation through housing conversion, demolition, and redevelopment schemes that fail to 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. Consequently, when planning permission is required, the Council will resist proposals which involve the loss of housing with three bedrooms or more.

Policies SP3 and DMH4 of the Draft Local Plan and Policy BC4 of the Borough Wide Development Plan Policies Development Plan Document acknowledge the pressure on the supply of housing within the Borough and pay particular reference to the shortfall of family sized homes. It is well established that there is a general presumption against the loss of family-sized dwellings (3+ bedrooms).

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. Paragraphs 6.63-6.55 (inclusive) provide justification for the existing and projected dwelling size requirement. The evidence sets out that there is a strong demand in the borough 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 is uncommon for developers to provide flats or houses that are 4-bedroom+ (larger family dwellings).

Proposed Development

The proposal seeks retrospective permission for the use of a pre-existing outbuilding as self-contained residential accommodation. Officers note that there is an ongoing enforcement case at the site (ref.21/00380/ENF) for the 'use of the outbuilding to rent out to tenants'. Notwithstanding, the applicant's Design and Access Statement states that the outbuilding 'will be use [sic] for granny annexe to take care of elders of main house 108 Hatfield road.' However, officers note that were that to be the case, the works would fall under a Householder rather than a Full application. The applicant has also made reference to the outbuilding as self-contained within their Design and Access Statement. As such, there is a significant lack of clarity provided within the application with regard to the past and existing uses of the outbuilding at the application site. It would appear from the submission that the existing outbuilding was constructed in 2010/2011 for use as a granny annexe.

This application follows an ongoing enforcement case at the site (ref.21/00380/ENF) for the 'use of the outbuilding to rent out to tenants'. This indicates that the use of the outbuilding is as separate, self-contained dwelling unit that is no longer associated with the use of the main dwellinghouse. A Full Planning Application has been submitted for the formation of a self-contained dwelling unit/use in the rear garden.

As noted above, policies support developments which seek to increase the provision of housing within the Borough with a particular emphasis on family sized homes- properties with 3 or more bedrooms. Whilst not family sized, officers acknowledge that given the size of the application plot a larger sized home would not be appropriate. Additionally, the proposal would increase the net stock of housing within the borough by 1, and policies support developments which provide a range of accommodation types and sizes. Officers therefore consider the principle of development to be supported.

Notwithstanding, whilst the proposed development will provide an additional housing unit at the site, the rear garden setting is not considered a suitable location for the introduction of a residential unit. The proposed development would be at odds with the established pattern of development in the surrounding area and would fail to have any presence from the streetscene, constituting poor-quality backland development and failing to provide an acceptable quality of accommodation.

Dwelling Mix and Quality of Accommodation

Internal amenity space

At national level, the 'Technical housing standards – nationally described space standard' deals with internal space within new dwellings and 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 seek for new housing to achieve the space standards in line with those set at national level. The Local Plan also reiterates the need for housing developments to conform to these requirements.

Policy D4 of the London Plan also 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'. Policy D5 of the London Plan also outline that 90% of new build homes should meet requirement M4(2) (accessible and adaptable dwellings) of Building Regulations Approved Document M and that 10% should meet requirement M4(3) (wheelchair user dwellings). This target is reflected at local level by Policy DMH3 of the Draft Local Plan Reg 19. The Council's Access Officer was consulted and stated that 'the bathroom door should open outwards or be sliding to meet Part M Building Regulations'.

The technical housing standards- nationally described space standards states that 1 bedroom, 1 storey dwellings should provide at least 37-39sqm of gross internal area and 1.0sqm of storage. In addition double bedrooms should have a floor area of at least 11.5 sqm and a width of 2.75 metres; single bedrooms should have a floor area of at least 7.5 sqm and a width of 2.15 metres. The space standards for the proposed dwellinghouse are set out below:

Total internal amenity space (Bedroom/Kitchen/W/C) : 23 sqm **Fails to comply**

Storage: **Fails to comply**

The proposal fails to provide the minimum required gross internal floor space and bedroom area for a 1 person, 1 bedroom dwelling. The accommodation is comprised of a single room accommodating a 'bedroom/kitchen' with a separate W/C. The lack of internal area provided is considered to provide a very poor standard of accommodation for current and future occupiers. Furthermore, the main room within the outbuilding would feature just 1 window and as such the accommodation would receive very poor light, outlook and ventilation. No daylight/sunlight report has been submitted to demonstrate an acceptable quality with respect to this, though given the orientation of the site and proximity to the main house, coupled with the lack of fenestration, the accommodation is considered to provide an unacceptable standard with respect to daylight, sunlight and outlook.

Officers find the proposed dwelling to be fully self-contained. A shower is not shown on the plans provided with this application, which is found to be inaccurate given that the enforcement file (ref.21/00380/ENF) at the site includes correspondence between LBBD officers dated 08/11/2021, showing a shower unit on the floor plan drawing taken by Enforcement Officers.

The outbuilding can be accessed from the side path running along the northern boundary of the site and as such the resident does not need to gain access to the main dwellinghouse to access the separate unit at the rear. The applicant confirms this in the Design and Access Statement, stating 'studio flat have a separate way to the main road'. It is noted that the flat must be accessed via the garden to the rear of the host dwelling, with no street frontage. This is considered to be an inappropriate access arrangement with no privacy from the host dwelling at the site. The existing garden at the rear of the main dwelling appears to be shared between the host dwelling and outbuilding dwelling. This is a totally inappropriate arrangement given that each dwelling may host separate households. The single window to the main living area in the outbuilding directly looks onto the rear of the host dwelling and garden, and as such the self-contained dwelling will be significantly overlooked into its only habitable window, and will have no meaningful privacy given that the outbuilding is positioned just 4.8m from the rear of no.108 and functions as a self-contained unit. These matters contribute to the very poor standard of accommodation provided at the self-contained outbuilding dwelling.

Little justification for the requirement of additional accommodation has been provided, and officers have concerns with the accuracy

of the applicant's statement that the outbuilding 'will be use [sic] for granny annexe to take care of elders of main house 108 Hatfield road', given the ongoing enforcement case at the site (ref.21/00380/ENF) for the 'use of the outbuilding to rent out to tenants', alongside the application type (full planning permission sought) and reference made within the submission to forming self-contained accommodation.

For the above reasons, it is considered that the residential unit at the site is of poor residential quality that fails to provide an appropriate standard of accommodation to facilitate a good quality of life, which is contrary to the above policies.

External Amenity Space

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 D6 of the London Plan supports this by ensuring new housing provides adequate outside space. Policy DMNE1 of the Draft Local Plan Reg 19 seeks to ensure proposals provide adequate external amenity space whereby developments should not rely on upon existing publicly accessible open space to contribute towards on site amenity space and children play space.

This is further supported by Policy BP5 of the Borough Wide Development Plan Document which states that new developments must provide adequate external private and/ or communal amenity space to meet the need generated by development. Amenity space for all new dwellings should be:

- Private, useable, functional and safe.
- Easily accessible from living areas.
- Orientated to maximise sunlight.
- Of a sufficient size to meet the needs of the likely number of occupiers

Policy BP5 of the Borough Wide DPD states that 1-bedroom flats should provide 20sqm of external amenity space. According to the Design and Access Statement, the main dwelling on site has 3 bedrooms. It is noted that a 3-bedroom dwellinghouse should provide 60sqm of external amenity space. Officers note that the proposed dwelling shares a rear amenity space with the existing dwellinghouse, which due to the presence of the outbuilding and a single storey rear extension on site, measures just 36.2sqm. Whilst officers recognise that an outbuilding for use ancillary to the main dwellinghouse could be constructed under Permitted Development at the site, the presence of the outbuilding on site is still considered to reduce the quality of accommodation at the main dwelling by significantly reducing the rear garden amenity space. The existing and proposed dwellings have no private external amenity space due to the merged arrangement.

As reiterated within Policy BP5 of the Development Plan Document; amenity space should be private, useable and safe. The garden would be shared with the host dwelling which is not supported. This is considered to further contribute towards the poor quality of accommodation provided by the proposed development.

Design and Quality of Materials

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 Submission version, December 2021) 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, within which this property is sited, was originally built as 'Homes for Heroes' during the period from 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 (Regulation 19 Submission version, December 2021) as constituting a valuable signifier of the

area's past. Policy DMD4 specifically speaks to the heritage value of the Estate and is concerned with preserving non-designated heritage assets' historically important features and ensuring that development proposals do not detract from the heritage area's significance. As such, although this site is not situated within an officially designated conservation area, the development plan recognises the distinctive local character and historical importance of the Becontree Estate.

Retrospective application for the use of the existing outbuilding as self-contained residential accommodation

LBBB's SPD states that *'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.'*

The outbuilding abuts the rear and side boundaries of the plot, with a has a width of 6.62m and a depth of 5m at the deepest point. The outbuilding features a door and single window on the front elevation, with a small side window for the bathroom which on account of the L-shape of the outbuilding looks into the rear garden of the host dwelling. Given the distance of 4.8m from the rear of the main dwelling, the window could result in overlooking and loss of privacy to both the outbuilding and the main dwellinghouse and its garden. The outbuilding is approximately 2.52m high with a flat roof. The impact to neighbouring amenity is addressed in the following section of this report.

LBBB's SPD states that you should seek to maintain a reasonable amount of private garden space for amenity purposes and to avoid overdeveloping your plot. Any extension should not normally cover more than 50% of your garden space (when taken together with any part of your garden covered by existing extensions or outbuildings). The existing outbuilding and rear extension at the site exceed 50% of the rear garden space at the dwellinghouse. As such, and given the relatively compact size of the rear garden at the site, officers consider the size and scale of the existing additions at the dwelling to be disproportionately large in the context of the main dwellinghouse and result in overdevelopment of the plot.

The applicant has stated that 'the studio flat will be rendered finish to match the existing property. The windows and doors will be double glazed UPVC'.

This application seeks retrospective permission *for the use of the existing outbuilding as self-contained residential accommodation*. The surrounding area is characterised by two-storey terraced rows in an established pattern. The application site is an end of terrace dwellinghouse which follows the typical character and arrangement of houses along the street scene. Properties along Hatfield Road and the adjacent Hedgemans Road have an equal presence within the street scene. Whilst outbuildings can be seen at neighbouring properties, the use of such as a residential unit is not supported. The introduction of a dwelling within a rear garden setting is considered to disrupt the designed-in spatial breaks between existing residential buildings afforded 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, which is notable given the small garden sizes and proximity to the dwellings along the adjacent Hedgemans Road to the north of the site. The proposed development presents an arrangement where residents will be permanently residing in a rear garden which is not a location suitable for primary residential use. This would present a discordant use to the garden setting.

Due to its lack of presence within the street scene, the building will appear as a subordinate property to the existing residential properties along the street scene. The dwelling will also lack any independent access from Hatfield Road. Officers therefore consider the proposal to constitute backland development, which presents poor quality design and is therefore contrary to the above policies. The proposed development will not have the appearance or arrangement of a single dwellinghouse in its own right. Consequently, officers consider the proposal to appear at odds with the prevailing patterns of development in the area.

Designing Out Crime

The MET Police's Designing out Crime officer has highlighted in their response that areas requiring mitigation are-

Access and boundary treatment.

Doors & Windows.

External refuse store.

Cycle storage Shed.

External lighting.

Drainage.

The following condition and informative have been recommended:

Security condition:-

The proposed development shall achieve Secured by design certification to the satisfaction of the local authority & Metropolitan Police, details of which shall be provided to the Local Planning Authority for its written approval prior to the first occupation of the approved development. All security measures applied to the approved development shall be permanently retained thereafter.

REASON: To ensure safe and secure development and reduce crime.

"Police DOCOs should be consulted in discharging any Community Safety Condition(s) where attached".

If the L.B. Barking & Dagenham are to consider granting consent, Police would ask that the condition and informative detailed, be attached. This is to mitigate the impact and deliver a safer development in line with national, regional and local planning policies.

Community Safety - Informative:

In aiming to satisfy any Secured by Design condition, the applicant must seek advice of the Metropolitan Police Service Designing out Crime Officers (DOCOs) to achieve accreditation. The services of MPS DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk

The applicant has made no attempt to consider designing out crime mitigation strategies which is disappointing given the backland siting of the development.

Overall, officers consider the proposal to be out of character with the design and appearance of the surrounding area, as such, the development is not supported. To conclude, officers find the proposed development to be unacceptable, failing to comply with requirements laid out in the NPPF, Policies D1, D6 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, SP3, DMD1 and DMD6 of the Draft Local Plan.

Impacts to Neighbouring Amenity

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.

Given that the proposed outbuilding provides a self-contained unit at the site which does not relate to the main dwelling, the proposal would increase the number of households at the application site from 1 to 2. Officers recognise that two separate households may produce more separate comings-and-goings and disturbances than one household. Whilst the proposed dwelling is 1-bedroom, given the small size of the garden and close proximity to surrounding dwellings including the host dwelling at no.108 Hatfield Road, no.106 Hatfield Road, no.1 Hatfield Mews and no.'s 169-175 Hedgemans Road, the development of a self-contained dwelling unit in a rear garden setting is inappropriate and is likely to result in significant disturbances to neighbouring occupiers through the additional generation of noise, waste, smoke, fumes or comings and goings. This may result in material harm to the amenity of the neighbouring occupiers.

108 Hatfield Road (Host dwelling)

No.108 Hatfield Road is the host dwelling at the site. The outbuilding is positioned just 4.8m from the rear of no.108 and functions as a self-contained unit. The outbuilding has a rear window directly facing the rear of no.108 and its rear garden. As such, the development would result in overlooking to the host dwelling's rear windows, cause a sense of overbearingness and result in a loss of privacy to occupiers. This is especially concerning given the self-contained nature of the outbuilding and potential for a separate family/household unit to reside there with no relation to the occupants of the main house. The development would also result in unacceptable levels of disturbance to the host dwelling's occupiers, principally through the comings-and-goings to the rear of the site through the host dwelling's rear garden. Additionally, the outbuilding results in notable overshadowing to the rear garden on account of its size and the orientation of the site.

106 Hatfield Road

No.106 adjoins the host dwelling to the south. The outbuilding due to its northern position would not impact the sunlight to no.106, but may result in some loss of outlook. Given that the outbuilding has been at the site since at least 2011, officers do not consider this to be unduly harmful as the structure itself is lawful by time.

The outbuilding is sited 8m from the rear of no.106 and as such would result in disturbances to the occupiers at no.106 as a result of the proposed use as a self-contained unit.

1 Hatfield Mews

No.1 Hatfield Mews borders the site to the south-east. The proposed outbuilding is situated approximately 1m from the rear elevation of no.1, in very close proximity to its rear garden area. The noise, comings and goings and other disturbances resulting from a self-contained dwelling in the rear garden of no.108 would impact the amenity at this dwelling. It does not appear that there are windows on the rear wall of no.1 bordering the application site and as such there is not likely to be a significant loss of outlook.

No.'s 169-175 Hedgemans Road

No.'s 169-173 sit along a terrace row to the north of the application site, with the rear gardens of all dwellings bordering the application site directly. Due to their northerly position and the outbuilding's position abutting the rear and side site boundary, the outbuilding would result in overshadowing to several of these rear gardens, which due to their small size will result in some degree of material harm. Additionally, the outbuilding would result in some loss of outlook and create a sense of overbearingness, particularly from no.171, the rear garden of which aligns with the position of the outbuilding. Again, officers note that the outbuilding has been at the site since at least 2011, and as such this is not a material consideration as the structure itself is lawful by time.

The outbuilding would be sited 10-11m from the rear of no.171 as the closest dwelling along the terrace row. Due to the proximity of the outbuilding to these dwellings, the proposed self-contained dwelling unit in a rear garden setting is inappropriate and is likely to result in significant disturbances to neighbouring occupiers along the terrace row.

In conclusion, the proposed development is considered to have an unacceptable impact on neighbouring occupiers, primarily through the increase in noise, comings-and-goings and general disturbances as a result of introducing a residential use into a rear garden setting within an already dense residential layout.

Sustainable Transport and Refuse

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 policies BR9, BR10 and BR11 of the Borough Wide DPD.

The proposal does not provide any specific details of car parking provision. The site is in a PTAL 1b location and as such should provide up to 1.5 spaces per dwelling. Further details should be provided by the applicant regarding the division of the existing car parking spaces to the front of the host dwelling.

Furthermore, according to the Local Plan POLICY DMT 3 and The London plan 2021, this development requires a minimum of 1 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*

The applicant has not identified any cycle parking spaces. If the application were to be approved, the applicant should identify adequate parking and cycle spaces or would need to demonstrate will have acceptable impact on the highway and transport amenity. Details of waste provision for each dwelling should also be provided.

Be First's Transport Officer has commented on the application and stated that '*In view of residential amenity and highway safety, the formation of a separate dwelling would be unacceptable in this location.*' Notwithstanding, it is noted that there are 3 different parking spaces outside the front of the dwelling with existing crossovers, which is an acceptable quantum of car parking spaces. Notwithstanding, the access arrangement is unacceptable and inappropriate as addressed previously within this report.

Transport Officers have recommended conditions (Appendix 3) to limit the use of the outbuilding to be 'ancillary' to the occupation of the existing dwelling at 108 Hatfield Road, not be used as a separate dwelling unit or sold, leased, rented or used as an independent dwelling unit. Notwithstanding, given that officers have identified that the unit is self-contained, these conditions are not suitable.

Environmental

LBBD's Environmental Protection Officer has been consulted and has provided no comments on the proposed application.

CONCLUSION

The proposal seeks retrospective permission for the use of an existing outbuilding within the rear garden of 108 Hatfield Road as a self-contained, 1-bedroom residential unit.

The applicant has presented conflicting information regarding the existing use of the site. Whilst references are made to the outbuilding's use as a 'granny annexe' for elderly family members associated with the host dwelling, the outbuilding is also referred to as a self-contained studio flat. Additionally, it is noted that there is an ongoing enforcement case at the site (ref.21/00380/ENF) for the 'use of the outbuilding to rent out to tenants'. Notwithstanding, whilst the plans provided do not show a shower within the bathroom, details from the related enforcement file (ref.21/00380/ENF) indicate a shower unit as recorded by Enforcement Officers. Officers have established that the use of the site is as a self-contained dwelling.

The proposed development fails to provide adequate internal or external amenity space for a dwelling of its size, with poor privacy, outlook, sunlight and daylight due to its siting in a rear garden setting. The proposed development is considered to provide a poor standard of accommodation for current and future occupiers. Furthermore, given that the proposal will be located to the rear of 108 Hatfield Road, it will have a poor access arrangement with no presence or independent access from the street scene.

Additionally, the proposed development due to its siting within a rear garden setting is at odds with the prevailing pattern of development and represents an uncharacteristic and unsympathetic development, disrupting the break between existing residential buildings provided by the rear gardens and failing to accord with the character and appearance of the area. The proposed development will introduce an arrangement where residents will be living in the rear garden of the dwellinghouse, which is not a location considered suitable for primary residential use. Therefore, whilst officers accept that the proposal will contribute to providing a range of housing and increase the boroughs net stock of housing by 1, the harm caused to the character and appearance of the area is considered to outweigh any significant benefits arising from the proposed development.

Finally, due to its siting and proximity to surrounding neighbouring dwellings and gardens, the proposed introduction of a primary residential use within the garden of no.108 will result in material harm to neighbouring occupiers, both through overshadowing, loss of outlook but most significantly by means of disturbances from the additional generation of noise, waste, smoke, fumes or comings and goings within a rear garden setting.

On balance the proposal is considered unacceptable and contrary to the development policies. It is recommended that planning permission is 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 H1 Increasing Housing Supply Policy H2 Small Sites Policy D4 Delivering Good Design Policy D5 Inclusive Design Policy D6 Housing Quality and Standards Policy D1 London Form, Character and Capacity for Growth Policy GG3 Creating a Healthy City Policy D14 Noise Policy T6.1 Residential Car Parking Policy T5 Cycle Storage
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 CC1 Family Housing
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BP10 Housing Density Policy BP11 Urban Design Policy BP6 Internal Space Standards Policy BP8 Protecting Residential Amenity Policy BP5 External Amenity Space Policy BR9 Parking Policy BR10 Sustainable Transport Policy BR11 Walking and Cycling
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 Policy SP3 Delivering Homes that Meet People's Needs Policy SP2 Delivering a well-designed, high quality and resilient built environment Policy DMD1 Securing High Quality Design Policy DMSI3 Nuisance Policy DMT2 Cycling Policy DMT 3 Car Parking Policy DMD6 Householder extensions and alterations
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) London Borough of Barking and Dagenham Housing Delivery Test Action Plan (2020) Residential Extensions and Alterations (SPD) (February 2012)
Additional Reference 1	<p>Human Rights Act</p> <p>The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.</p> <p>Equalities</p> <p>Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to: "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who</p>

do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it." Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to refuse planning permission for this proposed development would comply with the Council's statutory duty under this important legislation.

APPENDIX 2

Relevant Planning History			
Application Number:	15/01573/CLU_P	Status:	Lawful (Certificate)
Description:	Application for a certificate of lawfulness for a proposed development: Erection of single storey rear extension		
Enforcement Case:	21/00380/ENF	Status:	Case Open
Alleged breach:	using outer building to rent out to tenants		

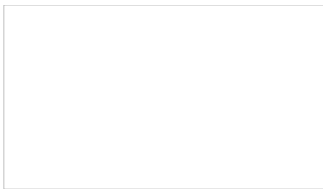
APPENDIX 3

Consultations		
Consultee:	Date Consulted:	Summary of response:
LBBB Access	06/04/2022	In the description it states there's a bathroom and WC, however the floor plan only shows a WC.
Be First Transport	06/04/2022	<p>Suggested conditions for this application;</p> <p>The annexe hereby approved shall be used only in association with, and ancillary to, the occupation of the existing dwelling at 108 Hatfield Road, and shall not be used as a separate dwelling unit.</p> <p>Reason: In view of residential amenity and highway safety, the formation of a separate dwelling would be unacceptable in this location.</p> <p>The annexe hereby approved shall be used solely as ancillary accommodation to the existing dwelling house and as such shall not be sold, leased, rented or used as an independent dwelling unit.</p> <p>Reason: In order to safeguard the amenity of adjacent residential properties.</p>
LBBB Environmental Protection	06/04/2022	Based on the information provided with the application I have no comment to make.
Met Police Designing Out Crime Officer	06/04/2022	<p>Areas requiring mitigation are-</p> <p>Access and boundary treatment. Doors & Windows. External refuse store. Cycle storage Shed. External lighting. Drainage.</p> <p>Security condition:- The proposed development shall achieve Secured by design certification to the satisfaction of the local authority & Metropolitan Police, details of which shall be provided to the Local Planning Authority for its written approval prior to the first occupation of the approved development. All security measures applied to the approved development shall be permanently retained thereafter. REASON: To ensure safe and secure development and reduce crime.</p> <p>"Police DOCOs should be consulted in discharging any Community Safety Condition(s) where attached". If the L.B. Barking & Dagenham are to consider granting consent, Police would ask that the condition and informative detailed, be attached. This is to mitigate the impact and deliver a safer development in line with national, regional and local planning policies.</p>

		Community Safety - Informative: In aiming to satisfy any Secured by Design condition, the applicant must seek advice of the Metropolitan Police Service Designing out Crime Officers (DOCOs) to achieve accreditation. The services of MPS DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk
LBBB Refuse	06/04/2022	N/A

APPENDIX 4

Neighbour Notification	
Date Consultation Letter Sent:	06/04/2022
<i>No response received.</i>	



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBBB Reference: 22/00025/FULL

F Wasti
Unit 4
ILFORD
IG1 2JY

**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: 22/00025/FULL
Address: 108 Hatfield Road, Dagenham, Barking And Dagenham, RM9 6JS
Development Description: Retrospective application for the use of outbuilding as self-contained residential accommodation

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: F Wasti
Unit 4
ILFORD IG1 2JY

Applicant: Gurmit Singh
108 HATFIELD ROAD
DAGENHAM IG1 2JY

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00025/FULL
Application Type: Full Planning Permission
Development Description: Retrospective application for the use of outbuilding as self-contained residential accommodation
Site Address: 108 Hatfield Road, Dagenham, Barking And Dagenham, RM9 6JS
Date Received: 08 January 2022
Date Validated: 31 March 2023

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 applicant has failed to accurately portray the development and use of the outbuilding. Specifically the applicant has presented conflicting information regarding the existing use of the site, referring to it both as a 'granny annexe' related to the main dwellinghouse, but also as a self-contained studio flat (which is reinforced by the 'full planning' application form). Additionally, the plans provided fail to accurately portray the bathroom at the outbuilding. The proposal could prejudice third parties who may otherwise have wished to comment on the application; the proposed development cannot be accurately assessed and it cannot be demonstrated that it would be supported by the Development Plan. As such, the proposed development is contrary to: - National Planning Policy Framework (NPPF) (DLUHC, 2021); - Policies D4 and D6 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); - Policies SP2, SP3, DMD1 and DMD6 of The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021); - The Residential Extensions and Alterations Supplementary Planning Document (February 2012)

2. By reason of failing to meet the minimum gross internal area requirement, provide any private external amenity, facilitate adequate privacy, outlook, sunlight or daylight for future occupiers or present an acceptable independent access arrangement, the proposed self-contained dwelling unit provides an unacceptable standard of accommodation. The proposal is considered unacceptable and contrary to:- National Planning Policy Framework (MHCLG, July 2021); - Policies D4 and D6 of the London Plan (March 2021); -Policy CP3 of the Local Development Framework Core Strategy (July 2010); - Policies BP5, BP6, BP8 and BP11 of the Borough Wide DPD (March 2011); - Policies SP2, SP3, DMD6 and DMD1 of the Draft Local Plan Regulation 19 consultation version (October 2020); -DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended)

3. On account of its siting within a rear garden setting, the proposed development is at odds with the surrounding pattern of development and disrupts the natural break between existing surrounding dwellings provided by the rear gardens. The proposed dwelling has no presence from the street scene, failing to accord with the character and appearance of the area. The proposal therefore represents an inappropriate and uncharacteristic residential form in a rear garden setting which is detrimental to the character and appearance of the property, terrace row and the surrounding area. The proposal is contrary to: -National Planning Policy Framework (MHCLG, February 2019); -Policies D1, D4 and D6 of the London Plan (March 2021); Policy CP3 of the Local Development Framework Core Strategy (July 2010); - Policies BP8 and BP11 of the LDF

Borough Wide Development Plan Policies DPD (March 2011);- Policies SP2, DMD 1 and DMD6 of the Draft Local Plan (Regulation 19 Consultation Version, October 2020); - The Residential Extensions and Alterations Supplementary Planning Document (February 2012)

4. The scale and siting of the proposed dwelling in a rear garden setting would result in significant disturbance to neighbouring occupiers through the additional generation of noise, waste, smoke, fumes and comings and goings, particularly given the close proximity to surrounding dwellings. The development would therefore constitute unneighbourly development and 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 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); - Policies SP2, DMD1 and DMD6 of The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021); - 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:

- F1-02- Existing Front and Rear Elevations- 19-11-2021
- F1-03- Existing Side Elevations- 19-11-2021
- Design and Access Statement- 26-11-2023
- F1-01- Existing Ground Floor and Roof Plans- 19-11-2021
- F1-04- Pre-Existing Block Plan- 19-11-2021
- F1-05- Existing Block Plan- 19-11-2021

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: 23/05/2023

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:

22/02100/FULL

Application Description:

Conversion of existing shed into a 1x bedroom bungalow

Decision:

Refused



Eaudeboutique
Jewelry Shop
Jewellery Store

Carucioare
pentru copii UK

Dagenham East
Education Centre
Temporarily closed

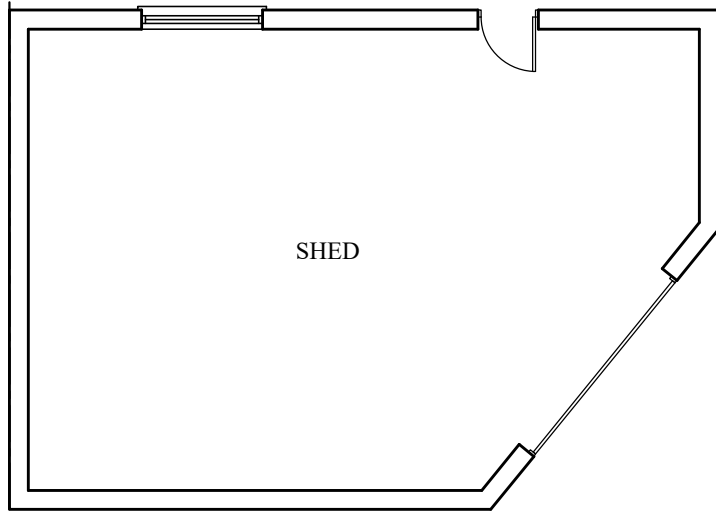
Gay Gardens

Cranmer Gardens

Cranmer Gardens

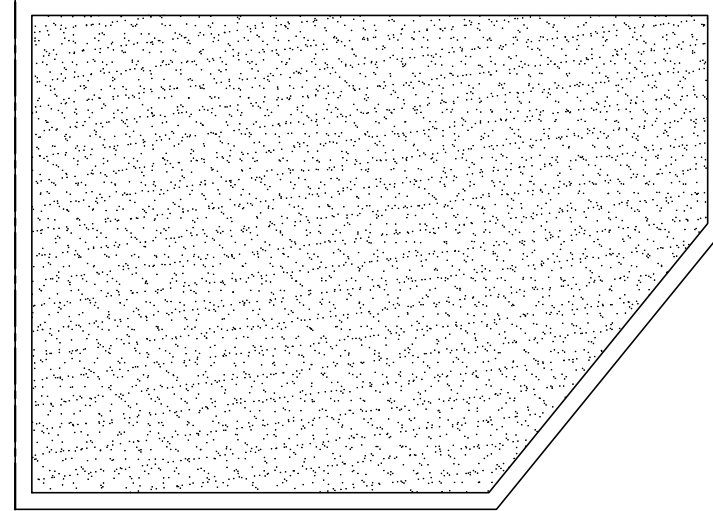
Gay Gardens

EXISTING HOUSE

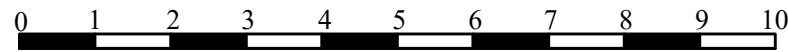


SHED

EXISTING GROUND FLOOR

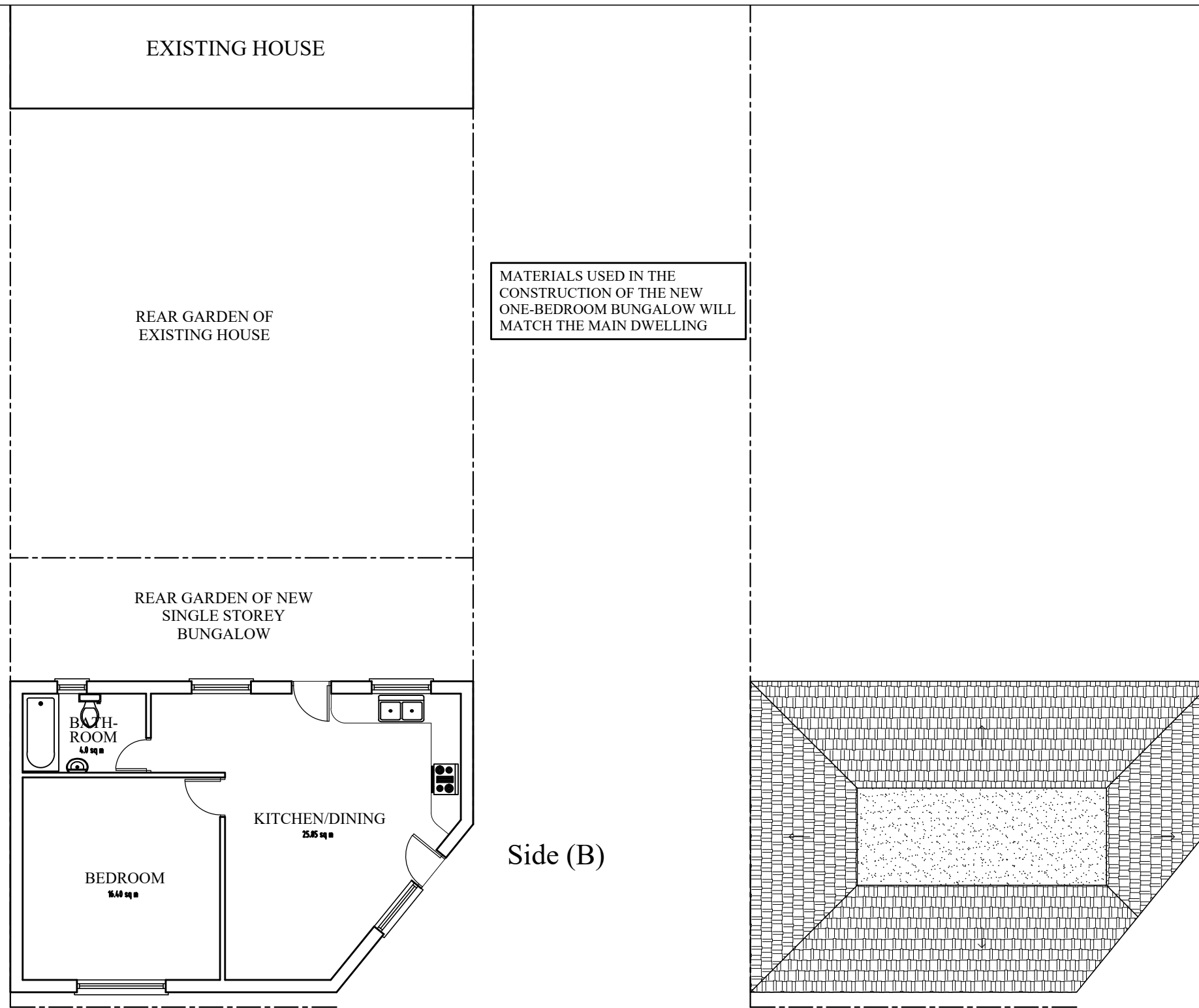


EXISTING ROOF ROOF



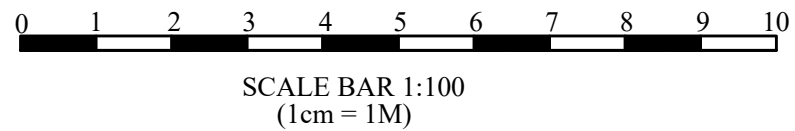
SCALE BAR 1:100
(1cm = 1M)

<p>REFERENCE</p>	<p>NOTES: ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS. BEFORE BUILDING WORKS COMMENCES IT IS THE RESPONSIBILITY OF THE BUILDER OR OWNER TO SERVE PARTY WALL NOTICE. CLIENT TO ENSURE ALL OF THE CONTRACTORS' WORK ON SITE TO COMPLY WITH AND MEET APPROVAL OF THE RELEVANT BRITISH STANDARDS AND LOCAL AUTHORITY INCLUDING PLANNING AND BUILDING CONTROL DEPARTMENTS.</p>	<p>CONSULTANT: TECH ENGINEERING (UK) LTD. UNIT 4, 46 ILFORD LANE. ILFORD. IG1 2JY Ph: 020 8478 8840, Mob: 078 8885 0200 tech.engineering@yahoo.co.uk</p>	<p>DRAWN GM CHECKED FH</p>	<p>CLIENT/PROJECT 97 GAY GARDENS DAGENHAM. RM10 7TH</p>	<p>TITLE EXISTING PLAN (NEW DWELLING)</p>	<p>DRAWING NO: ND1-01 SCALE: 1:100 @ A3 DATE: 31-10-2022</p>
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PROPOSED GROUND FLOOR

PROPOSED ROOF PLAN



REFERENCE	NOTES: ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS. BEFORE BUILDING WORKS COMMENCES IT IS THE RESPONSIBILITY OF THE BUILDER OR OWNER TO SERVE PARTY WALL NOTICE. CLIENT TO ENSURE ALL OF THE CONTRACTORS' WORK ON SITE TO COMPLY WITH AND MEET APPROVAL OF THE RELEVANT BRITISH STANDARDS AND LOCAL AUTHORITY INCLUDING PLANNING AND BUILDING CONTROL DEPARTMENTS.	CONSULTANT: TECH ENGINEERING (UK) LTD. UNIT 4, 46 ILFORD LANE. ILFORD. IG1 2JY Ph: 020 8478 8840, Mob: 078 8885 0200 tech.engineering@yahoo.co.uk	DRAWN GM	CLIENT/PROJECT 97 GAY GARDENS DAGENHAM. RM10 7TH	TITLE PROPOSED PLAN (NEW DWELLING)	DRAWING NO: ND1-02
			CHECKED FH			SCALE: 1:100 @ A3
					DATE: 31-10-2022	

Delegated Report

Application for Planning Permission

Case Officer:	Esther Rubinsohn	Valid Date:	02 March 2023
Officer Recommendation:	Refused	Expiry Date:	27 April 2023
Application Number:	22/02100/FULL	Recommended Date:	11 April 2023
Address:	97 Gay Gardens, Dagenham, Barking And Dagenham, RM10 7TH		
Proposal:	Conversion of existing shed into a 1x bedroom bungalow		

Planning Constraints

N/A

Site, Situation and Relevant Background Information

The application site is a two-storey, end-of-terrace dwelling located on the West side of Gay Gardens. The site has a limited planning history with only a singular application (90/00307/TP) for a 'Erection of single/storey side/rear extension to provide lounge and kitchen/dining room on ground floor with two bedrooms and bathroom over'.

Within this application officers make reference to the past appeal APP/Z5060/W/16/3165476 which was in response to the refusal of the proposed conversion of an existing outbuilding into a two bedroom bungalow (16/01306/FUL). This application site was located at no.1 Gay Gardens therefore has a similar design and setting to that within the proposal. The appeal was dismissed. The inspectorate concluded that the proposed conversion "unacceptably harms the character and appearance of the area, and the living conditions of its occupants. For those reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed". As this proposal was very similar as the one within this application, located on the same road, officers have regard to this within the assessment below.

Key Issues

- 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

Policies

The National Planning Policy Framework (NPPF) instructs that plans and decisions should apply a presumption in favour of sustainable development. For decision-making, this entails approving development proposals that accord with an up-to-date development plan without delay. Where the policies which are most important for determining the application are out-of-date, permission should be granted unless the framework provides a clear reason for refusal over protected areas or assets, or any adverse impacts of development would significantly and demonstrably outweigh the benefits. The NPPF outlines that planning decisions should help create conditions where business can expand and adapt, allowing areas and businesses to build on its strengths, counter any weaknesses and address the challenges of the future. Significant weight is placed on the need to support economic growth and productivity, accounting for both local business needs and wider opportunities for development.

At a national level the 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'. Paragraph 120 part d) of the NPPF, however, also indicates that the development of underutilised land and buildings should be promoted and supported.

The London Plan (2021) 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 Borough's 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. Policy H8 indicates that the loss of existing housing should be replaced with new housing at the existing site. The London Plan thus 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.

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. Officers acknowledge that the London Plan 2021 and NPPF were published after these documents and seek to ensure development provide a range of dwelling types. Therefore, it could be argued that the local policies are outdated and therefore greater weight should be apportioned to the NPPF and London Plan with regard to the type of housing which development should be providing.

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 emphasising the need to optimise suitable sites to help deliver suitable housing for the Borough's high levels of identified housing need. Notwithstanding, the need for more family sized dwellings in the borough is evidence in the SHMA 2020 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. Therefore, it is clear that whilst policies support the developments which provide a range of accommodation types and sizes, given the high demand for family sized dwellings in the borough.

On the 14th January 2022, the Government published the 2021 Housing Delivery Test (HDT) results. The HDT results show that the London Borough of Barking and Dagenham has delivered 66% 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.

Assessment

The proposal seeks for conversion of the existing shed into a 1x bed bungalow for residential use. Officers sought further clarification as to the existing use of the shed from the applicant, however was supplied with no further information. Therefore it is assumed the shed is used for general storage, ancillary to the main dwellinghouse.

As noted above policies support developments which seek to increase the provision of housing within the Borough with a particular emphasis on family sized homes- properties with 3 or more bedrooms. The proposal seeks to provide 1 x 1 bedroom; whilst not family sized officers acknowledge that given the size of the application plot a larger sized home would not be appropriate thus this holds less weight. The London Plan is the most up-to-date and fully adopted plan and supports small site development, increasing the housing stock within the city and a range of accommodation types and sizes to meet different peoples needs. As this proposal would increase the net stock housing within the borough by 1 and given it supports small site development and a range of dwellings types and sizes, this holds significant weight. As such, officers consider the principle of development to be supported.

Dwelling Mix and Quality of Accommodation

Internal Space Standards

At national level, the 'Technical housing standards – nationally described space standard' deals with internal space within new dwellings and 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 seek for new housing to achieve the space standards in line with those set at national level.

The London Plan also reiterates the need for housing developments to conform to these requirements. Policy D4 of the London Plan also 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'. Policy D5 of the London Plan also outline that 90% of new build homes should meet requirement M4(2) (accessible and adaptable dwellings) of Building Regulations Approved Document M and that 10% should meet requirement M4(3) (wheelchair user dwellings). This target is reflected at local level by Policy DMH3 of the Draft Local Plan Reg 19.

The technical housing standards - nationally described space standards states that properties of 1 bedroom, 2- person, 1 storey dwelling should provide at least 50sqm of gross internal floor area and 1.5 sqm of built in storage. In addition to this, double bedrooms should have a floor area of at least 11.5m² and a width of 2.75m²; single bedrooms should have a floor area of at least

7.5m² and a width of 2.15m. BP6 of the Borough Wide DPD indicates that the minimum space standards for the aggregate of the cooking, eating and living areas (CEL areas) for two people should be no less than 22m². The space standards for the proposed dwellinghouse are set out below:

Gross Internal Area: 47.2m² **Fails to Comply**

Bedroom: 16.3m² and 4m wide **Complies**

Built-in Storage: No storage provided **Fails to Comply**

Living Space/Kitchen (CEL): 25.8m² **Complies**

Number of Bathrooms: 1

Officers tried to clarify with the applicant as to whether the proposed development would be introduced to house one or two residents. The applicant was unresponsive, therefore as the proposal is a sufficiently sized double room officers have assessed as if two people are to reside in the bungalow.

The proposed development provides adequate internal floor space for a double bedroom and would provide a sufficiently sized CEL area for 2 people. That being said, it would not provide sufficient Gross Internal Area (GIA) nor provide any storage whatsoever. Notwithstanding, the GIA is only about 3m² less than the technical guidance suggests and the lack of storage space is not considered detrimental enough to warrant a reason for refusal. As these issues are minimal it is not regarded to significantly impact the lives of future residents, therefore on balance, officers regard the internal space to be acceptable.

External Amenity Space

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 D6 of the London Plan supports this by ensuring new housing provides adequate outside space. Policy DMNE1 of the Draft Local Plan Reg 19 seeks to ensure proposals provide adequate external amenity space whereby developments should not rely on upon existing publicly accessible open space to contribute towards on site amenity space and children play space. This is further supported by Policy BP5 of the Borough Wide Development Plan Document which states that new developments must provide adequate external private and/or communal amenity space to meet the need generated by development.

Policy BP5 of the Borough Wide DPD states that for 1 bedroom dwellings that 20m² of external amenity space, which is safe, functional, private and useable must be provided.

The existing rear garden of no.97 would be split into two parts. The external amenity space provided for this new bungalow would be about 23.47m² and the rest of the garden would remain part of the main dwellinghouse (approximately 85.6m²). Even though the external amenity space would be small, it complies with the external space standards set out in the Borough Wide DPD.

Conclusion

The proposal would meet the requirements for the external amenity space. Whilst the GIA of the overall bungalow would be marginally below the nationally prescribed standards nor would the proposal provide any storage, it is not considered that these would be detrimental to the standard of living for proposed occupants due to only marginally not meeting the technical housing standards. As such, it is not considered to pose harm on the living conditions for occupants, thus is considered acceptable and accords with the development plan policies.

Design and Quality of Materials

Policies

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.

Policies D1, D4 and D8 of the London Plan (2021) state that the design of new developments and the spaces they create should help reinforce the character of the neighbourhood. Development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings and other forms of development. It is required that in areas of poor, or ill-defined, character, new development should build on the positive existing elements that can contribute to establishing an enhanced character for the future function of the area. Further, policies seek to ensure the highest quality materials and design appropriate to its context. 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. Likewise, policies outline the need for good design to be thoroughly scrutinised at application stage, including elements relating to layout, scale, density, land-uses, materials, detailing and landscaping.

This is further supported by policies SP2, SP4 and DMD1 which seek to ensure developments contribute to providing a high quality built environment which contributes positively to the character of the surrounding area. This is further supported by policy BP11 of the Borough Wide DPD and policy CP3 of the Core Strategy DPD.

Assessment

Gay Gardens is a residential street, consisting mainly of rows of terraced dwellings separated by regular gaps. These gaps add an important spatial quality to the road, encouraging a breathing space and allowing light and air to penetrate between the buildings opening up the road and cultivating longer views. The terraced rows along the road are characterised by being uniform in size, scale and design whereby each row share a single building frontage and roof scape. This gives the street a very balanced and pleasing symmetry given all properties have an equal presence within the street scene. Many of the dwellings along Gay Gardens feature sheds or garages in the end of the rear garden. as noted by the Inspectorate in appeal APP/Z5060/W/16/3165476 (which was located at no.1 Gay Gardens) "there is no evidence to show that backland residences such as the appeal scheme are characteristic of the area". Therefore the majority of these garages/sheds remain in use ancillary to the main dwellinghouse.

No.97 is an end-of-terrace property located on the North West side of Gay Gardens. It has a footpath running to the South of the property and rear garden of the dwelling. This connects Gay Gardens with parallel road Rainham Road South. There is also a vehicle access route which runs to the West of the rear garden. However it should be noted, this is not a road but merely a vehicle access route to reach garages located behind the houses on Gay Gardens. This vehicle access route separates the rear gardens of Gay Gardens from the rear gardens of Rainham Road South.

The proposed development would retain the existing structure of the shed therefore the bulk, mass, size and siting would remain the same, with no further hardstanding to be installed. The building has a depth of about 6.28m, a maximum width of about 9.4m and a total height of about 2.8m. The existing shed has a flat roof, but within the proposal this is change to a pitched roof with an eaves height of about 2.5m and a total maximum height of about 4m. The proposal would remove the existing roller shutter door with a UPVC front door and some windows. Double glazed UPVC windows would also be installed around the sides of the shed. The Access Officer noted here that the bathroom door should open outwards which was amended by the applicant.

The proposed development would be located to the rear of no.97, converting the existing shed into a bungalow. As noted above, most dwellings along Gay Gardens have garages/sheds located at the end of the rear garden of their properties which have maintained the storage function, ancillary to the main dwellinghouse.

It would also be accessed via a narrow footpath which adjoins Gay Gardens to Rainham Road South these two roads run parallel to eachother. As stated previously, Gay Gardens is characterised by properties which are uniform in size, scale and design whereby each row has a single building frontage and roof scape. Similarly Rainham Road South comprises of two storey terrace rows and semi-detached dwellings which are uniform in size, scale and design and like Gay Gardens each property shares a single building frontage and roof scape. Therefore, on both Rainham Road South and Gay Gardens each property has an equal and visible presence within the streetscene. This bungalow would sit to the rear of both no.97 Gay Gardens and the built form which makes up Rainham Road South. This development is located within a backstreet which was designed to provide access to the sheds/garages, as such the principle elevation of the proposal would not be located on the main road of Gay Gardens and would not have a strong presence within the streetscene. The proposal is therefore regarded to compromise the balance and uniformity of the streetscene, detrimental to the character of the area. To further this point, the main structure of the shed would remain the same, with only a new roof proposed, therefore it would appear akin to a shed than a dwellinghouse in its ownright. Officers therefore believe the proposal would appear like a bed-in a shed rather than a good quality house. Hence, the proposal is considered to be back land development as it fails to sit within the architectural built form of the street and does not have a presence as a single dwellinghouse but rather an ancillary built form.

As noted above, whilst the majority of dwellings along Gay Gardens have shed/garages within the rear garden, they still function ancillary to the main dwellinghouse whilst this proposal would introduce a whole new separate dwelling within the rear garden which is uncharacteristic of the area. In addition to this, the proposal would be accessed via the narrow footpath which runs along the South of the dwellinghouse, between no.97 and neighbouring dwelling no.95. This alleyway has poor lighting, as such, officers hold concerns over the safety and security of future residents particularly in the dark.

To further this, the proposal is situated right on the boundary with the this narrow pathway, with the location of the front door right up onto the path. There is hardly any defensible space between the building and the 'road'. This poor, undeveloped frontage of the proposed development, further emphasises the poor design and quality. Whilst the London Plan supports the development of more homes, policy D4 emphasises that these are of high quality design of which this is not. Therefore, the proposal is considered to be poorly designed and a backland development whereby the this inadequate design and siting would create a poor quality of living. For all the reasons above, the proposal is deemed as unacceptable and incongruous with the character of the area.

That being said, as noted above, the shed is structure is already existing and the proposal is just for a change of use, therefore rather than the proposal having a significant impact on the character of the area it just reemphasises poor quality accommodation.

Conclusion

Therefore, as the proposal is mainly for a change in use of the existing shed officers consider the bulk, mass, size, siting and design of the proposal to be acceptable. As such, the proposal is considered unacceptable and contrary to the development plan policies.

Impacts to Neighbouring Amenity

Policies

The NPPF, The London Plan Policies GG1, GG3 and D14, all have relevance to the importance of quality development which addressing neighbouring amenity and avoiding unacceptable impacts.

Policy DMD1 of the Draft Local Plan Reg 19 seeks to ensure all development proposals consider the impact on neighbouring amenity with regard to significant overlooking (loss of privacy and immediate outlook) and overshadowing (unacceptable loss of daylight/sunlight). Policy DMSI3 further expands on this noting development proposals which generate an unacceptable level of nuisance including noise, waste, comings and goings and general disturbances will be resisted. This is supported by policy BP8 of the Borough Wide DPD.

Assessment

434, 436, 438, 440, 442, 444 Rainham Road South

Nos.434, 436, 438, 440, 442, 444 are located to the West of the applicants dwelling. Rainham Road South runs parallel to Gay Gardens, therefore these dwellings are situated to the rear of the applicants dwelling.

The rear gardens of these dwellings are offset from the site boundary via a vehicle access route which runs between the rear gardens of Gay Gardens and Rainham Road South. The proposed bungalow would therefore be offset from the site boundary by about

101 Gay Gardens

No.101 Gay Gardens is located to the North of the applicants dwelling. There were no objections from this household.

This dwelling is offset from the site boundary and is located approximately 6m from the existing shed. Officers therefore do not regard the proposed development to result in a loss of daylight, outlook, or privacy nor cause overshadowing or be overbearing to the residents at this dwelling. As such the proposal is deemed to have an acceptable impact on no.101.

95 Gay Gardens

No.95 is located to the South of the applicants dwelling. There were no objections from this household.

The pedestrian pathway which runs to the south of the applicants dwelling separates no.95 and no.97. There is a gap of around 3.7m between the two dwellings and as such, officers therefore do not regard the proposed development to result in a loss of daylight, outlook, or privacy nor cause overshadowing or be overbearing to the residents at this dwelling.

99 Gay Gardens

No.99 is adjoined to the North of the applicants dwelling. There were no objections from this household .

The existing shed is located on the site boundary with no.99. No.99 also has an existing outbuilding too which extends by a similar depth to the applicants existing shed. Whilst the proposed development would include changing the roof from flat to pitched, therefore increasing the height of the existing shed to about 4m, it is not to increase in depth and thus would not result in a loss of daylight, outlook, or privacy nor cause overshadowing or be overbearing to the residents at this dwelling.

The proposal seeks for the permission to convert a shed into a 1 bedroom, 2 person, 1 storey dwelling. The proposal would therefore increase the households on site by 1 and the residents by 2 which would increase the number of people using a site which was originally constructed for a single dwellinghouse. Officers acknowledge that given the sites location the rear garden, and the intensification of activity on this land this could cause some general disturbances and noise. However, that being said, as the shed is already existing and with no changes to the current bulk, mass, size or siting of the proposal, therefore on balance, officers do not believe these changes would significantly generate more noise, waste, light, comings and goings and general disturbances than currently produced on site.

Conclusion

Whilst officers acknowledge that the proposed bungalow would increase the number of households on site by 1 and the number of residents by 2, as the bulk, mass, size and siting of the shed would remain the same as existing, it is not regarded to significantly generate more noise, waste, light, comings and goings and general disturbances than currently produced on site. As such the proposal is considered acceptable and in line with the development plan policies.

Sustainable Transport

Policies

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. Policy T5 emphasises the importance that development proposals should help to remove barriers to cycling and create a healthy environment where people choose to cycle. Securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located will help to achieve this. Table 10.3 of policy T6.1 of the London Plan (2021) states outer London locations with a PTAL of 2-3 which seek to provide 1 bedroom dwellings should provide no more than 0.75 parking space per dwelling.

This is further supported by policies DMT 2 and DMT3 of the Draft Local Plan Reg 19 and policies BR9, BR10 and BR11 of the Borough Wide DPD.

Assessment

The application site has a PTAL of 3 which means it has a moderate access to public transport. Gay Gardens runs parallel to Rainham Road South (A1112) whereby the 103 bus route runs. This is approximately a 2-minute walk from no.97. No.97 is also located about a 7-minute walk from Oxbow Lane where the 173 bus route runs and is located about 0.4 miles from Dagenham East Station (about an 8-minute walk).

As located to the rear of the existing dwelling no.97, no off-street parking space would be provided for the bungalow. This would require the occupants who have cars to park their vehicles on the street on Gay Gardens. As Gay Gardens is not in a CPZ it does not appear to have restricted parking. However, officers note that Gay Gardens is a no-through, secondary road therefore as such it is likely that there will not be too much traffic along the road, nor will the traffic be travelling at great speeds therefore the slight increase in volume of vehicles parking on the street is not considered to be harmful. Therefore whilst officers note there may be an effect on the parking conditions, there is no evidence to show that the overall impact on highway safety is so harmful as to warrant a refusal.

No details on cycle parking were provided of which within the Transport Consultee Comment was flagged. Within the London Plan emphasis is placed on removing barriers to cycling and creating a healthy environment in which people choose to cycle. To support this, sufficient cycle parking storage should be installed which complies with the London Cycle Design Standards (2016) securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located. Even though the proposal does not provide sufficient parking spaces the Transport Officer does not note this should be a reason for refusal as it can be secured via a condition. Likewise no details were provided for waste management and refuse storage. Even both of these factors can be secured via conditions, officers have concerns over whether the proposed development would have sufficient space on site to install these as there is already limited external amenity space on site. The external amenity space (23.47m²) on the proposed site only just exceeds the minimum requirements for external amenity space (20m²). The installation of these would therefore compromise the minimal external amenity space provided within the proposal, causing occupants to be unable to carry out general household activities, and therefore would have a detrimental impact on the quality of living for residents.

Conclusion

Therefore, whilst no off-street parking has been supplied for the bungalow, however as the site is located within an area with a PTAL of 3 therefore it can be assumed that public transport would be a main mode of transport. That being said if occupants did own a car, there is limited pressure for parking in the surrounding area therefore an additional car parking on the street is not considered to cause great harm. Notwithstanding, no refuse or cycle storage have been included within the proposal. The external amenity space (23.47m²) on the proposed site only just exceeds the minimum requirements for external amenity space (20m²). The installation of these would therefore compromise the minimal external amenity space provided within the proposal, causing occupants to be unable to carry out general household activities, and therefore would have a detrimental impact on the quality of living for residents. Therefore, on balance, the proposed development is considered to be unacceptable and contrary to the development plan policies.

Planning Balance

The proposed development is to convert an existing shed into a 1-bed 2 person bungalow, within the rear garden of no.97 Gay Gardens.

As noted in the above section, the HDT results show that the London Borough of Barking and Dagenham has delivered 66% of its housing requirement over the latest 3-year period therefore the presumption in favour of sustainable development has been triggered. This means that developments should be approved unless any adverse impacts of doing so would outweigh the benefits when assessed against the policies in the Framework as taken as a whole.

This proposal would increase the net stock housing within the borough by 1 and given the presumption in favour of sustainable development has been triggered this holds significant weight. The proposed development would also not cause significant harm on neighbouring properties as the overall bulk, mass, size and siting of the proposed development would remain the same. To further this, even though no off-street parking has been proposed for the bungalow, there is limited pressure on parking within the area and the site has a PTAL of 3 therefore has quite good access to public transport, therefore if the proposal is not considered to have a harmful impact on highway safety.

Notwithstanding, officers believe that it would result in an extremely poorly designed and located dwelling. This development would be located to the end of the rear garden of no.97 within a backstreet which was designed to provide access to the sheds/garages, as such the principle elevation of the proposal would not be located on the main road of Gay Gardens and would not have a strong presence within the streetscene. To further this point, the main structure of the shed would remain the same, with only a new roof proposed, therefore it would appear akin to a bed in a shed than a dwellinghouse in its own right harmful to the character of the area but also would represent poor quality accommodation. Whilst officers acknowledge that the quality of accommodation in terms of internal space standards alone would not be a worthy reason for refusal alone, this combined with the already poor design and siting of the bungalow as noted above would further illustrate and instil the poor design of the proposed development and when taken as a whole would appear harmful to the character of the area and the quality of living for occupants.

To further this whilst the proposal meets the nationally prescribed guidance in terms of external amenity space within the proposal, due to the limited alternative space for installation of refuse and bike storage, it would have to be stored within the garden space provided. This would reduce the external amenity space below the an acceptable amount which due to the already limited resulting in the inability for general household activities to occur, would have a detrimental impact on the quality of living for future occupants.

The poor design of the proposal would be incongruous with the character of the area but would also provide inadequate accommodation, with unsafe access and with the inclusion of sufficient refuse and cycle storage would result in inadequate external amenity space. As such, on balance, officers consider the harm caused by the proposal to significantly and demonstrably outweigh any significant benefits of a new dwelling.

CONCLUSION

In conclusion, whilst the proposed 1 x 1 bedroom bungalow provides merit in providing an additional dwellinghouse within the borough, it does not provide this in a sustainable way for the following reasons:

The proposed development appears more akin to a bed in a shed than a dwelling within its own right and thus presents poor quality accommodation especially when taking into consideration the impacts of the sub-standard Gross Internal Area and a lack of built-in storage, poor external amenity space arising from the installation of bins and bike storage and the lack of defensible space would result in occupants being unable to carry out general household activities, and therefore would have a detrimental impact on the standard of living for residents. As such, the proposed development is considered unacceptable and contrary to the development plan policies.

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 H1 Increasing Housing Supply Policy H2 Small Sites Policy D4 Delivering Good Design Policy D5 Inclusive Design Policy D6 Housing Quality and Standards Policy D1 London Form, Character and Capacity for Growth Policy D8 Public Realm Policy GG1 Building Strong and Inclusive Communities Policy GG3 Creating a Healthy City Policy D14 Noise Policy T6.1 Residential Car Parking Policy T5 Cycle Storage
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 CC1 Family Housing
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BP10 Housing Density Policy BP11 Urban Design Policy BP8 Protecting Residential Amenity Policy BP5 External Amenity Space Policy BR9 Parking Policy BR10 Sustainable Transport Policy BR11 Walking and Cycling
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 Policy SP3 Delivering Homes that Meet People's Needs Policy DMH3 Specialist Housing Policy SP2 Delivering a well-designed, high quality and resilient built environment Policy DMD1 Securing High Quality Design Policy DMSI3 Nuisance Policy DMT2 Cycling Policy DMT 3 Car Parking
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)

APPENDIX 2

Relevant Planning History			
Application Number:	90/00307/TP	Status:	Approved
Description:	Erection of single/storey side/rear extension to provide lounge and kitchen/dining room on ground floor with two bedrooms and bathroom over.		

APPENDIX 3

Consultations		
<i>Consultee:</i>	<i>Date Consulted:</i>	<i>Summary of response:</i>
		Introduction This is an application proposal for the conversion of existing shed into a 1-

bedroom bungalow at 97 Gay Gardens, Dagenham. RM10 7TH – the current site is a single storey detached property.

Bungalow will be self-contained with entrance to the Kitchen/ Reception, one bedroom to the left and a bathroom in the far left.

There will be one bedroom, one kitchen/ reception and one bathroom. The Bungalow will be a self-contained with bathroom and dining/kitchen. The area of the ground floor is 50 square meters. There will be one bedroom is 16.40 square meter, one bathroom 4.0 square meter and one dining/kitchen is 25.85 square meter.

Site Access

The access to the site will be from the street at the front of the property onto Gay Gardens.

The site is on a sub road and there is an access road to the site (front of the proposed Bungalow). The applicant states that this is within easy access of any emergency vehicle to access the 45m depth required under the Fire Brigades requirements.

Car Parking

The site is in PTAL 3 meaning it has moderate access to public transport, therefore it is likely that the occupants of the new dwellings may rely on private vehicles for commuting. For locations with a PTAL of 2 or 3 the new London Plan 2021 allows up to 0.75 car spaces per unit for 1/2-bedroom properties.

Gay Gardens currently does not fall within the CPZ so it can be assumed that this proposal would have on street parking. However to ensure that the current provision for on street parking isn't overstretched nor the current residents being adversely impacted, more information on off road parking proposal in line with The London Plan standards should be submitted in writing to Be First and approved prior to approval for planning application.

Refuse

Non provided.

Detailed proposal for this should be provided in writing to Be First and approved prior to approval of planning application.

Cycle Parking

According to the Local Plan POLICY DMT 3 and The London plan 2021, this development requires a minimum of 1 cycle parking spaces for the dwelling. 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 approval of the application, the applicant must confirm in writing with suitable plans submitted – the location of the cycle parking to be identified and if this meets the standards.

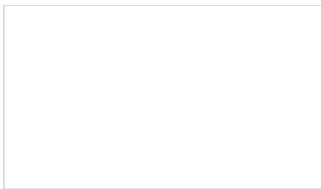
Transport Officer

03/03/2023

		<p>The cycle storage arrangements shall thereafter be conditioned for retainment.</p> <p>Reason: 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>Construction</p> <p>Prior to commencement of the development, a CLP in line with TfL guidelines shall be submitted to and approved in writing by the Council. The details shall include the numbers, size and routes of construction vehicles, provisions within/around the site to ensure that all vehicles associated with the construction works are properly managed to prevent any unwanted disruption to other highway users, and other matters relation to traffic management to be agreed with the licencing officers at the council. Approved details shall be implemented throughout the project period and any changes to the document must be reported the council's planning (Be First) and highways department.</p> <p>Reason: To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway, the amenities of local residents and the area generally in accordance with Policy DMT 4 of The Local Plan.</p> <p>Applicant must obtain all the relevant licences prior to the commencement of any construction activities. This includes skip permits, material licences, scaffolding and hoarding licences etc.</p> <p>There may need to be an agreement between The Council and the developer to cover any incidental damages to the highway, as a result of the passage of demolition and construction lorries and plant along these public roads</p> <p>RECOMMENDATION</p> <p>Based on the information provided it is our considered view that there is no apparent adverse highway safety issue or any substantial reason to object subject to applicant providing additional information regarding the cycle spaces, refuse facilities/provision and detailed on-street parking proposal.</p>
Access Officer	03/03/2023	The bathroom door should open outwards.
DOCO	03/03/2023	The Metropolitan Police have no objection to the proposed development, subject to the specific concerns stated in Section 3, being addressed. This includes issues around boundary treatment, doors and windows, external refuse storage, cycle storage shed, external lighting, drainage.

APPENDIX 4

Neighbour Notification	
Date Consultation Letter Sent:	03/03/2023
Date Press Notice Published:	-
Date Site Notice Erected:	-
<i>No response received.</i>	



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBBB Reference: 22/02100/FULL

F Wasti
Unit 4
ILFORD
IG1 2JY

**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: 22/02100/FULL
Address: 97 Gay Gardens, Dagenham, Barking And Dagenham, RM10 7TH
Development Description: Conversion of existing shed into a 1x bedroom bungalow

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: F Wasti
Unit 4
ILFORD IG1 2JY

Applicant: Abdul Jalil
97 GAY GARDENS
DAGENHAM IG1 2JY

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/02100/FULL
Application Type: Full Planning Permission
Development Description: Conversion of existing shed into a 1x bedroom bungalow
Site Address: 97 Gay Gardens, Dagenham, Barking And Dagenham, RM10 7TH
Date Received: 07 December 2022
Date Validated: 02 March 2023

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 appears more akin to a bed in a shed than a dwelling within its own right and thus presents poor quality accommodation especially when taking into consideration the impacts of the sub-standard Gross Internal Area and a lack of built-in storage, poor external amenity space arising from the installation of bins and bike storage and the lack of defensible space would result in occupants being unable to carry out general household activities, and therefore would have a detrimental impact on the standard of living for residents. As such, the proposed development is considered unacceptable and contrary to the development plan policies. As such, the proposed development is considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, February 2019)
- Policies D5, D6 and T5 of the London Plan (March 2021)
- Policies BP5, BR10 and BR11 of the Borough Wide DPD (March 2011)
- Policies DMT3, DMNE1 and DMH3 of the Draft Local Plan Regulation 19 consultation version (October 2020)
- Technical Housing Standards- Nationally Described Space Standards (March 2015)

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 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: 21/04/2023

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:

22/02117/FULL

Application Description:

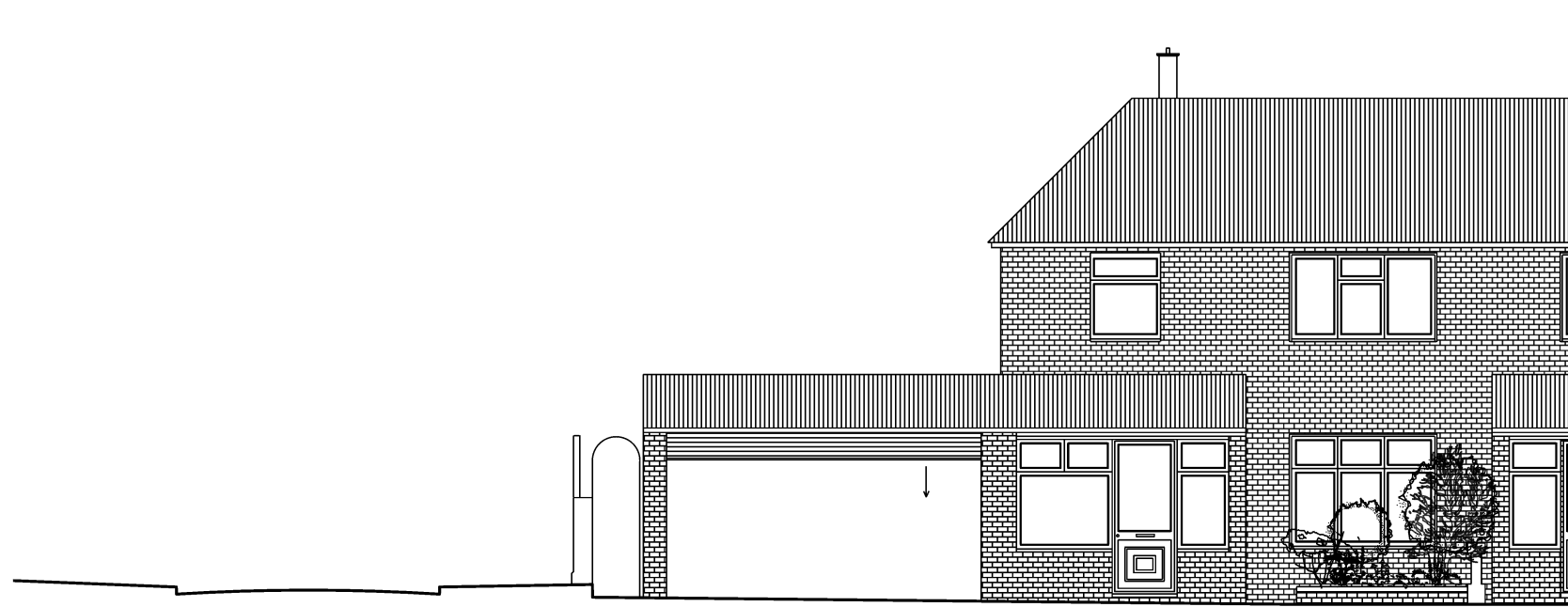
Conversion of the existing garage for the construction of
a new two storey 2xbed dwellinghouse

Decision:

Approved



- 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

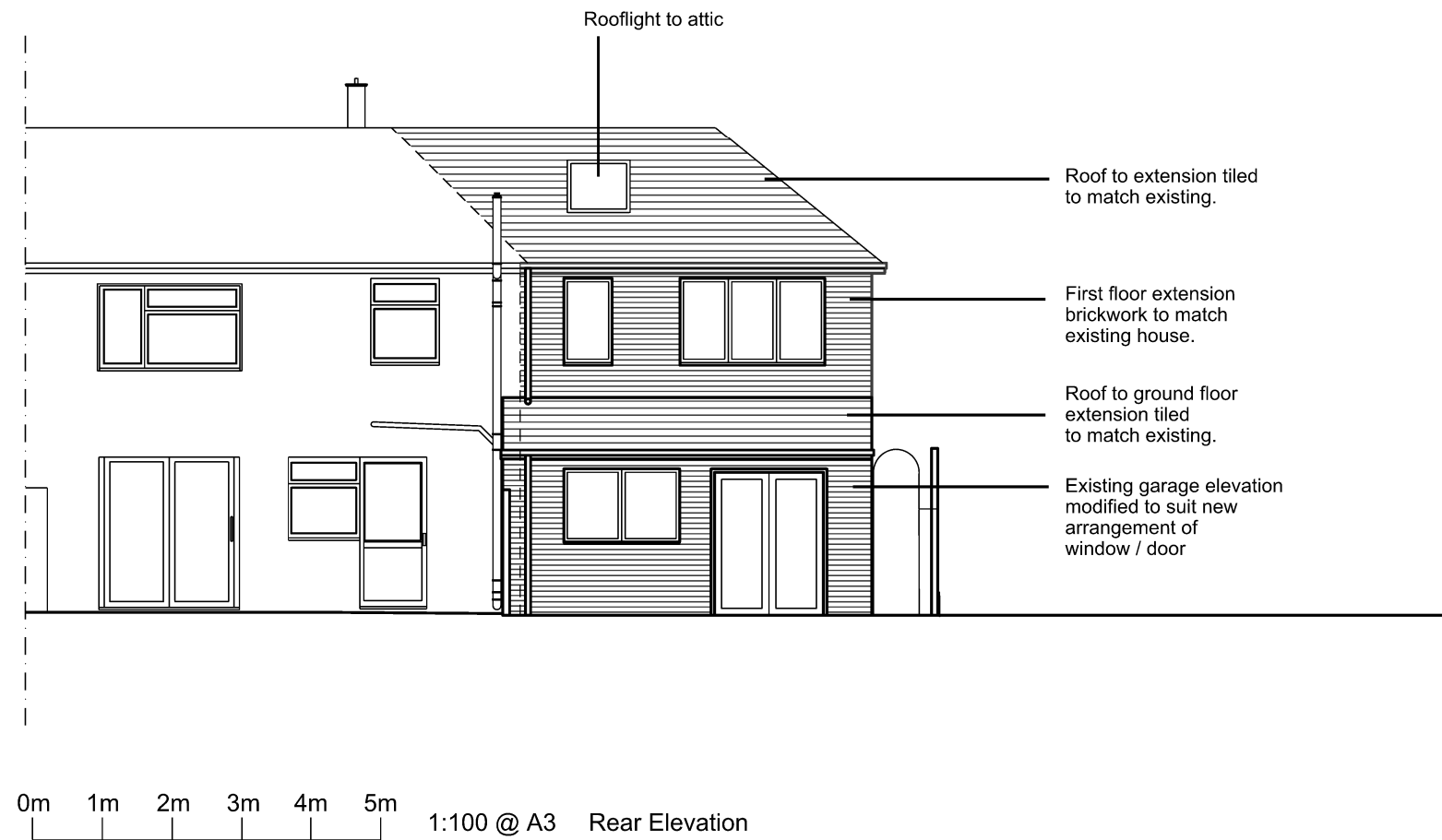
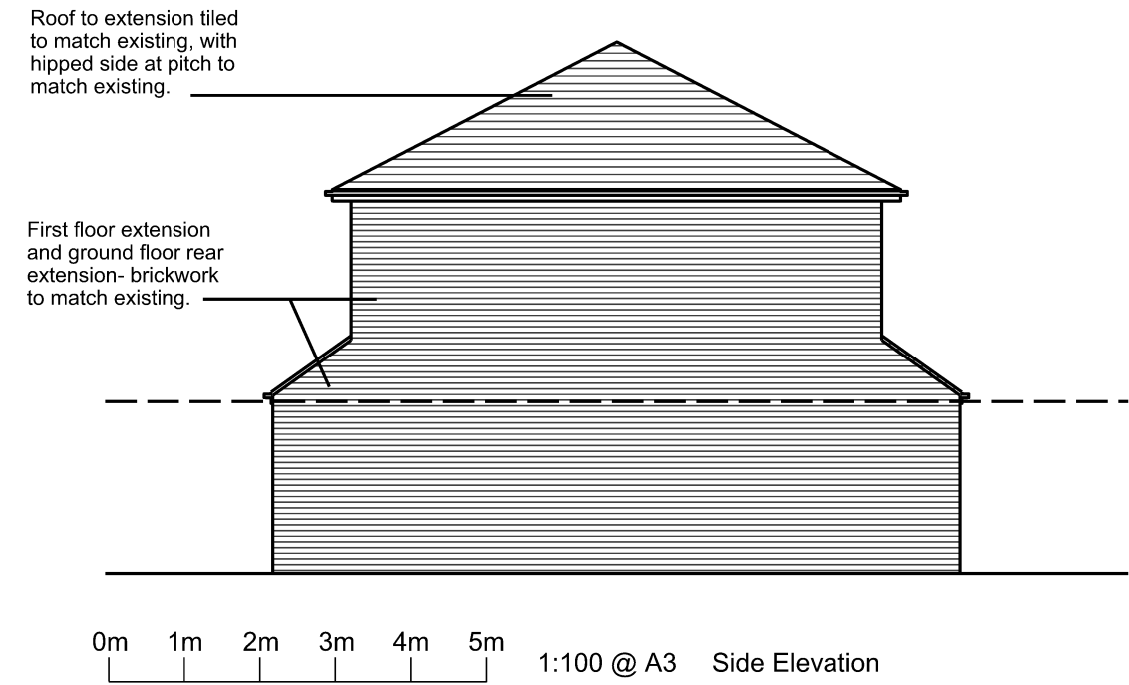


Rear elevation

0m 1m 2m 3m 4m 5m 1:100 @ A3

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 2021/09/01	Checked By DL	
Revision P1	Scale @ ISO A3 1:100	Approved By DL	
Drawing Number A-2-001			

- 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



P2 14/04/23 Window setting out revised

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 Proposed Elevations			
Status Planning			
Project Number	Date	Checked By	
2127	2021/09/01	DL	
Revision	Scale @ ISO A3	Approved By	
P2	1:100	DL	
Drawing Number A-2-200			

- Impacts to Neighbouring Amenity
- Sustainable Transport

ASSESSMENT

Principle of the Development

Policy

National, regional and local planning policies all indicate that development should aim to make the most effective use of land. Policy H1 (Increasing housing supply) of the London Plan sets Barking and Dagenham a housing completion target of 19,440 units between 2019/20 and 2028/29. This is reflected in Policy SP3 (Delivering homes that meet people's needs) of the draft Local Plan 2037 which is undergoing an examination in public. Delivery of housing is also supported by Policy CM1 (General Principles for Development) and CM2 (Managing Housing Growth) of the Core Strategy.

Assessment

The scheme would provide one additional residential dwelling. Although the contribution to the overall housing stock would be small, it is a welcome contribution to the current annual target for London Borough of Barking and Dagenham. In light of the above, the proposed development of the site is consistent with the direction of the NPPF, policies in the adopted and intended to publish London Plan and the various documents in the adopted and emerging London Borough of Barking and Dagenham development plan.

Design and Quality of Materials

Policy

Paragraph 126 of the National Planning Policy Framework (NPPF) talks about creation of high quality beautiful and sustainable building and places. This is reflected in Policy D4 (Delivery good design) of the London Plan, Policy CP3 (High quality built environment) of the Core Strategy, Policy BP11 (Urban design) of the Borough Wide Development Policies DPD, strategic policy SP 2 (Delivering a high quality and resilient built environment) as well as policies DMD 1 (Securing high-quality design) and DMD 6 (Householder extensions and alterations) of the Draft Local Plan 2037 (Reg 19). All these policies seek to ensure that development is designed in a sensitive and appropriate manner which minimises impact on surrounding neighbours and respects the character of the area.

Assessment

It is noted that the applicant has a permission for a two storey house in this location. The consideration of this application is the extension to the first floor. The amendment to the first floor would generate more harm than what has already been approved. However, the enlargement of the first floor would allow a better quality of internal space which would provide future residents with a higher standard of accommodation. As such, on balance the amended design is considered acceptable. In addition, the first proposed new dwelling would follow the same window /door pattern and roofscape as the existing terrace/ As such, it is considered that the proposed new dwelling would integrate well with the existing character.

Notwithstanding, in the interest of the character and amenity of the area and to ensure that the site is not over-developed, officers have attached a condition removing permitted development rights for any development falling within Classes A, B, C, D and E in Part 1 of Schedule 2 to that order without the prior written permission of the Local Planning Authority. This will be included on the decision notice.

Conclusion

In conclusion, officers consider that the proposed development would address previous concerns and would be of appropriate design, mass and sitting. The proposed development is considered to respect the character and appearance of the existing dwelling and the terrace row. The proposal therefore accords with the above development plan policies.

Housing Standard

Internal Amenity Space

Policy

Parts A and F in Policy D6 (Housing quality and standards) and Table 3.1 of the London Plan sets the expected minimum internal and external space requirements for new dwellings. The minimum requirements are in line with national space standards. The policy sets out requirements for the Gross Internal Area (GIA) of all new dwellings at a defined level of occupancy, as well as floor area and dimensions for key parts of the home, notably bedrooms, storage, floor to ceiling height, and outdoor private amenity space. The standards seek to ensure that amongst other things new homes have adequately sized rooms and convenient and efficient room layouts which are functional, fit for purpose and meet the changing needs of Londoners. Table 3.1 states that 2 bedroom, 3 persons, 2 storey dwellings should provide a gross internal floor area of 70sqm and built in storage of 2.0sqm. In order to provide one bedspace, a single bedroom must have a floor area of at least 7.5sqm and be at least 2.15m wide. Additionally, a double (or twin bedroom) should a floor area of at least 11.5 sqm, and one double (or twin bedroom) must be at least 2.75m wide and every other double (or twin) bedroom at least 2.55m wide.

Policy BP6 (Internal space standards) of the Borough Wide Development Policy DPD also provide guidance on space standards. It is noted that this document was adopted in March 2011 and the standards at national, regional, and local level has changed and the guidance within those policies is considered to be superseded by national policy and the London Plan.

Assessment

The proposed space standards for the proposed dwellinghouse are set out below:

- Gross internal area: 70sqm (Complies)
- Bedroom 1: 11.50sqm (Complies)
- Bedroom 2: 8.00sqm (Complies)
- Storage: 2.0sqm (Complies)

The proposed development provides adequate gross internal floor area, bedroom size and built-in storage space for a 2-bedroom/3 person, 2 storey property.

External amenity space

Policy

Part F (9) in Policy D6 of the London Plan supports this by ensuring new housing provides adequate outside space. Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwelling and extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5metres.

Policy BP5 (External Amenity Space) 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 50 sqm of outdoor amenity space.

Assessment

The existing dwelling at the site is a 3 bedroom dwelling, and the proposed new dwelling will be a 2 bedroom dwelling. Policy BP5 of the Borough Wide DPD states that a 3 bedroom house should be provided with 60 sqm of private amenity space and 2 bedroom houses with 50sqm of external amenity space. This space should be private, safe, functional and useable.

Both properties will have 50.1sqm of back garden space after the development. Given the large size of the curtilage of the existing dwellinghouse, officers fine the division of the external amenity space to be acceptable for one 2-bedroom and one 3-bedroom properties. Additionally, the application site is a 6-minute walk from Heath Park, which is located to the south east of the site and forms a significant area of open parkland that can be used for recreation by residents in its proximity. As such, on balance officers are satisfied that adequate external amenity space has been accommodated.

Aspect, Overheating, Daylight, sunlight, overheating, privacy

The proposed dwellinghouse would have windows in the front and rear elevations, as well as one rooflight. Therefore, the daylight and sunlight levels would be acceptable. In addition, the house would be dual aspect allowing for natural cross ventilation which would prevent overheating. Overall, the proposed dwelling would provide good quality of accommodation for the future occupiers of the dwellinghouse.

The main sleeping accommodation would be located on the first floor which will not be overlooked by any neighbouring properties. Furthermore, officers recognise that the garden of the existing dwelling will be sub-divided into 2, so that the new and existing dwellings would have their own individual internal and external amenity spaces, therefore levels of privacy are appropriate.

Conclusion on Housing

Officers therefore consider the quality of accommodation to be acceptable, in keeping with the development plan policies and appropriate to provide a good quality of life for its residents.

Impacts to Neighbouring Amenity

Daylight, Sunlight, Overshadowing and Privacy

Policy

Policy D6 (Housing Quality and Standards) of the London Plan, Policies BP8 and BP11 of the Borough Wide DPD, and Policies DMD1 and DMD6 of the Draft Local Plan 2037 (Reg 19) all emphasize that new development 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).

Assessment

The neighbouring properties that are potentially affected by the proposal are:

- 144 Marston Avenue - This property will adjoin the proposed new dwelling to the south. The proposed new dwelling would align with the elevation of the front porch at No.144. Whilst this would sit forward slightly, officers note that this is already an established building line and it is not considered to generate any harm. Furthermore the proposal would extend slightly beyond No.144 at the rear, however this would only be marginal. Therefore it is not considered that this would generate any loss of outlook, light or overbearingness, in accordance with the above policies.
- 146 Marston Avenue - This property is located to the north of the site at the other side of the opening to the cul de sac. The proposed new dwelling will be located approximately 10 metres away from this property which is considered a sufficient distance away. Therefore, it is not considered that the proposed development would generate any unneighbourly material harm to this neighbouring property.
- 14 Marston Close - This property sits to the south east of the application site. By reason of the considerable separation between the two sites, it is not considered that this neighbour would experience any harmful loss of amenity.

Overall, the proposed development is not considered to generate any unneighbourly harm and is therefore in accordance with the above development plan policies and objectives.

Noise and disturbance

Policy

Policy D14 (Noise) of the London Plan requires developments to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposal by avoiding significant adverse noise impact on health and quality of life; reflect the Agent of Change principles set in the Policy D13 (Agent of change) of the London Plan; mitigate and minimise the existing and potential noise on, from, within the site; and improving and enhancing the acoustic environments and promoting appropriate soundscapes.

Policy BR13 (Noise mitigation) of the Borough Wide Development Policy DPD requires any new development likely to generate harmful levels of noise to be directed away from existing noise sensitive locations, or areas allocated for noise sensitive developments. Where it is not possible to full separate noise sensitive and noise generating land uses, planning permission will only be granted if there will be no exposure to noise above an acceptable level.

Policy DMS1 3 (Nuisance) of the draft Local Plan 2037 states that all major development must submit a noise and vibration assessment to reduce any adverse impacts to an acceptable level using most appropriate layouts, orientation, design and use of the building.

Assessment

The introduction of new residential properties within a residential area is not considered to result in any significant long-term material impacts in terms of noise and disturbance.

The construction phase of development is likely to introduce short-term disturbances to the surrounding properties. However, in this case, it is not considered construction noise to be a material planning consideration due to the modest scale of development. Hours of construction work are covered by legislation.

Summary on Impacts to Neighbouring Amenity

Overall, the proposed new dwelling is not considered to generate any harmful impacts to neighbouring properties. As such, the proposal is considered to be acceptable and policy compliant.

Sustainable Transport

General policy

Paragraph 104 of the NPPF requires the planning system to actively manage growth to support the following objectives: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

Para 111 states "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be significant."

Regionally, the Mayor's Transport Strategy ('the MTS', GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical options. It recognises links between car dependency and public health concerns.

Car Parking

Policy

Policies T6 (Car parking) and T6.1 (Residential Car Parking) together with Table 10.3 of the London Plan provide maximum parking standards for new residential developments. Table 10.3 provides that sites that are London Public Transport Accessibility Level (PTAL) score of 2 that are for 2-bedrooms can have up to 1.5 car parking spaces per proposed dwelling. According to the submitted plans, the proposal provides no off-street parking spaces.

Policy BR9 (Parking) of the Borough Wide Policies DPD states that car parking standards set out in the London Plan will be used as a maximum parking standard for new development. Policy DMT 2 (Car parking) aligns with maximum London Plan car parking standards and other aspirations.

Assessment

The site is in PTAL 2 meaning it has poor access to public transport and it does not fall into a Controlled Parking Zone (CPZ) area. There is existing off-street parking for 2 cars associated with this property accessed via a driveway off the junction between Marston Av and Marston Close. This access will remain for proposed dwelling and a new access for off street parking is proposed for the existing dwelling.

The applicant is reminded that they would need to submit a formal dropped kerb application to the Council Highways department to obtain the necessary approval. This will be notified under an informative.

Cycle Parking

Policy

Policy T5 (Cycling) and Table 10.2 of the London Plan states that Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. This should be achieved through securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located. The London Cycling Design Standard (LCDS) at paragraph 8.5.3 advises that the design of cycle parking shall be:

- Secure, with 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

Policy BR9 (Parking) of the Borough Wide Policies DPD states that in relation to cycle parking TfL cycle parking standards, will be used as a minimum parking standard of new development. Policy BR11 (Urban design) states that cycle parking facilities should be sufficient, convenient, safe and secure cycle parking facilities are provided.

Policy DMT 3 (Cycle parking) of the draft Local Plan 2037 states that all development must adopt the maximum London Plan cycle parking standards with the design and layout of cycle parking being in accordance with the London Cycling Design Standards.

Assessment

The number of cycle parking spaces required for this development is 4 spaces (2 per dwelling). The amended plans show the location of the cycle parking but there is no detail that will show that the frame and wheel can be secured. To ensure that the residents have a well-designed and practical cycle parking storage, a pre-commencement condition will be added requesting that additional drawing/s showing that the bikes will be secure with stands/racks and at least one wheel to be secured and showing external appearance of the cycle parking including the roof are submitted before the above ground construction starts on site for the new dwelling.

The applicant has also not demonstrated that the provided cycle storage will fit bikes of all types and there is no maintenance information. As this is application for one residential dwelling in this instance this is not considered acceptable.

Construction

Policy

Part G in Policy T7 (Deliveries, servicing and construction) of London Plan states that development proposals should facilitate safe, clean, and efficient deliveries and servicing. Provisions of adequate space for servicing deliveries should be made off-street, with on-street loading bays only used where this is not possible. Construction Logistics Plans and Delivery and Servicing Plans will be required and should be developed in accordance with London guidance and in a way which reflects the scale and complexities of development.

Part 3 in Policy DMS1 4 (Deliveries, servicing and construction) of the draft Local Plan 2037 reiterates that all development, which might have construction impact will have to submit Construction Logistics Plan (CLP) and Servicing Plan (DSP) as part of planning process in accordance with relevant TfL guidance.

Assessment

Given the location of the site in a residential area, it is recommended that a Construction Logistics Plan (CLP) is submitted before works start on site. As the proposal has the potential to affect the local roads and neighbouring properties, the recommended condition would have been added to the decision notice. In addition to the recommended condition, the Highway Officer in their response reminded the applicant about applying for a skip permit.

Refuse and waste management

Policy

Policy BR15 (Sustainable Waste Management) Borough Wide Development Plan DPD outline the need for development in the borough to minimise and work towards a more sustainable approach for waste management on waste and recycling is provided within the LBBB Planning Advice Note on Waste and Recycling Provisions in New and Refurbished Residential Developments (20/05/2021).

Assessment

A dedicated space for bin storage of 2 wheelie bins has been provided at the front of the proposed dwelling in addition to 2 existing spaces for the existing property No.144. This has been provided on the drawings and is compliant.

CONCLUSION

This application has been considered in the light of policies set out in the development plan and other material considerations. The proposal would make a small but valuable contribution to delivering the housing target in the borough. The proposed development will have an acceptable impact with regard to design and appearance, neighbouring amenity and sustainable transport and as such is supported by the NPPF's principle in favour of sustainable development and is compliant with the development policies. Therefore officers recommend that planning permission is granted.

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, July 2021)

London Plan (March 2021)	<ul style="list-style-type: none"> • Policy D4 - Delivering Good Design • Policy D6 - Housing Quality and Standards • Policy D13 - Agent of Change • Policy D14 - Noise • Policy H1 - Increasing Housing Supply • Policy T5 - Cycling • Policy T6 - Car parking • Policy T6.1 - Residential Car Parking • Policy T7 - Deliveries, servicing and construction
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Local Development Framework (LDF) Core Strategy (July 2010)	<ul style="list-style-type: none"> • Policy CM1 - General Principles for Development • Policy CM2 - Managing Housing Growth • Policy CP3 - High Quality Built Environment
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Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	<ul style="list-style-type: none"> • Policy BP5 - External Amenity Space • Policy BP6 - Internal Space Standards • Policy BP8 - Protecting Residential Amenity • Policy BP11 - Urban Design • Policy BR9 - Parking • Policy BR15 - Sustainable Waste Management
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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)	<ul style="list-style-type: none"> • Policy SPDG 1 - Delivering growth in Barking and Dagenham • Policy SP 2 - Delivering a well-designed, high quality and resilient built environment • Policy SP 3 - Delivering homes that meet peoples' needs • Policy SP7 - Securing a clean, green and sustainable borough • Policy DMD 1 - Securing high quality design • Policy DMSI 3 - Nuisance • Policy DMSI 4 - Deliveries, servicing and construction • Policy DMT 2 - Car parking • Policy DMT 3 - Cycle parking
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Supplementary Planning Documents	<ul style="list-style-type: none"> • DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended) • Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017)
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APPENDIX 2

Consultations

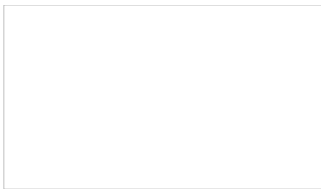
Consultee:	Date Consulted:	Summary of response:
Access	24.02.2023	I'm concerned with clashing of doors between ground floor WC and utility, I recommend this should be reconfigured
Transport	24.02.2023	Comments on file
Environmental Protection	24.02.2023	No objection to the application and do not recommend any planning consent conditions

APPENDIX 4

Neighbour Notification

Date Consultation Letter Sent: 24.02.2023

No response received.



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBBB Reference: 22/02117/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: 22/02117/FULL
Address: 144 Marston Avenue, Dagenham, Barking And Dagenham, RM10 7LJ
Development Description: Conversion of the existing garage for the construction of a new two storey 2xbed 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: David Lees

Applicant:

63 HASKARD ROAD
DAGENHAM

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/02117/FULL
Application Type: Full Planning Permission
Development Description: Conversion of the existing garage for the construction of a new two storey 2xbed dwellinghouse
Site Address: 144 Marston Avenue, Dagenham, Barking And Dagenham, RM10 7LJ
Date Received: 09 December 2022
Date Validated: 24 February 2023

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. Statutory Time Limit – Planning Permission

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. Develop in accordance with the approved plans

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

- Drawing title: Block Plan - Dated: 02.09.2023
- Drawing title: Site Plan - Dated: 02.09.2023
- Drawing title: Proposed first floor plan - Drawing No: A-1-101 REV P3 - Dated: 17.04.2023
- Drawing title: Proposed Roof plan - Drawing No: A-1-102 REV P2 - Dated: 17.04.2023
- Drawing title: Proposed elevations - Drawing No: A-2-200 REV P2 - Dated: 14.04.2023
- Drawing title: Proposed ground floor plan - Drawing No: A-1-100 REV P5 - Dated: 17.04.2023
- Document title: Design and access statement - Dated: 02.2023
- Document title: Fire safety statement - Dated: 09.2023

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. External materials

The development shall be constructed in accordance with the external materials shown on DRAWING NO. Drawing No: A-2-200 REV P2 and to the satisfaction of the Local Planning Authority.

Reason: In order to protect or enhance the character and amenity of the area and to ensure an exemplar finish to the building.

4. Removal of permitted development rights

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, C & E in 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.

5. Landscape works implementation

All hard and soft landscape works approved under condition 8 shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment, and maintenance of a reasonable standard of landscape in accordance with the approved designs.

PRIOR TO COMMENCEMENT OF THE DEVELOPMENT

6. Construction Logistics Plan

1. Prior to commencement of the development, a Construction Logistics Plan (CLP) in line with the TfL guidelines shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the numbers, size and routes of construction vehicles, provisions within/around the site to ensure that all vehicles associated with the construction works are properly managed to prevent any unwanted disruption to other highway users, and other matters relating to traffic management to be agreed with the licencing officers of the council.
2. The approved CLP under part A of this condition shall be implemented throughout the project period and any changes to the document must be reported back to the Local Planning Authority planning and highways department.

Reason: To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway, the amenities of local residents and the area generally in accordance with Part G in Policy T7 (Deliveries, servicing and construction) of London Plan and Policy DMT 4 of the Local Plan 2037 (Autumn 2021).

NO ABOVE GROUND WORKS UNTIL

7. Cycle parking

1. Notwithstanding the submitted proposed ground floor plan (Drawing No: A-1-100 REV P5), no above ground works shall start on site until revised cycle parking drawings are submitted to and approved in writing by the Local Planning Authority. The revised drawings must demonstrate that the cycle parking will:
 - be accessible to residential only,
 - have a stands/racks inside allowing both the frame and at least one wheel to be secured,
 - the drawing includes elevation detail including material used for the construction of cycle parking storage.
2. The approved cycle parking drawings under part A of this condition shall be provided in full prior to the first occupation of the development hereby permitted and they shall be retained as approved and installed in perpetuity of the development thereafter.

Reason: In order to promote alternative, sustainable forms of transport, in accordance with Policy T5 of the London Plan, the London Cycling Design Standard, and Policy DMT 3 (Cycle parking) of the draft Local Plan 2037.

8. Refuse and recycling storage

1. Notwithstanding the submitted proposed ground floor plan (Drawing No: A-1-100 REV P5), no above ground works shall start on site until revised refuse and recycling drawings are submitted to and approved in writing by the Local Planning Authority. The revised drawings must demonstrate that elevation drawings including roof plan and method of opening.
2. The approved refuse and recycling drawings under part A of this condition shall be provided in full prior to the first occupation of the development hereby permitted and they shall be retained as approved and installed in perpetuity of the development thereafter.

Reason: In order to provide acceptable refuse and recycling storage.

9. Soft and Hard Landscaping Design

No above ground works shall start on site until full details of both hard and soft landscape proposals (to the front and rear of the application site) are submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

- Car parking layouts
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials proposed to be used
- Minor artefacts and structures (eg cycle storage, refuse or other storage units, signs, lighting)

Soft landscape details shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers / densities where appropriate
- Implementation timetables.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

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) (DLUHC, July 2021)

London Plan (March 2021)

- Policy D4 - Delivering Good Design
- Policy D6 - Housing Quality and Standards
- Policy D13 - Agent of Change
- Policy D14 - Noise
- Policy H1 - Increasing Housing Supply
- Policy T5 - Cycling
- Policy T6 - Car parking
- Policy T6.1 - Residential Car Parking
- Policy T7 - Deliveries, servicing and construction

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 CC1 - Family Housing

Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)

- Policy BP5 - External Amenity Space
- Policy BP6 - Internal Space Standards
- Policy BP8 - Protecting Residential Amenity
- Policy BP11 - Urban Design
- Policy BR9 - Parking
- Policy BR15 - Sustainable Waste Management

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 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.

- Policy SPDG 1 - Delivering growth in Barking and Dagenham
- Policy SP 2 - Delivering a well-designed, high quality and resilient built environment
- Policy SP 3 - Delivering homes that meet peoples' needs
- Policy SP7 - Securing a clean, green and sustainable borough
- Policy DMD 1 - Securing high quality design
- Policy DMSI 3 - Nuisance
- Policy DMSI 4 - Deliveries, servicing and construction
- Policy DMT 2 - Car parking
- Policy DMT 3 - Cycle parking

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 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: 19.04.2023

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.



Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Application Reference:

23/00248/FULL

Application Description:

Construction of a single storey rear extension to facilitate the conversion of the property into two self-contained units

Decision:

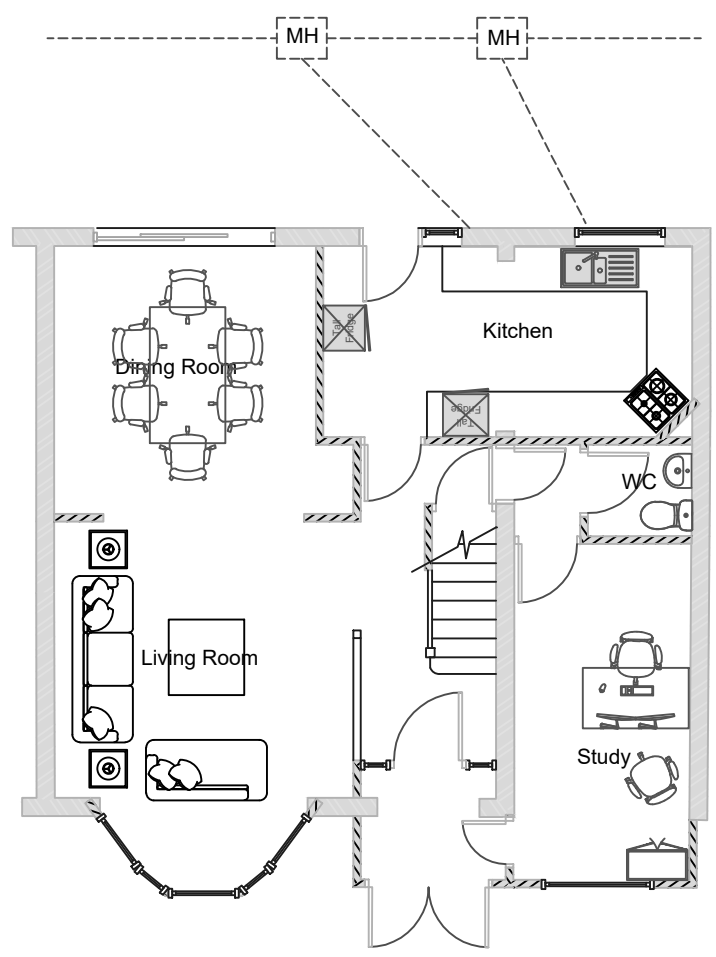
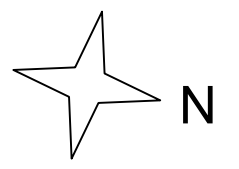
Refused



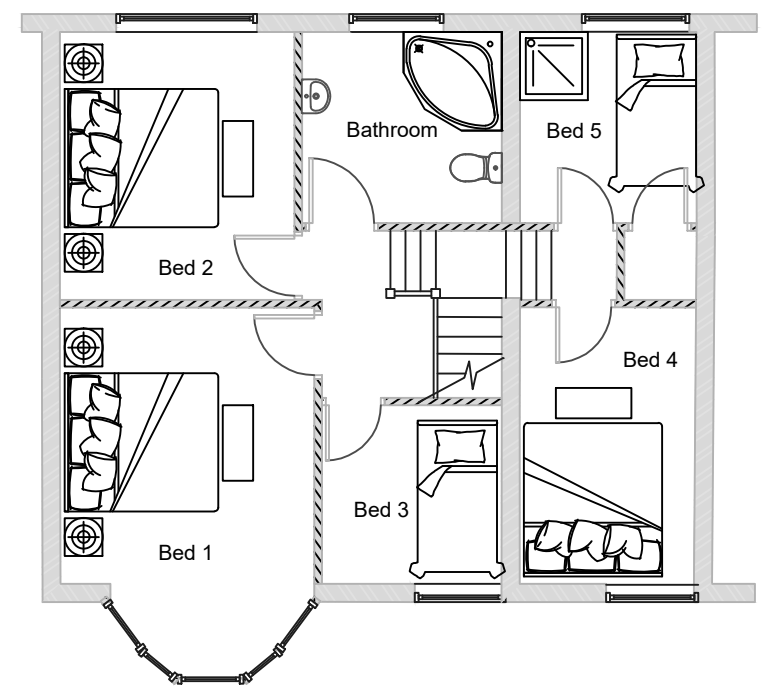
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Ceiling Height: - Sill Height: -



Existing Ground Floor



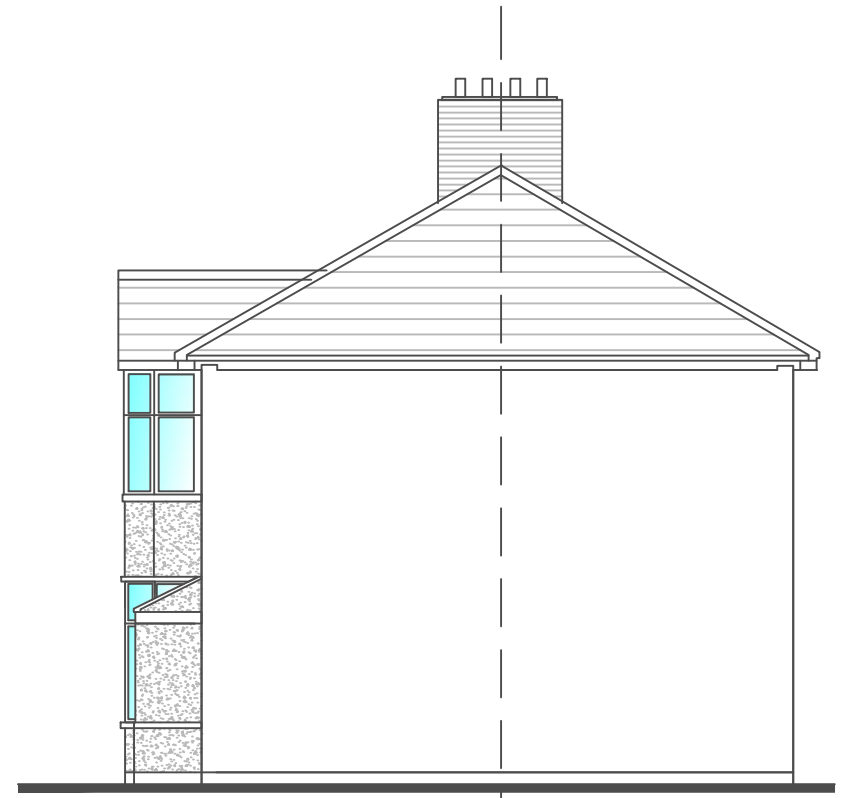
Existing First Floor



Existing Front Elevation



Existing Rear Elevation



Existing Side Elevation

NO.	DATE	REVISIONS	BY

EXISTING

APPROVED BY: _____ DATE: _____

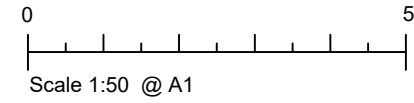
Client: _____

Site Address:
 229 Westrow Dr
 LONDON

Title:
 229 Westrow Drive, Barking, IG11 9BS
 Existing General Arrangement

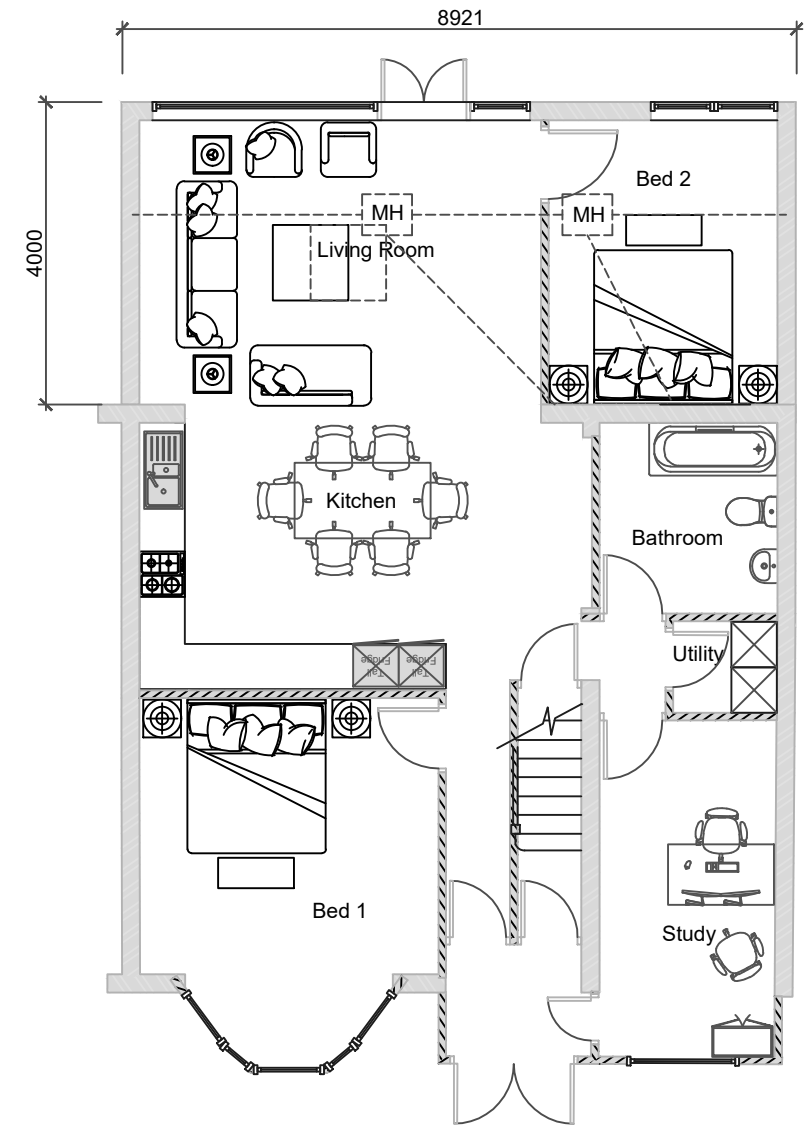
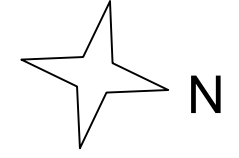
Drawn:	IF	Scale:	1:50 @A1
Sqm/sqft:	-	Date:	19/08/22

-	00/01	GA	-
Project No	Floor	Detail	Rev

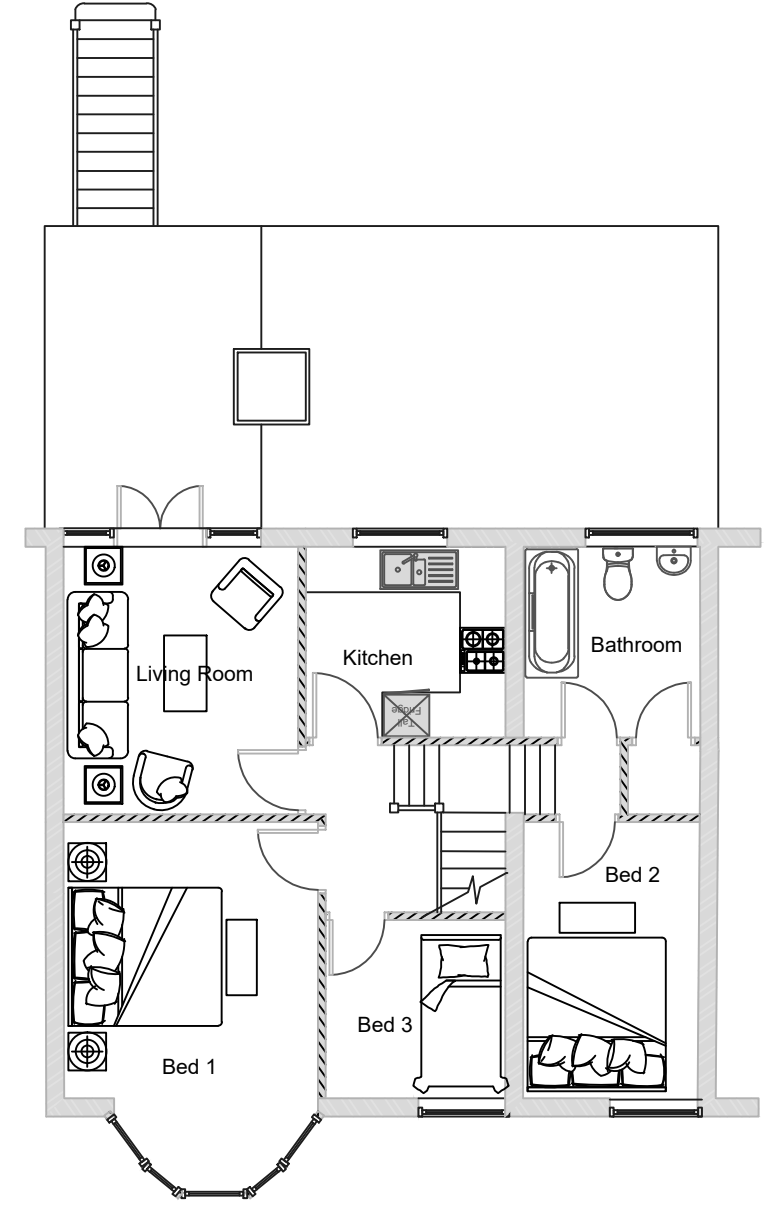


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Ceiling Height: - Sill Height: -



Proposed Ground Floor



Proposed First Floor

NO.	DATE	REVISIONS	BY

PROPOSED

APPROVED BY: _____ DATE: _____

Client: _____

Site Address:
 229 Westrow Dr
 LONDON

Title:
 229 Westrow Drive, Barking, IG11 9BS
 -
 Proposed General Arrangement 1

Drawn:	IF	Scale:	1:50 @A1
Sqm/sqft	-	Date:	19/08/22

-	00/02	GA	-
Project No	Floor	Detail	Rev

Delegated Report Application for Planning Permission			
Case Officer:	Anna Jennings	Valid Date:	07 March 2023
Officer Recommendation:	Refused	Expiry Date:	02 May 2023
Application Number:	23/00248/FULL	Recommended Date:	14 April 2023
Address:	229 Westrow Drive, Barking, Barking And Dagenham, IG11 9BS		
Proposal:	Construction of a single storey rear extension to facilitate the conversion of the property into two self-contained units		

Planning Constraints

The site is located in an Archeological Priority Area.

Site, Situation and Relevant Background Information

The application site is an end-of-terrace dwellinghouse on the western side of Westrow Drive. The dwelling has been historically extended including a double storey side extension and front porch.

The applicant seeks permission for the *Construction of a single storey rear extension to facilitate the conversion of the property into two self-contained units.*

Lack of Clarity

Officers have noted a lack of clarity on the plans provided. The proposed floor plan shows rear doors from the upper floor flat leading to the roof of the proposed rear extension. A ladder is then shown down the the rear garden. On the proposed elevations, however, where the door was indicated on the floor plans, a window is instead represented and no staircase is shown. This results in difficulties for officers assessing the proposed development and could prejudice third parties who may otherwise wish to comment on the application.

Key Issues

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

ASSESSMENT

Principle of the Development

NPPF

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 (LBBB) 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 for 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. This is evidenced in the past Annual Monitoring Reports. Paragraph 6.1.3 mentions that the Borough is rapidly losing family houses and accommodation through housing conversion, demolition, and redevelopment schemes that fail to 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. Consequently, when planning permission is required, the Council will resist proposals which involve the loss of housing with three bedrooms or more.

Policies SP3 and DMH4 of the Draft Local Plan and Policy BC4 of the Borough Wide Development Plan Policies Development Plan Document acknowledge the pressure on the supply of housing within the Borough and pay particular reference to the shortfall of family sized homes. It is well established that there is a general presumption against the loss of family-sized dwellings (3+ bedrooms).

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. Paragraphs 6.63-6.55 (inclusive) provide justification for the existing and projected dwelling size requirement. The evidence sets out that there is a strong demand in the borough 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 is uncommon for developers to provide flats or houses that are 4-bedroom+ (larger family dwellings).

Conversion of 5-bedroom single dwelling into x2 self-contained dwellings (x1 2-bedroom, x1 3-bedroom)

Whilst the proposed development would deliver x1 additional dwelling to the council's housing stock, the conversion of a 5-bedroom property into x1 2-bedroom and x1 3-bedroom flat would result in the loss of x1 larger family-sized dwelling, the loss of which the local plan strongly resists. It is important to protect family housing and in particular larger family houses (4-bedroom +). The adopted and emerging planning policies emphasise the importance of the delivery and retention of this housing type. 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.

Although it is recognised that conversions to flats can provide a valuable source of housing, and meet a related need for smaller households, this is weighed against the need to protect and increase the supply of 4+ bedroom larger family sized housing, of which the existing property is one (5 bedrooms).

Officers cite appeal ref. APP/Z5060/W/21/3273906, for the conversion of a 4 bedroom dwelling into x2 1-bedroom flats. This appeal was dismissed on the basis that the proposal would be harmful to the supply of family housing in the area, and would therefore conflict with Policy BC4 of the DPD and Policy GG4 of the London Plan in respect of meeting identified housing needs. The proposal would also be contrary to the Framework with regards to delivering a sufficient supply of homes and meeting the needs of different groups, including families with children. Officers consider similar concerns regarding the loss of a family sized dwelling at this site.

Furthermore, appeal ref. APP/Z5060/W/22/3301278 was dismissed on 16/01/2023. The application proposed the conversion of a family dwelling into a retail A1 shop, x1 1-bedroom and x1 2-bedroom flat units including two storey side and single storey rear extensions. The appeal was dismissed on the basis that *'It would result in significant harm to the stock of family housing, from the conversion of one 3-bed unit into two smaller units'*, contrary to Policy BC4 of the DPD, Policies CC1 and CM1 of the CS, Policy GG4 of the LP and Policy SP3 of the DLP.

Officers acknowledge that whilst the proposed development would result in the loss of a larger family dwelling (5 bedrooms), it is proposed that it would reinstate x1 'family-sized' unit on the first floor (3 bedrooms). Under appeal ref. APP/Z5060/W/21/3285336, the Inspector found the loss of a 6 bedroom dwelling house to be acceptable, as a 3-bedroom dwelling was to be reinstated on site which would constitute a family-sized dwelling. Notwithstanding, crucially, one of the bedrooms of the proposed upper-floor dwelling does not meet the space standard for a single bedroom and as such, officers find that the upper floor dwelling may in fact only be considered to have x2 habitable bedrooms. As such, the proposed development fails to retain a family-sized dwelling of acceptable quality, and therefore it is maintained that the development would result in the loss of a 'larger' family dwelling (4+ bedrooms).

To conclude, the proposal would result in the loss of a 4+ bedroom family sized dwelling, a type of housing in high demand within the Borough. There is an identified need for larger family homes in the area and that the loss of this dwelling, through conversion into two flats, would be to the detriment of this need. As such, the negatives arising from the proposal are considered to outweigh any significant benefits. The principle of development is not supported.

Dwelling Mix and Quality of Accommodation

Internal amenity space

At national level, the 'Technical housing standards – nationally described space standard' deals with internal space within new dwellings and 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 seek for new housing to achieve the space standards in line with those set at national level.

The Local Plan also reiterates the need for housing developments to conform to these requirements. Policy D4 of the London Plan also 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'. Policy D5 of the London Plan also outline that 90% of new build homes should meet requirement M4(2) (accessible and adaptable dwellings) of Building Regulations Approved Document M and that 10% should meet requirement M4(3) (wheelchair user dwellings). This target is reflected at local level by Policy DMH3 of the Draft Local Plan Reg 19.

Existing Dwelling

The existing dwelling is a 5-bedroom larger family dwelling.

The technical housing standards- nationally described space standards states that a 5 bedroom, 7 person, 2 storey dwelling should provide a minimum of 119 sqm of gross internal area (GIA) and 3.5 sqm of storage space. In addition, a double (or twin bedroom) should a floor area of at least 11.5 sqm, and one double (or twin bedroom) must be at least 2.75m wide and every other double (or twin) bedroom at least 2.55m wide. A single bedroom must have a floor area of at least 7.5m² and be at least 2.15m wide. The space standards for the existing dwellinghouse are set out below:

Gross Internal Area: Approx.132.5sqm **COMPLIES**

Bedroom 1: 15sqm **COMPLIES**

Bedroom 2: 11.5sqm **COMPLIES**

Bedroom 3: 6sqm **FAILS TO COMPLY**

Bedroom 4: 9sqm **COMPLIES**

Bedroom 5: 6sqm **FAILS TO COMPLY**

Total Storage: 0.9sqm **FAILS TO COMPLY**

The existing dwelling exceeds the gross internal floor area requirement for a 5 person, 4 bedroom, 2 storey property. Notwithstanding, officers recognise that x2 single bedrooms are undersized when compared against the technical housing standards- nationally described space standards. Notwithstanding, the existing dwelling still provides x3 bedrooms which meet the current space standard and as such the dwelling would still be considered suitably family-sized. The built-in storage provided falls below the requirement, notwithstanding, officers recognise that the overall GIA is significantly above the minimum requirement , so storage can be satisfactorily accommodated within the existing dwelling.

Proposed Dwellings

The proposed development will provide x1 2-bedroom and x1 3-bedroom flat.

The technical housing standards- nationally described space standards states that a 2 bedroom, 4 person flat must provide 70sqm of GIA and 2sqm of built-in storage. A 3 bedroom, 5 person flat must provide 86sqm GIA and 2.5sqm of built-in storage. A double (or twin bedroom) should a floor area of at least 11.5 sqm, and one double (or twin bedroom) must be at least 2.75m wide and every other double (or twin) bedroom at least 2.55m wide. The space standards for the proposed dwellings are set out below:

Flat 1 (Ground Floor- 2b,4p) - With proposed extension

Gross Internal Area: Approximately 102.5sqm **COMPLIES**

Bedroom 1: 17sqm **COMPLIES**

Bedroom 2: 11.3sqm **FAILS TO COMPLY**

Study/ Bedroom 3: 11sqm **COMPLIES**

Total Storage: 0sqm **FAILS TO COMPLY**

Flat 2 (First Floor- 3b,5p)

Gross Internal Area: Approximately 64.5sqm **FAILS TO COMPLY**

Bedroom 1: 14.6sqm **COMPLIES**

Bedroom 2: 8.5sqm **COMPLIES**

Bedroom 3: 5.7sqm **FAILS TO COMPLY**

Total Storage: 0.9sqm **FAILS TO COMPLY**

On the applicant's Design and Access Statement, the applicant has stated that 'The ground floor flat is to comprise two double bedrooms', and the upper floor flat will 'comprise two double bedrooms and 1 single bedroom'. Notwithstanding, on the ground floor flat officers have found that bedroom 2 marginally fails to meet the space standard for a double bedroom. Given the minor shortfall of around 0.3sqm, this could be considered acceptable subject to an otherwise good standard of accommodation. It is noted that there is an additional 'study' room that meets the space standard for a single bedroom. Notwithstanding, given the internal connecting door from this room to the shared hallway providing separate access to both flats, this may not be considered appropriate for a bedroom on account of the access arrangement. Overall however, and despite the lack of built-in storage space, the GIA of the flat significantly exceeds what is required for a 2 bedroom, 4 person flat and as such officers are of the view that on balance the internal standard of accommodation is acceptable.

Flat 2 on the upper floor is presented by the applicant as comprising 'two double bedrooms and 1 single bedroom'. Notwithstanding, officers have noted the following concerns:

- *The overall GIA for a 3 bedroom, 5 person flat is 21.5sqm below the required minimum standard*
- *Bedroom 2 fails to meet the size standard for a double bedroom*
- *Bedroom 3 fails to meet the size standard for a single bedroom*
- *Built-in storage is underprovided*

Considering the above points, the proposed flat would in fact be considered a 2 bedroom, 3 person dwelling, which as previously addressed, would not be considered a 'family-sized' dwelling. The size standard for a 2 bedroom, 3 person, 1 storey dwelling is 61sqm (GIA) and 2sqm (built-in storage). As such, even though the GIA requirement would just be met, the storage requirement would still not be. Officers conclude that the standard of residential accommodation for the upper floor flat proposed is unacceptable and fails to meet the space requirements of the dwelling that the applicant proposes.

Whilst the existing dwelling falls short of current space standards, it is recognised that it is still an existing 5-bedroom family-sized dwellinghouse. The proposed dwellings fail to provide an acceptable standard of accommodation for x1 2-bedroom and x1 3-bedroom dwellings, and as such it is considered that the quality of accommodation provided at the site would be reduced as a result of the proposed development, which is unacceptable.

External amenity space

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 D6 of the London Plan supports this by ensuring new housing provides adequate outside space. Policy DMNE1 of the Draft Local Plan Reg 19 seeks to ensure proposals provide adequate external amenity space whereby developments should not rely on upon existing publicly accessible open space to contribute towards on site amenity space and children play space. This is further supported by Policy BP5 of the Borough Wide Development Plan Document which states that new developments must provide adequate external private and/ or communal amenity space to meet the need generated by development.

Policy BP5 of the Borough Wide DPD states that a 2+ bedroom flat should provide 40 sqm of external amenity space. This space should be private, safe, functional and useable.

The application site has an existing rear garden measuring 142.6sqm. Notwithstanding, there is an existing rear outbuilding which leaves around 78.5sqm of useable amenity space at the rear of the dwelling.

No details have been provided regarding how the rear amenity space would be subdivided to accommodate the x2 proposed dwellings. As such, it is assumed that this space would be shared. As previously noted, on account of the lack of clarity of the plans provided, it is unclear how the rear amenity space would be accessed from the first floor flat. The proposed floor plan shows rear doors from the upper floor flat leading to the roof of the proposed rear extension. A ladder is then shown down the the rear garden.

On the proposed elevations, however, where the door was indicated on the floor plans, a window is instead represented and no staircase is represented.

Given the proposed 2-bedroom and 3-bedroom size of the dwellings proposed, officers consider it inappropriate to provide no separate, private amenity space for the separate residential units. If the garden was to be proposed for the use of residents of both dwellings, the shared provision would have a negative impact on both proposed dwellings and as such the proposed units are not considered to be better-suited to the application site than the existing single dwelling.

In the case that the external amenity space is proposed only for the residents of the ground floor flat, the lack of provision for the upper floor flat would be found to be unacceptable, failing to comply with the local plan.

Conclusion

With reference to the above, officers have found that the proposed dwellings fail to present an acceptable standard of residential accommodation. Notwithstanding, officers do not support replacing an existing family-sized dwelling with smaller sized dwellings that fail to meet the current size requirements and as such do not represent an improved standard of accommodation to that of the existing dwelling. Whilst officers note that lack of clarity surrounding the proposed division of and access to the rear external amenity space, the apparent proposed arrangement of a shared external amenity space at the rear is not considered suitable for 2 separate residential units with different households.

Design and Quality of Materials

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 Submission version, December 2021) 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 single storey rear extension

The applicant proposes the construction of a single storey rear extension to the proposed ground floor flat.

LBBB's SPD states that the depth of a single storey rear 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

The proposed extension has a depth of 4m and extends across the width of the rear of the property. A flat roof at a height of 2.4m is proposed, featuring a single roof light. Glass doors onto the rear amenity space are proposed in addition to a window to match those of the existing dwellinghouse.

Whilst the proposed single storey rear extension exceeds the SPD's recommended depth, it is only 0.35m in excess and as such, subject to the impact on neighbouring amenity, may be found acceptable.

Conversion of the dwelling into two self contained flats

The proposed development, with the exception of the proposed rear extension, appears to result in no further external changes.

Notwithstanding, the applicant has stated the following within the Design and Access Statement: *The appearance from Rainham Road South will remain as existing and will not be changed. The proposed alterations to the side and rear elevations will match that*

of the existing and adjoining residential units thus preserving the character, appearance and context of the surrounding area.'

At present, the existing dwelling at the site is accessed via a front door. The applicant proposes that the existing access point will be retained, with the first floor flat using a separate entrance door at the bottom of the stairs. Notwithstanding, officers have some concerns regarding the two separate ground floor internal doors both providing access to the ground floor flat which fails to provide a single access point to both dwellings.

As previously noted, officers have found there to be a lack of clarity on the plans provided. The existing and proposed floor plans show rear doors from the upper floor flat leading to the roof of the proposed rear extension. A ladder is then shown down the rear garden area. On the proposed elevations, however, where the door was indicated on the floor plans, a window is instead represented and no staircase is shown. This results in difficulties for officers assessing the proposed development and could prejudice third parties who may otherwise wish to comment on the application. Specifically if the roof of the ground floor extension is used as an amenity space, and/or if a rear external staircase is installed this would likely result in undue harm to neighbouring amenities in terms of overlooking.

Designing Out Crime

The MET Police Designing out Crime Officer (DOCO) has been consulted on this application.

Recommendations have been made addressing the following:

- *Boundary treatment*
- *Doors and Windows*
- *Mail provision*
- *External Refuse Store*
- *Cycle Storage Sheed*
- *External Lighting*
- *Drainage*

The following conditions and informatives have been recommended:

Security condition:-

The proposed development shall achieve Secured by design certification to the satisfaction of the local authority & Metropolitan Police, details of which shall be provided to the Local Planning Authority for its written approval prior to the first occupation of the approved development. All security measures applied to the approved development shall be permanently retained thereafter.

REASON: To ensure safe and secure development and reduce crime.

"Police DOCOs should be consulted in discharging any Community Safety Condition(s) where attached".

If the L.B. Barking & Dagenham are to consider granting consent, Police would ask that the condition and informative detailed, be attached. This is to mitigate the impact and deliver a safer development in line with national, regional and local planning policies.

Community Safety - Informative:

In aiming to satisfy any Secured by Design condition, the applicant must seek advice of the Metropolitan Police Service Designing out Crime Officers (DOCOs) to achieve accreditation. The services of MPS DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk

Whilst the applicant has not shown any consideration of enhancing security at the site, the DOCO has suggested that if the safety recommendations are taken into account by the applicant, the physical security requirements of Secured by Design can be achieved.

The applicant can contact officers for a copy of the DOCO's full response.

Impacts to Neighbouring Amenity

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.

The proposal will increase the number of households at the application site from 1 to 2. Officers recognise that two separate households may produce more separate comings-and-goings and disturbances than one household.

Notwithstanding, the generation of noise, waste, smoke, fumes or comings and goings is not expected to be notably different to that currently produced on site, as such the proposal is considered acceptable in this regard.

Proposed Dwellings (Flats 1 and 2)

Access to both dwellings will be via the existing front door. The upper floor flat will be separated by an internal door at the foot of the staircase. Notwithstanding, In order to access Flat 2 on the second floor, occupants must walk directly past a secondary internal door to Flat 1 proposed as a 'study' but that officers recognise could also be used as a bedroom. This may have a negative impact on neighbouring amenity through disturbance and a loss of privacy.

227 Westrow Drive

No.227 adjoins the application site to the south. The proposed single storey rear extension will extend 4m beyond the rear elevation of the neighbouring property, which will result in some loss of outlook to the ground floor and a minimal sense of enclosure.

Notwithstanding, due to its southerly position, the development will not result in the loss of light or overshadowing of no.227. Notwithstanding, given the depth of 4m, which exceeds the SPD's guidance by just 0.35m, officers do not consider that the extension is unlikely to have a detrimental impact on neighbouring amenity at this property.

231 Westrow Drive

No.231 is sited to the north of the application site, with the side elevations of the ground floors of the dwelling abutting. The proposed single storey rear extension will extend 4m beyond the rear elevation of the neighbouring property, which may result in some loss of outlook to the ground floor and a slight sense of enclosure. The rear extension will result in some overshadowing to and loss of daylight to the rear of the neighbouring property and a portion of its rear garden. Notwithstanding, given the depth of 4m, which exceeds the SPD's guidance by just 0.35m, officers do not consider that the extension is unlikely to result in material harm to the amenity at this property and find the impact to be acceptable.

As set out previously, there is a lack of clarity surrounding access to the roof of the proposed rear extension and whether a rear external staircase is proposed. This is not clearly demonstrated on all plans, though should it be formalised in a future submission, concerns are likely to arise with respect to the privacy and overlooking impacts to neighbours.

Sustainable Transport and Refuse

Be First's Transport Officer has been consulted on the proposed development and has provided the following response:

Car Parking

The site is in PTAL 1b meaning it has very poor access to public transport and it falls under the CPZ area. Therefore, it is likely that most of the users will be relying on private vehicles for commuting to and from the site and requires the least amount of car parking facility if any. The London Plan requires 1.5 maximum car spaces for each of this development.

Westrow Drive under the CPZ area with on-street parking available for resident permit holders only Mon – Fri 1:30 till 2:30pm.

Refuse

None provided.

Detailed proposal for this should be provided in writing to Be First and approved prior to approval of any planning application.

Cycle Parking

According to the Local Plan POLICY DMT 3 and The London plan 2021, this development requires a minimum of 2 cycle parking spaces for each proposed development. The cycle parking space must be safe and easily accessible. sets out the minimum cycle parking standards for developments.

The overall proposal should provide a minimum of 4 additional cycle parking spaces. No details have been provided of the intended cycle storage, nor has an area been identified on a plan or photograph.

My recommendation would be for additional 2 cycle storage spaces for each development/flat and 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, for access to be administered and to provide ongoing maintenance

Applicant must identify adequate cycle parking spaces prior to the approval of the application and 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.

Reason: 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

Construction

Prior to commencement of the development, a CLP in line with the TfL guidelines shall be submitted to and approved in writing by the Council. The details shall include the numbers, size and routes of construction vehicles, provisions within/around the site to ensure that all vehicles associated with the construction works are properly managed to prevent any unwanted disruption to other highway users, and other matters relating to traffic management to be agreed with the licencing officers of the council. Approved details shall be implemented throughout the project period and any changes to the document must be reported back to the council's planning and highways department.

Reason: To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway, the amenities of local residents and the area generally in accordance with Policy DMT 4 of The Local Plan.

Applicant must obtain all the relevant licences prior to the commencement of any construction activities. This includes skip permits, material licences, scaffolding and hoarding licences etc.

There may need to be an agreement between the Council and developer to cover any incidental damages to the highway, as a result of the passage of demolition and construction lorries and plant along these public roads.

Applicant should apply for relevant licenced through the link below -

<https://www.lbbd.gov.uk/licences-permits-and-registration/roads-and-highway-licences>

Licence to place objects or structures on a highway | LBBDD

RECOMMENDATION

Based on the information provided it is our considered view that there is no apparent adverse highway safety issue or any substantial reason to object subject to applicant providing additional information regarding the cycle spaces, refuse arrangement and detailed off-street parking proposals.

Conditions must include – Cycle parking spaces.

Officer Assessment

The applicant has proposed no off-street car parking for the proposed development. It is noted that the site falls under the local CPZ area. The applicant has failed to demonstrate that any increase in vehicles would not have an adverse impact on the car parking pressure on surrounding roads. Notwithstanding, it is recognised that the development will increase the dwelling units on the site by x1 and as such, any potential increase in vehicles parking on the surrounding roads would be expected to have a minimal impact on local parking pressures. Notwithstanding, this should be addressed by the applicant. A Transport Plan may be required by condition.

In accordance with Policy T5 of the London Plan, the proposed development should accommodate x4 cycle parking spaces. Notwithstanding, no details of any proposed cycle storage have been provided.

Should permission be granted, a condition would be applied requiring details of the cycle parking facilities to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development, in order to accord with Policy T5 of the London Plan and Policy BR11 of the Borough Wide DPD.

With regards to refuse provision, officers note no details have been provided regarding the provision of refuse storage for either of the proposed dwellings. It must be ensured that the refuse provisions will accommodate all the units on site. As such, prior to occupation of the development, a Refuse and Recycling Strategy must be submitted to the Local Planning Authority in consultation with the Council's Refuse and Recycling Team in order to provide satisfactory refuse and recycling storage provision in the interests of the appearance of the site and locality, in accordance with policies BP8 and BP11 of the Borough Wide DPD.

Notwithstanding the previous reasons for refusal, should the application have been recommended for approval, prior to commencement of the development, a Construction Logistics Plan in line with the TfL guidelines would be required to be submitted and approved in writing by the Council, in order to ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway, the amenities of local residents and the area generally in

accordance with Policy DMT 4 of The Local Plan.

Environmental

The site is located in an Archeological Priority Area.

Historic England Greater London Archaeological Advisory Service (GLAAS) have been consulted and confirmed that as the proposed works of too small scale to impact the Archaeological Priority Area, no conditions are necessary in this instance.

LBBD's Environmental Protection Officer has been consulted and has recommended the following conditions:

Construction Stage

The following condition is recommended:

No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall incorporate details of:

- a) the parking of vehicles of site operatives;*
- b) loading and unloading of plant and materials;*
- c) storage of plant and materials used in constructing the development;*
- d) measures to control the emission of dust, dirt and emissions to air during construction; such measures to accord with the guidance provided in the document "The Control of Dust and Emissions during Construction and Demolition", Mayor of London, July 2014;*
- e) noise and vibration control;*
- f) a waste management plan for recycling/disposing of waste resulting from demolition and construction works.*

Demolition and construction work and associated activities, other than internal works inaudible outside the site boundary, are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 Saturday, with no work on Sundays or public holidays without the prior written permission of the Local Planning Authority.

Any works which are associated with the generation of ground borne vibration are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday.

Demolition and construction work and associated activities are to be carried out in accordance with the recommendations contained within British Standard 5228:2009, "Code of practice for noise and vibration control on construction and open sites", Parts 1 and 2.

Once approved the Plan shall be adhered to throughout the construction period for the development.

Reason: The CEMP is required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring residents, and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

Air Quality

All developments including minor developments should be air quality neutral in line with the GLA Air Quality Neutral Guidance 2023.

The following condition is recommended:

Prior to commencement of the development an Air Quality Neutral assessment considering emissions from buildings and transport sources shall be submitted to and approved in writing by the Local Planning Authority. the assessment methodology used shall be in line with the GLA Air Quality Neutral Guidance 2023.

Reason: To Comply with Policy 7.14 of the London Plan and the GLA SPG 'Sustainable Design and Construction' (2014).

Contaminated Land Informative

Pursuant to the provisions of the National Planning Policy Framework responsibility for securing a safe development rests with the developer and/or landowner. It is recommended that a watching brief is implemented for the presence of unexpected land contamination throughout the construction works (if during any groundwork contaminated land or suspected contaminated land is discovered or identified, this should be reported to the below email). In the event that contamination is found at any time when carrying out the development it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared, implemented, and verified with copies of all relevant records being provided to the Local Planning Authority.

Officer Comment

Whilst officers have regard to the recommendations of the Environmental Protection Officer, given the minimal scale of the physical works proposed, the requirement of a Construction Environmental Management Plan (CEMP) and a Air Quality Neutral assessment are not considered to be necessary or proportionate in this instance. Notwithstanding, the contaminated land informative is considered to be of relevance.

CONCLUSION

The applicant proposed the *Construction of a single storey rear extension to facilitate the conversion of the property into two self-contained units.*

The applicant has failed to present plans which accurately depict the proposed development. Specifically the proposed floor plan shows rear doors from the upper floor flat leading to the roof of the proposed rear extension, where a ladder is then shown to provide access to the rear external amenity space. The proposed elevations instead show a window, and no staircase is shown. This results in difficulties for officers assessing the proposed development, particularly with regard to the quality of accommodation.

The proposed development would convert an existing 5-bedroom, two-storey dwelling into 1 x 2-bedroom, 1x 3-bedroom flats, which would result in the loss of a 5-bedroom larger family-sized dwelling house, of which the borough is seeking to protect. Whilst it is suggested that a 3-bedroom family-sized dwelling would be reinstated on the upper floor, the failure to meet internal space standards results in an unacceptable residential quality of this unit.

The principle of development is therefore considered to be unacceptable and contrary to the development plan and policies.

Additionally, on account of failing to meet the minimum Gross Internal Area standard required by the DCLG Technical Housing Standards (nationally described space standard), failing to meet the required bedroom size standard and failing to provide adequate built-in storage provision, in addition to the inappropriate external amenity arrangement, the quality of accommodation is unacceptable and represents a reduced standard of residential accommodation than the existing dwelling.

The proposed development fails to outweigh the harm caused from the loss of an existing family-sized dwelling house from the borough's housing stock. The proposal is contrary to the development plan with regards to delivering a sufficient supply of homes and meeting the needs of different groups, including families. The Local Planning Authority is seeking to preserve and increase the stock of family housing, for which there is an established need, and will resist proposals which involve the loss of housing with three bedrooms or more, especially in the case of larger family dwellings (4+ bedrooms). The proposal would conflict with the development plan and as such it is recommended that planning permission is 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 H1 Increasing Housing Supply Policy H2 Small Sites Policy D4 Delivering Good Design Policy D5 Inclusive Design Policy D6 Housing Quality and Standards Policy D1 London Form, Character and Capacity for Growth Policy D8 Public Realm Policy GG1 Building Strong and Inclusive Communities Policy GG3 Creating a Healthy City Policy D14 Noise Policy T6.1 Residential Car Parking Policy T5 Cycle Storage
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 CC1 Family Housing
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BP10 Housing Density Policy BP11 Urban Design Policy BP8 Protecting Residential Amenity Policy BP5 External Amenity Space Policy BR9 Parking Policy BR10 Sustainable Transport Policy BR11 Walking and Cycling
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 Policy SP3 Delivering Homes that Meet People's Needs Policy DMH3 Specialist Housing Policy SP2 Delivering a well-designed, high quality and resilient built environment Policy DMD1 Securing High Quality Design Policy DMSI3 Nuisance Policy DMT2 Cycling Policy DMT 3 Car Parking
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) London Borough of Barking and Dagenham Housing Delivery Test Action Plan (2020)

APPENDIX 2

Relevant Planning History			
Application Number:	78/00126/TP	Status:	Approved
Description:	Erection of front door porch and two storey side extension to provide toilet study and enlarged kitchen on ground floor with 2 bedrooms over and erection of double private motor garage in rear garaden		

APPENDIX 3

Consultations		
Consultee:	Date Consulted:	Summary of response:

Historic England Greater London Archaeological Advisory Service (GLAAS)	13/03/2023	<ul style="list-style-type: none"> Proposed works of too small scale to impact Archaeological Priority Area No conditions necessary
MET Police Designing Out Crime Officer (DOCO)	13/03/2023	<p>Several recommended areas of design improvement within report.</p> <p>Security condition:- The proposed development shall achieve Secured by design certification to the satisfaction of the local authority & Metropolitan Police, details of which shall be provided to the Local Planning Authority for its written approval prior to the first occupation of the approved development. All security measures applied to the approved development shall be permanently retained thereafter. REASON: To ensure safe and secure development and reduce crime.</p> <p>“Police DOCOs should be consulted in discharging any Community Safety Condition(s) where attached”.</p> <p>If the L.B. Barking & Dagenham are to consider granting consent, Police would ask that the condition and informative detailed, be attached. This is to mitigate the impact and deliver a safer development in line with national, regional and local planning policies.</p> <p>Community Safety - Informative: In aiming to satisfy any Secured by Design condition, the applicant must seek advice of the Metropolitan Police Service Designing out Crime Officers (DOCOs) to achieve accreditation. The services of MPS DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk</p>
LBBD Environmental Protection	13/03/2023	<p>Construction Stage The following condition is recommended:</p> <p>No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall incorporate details of:</p> <ol style="list-style-type: none"> the parking of vehicles of site operatives; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; measures to control the emission of dust, dirt and emissions to air during construction; such measures to accord with the guidance provided in the document “The Control of Dust and Emissions during Construction and Demolition”, Mayor of London, July 2014; noise and vibration control; a waste management plan for recycling/disposing of waste resulting from demolition and construction works. <p>Demolition and construction work and associated activities, other than internal works inaudible outside the site boundary, are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 Saturday, with no work on Sundays or public holidays without the prior written permission of the Local Planning Authority.</p> <p>Any works which are associated with the generation of ground borne vibration are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday.</p> <p>Demolition and construction work and associated activities are to be carried out in accordance with the recommendations contained within British Standard 5228:2009, “Code of practice for noise and vibration control on construction and open sites”, Parts 1 and 2.</p> <p>Once approved the Plan shall be adhered to throughout the construction period for the development.</p> <p><i>Reason: The CEMP is required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring residents, and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.</i></p>

Air Quality

All developments including minor developments should be air quality neutral in line with the GLA Air Quality Neutral Guidance 2023.

The following condition is recommended:

Prior to commencement of the development an Air Quality Neutral assessment considering emissions from buildings and transport sources shall be submitted to and approved in writing by the Local Planning Authority. The assessment methodology used shall be in line with the GLA Air Quality Neutral Guidance 2023.

Reason: To Comply with Policy 7.14 of the London Plan and the GLA SPG 'Sustainable Design and Construction' (2014).

Contaminated Land Informative

Pursuant to the provisions of the National Planning Policy Framework responsibility for securing a safe development rests with the developer and/or landowner. It is recommended that a watching brief is implemented for the presence of unexpected land contamination throughout the construction works (if during any groundwork contaminated land or suspected contaminated land is discovered or identified, this should be reported to the below email). In the event that contamination is found at any time when carrying out the development it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared, implemented, and verified with copies of all relevant records being provided to the Local Planning Authority.

Introduction

The proposal is to add a rear extension and convert the house into two separate flats: one on the ground floor and another on the first floor.

The ground floor flat is to comprise two double bedrooms, with one having been added into the extension area, as well as a study, utility room, a large bathroom and an open-plan kitchen, dining and living room.

On the first floor, the existing space is to be converted into another flat. This flat will comprise two double bedrooms and 1 single bedroom, which could also be utilized as a study. This flat will also contain a large bathroom, as well as a kitchen and living room. The kitchen and living room are to be separate on this floor.

Site Access

The vehicular and pedestrian access to the dwelling will remain as existing via the front entrance door.

Car Parking

The site is in PTAL 1b meaning it has very poor access to public transport and it falls under the CPZ area. Therefore, it is likely that most of the users will be relying on private vehicles for commuting to and from the site and requires the least amount of car parking facility if any. The London Plan requires 1.5 maximum car spaces for each of this development.

Westrow Drive under the CPZ area with on-street parking available for resident permit holders only Mon – Fri 1:30 till 2:30pm.

Refuse

Non provided.

Detailed proposal for this should be provided in writing to Be First and approved prior to approval of planning application.

Cycle Parking

According to the Local Plan POLICY DMT 3 and The London plan 2021, this development requires a minimum of 2 cycle parking spaces for each proposed

Be First Transport

13/03/2023

development. The cycle parking space must be safe and easily accessible. sets out the minimum cycle parking standards for developments.

The overall proposal should provide a minimum of 4 additional cycle parking spaces. No details have been provided of the intended cycle storage, nor has an area been identified on a plan or photograph.

My recommendation would be for additional 2 cycle storage spaces for each development/flat and 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, for access to be administered and to provide ongoing maintenance

Applicant must identify adequate cycle parking spaces prior to the approval of the application and 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.

Reason: 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

Construction

Prior to commencement of the development, a CLP in line with the TfL guidelines shall be submitted to and approved in writing by the Council. The details shall include the numbers, size and routes of construction vehicles, provisions within/around the site to ensure that all vehicles associated with the construction works are properly managed to prevent any unwanted disruption to other highway users, and other matters relating to traffic management to be agreed with the licencing officers of the council. Approved details shall be implemented throughout the project period and any changes to the document must be reported back to the council's planning and highways department.

Reason: To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway, the amenities of local residents and the area generally in accordance with Policy DMT 4 of The Local Plan.

Applicant must obtain all the relevant licences prior to the commencement of any construction activities. This includes skip permits, material licences, scaffolding and hoarding licences etc.

There may need to be an agreement between the Council and developer to cover any incidental damages to the highway, as a result of the passage of demolition and construction lorries and plant along these public roads.

Applicant should apply for relevant licenced through the link below -

<https://www.lbbd.gov.uk/licences-permits-and-registration/roads-and-highway-licences>

Licence to place objects or structures on a highway | LBBDD

RECOMMENDATION

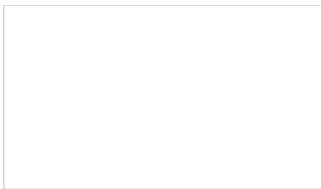
Based on the information provided it is our considered view that there is no apparent adverse highway safety issue or any substantial reason to object subject to applicant providing additional information regarding the cycle spaces, refuse arrangement and detailed off-street parking proposals.

Conditions must include – Cycle parking spaces.

LBBB Refuse	13/03/2023	N/A
LBBB Access	13/03/2023	N/A

APPENDIX 4

Neighbour Notification	
Date Consultation Letter Sent:	13/03/2023
<i>No response received.</i>	



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBBB Reference: 23/00248/FULL

Rebecca Parnell

**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: 23/00248/FULL
Address: 229 Westrow Drive, Barking, Barking And Dagenham, IG11 9BS
Development Description: Construction of a single storey rear extension to facilitate the conversion of the property into two self-contained units

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: Rebecca Parnell
Applicant: Sandy Ogunbote
229 WESTROW DRIVE
BARKING

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 23/00248/FULL
Application Type: Full Planning Permission
Development Description: Construction of a single storey rear extension to facilitate the conversion of the property into two self-contained units
Site Address: 229 Westrow Drive, Barking, Barking And Dagenham, IG11 9BS
Date Received: 17 February 2023
Date Validated: 07 March 2023

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 applicant has failed to present plans which accurately depict the proposed development. Specifically the proposed floor plans and elevations indicate mismatching features with regards to a rear door/window and ladder to the upper floor flat. Officers have been unable to accurately assess the quality of accommodation with regards to external amenity. The proposal could prejudice third parties who may otherwise have wished to comment on the application; the proposed development cannot be accurately assessed and it cannot be demonstrated that it would be supported by the Development Plan. 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)

2. The proposed development for x2 self contained flats will result in the loss of a 5-bedroom larger family dwellinghouse which is the type of housing in high demand within the Borough and which policies seek to protect. The negative impact of the proposal regarding the loss of this type of housing outweighs any significant benefit. 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 Submission Version, December 2021); - Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017); - London Borough of Barking and Dagenham Housing Delivery Test Action Plan 2020

3. The proposed development fails to deliver the required minimum Gross Internal Area, bedroom size standards, or built-in storage standard. Additionally, the proposal presents an inappropriate external amenity arrangement. As such, the proposed development introduces sub-standard accommodation that will not facilitate an acceptable living standard for future occupiers, and represents a reduced standard of residential accommodation than the existing dwelling. The proposed development is therefore contrary to:

- National Planning Policy Framework (DLUHC , 2021); - Policies D4 and D6 of the London Plan (March 2021); - Policies CP3 and CC1 of the LDF Core Strategy (July 2010); - Policies BP8 and BP11 of the LDF Borough Wide Development Plan Policies DPD (March 2011); - Policies SP2, SP2 and DMD1 of the Draft Local Plan (Regulation 19 Submission version, December 2021); -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.

Informative(s):

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

- 00/04- Proposed Site Plan- 10/10/2022
- 00/02- Proposed Ground and First Floor Plans- 19/08/2022
- 00/03- Site Location Plan and Proposed Front, Rear and Side Elevations- 19/08/2022
- 00/01- Existing Ground and First Floor Plans and Existing Front, Rear and Side Elevations- 19/08/2022
- Fire Safety Statement- 17/02/2023
- Design and Access Statement- N.d.

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: 24/04/2023

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:

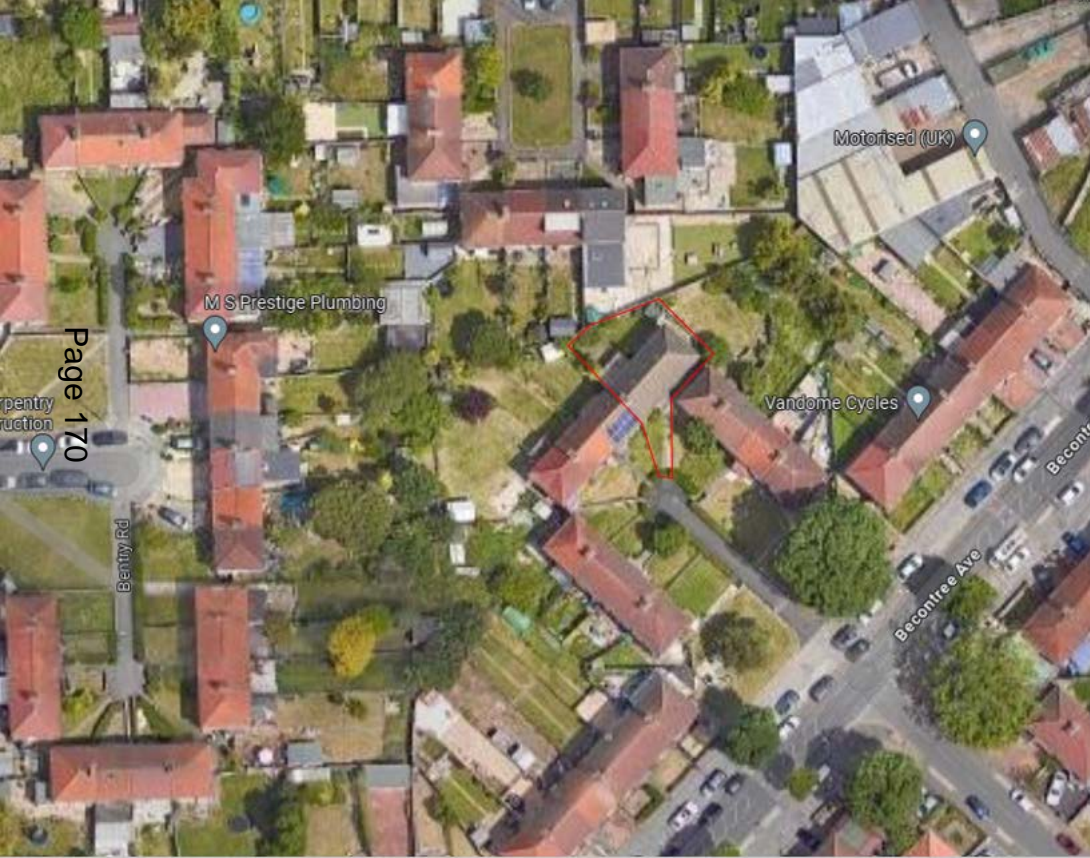
23/00327/FULL

Application Description:

Proposed conversion of existing dwelling to create two self-contained units

Decision:

Refused



Motorised (UK)

M SPrestige Plumbing

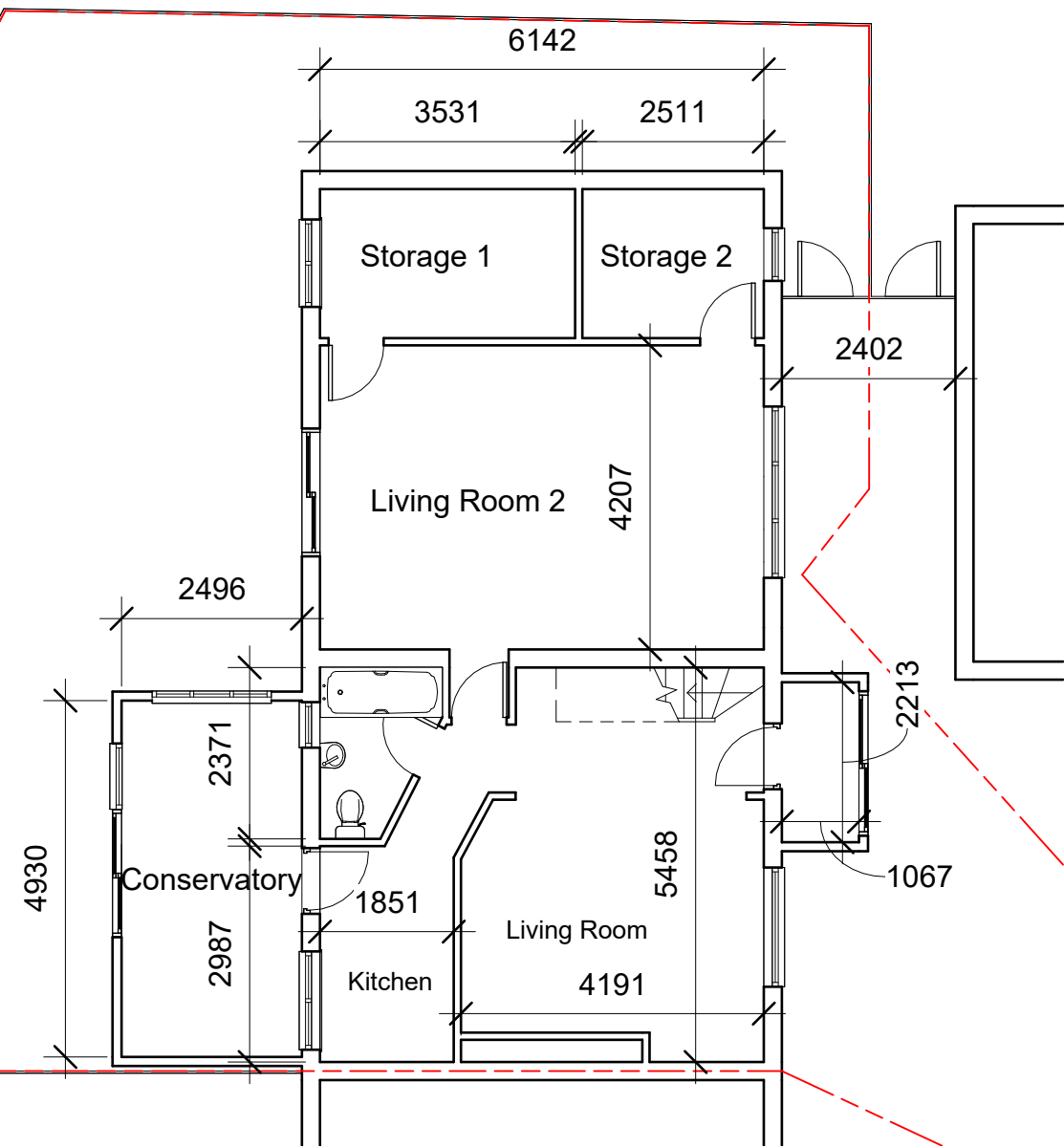
Vandome Cycles

Page 170

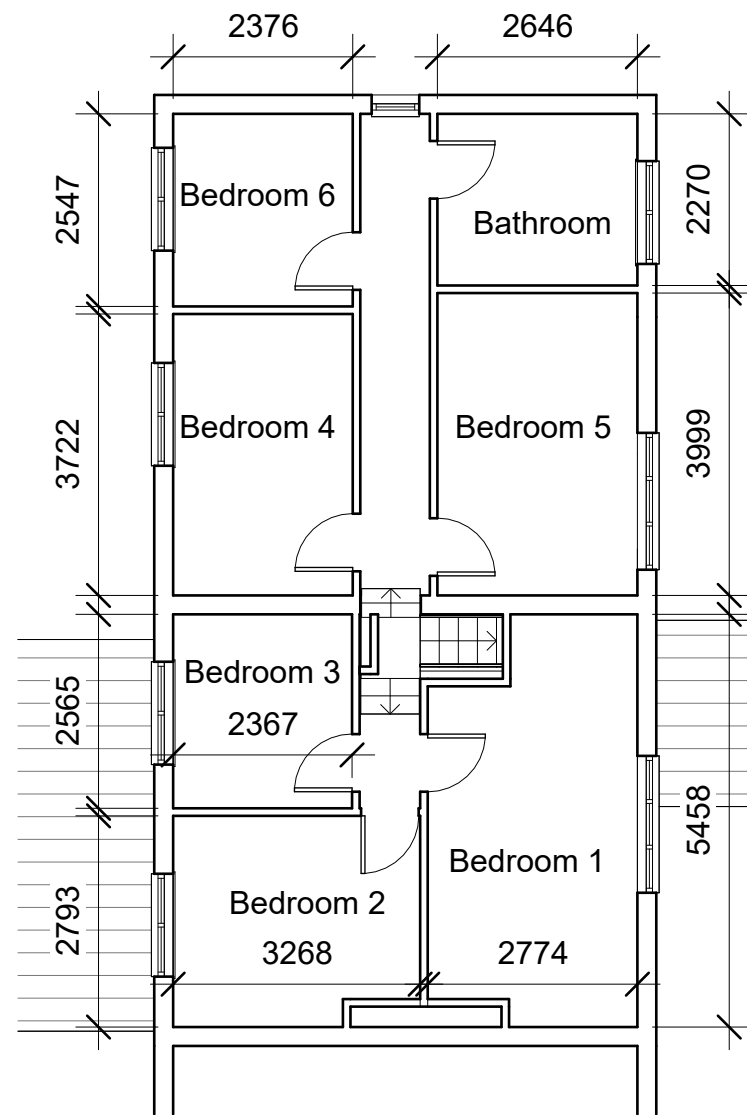
Benty Rd

Becontree Ave

Carpentry ruction



1 01 Existing Ground Floor Plan
1 : 100



2 02 Existing 1st Floor Plan
1 : 100

Notes:

Drawing to be read in conjunction with all other architects & consultants drawings and specification. All items shown as demolished/removed/dismantled to be carried out with due care and adjacent areas to be made good ready for the application of new finishes items etc
 All dimensions to brick/block/structure excluding finishes or decorative plinths
 All dimensions to be checked on site prior to commencement of alteration work and manufacture/fabrication of new components. Any discrepancies or omissions found in the drawings shall be reported to the architect immediately.
 Refer to consulting structural engineer's dwg's for foundation & all other structural alterations.
 All dimensions including thickness of walls as shown on plan to be read in conjunction with structural engineers notes
 Do not scale from this drawing work from figured dimensions only
 All structural walls to be specified by engineers
 No work to be carried out prior to the approval of the drawings under the town planning and country planning acts and the building regulations. Main contractor to be responsible for notifying the local authority of the start of the work and for arranging required stage inspections to be carried out.
 Client to be advised of any additional works requested by the building inspector.

Windows and doors
 New openings in external walls to be to the nearest brick size/course (subject to onsite parameters & individual situations).
 Internal reveal dimensions & actual window/door size subject to on-site measurement from specialist joiner/manufacturer & installer.
 All doors on escape routes to be provided with non lockable simple action ironmongery operable without the use of a key.

Drainage
 Existing drainage system: routes of existing drain runs, including invert levels, inspection chambers etc to be confirmed by contractor prior to works commencing.

PROJECT SITE:
 733 Becontree Avenue
 DAGENHAM
 RM8 3HH

DRAWING TITLE:
 Existing Plans

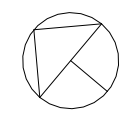
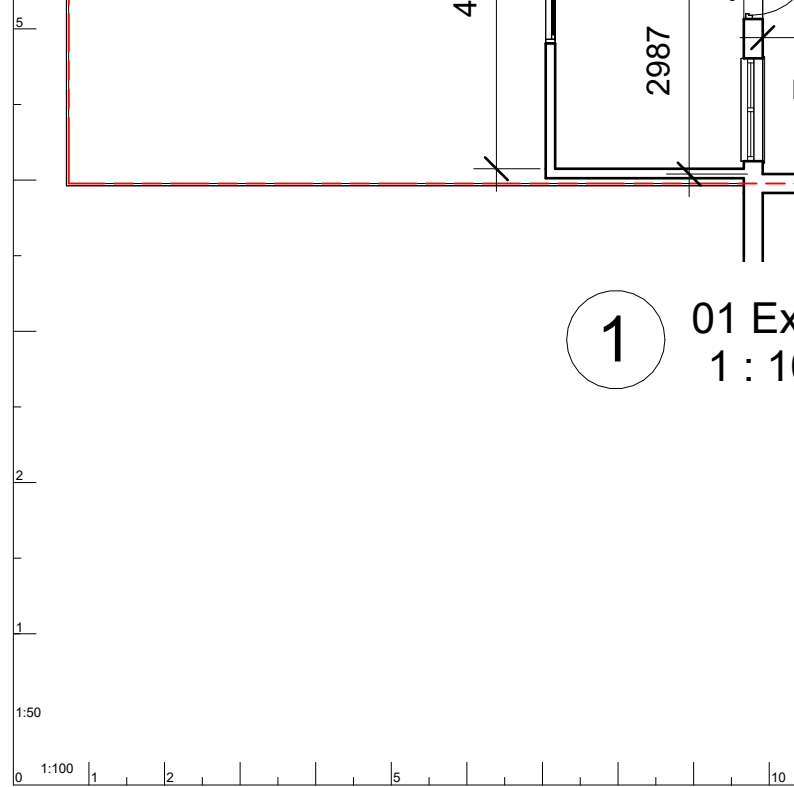
SCALE: 1 : 100 DATE: Mar 23

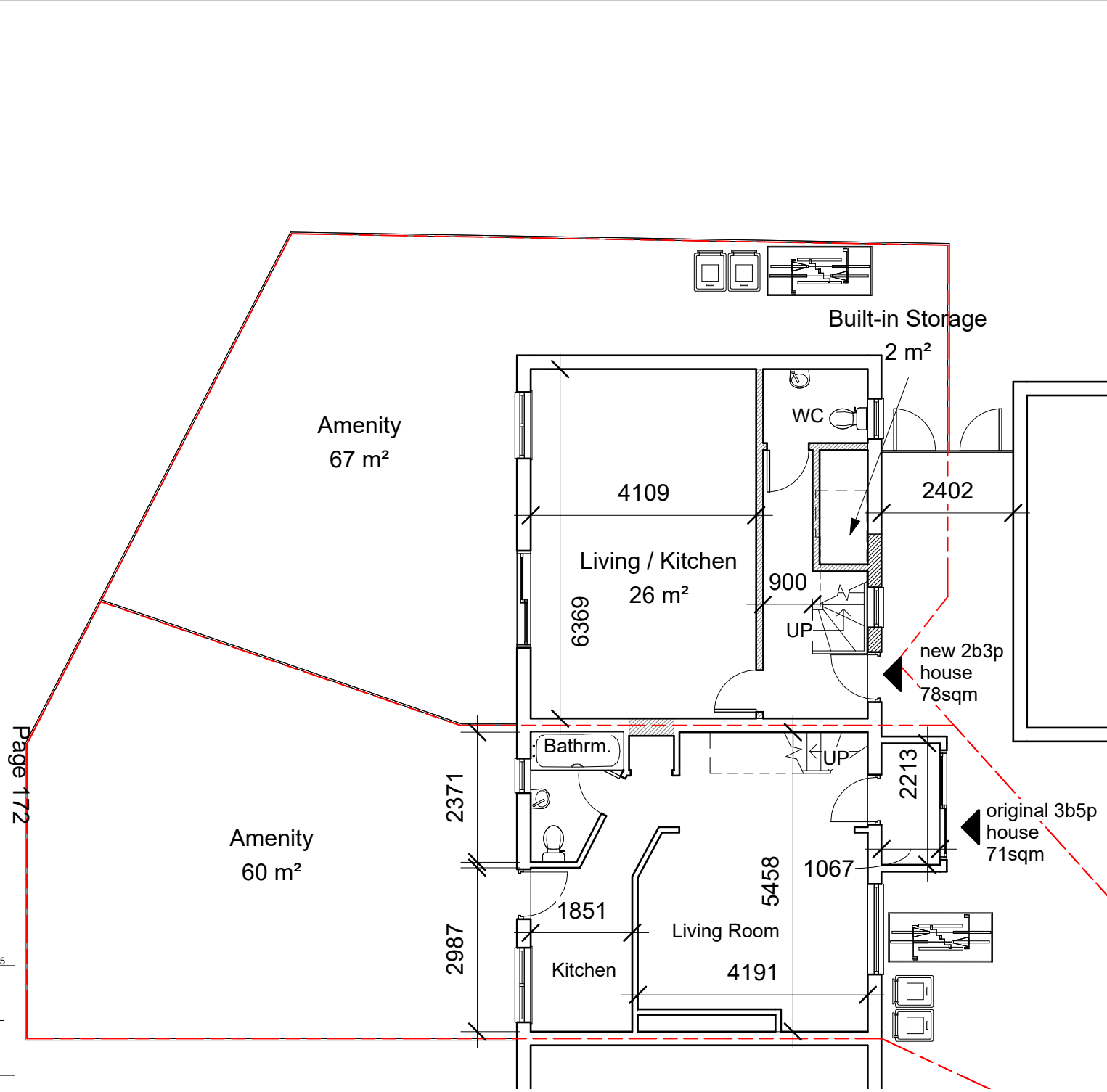
DRAWING STATUS:
 Planning

DRAWING NUMBER: E-01 REVISION:

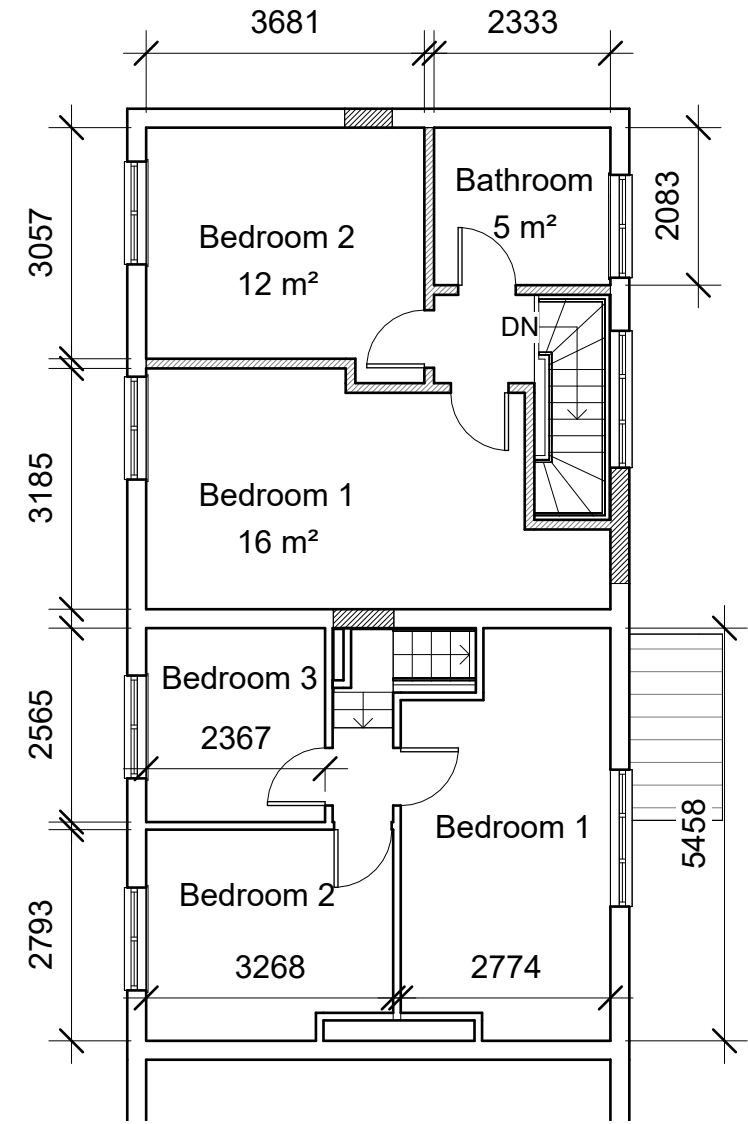
adc architecture

m:07764 488590
 e:adrian@adcarchitecture.co.uk





1 05 Proposed Ground Floor Plan
1 : 100



2 06 Proposed 1st Floor Plan
1 : 100

Notes:

Drawing to be read in conjunction with all other architects & consultants drawings and specification. All items shown as demolished/removed/dismantled to be carried out with due care and adjacent areas to be made good ready for the application of new finishes items etc

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Do not scale from this drawing work from figured dimensions only

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Drainage

Existing drainage system: routes of existing drain runs, including invert levels, inspection chambers etc to be confirmed by contractor prior to works commencing.

PROJECT SITE:
733 Becontree Avenue
DAGENHAM
RM8 3HH

DRAWING TITLE:
Proposed Plans

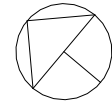
SCALE: 1 : 100	DATE: Mar 23
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DRAWING STATUS:
Planning

DRAWING NUMBER: P-01	REVISION:
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adc architecture

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e:adrian@adcarchitecture.co.uk



Delegated Report

Application for Planning Permission

Case Officer:	Bethany Robins	Valid Date:	06 March 2023
Officer Recommendation:	Refuse	Expiry Date:	01 May 2023
Application Number:	23/00327/FULL	Recommended Date:	09 May 2023
Address:	733 Becontree Avenue, Dagenham, Barking And Dagenham, RM8 3HH		
Proposal:	Proposed conversion of existing dwelling to create two self-contained units		

Planning Constraints

The application site is located within the Becontree Estate which is non designated heritage asset. The Becontree Estate was built between 1921 to 1934 as part of the Homes for Heroes initiative following the First World War. The Council considers the Becontree Estate to be a non-designated heritage asset, with a degree of historic significance which arises from the retained authenticity of the area in relation to its spaciousness, regularity of pattern of built form and homogeneity of design.

Site Location

The application site is a two-storey end-of-terrace dwelling that is situated at the corner of a banjo cul-de-sac located on the north eastern side of Becontree Avenue within the Becontree Estate in Dagenham.

Proposed development

This is a retrospective application for the conversion of the 6-bedroom dwelling into 2xsmaller dwellinghouses (1x 2-bedroom and 1x 3-bedroom), each with a private rear garden. The proposal does not involve any external alterations to the building apart from the replacement of one larger window on the front elevation of the 2-bedroom dwelling to a front door and smaller front window and the widening apart of the 2 first floor windows, which officers consider to be minimal especially considering the development will barely be visible from the street scene.

Key Issues

- 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

Policy

Additional housing

National, regional, and local planning policies all indicate that development should aim to make the most effective use of land. In fact, Policy H1 (Increasing housing supply) of the London Plan sets Barking and Dagenham a housing completion target of 19,440 units between 2019/20 and 2028/29. This is reflected in Policy SP3 (Delivering homes that meet people's needs) of the draft Local Plan 2037 which is undergoing an examination in public. Delivery of new housing is also supported by Policy CM1 (General Principles for Development) and CM2 (Managing Housing Growth) of the Core Strategy.

Conversion of a large family dwelling

Policy CC1 (Family housing) of the Core Strategy 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.

Policy BC4 (Residential Conversions and Houses in Multiple Occupation) of the Borough Wide Development Policies outlines that the Council is seeking to preserve and increase the stock of family housing in the Borough. Consequently, when planning permission is required, the Council will resist proposals which involve the loss of housing with three bedrooms or more.

Part 2(b) also in Policy SP 3 states that in order to address boroughs housing need 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 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.

Assessment

The original 6-bedroom family-sized dwellinghouse (extended) has been split into 2 maller dwellinghouses: 1x 2-bedroom and 1x 3-bedroom, each with a private rear garden. The proposal would provide one additional residential dwelling as well as retaining a family dwelling. Although the contribution to the overall housing stock would be small, it is a welcome contribution to the current annual target for London Borough of Barking and Dagenham. The principle of development is supported by policies subject to compliance with all other material planning considerations.

Dwelling Mix and Quality of Accommodation

Internal Amenity Space

Policies

Parts A and F in Policy D6 (Housing quality and standards) and Table 3.1 (Minimum internal spaces standards for new dwelling) of the London Plan sets the expected minimum internal and external space requirements for new dwellings. The minimum requirements are in line with national standards. The policy sets out requirements for the Gross Internal Area (GIA) of all new dwellings at a defined level of occupancy, as well as floor area and dimensions for key parts of the home, notably bedrooms, storage, floor to ceiling height, and outdoor private amenity space. The standards seek to ensure that amongst other things new homes have adequately sized rooms and convenient and efficient room layouts which are functional, fit for purpose and meet the changing needs of Londoners.

Table 3.1 taken from the London Plan (March 2021):

Table 3.1 - Minimum internal space standards for new dwellings*

Type of dwelling	Minimum gross internal floor areas* and storage (square metres)				
	Number of bedrooms (b)	Number of bed spaces (persons(p))	1 storey dwellings	2 storey dwellings	3 storey dwellings
1b	1p	39 (37) *	N/A	N/A	1
	2p	50	58	N/A	1.5
2b	3p	61	70	N/A	2
	4p	70	79	N/A	2
3b	4p	74	84	90	2.5
	5p	86	93	99	2.5
	6p	95	102	108	2.5
4b	5p	90	97	103	3
	6p	99	106	112	3
	7p	108	115	121	3
	8p	117	124	130	3
5b	6p	103	110	116	3.5
	7p	112	119	125	3.5
	8p	121	128	134	3.5
6b	7p	116	123	129	4
	8p	125	132	138	4

Notes to Table 3.1

Key

b: bedrooms

p: persons

^ New dwelling in this context includes new build, conversions and change of use.

* Where a studio / one single bedroom one person dwelling has a shower room instead of a bathroom, the floor area may be reduced from 39 sq.m. to 37 sq.m., as shown bracketed.

Policy BP6 (Internal space standards) of the Borough Wide Development Policy DPD also provide guidance on space standards. It is noted that this document was adopted in March 2011 and the standards at national, regional, and local level has changed and the guidance within those policies is considered to be superseded by national policy and the London Plan.

Assessment

The proposed developments internal space is listed below:

House 1 - 3-bedroom/2-storey/4-person dwelling

- **Gross Internal Floor Space:** 71 sqm (Does not comply with a three bedroom, two-storey, four person dwelling)
- **Bedroom 1:** 15.14 sqm (Complies with a double bedroom)
- **Bedroom 2:** 9.13 sqm (Complies with a single bedroom)
- **Bedroom 3:** 6.07 sqm (Does not comply with a single bedroom)
- **Storage:** 0 sqm (Does not comply with space standards)

House 2 - 2-bedroom/2-storey/3-person dwelling

- **Gross Internal Floor Space:** 78 sqm (Complies with a two bedroom, two-storey, three person dwelling)
- **Bedroom 1:** 16 sqm (Complies with a double bedroom)
- **Bedroom 2:** 12sqm (Complies with a single bedroom)
- **Storage:** 2 sqm (Complies with space standards)

Looking at the assessment above, it can be seen that the 2x dwellings complies with space standards and the 3-bedroom dwelling does not comply with internal space standards as well as one of the bedrooms and the storage provision. In addition and as mentioned above, 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 of 24 sqm cooking, eating and living space and a 4 person bedspace should provide a minimum of 27 sqm. It is acknowledges that the 2-bedroom and 3-bedroom dwellings provide approximately 26 sqm and 27 sqm respectively which is in accordance with the relevant plans, which could impinge upon the quality of life for future residents of this property.

External Amenity Space

Policy

Part F (9) in Policy D6 of the London Plan supports this by ensuring new housing provides adequate outside space. Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwelling and extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5metres.

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 house should provide 50 sqm and a 3 bedroom house is expected to provide 60 sqm of outdoor amenity space.

Policy DMNE1 of the Draft Local Plan Reg 19 seeks to ensure proposals provide adequate external amenity space whereby developments should not rely on upon existing publicly accessible open space to contribute towards on site amenity space and children play space.

Assessment

The proposed 2-bedroom dwelling offers 67 sqm of external amenity space and the 3-bedroom dwelling offers 60 sqm of external amenity space both of which comply with the requirements of the Borough Wide Development Plan. Furthermore, it is noted that the dwellings are less than a 10 minute walk from Valence Park therefore, they are content that the development benefits from sufficient external amenity space.

Outlook, Aspect, Overheating

Both dwellings would be dual aspect which ensure that they have good outlook, and that they can be naturally ventilated.

Conclusion

Whilst the 2-bedroom dwelling would be satisfactory in terms of internal and external amenity space, the 3-bedroom dwellinghouse would fail to comply with the overall gross internal space standards, a lack of built-in storage, as well as one of the bedrooms failing to comply with the space standards set out in the technical housing guidance. These aspects are important in ensuring that suitable standard of accommodation is provided, due to the lack of compliance with the above it is recommended that the application is refused as it does not ensure a satisfactory lifestyle is achieved and hence it is recommended for refusal.

Design and Quality of Materials

Policies

Paragraph 126 of the National Planning Policy Framework (NPPF) talks about creation of high quality beautiful and sustainable building and places. This is reflected in Policy D4 (Delivery good design) of the London Plan, Policy CP3 (High quality built environment) of the Core Strategy, Policy BP11 (Urban design) of the Borough Wide Development Policies DPD, strategic policy SP 2 (Delivering a high quality and resilient built environment) as well as policies DMD 1 (Securing high-quality design) and DMD 6 (Householder extensions and alterations) of the Draft Local Plan 2037 (Reg 19). All these policies seek to ensure that development is designed in a sensitive and appropriate manner which minimises impact on surrounding neighbours and respects the character of the area.

Assessment

This is an application for the conversion of the 6-bedroom dwelling into 2x smaller dwellings which will involve no external alterations to the building apart from the replacement of one larger window on the front elevation of the 2-bedroom dwelling to a front door and smaller front window and the widening apart of the 2 first floor windows, which officers consider to be minimal especially considering the development will barely be visible from the street scene. The small changes proposed as a result of this application would not harm the character and appearance of the existing dwellinghouse and would be acceptable in regards to design and compliant with the aforementioned policies.

Impacts to Neighbouring Amenity

Daylight, Sunlight, Privacy

Policy

Paragraph 130(f) of the NPPF required development to provide a high standard of amenity for existing and future users.

Part D in Policy D6 (Housing quality and standards) of the London Plan, Policy BP8 (Protecting Residential Amenity) of the Borough Wide Development Policies DPD, and Part 2 (f) in Policy DMD 1 (Securing high-quality) of the draft Local Plan all seek that new development does not negative affect the amenity of neighbouring properties and occupiers.

Assessment

The applicant is not proposing any significant external changes to the property therefore, it would not generate any detrimental impacts upon the amenity of neighbouring occupiers in terms of loss of daylight/sunlight/privacy.

Noise and disturbance

Policy

Policy D14 (Noise) of the London Plan requires developments to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposal by avoiding significant adverse noise impact on health and quality of life; reflect the Agent of Change principles set in the Policy D13 (Agent of change) of the London Plan; mitigate and minimise the existing and potential noise on, from, within the site; and improving and enhancing the acoustic environments and promoting appropriate soundscapes.

Policy BR13 (Noise mitigation) of the Borough Wide Development Policy DPD requires any new development likely to generate harmful levels of noise to be directed away from existing noise sensitive locations, or areas allocated for noise sensitive developments. Where it is not possible to full separate noise sensitive and noise generating land uses, planning permission will only be granted if there will be no exposure to noise above an acceptable level.

Policy DMSI 3 (Nuisance) of the draft Local Plan states that all major development must submit a noise and vibration assessment to reduce any adverse impacts to an acceptable level using most appropriate layouts, orientation, design and use of the building.

Assessment

The proposed development is located in a residential area where residential use is considered appropriate. The additional of a new house would be in line with the established character of the wider area and there would not be a negative impact on the neighbouring properties.

Conclusion

Overall, in view of the above assessment, officers find the proposed development to adequately protect neighbouring amenity in accordance with the aforementioned policies.

Sustainable Transport

Car Parking

Policy

Policy T6 (Car parking) together with Table.10.3 of the London Plan provide maximum parking standards for new residential developments. The policy aims to restrict car parking in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals, if this cannot be achieved a car lite approach should be taken. Car-free development has no general parking but should still provide disabled persons parking in line with Part E in Policy T6.

Policy BR9 (Parking) of the Borough Wide Policies DPD states that car parking standards set out in the London Plan will be used as a maximum parking standard for new development. Policy DMT2 (Car parking) of the Local Plan also adopts the maximum London Plan car parking standards and other aspirations.

Assessment

It is noted that there is no existing or proposed off-street parking associated with the development. The Transportation Planning Officer advised that the applicant would need to submit a parking survey of the street using Lambeth Parking Survey Methodology. The application site is not located in an area covered by a Controlled Parking Zone (CPZ). A CPZs aims to provide protected parking facilities for residents and their visitors, as well as short-term parking for shoppers and business visitors. CPZs are usually located in areas around shops and transport hubs where extraneous parking takes up residents' spaces.

On 24/03/2023, Be First's Transportation Planning Officer advised that the applicant should submit a parking survey of the street using Lambeth Parking Survey Methodology. Following on from this, the applicant submitted a Parking Stress Survey on 05/05/2023, to which Be First's Transportation Office responded on 10/05/2023 'the survey submitted and it came to my notice that one of the survey date is Friday 28th April 2023. The guidance note for Lambeth survey methodology specifically says that surveys should be conducted on Monday, Tuesday, Wednesday or Thursday' and 'Applicant has also submitted sample photographs of the survey in which double parking are clearly visible. The survey does not mention this. Becontree Avenue has a history of people double parking the vehicles on pavements and on carriageway adjacent to each other.'

However, given that this application is not considered to be acceptable, officers do not consider it necessary for the applicant to make these amendments. If the applicant is to submit a revised application in the future, they are advised that an additional survey should be considered which is conducted on a weekday as mentioned on the guideline and photographs of these survey

must also be submitted along with information regarding double parking.

Cycle Parking

Policy

Policy T5 (Cycling) and Table 10.2 of the London Plan states that Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. This will be achieved through securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located.

Policy BR9 (Parking) of the Borough Wide Policies DPD states that in relation to cycle parking TfL cycle parking standards, will be used as a minimum parking standard of new development. Policy BR11 (Walking and cycling) requires that sufficient, convenient, safe and secure cycle parking facilities are provided.

Policy DMT3 (Cycle parking) of the draft Local Plan states that all development must adopt the maximum London Plan cycle parking standards with the design and layout of cycle parking being in accordance with the London Cycling Design Standards.

Assessment

According to Policy T5 (Cycling) and Table 10.2 of the London Plan, the proposal should provide a minimum of 2 long term cycle parking spaces per dwellinghouse (4 in total). The submitted ground floor plan, drawing no.p-01, shows 2x cycle parking spaces per dwelling, located at the front of the 3-bedroom dwelling and in the side garden of the 2-bedroom dwelling. However, if this application was otherwise acceptable, officers would add a condition requesting that full detail (height, depth, width, and design) of the cycle store is submitted to and approved before the first occupation. The condition would also require that the cycle parking is provided prior to the first occupation of the proposed development.

Waste and recycling

Policy

Policy BR15 (Sustainable Waste Management) Borough Wide Development Plan DPD outline the need for development in the borough to minimise and work towards a more sustainable approach for waste management. Further advice on waste and recycling is provided within the LBBB Planning Advice Note on Waste and Recycling Provisions in New and Refurbished Residential Developments (20/05/2021).

Assessment

The Council provides each household with grey bin for non-recycle waste; brown bin for recycling; green bin for garden waste; and a food bin. Each wheellie bin requires a space of 1054 mm (h) X 452 mm (d) X 447 mm (w).

The submitted ground floor plan, drawing no.P-01, shows the development to have 2x bin spaces per dwelling, located at the front of the 3-bedroom dwelling and in the side garden of the 2-bedroom dwelling, which are large enough to accommodate the necessary bins per flat in line with the relevant parts of the LBBB Planning Advice Notice on Waste and Recycling Provisions in New and Refurbished Residential Developments (20/05/2022).

CONCLUSION

Considering the planning policy, evidence base, and material considerations outlined above the benefits of providing an additional housing unit in the Borough does not outweigh the significant and demonstrable harm that would result from losing a good-quality larger family housing to 2x smaller dwellinghouses of a lesser quality and none compliant to the space standard requirements. 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 D4 - Delivering Good Design
- Policy D6 - Housing Quality and Standard
- Policy D13 (Agent of change)
- Policy D14 (Noise)
- Policy H1 - Increasing housing supply
- Policy H9 - Ensuring the Best Use of Stock
- Policy H10 - Housing Size Mix

	<ul style="list-style-type: none"> • Policy T5 - Cycling • Policy T6 - Car Parking
Local Development Framework (LDF) Core Strategy (July 2010)	<ul style="list-style-type: none"> • Policy CM1 - General Principles for Development • Policy CC1 - Family Housing • Policy CP3 - High quality-built environment
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	<ul style="list-style-type: none"> • Policy BC4 - Residential Conversions and Houses in Multiple Occupation • Policy BP5 - External Amenity Space • Policy BP6 - Internal Space Standards • Policy BP8 - Protecting Residential Amenity • Policy BP11 - Urban Design • Policy BR9 - Parking • Policy BR11 - Walking and Cycling • Policy BR13 (Noise mitigation) • Policy BR15 - Sustainable Waste Management
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)	<ul style="list-style-type: none"> • Strategic Policy SPDG 1 (Delivering growth in Barking and Dagenham) • Policy SP2 - Delivering a well-designed, high-quality and resilient built environment • Policy SP3 - Delivering homes that meet people's needs • Policy DMD1 - Securing high-quality design • Policy DMSI 3 - Nuisance • Policy DMT2 - Car Parking • Policy DMT3 - Cycle Parking
Supplementary Planning Documents	<ul style="list-style-type: none"> • DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended) Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017) • LBBD Planning Advise Note on Waste and Recycling Provisions in New and Refurbished Residential Developments (20/05/2021).

APPENDIX 2

Relevant Planning History			
Application Number:	00/00317/FUL	Status:	Approved
Description:	Erection of two storey side extension		
Enforcement Case:	04/00347/DIFFAP	Status:	Case Closed
Alleged breach:	running business from home, vans unmark, leave at 3am in the morning back at 7am,		

APPENDIX 3

Consultations		
<i>Consultee:</i>	<i>Date Consulted:</i>	<i>Summary of response:</i>
LBBD Access Officer	07/03/2023	"I'm happy with the proposed."
		<p>Thank you for consulting the Environmental Protection Team on the above application. Based on the information provided with the application I make the following comments.</p> <p>Noise</p> <p>The development site is outside of transportation noise significance contours, and it is considered that traditional building design will provide suitable noise mitigation to protect internal and external amenity.</p>

<p>LBBB Environmental Protection Officer</p>	<p>07/03/2023</p>	<p>Air Quality</p> <p>The borough is designated as an Air Quality Management Area and the site falls outside of the AQ Focus Area, it is considered that the development is unlikely to be negatively impacted by poor air quality. The proposal is also below the threshold (10 units) for AQ section 106 contributions.</p> <p>Local Amenity / Contaminated Land</p> <p>It is considered that the development will not negatively impact neighbouring properties and does not require any contaminated land interventions. I therefore have no objection to the application and do not recommend any consent conditions</p>
<p>Be First Transportation Planning Officer</p>	<p>07/03/2023</p>	<p><u>On 24/03/2023</u></p> <p>Introduction</p> <p>This is an application for the Proposed conversion of existing dwelling to create two self-contained units</p> <p>Car Parking</p> <p>The site is in PTAL 3 meaning it has moderate access to public transport. There is no existing or proposed off street parking associated with the development. Therefore, It is likely that most of the occupants will be relying on private vehicles for commuting.</p> <p>There is an addition of 1 residential unit, the site is not covered within a CPZ area therefore to ensure that the proposal does not negatively impact the existing residents and users of the surrounding area by adding more vehicles to the street, applicant should submit a parking survey of the street using Lambeth Parking Survey Methodology.</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 4 (inclusive for host dwelling) cycle parking spaces. The cycle parking space must be safe and easily accessible.</p> <p>The cycle parking spaces should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards, this means;</p> <ul style="list-style-type: none"> · 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 <p>Applicant proposes to provide 2 cycle parking spaces; however, this will not satisfy the current requirements. The plans should clearly identify 2 more cycle parking spaces.</p> <p><u>On 10/05/2023 following the applicant's submission of a parking stress survey</u></p> <p>I have reviewed the survey submitted and it came to my notice that one of the survey date is Friday 28th April 2023. The guidance note for Lambeth survey methodology specifically says that surveys should be conducted on Monday, Tuesday, Wednesday or Thursday.</p> <p>Surveys should not be undertaken:</p> <ul style="list-style-type: none"> · in weeks that include Public Holidays and school holidays, and it is advised that weeks preceding and following holidays should also be avoided;

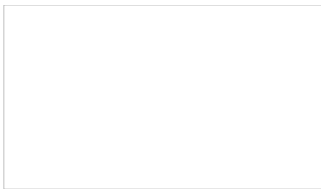
	<ul style="list-style-type: none"> • on or close to a date when a local event is taking place locally since this may impact the results of the survey. <p>Since May 1st was a public holiday, it could be possible that people could treat Friday as long weekend and could go holiday etc. thus having an impact on the survey results.</p> <p>Applicant has also submitted sample photographs of the survey in which double parking are clearly visible. The survey does not mention this. Becontree Avenue has a history of people double parking the vehicles on pavements and on carriageway adjacent to each other.</p> <p>Therefore, it is recommended that an additional survey should be considered which is conducted on a weekday as mentioned on the guideline and photographs of these survey must also be submitted along with information regarding double parking.</p>
<p>Metropolitan Police Service Designing Out Crime Officer</p>	<p>07/03/2023</p> <p>In opening, The Metropolitan Police have no objection to the proposed development, subject to the specific concerns stated in Section 3, being addressed.</p> <ul style="list-style-type: none"> • Boundary treatment. Any boundary to the side and rear of this site should be fully enclosed with a boundary treatment fence to a minimum of 2.1mtrs – Timber panels 1.8m with a 300mm light trellis. Any gates installed within the secure fencing system as described above must be suitable for the fencing specification and be of the same height and similar style. It should not be possible to lift the gate from its hinges, and the hinges and lock cylinder should be protected in such a way as to prevent their use as climbing aids. Care should also be taken in the design to ensure that cross sections do not inadvertently aid climbing. It should not be possible to pass under the gate when in the closed position. This gate must have at least two (2) points of locking as a minimum, with locks placed 1/3 from the top and 1/3 from the bottom. • Doors & Windows. All easily accessible doors and windows should offer a level of resistance to attack. Where windows or doors are being either replaced or newly fitted, one of the following certified products should be used:- <ul style="list-style-type: none"> PAS 24:2016 LPS 2081 SRB+ LPS1175 SR1/A1 STS 202 Issue 6:2015 Burglary Rating 1 Issue 6:2016 STS 204 <p>Where windows open in to public realm, these will need supporting with restrictors.</p> <ul style="list-style-type: none"> • External refuse store. Any external refuse store should be constructed from incombustible material, secure and supported with suitable lighting. • Cycle storage Shed. Any cycle should be able to facilitate the locking of both wheels and the crossbar and constructed using galvanised steel bar of at least 3mm thick filled with concrete and have a minimum of 300mm foundation depth with a welded anchor bar. This robust shed should be constructed in accordance with the Secured by Design homes guide. • External lighting. All ground floor doorsets and outside areas, should be lit to the relevant levels as defined in BS 5489:2020, and provide a uniformity of 0.4 or 40% Uo. It is important that the landscape architect and lighting engineer coordinate their plans to avoid conflict between lighting and mature planting. <p>Bollard lighting is not compliant with BS5489:2020 because it does not project sufficient light at the right height and distorts the available light due to the 'up-lighting' effect; making it difficult to recognise facial features and as a result causes an increase in the fear of crime. The colour rendering qualities of lamps used in an SBD development should achieve a minimum of at least 60Ra on the Colour</p>

Rendering Index

- **Drainage.** It is recommended that square downpipes that are flush fitted to the external façade of the building, to prevent their potential use as a climbing/scaling aid.

APPENDIX 4

Neighbour Notification	
Date Consultation Letter Sent:	07/03/2023
<i>No response received.</i>	



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBBB Reference: 23/00327/FULL

ADRIAN COELHO

**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: 23/00327/FULL
Address: 733 Becontree Avenue, Dagenham, Barking And Dagenham, RM8 3HH
Development Description: Proposed conversion of existing dwelling to create two self-contained units

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

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: 12/05/2023

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/W/22/3304836

Appeal Application Description:

Application for prior approval: Proposed change of use of the rear annex from an office/staff accommodation (Class E) to a 1x bedroom unit (Class C3)

Decision:

Appeal
Dismissed



Fanshawe Ave

Faircross Ave

Faircross Ave

A124

A124

Ria Money Transfer Agent

Motorfair

Nigerian Food Xpress by 805
West African

Tasty African Food

Frobel Learning

Rocksons Chartered Accountant

IF Capitals

Pitta Santorini Greek

Chicken Guys Barking (Halal)
Fast Food

Brothers Halal Supermarket Barking

'The Catch' Sculpture by Lorraine Leeson

At-Tagwa Islamic & Family Centre

Darul Ihsaan

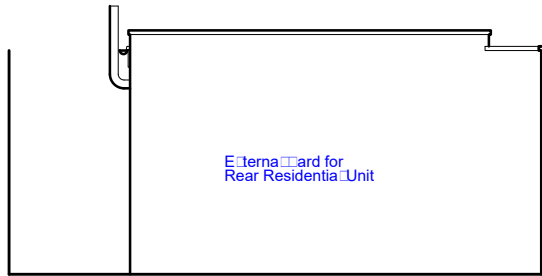
Art Look

Ari barbers

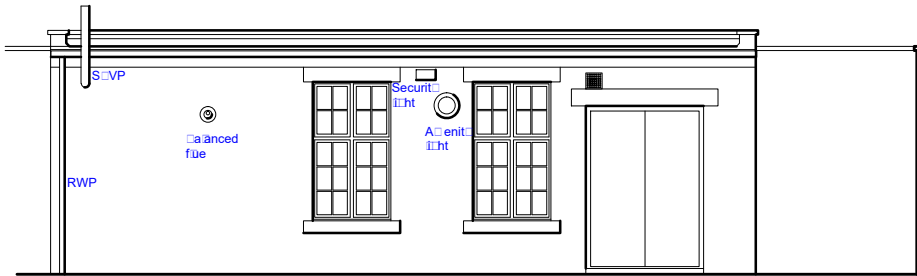
Jq Solutions

Vape Hub Barking
Vaporiser Shop

Staff-Direct



Side Elevation to Apartment Card

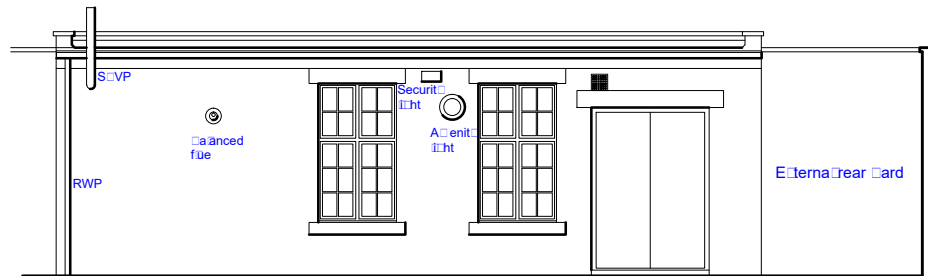


Front Elevation - as Self-contained Residential Unit.

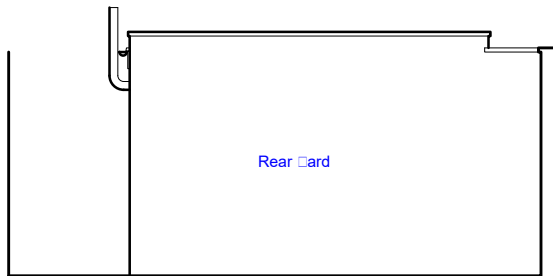


Side Elevation to No75

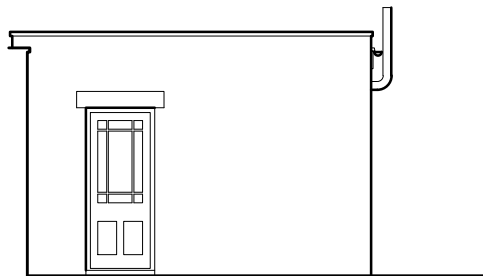
Page 189



Front Elevation - as Office / Staff accommodation



Side Elevation to Rear Card



Side Elevation to No75

REV	DATE	NOTES - REVISIONS	INITIAL
A	02.03.22	Redrawn	
	23.02.22	1st Issue	

DIMENSIONS TO BE CHECKED ON SITE WHERE POSSIBLE
 © THIS DRAWING MUST NOT BE REPRODUCED IN WHOLE OR PART WITHOUT WRITTEN AUTHORITY.

PROJECT CLIENT
75 London Road
 Markin
 Essex
 S11 8TJ

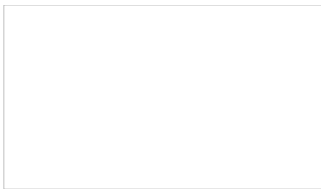
Southside Properties Group Ltd

CONTENT
Rear Annex Conversion from Office accommodation to Residential before and After E.I. Elevations

DRAWN	MM	SCALE	1:100 @ A4
CHECKED		DATE	Feb 2022
ID: NO	1698	DR: NO	04
		REV	A



BULLDOG DESIGN LIMITED
 23 BROOKFIELD ROAD HEADINGLEY LEEDS LS6 4EQ
 TEL: 08451 668068
 E-MAIL: en@bulldogdesign.co.uk



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBBB Reference: 22/00305/PRIMA

Jonathan Legge
23 Brookfield Road
Leeds
LS6 4EJ

**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: 22/00305/PRIMA
Address: 75 Longbridge Road, Barking, Barking And Dagenham, IG11 8TG
Development Description: Application for prior approval: Proposed change of use of the rear annex from an office/staff accommodation (Class E) to a 1x bedroom unit (Class C3)

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: Jonathan Legge
23 Brookfield Road
Leeds LS6 4EJ

Applicant: Umar Hussain
LS6 4EJ

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00305/PRIMA
Application Type: Prior Approval: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3)
Development Description: Application for prior approval: Proposed change of use of the rear annex from an office/staff accommodation (Class E) to a 1x bedroom unit (Class C3)
Site Address: 75 Longbridge Road, Barking, Barking And Dagenham, IG11 8TG
Date Received: 23 February 2022
Date Validated: 23 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 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. Schedule 2, Part 3, Class MA Condition MA.2(2) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that development must not begin before the receipt by the developer from the local planning authority of a written notice that their prior approval is not required or required and given. The provisions of Schedule 2, Part 3, Class MA.2(2) cannot be used to regulate works subsequent to them having been commenced. As such, Prior Approval for a 'Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouse (Use Class C3)' is required and refused. The proposal the subject of this application requires planning permission and as such cannot be considered under the notification for prior approval process.

2. Schedule 2, Part 3, Class MA Condition MA.2(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states the provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph. Paragraph W (prior approval) outlines that the local planning authority may refuse an application where, in the opinion of the authority—the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with. The provisions of paragraph W.(2) outlines what applications must be accompanied by. This includes all required fees that have to be paid. Noting the application fee has not been paid. Under the provisions of Schedule 2, Part 3, Class MA Condition MA.2(4) the application is refused. As such, Prior Approval for a 'Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouse (Use Class C3)' is required and refused.

3. Schedule 2, Part 2, Class MA Condition MA.1(1)(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that the use of the building must fall within Class E (Commercial, Business and Service) for a continuous period of at least 2 years prior to the date of the application for prior approval. Noting the use of the development as a dwellinghouse has already commenced officers are confident that use of the existing building has not had a use falling under Class E for a continuous period of at least 2 years prior to the date of application. As such, the proposal fails to comply with Schedule 2, Part 2, Class MA Condition MA.1(1)(b). Prior Approval for a 'Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouse (Use Class C3)' is required and refused.

Informative(s):

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

application: -

- 01 Location Plan dated 09.02.20
- 02 Block Plan dated 09.02.20
- 03 Rear Annex conversion from office accomm to Residential Before and After Plan Layouts dated 09.02.20
- 04 Rear annex conversion from office accomodation to residnetial before and after ext. elevations dated 23.03.20
- Flood Map for Planning
- Co-op Funeral Service Survey dated April 2019.

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 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. 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.

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 16 May 2023

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 JULY 2023

Appeal Ref: APP/Z5060/W/22/3304836

Rear Annex, 75 Longbridge Road, Barking, IG11 8TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Umar Hussain of the Smp Group against the decision of the Council for the London Borough of Barking and Dagenham Council.
 - The application Ref 22/00305/PRIMA, dated 23 February 2022, was refused by notice dated 20 April 2022.
 - The development proposed is described as *"When the Applicant purchased 75 Longbridge Road in late 2019, it was a Co-Op Funeral Directors on the ground floor and a self-contained Flat (residential) on the upper floors, accessed from the rear of the premises. The Flat had part of the rear yard as external amenity space. The Rear Annex was a part of the Funeral Directors, used as Office and Staff accommodation. The front of No 75 is now used under Class E – shops. The First Floor is retained as Residential, Class C3, still accessed from the rear and still with external amenity space. The Annex has been split off from the front shop unit and is now a separate, detached single storey, flat roofed, single person, one bedroom Residential Unit, with rear external amenity space for secure cycle storage, clothes drying and outside seating area and common access-way for both the first floor flat and the Annex, leading to the back lane to Faircross Avenue. The accommodation is 37m2 and comprises of a Kitchen / Living Room, a bedroom with dressing area and an En-Suite Shower Room with WC and WHB. There are no changes to windows or doors so the external appearance is exactly the same as the previous Use. The impact on the area and environment is minimal with the addition of 1no Habitable Unit, for 1no person. The access is the same, the building is the same only used primarily by one person for social hours whereas the building was previously used by more people, during normal working hours only. The risks are likely to be less because the building is more continually occupied, albeit by less people, but for a loner time frame."*
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and the appeal form. There is no evidence any change was formally agreed. For the purposes of the appeal and in the interest of clarity I rely upon the description on the application form for the purposes of the appeal as detailed in the heading above.

Background and Main Issues

3. Development permitted by Class MA of the GPDO, allows for change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses).
4. The Council's reasons for refusing the application are that the residential use had commenced before the submission of the prior notification application and the requisite fee had not been paid, therefore prior approval cannot be granted as it falls outside the scope of Class MA. In view of the above, the main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class MA of the GPDO.

Reasons

5. Under Schedule 2, Part 3, Class MA of the GPDO development is not permitted if, for a continuous period of at least 2 years prior to the date of the application for prior approval, the building was not in a specified use. The specified uses include those uses in Class B1 (prior to 1 September 2020) and Class E (since 1 September 2020) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO). Both parties are in agreement that the historic use was as a funeral directors (Co-operative). However, where the parties are in conflict is whether the residential use applied for under the appeal scheme commenced prematurely.
6. Schedule 2, Part 3, Class MA.2(2) of the GPDO states '*before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required.*' As such, in order for the appeal scheme to benefit from prior approval the conversion of the property to residential use under Class MA cannot have occurred prior to the submission of the application.
7. The appellant submitted their application for prior approval, dated 23 February 2022 following an enforcement investigation that alleged the appeal site was in use as a residential dwelling. The appellant provides a solicitor's letter that states that they were instructed by their client that works to convert the annex from an office and staff room to a dwellinghouse was completed in January 2022, before the submission of the prior approval application. However, the appellant claims that whilst the appeal site was furnished as a 1 x bedroomed unit, the residential use had not commenced, such that the change of use has not taken place.
8. There is no dispute between the parties that the annex has been refurbished and is ready for residential accommodation. The information submitted, particularly the photos taken inside the premises by the appellants show several personal items within the unit and signs of habitation. During my site observations, whilst I was unable to gain access inside the property, there did appear to be evidence of habitation, with washing and other domestic paraphernalia located in the external yard area. Thus, prior approval cannot be granted for development that has already begun, whether it is wholly or partially completed. On the balance of probability and based on the evidence before me, it appears that the appeal site has been used for residential purposes already.

9. Even if the residential use has not commenced, the refurbishment of the annex to provide a separate residential unit from the main property at No 75 Longbridge Road, would prevent any use associated with the current Class E function at the main property. Thus, notwithstanding the commencement of the residential use, it has also not been demonstrated that the building was in Class E use for the two years preceding the date of application to the Council.
10. Overall, based on the evidence before me, I cannot reasonably come to any conclusion other than what the Council contends, that the residential use had commenced prior to the submission of the prior notification application. Consequently, the proposal would not be permitted development under Schedule 2, Part 3, Class MA of the GPDO. Therefore, I find that the proposal would not be permitted development.
11. In regard to the fee, there is dispute between the parties as to whether or not a correct fee has been secured from the appellant. There is no clear evidence before me from either party in respect to this matter. Without a correct fee there are questions over the validity of the application. However, Section 79 (6) of the Town and Country Planning Act 1990 provides discretion to decline to determine an appeal or proceed with its determination if it emerges during the appeal process that planning permission could not have been granted by the Local Planning Authority. In any event, as I am dismissing the appeal as the proposal would not be permitted development under Schedule 2, Part 3, Class MA of the GPDO, I do not need to consider this matter further, as no significant likely effects would arise from my decision.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/W/22/3311509

Appeal Application Description:

Conversion of the existing 2-bedroom dwelling into two 1x bedroom flats involving the construction of a hip-to-gable roof extension (attached to 21/02090/CLUP), a single storey rear extension (attached to 21/02089/PRIEXT) and a two storey side extension (attached to 21/02088/HSE)

Decision:

Appeal
Allowed



Hedgemans Rd

Hedgemans Rd

Hedgemans Rd

Hedgemans Rd

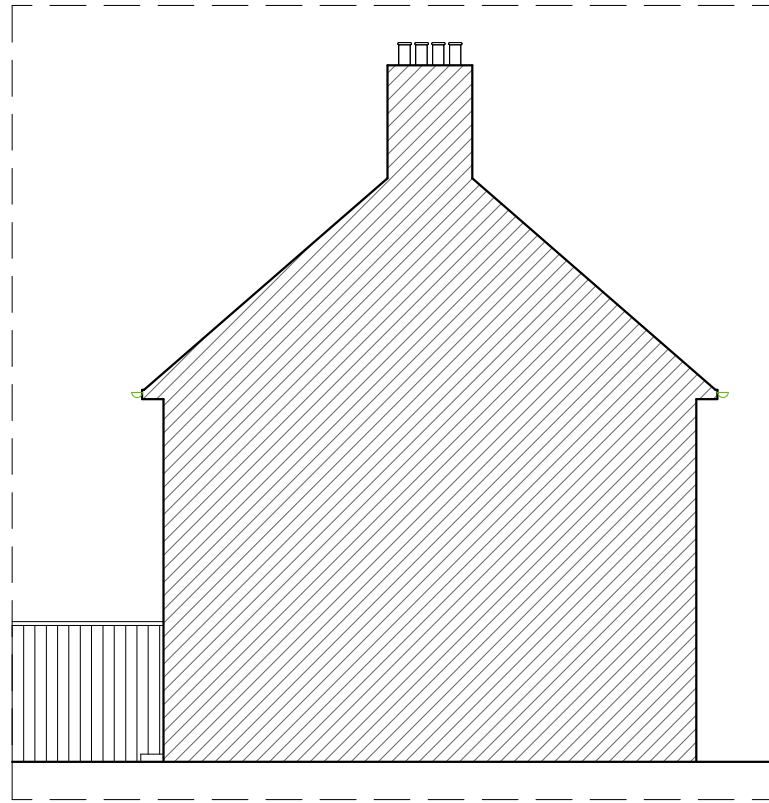
Arden Cres

Arden Cres

Page 198

Mechanics - Mobile Mechanic

only gym



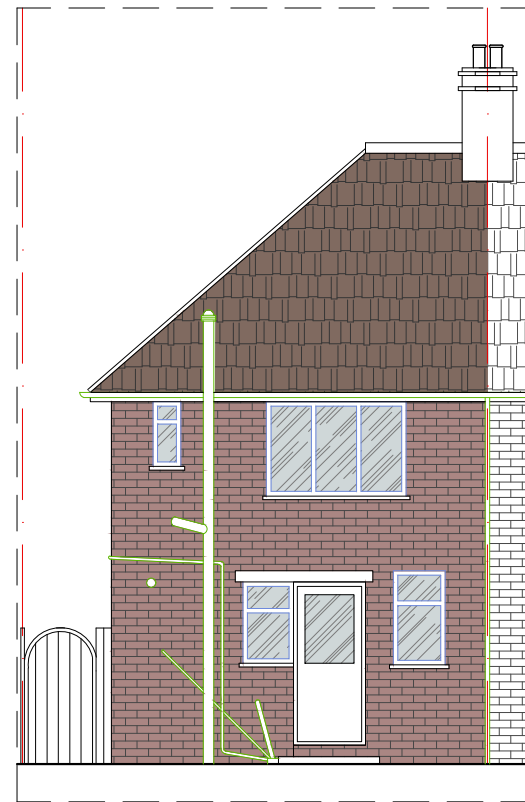
EXISTING LEFT SIDE ELEVATION



EXISTING RIGHT SIDE ELEVATION



EXISTING FRONT ELEVATION



EXISTING REAR ELEVATION

- Notes
- 1- This drawing is not for construction;
 - 2- All dimensions are in millimeters;
 - 3- Dimensions are not to be scaled for construction purposes; Only scale for planning purposes;
 - 4- All dimensions are to be checked on site and the Architect is to be informed of any discrepancies before construction commences;
 - 5- All references to drawings refer to current revision of that drawing;



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 Rear of 157 Forest Road
 London
 E17 6HE
 07706967735
 info@s25architects.co.uk

RIBA 
 Chartered Practice

FLAT CONVERSION

EXISTING ELEVATIONS

ADDRESS: 345 HEDGEMANS ROAD
 LONDON RM9 5DR

CLIENT: MR IURIE BIVOL

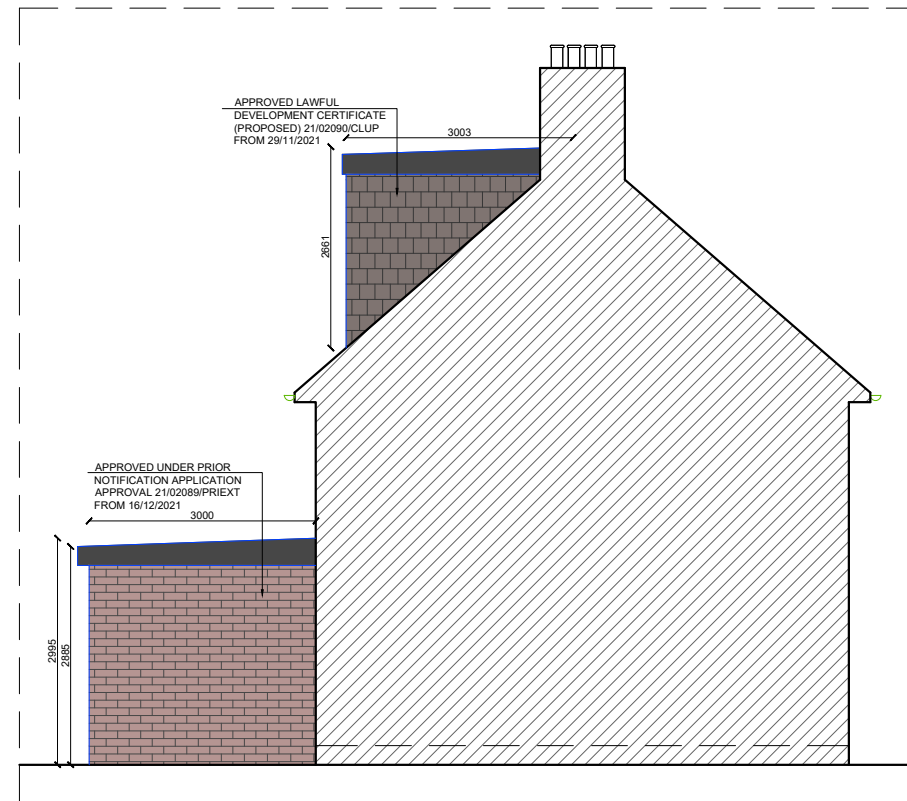
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 H020-FLAT-PP-02

SCALE: 1:100/ A3 DATE: JAN 2022

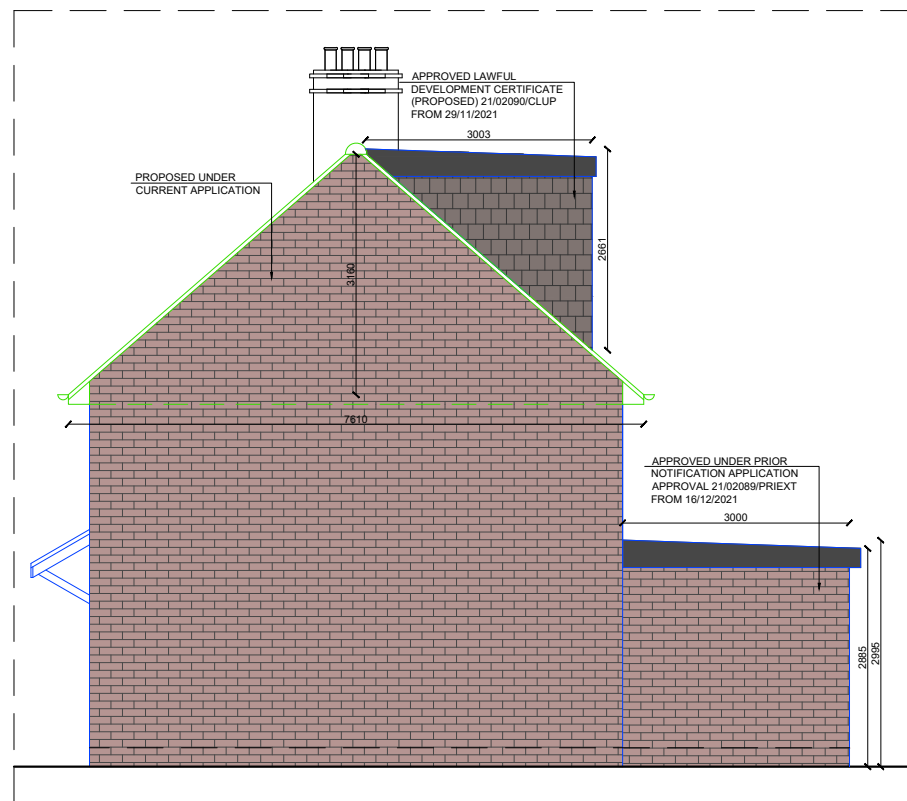
NOTES: - THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION
 - DIMENSIONS MUST NOT BE SCALED FROM THIS DRAWING



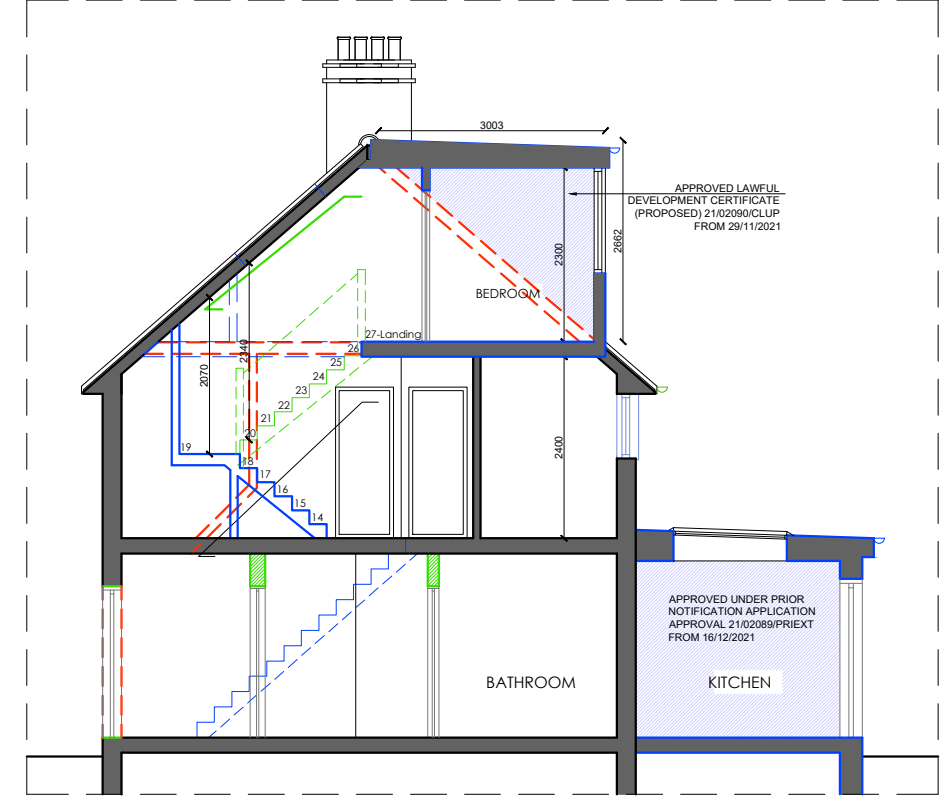
PROPOSED REAR ELEVATION



PROPOSED LEFT SIDE ELEVATION



PROPOSED RIGHT SIDE ELEVATION



PROPOSED SECTION A - A'

- Notes
- 1- This drawing is not for construction;
 - 2- All dimensions are in millimeters;
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**FLAT
CONVERSION**

PROPOSED ELEVATIONS

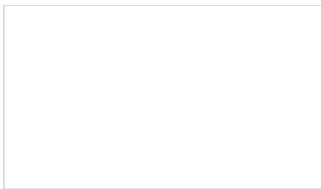
ADDRESS: 345 HEDGEMANS ROAD
LONDON RM9 5DR

CLIENT: MR IURIE BIVOL

DRAWN: SB/DB	DRG NO: H020-FLAT-PP-07
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SCALE: 1:100/ A3	DATE: FEB 2022
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NOTES: - THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION
- DIMENSIONS MUST NOT BE SCALED FROM THIS DRAWING



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBBB Reference: 22/00935/FULL

Diana Balaban
157f Forest Road

E17 6HE

**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: 22/00935/FULL
Address: 345 Hedgemans Road, Dagenham, Barking And Dagenham, RM9 6DR
Development Description: Conversion of the existing 2-bedroom dwelling into two 1x bedroom flats involving the construction of a hip-to-gable roof extension (attached to 21/02090/CLUP), a single storey rear extension (attached to 21/02089/PRIEXT) and a two storey side extension (attached to 21/02088/HSE)

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: Diana Balaban
157f Forest Road
E17 6HE

Applicant: Iurie Bivol
E17 6HE

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00935/FULL
Application Type: Full Planning Permission
Development Description: Conversion of the existing 2-bedroom dwelling into two 1x bedroom flats involving the construction of a hip-to-gable roof extension (attached to 21/02090/CLUP), a single storey rear extension (attached to 21/02089/PRIEXT) and a two storey side extension (attached to 21/02088/HSE)
Site Address: 345 Hedgemans Road, Dagenham, Barking And Dagenham, RM9 6DR
Date Received: 28 May 2022
Date Validated: 22 June 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 will result 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)
- Policy H10 of the London Plan (March 2021)
- Policies CM1 and CC1 of the Core Strategy DPD (July 2010)
- Policy BC4 of the Borough Wide Development Policies DPD (March 2011)
- Policies SPDG 1 and SP3 of the Draft Local Plan Regulation 19 consultation version (Autumn 2021)
- London Borough of Barking and Dagenham Housing Delivery Test Action Plan 2020
- Strategic Housing Market Assessment (SHMA) published in February 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:

- H020-FLAT-PP-00 - LOCATION AND SITE PLANS - FEB 2022

- H020-FLAT-PP-03 - PROPOSED FLOOR PLANS - FEB 2022
- H020-FLAT-PP-04 - PROPOSED FLOOR PLANS - FEB 2022
- H020-FLAT-PP-05 - PROPOSED FLOOR PLANS 3 - FEB 2022
- H020-FLAT-PP-06 - PROPOSED SECTIONS - FEB 2022
- H020-FLAT-PP-07 - PROPOSED ELEVATIONS - FEB 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: 15/08/2022

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 11 May 2023

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2023

Appeal Ref: APP/Z5060/W/22/3311509

345 Hedgemans Road, Dagenham RM9 6DR

- 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 Iurie Bivol against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 22/00935/FULL, dated 28 May 2022, was refused by notice dated 15 August 2022.
 - The development proposed is described as 'Conversion of the existing 2-bedroom dwelling into two 1x bedroom flats involving the construction of a hip-to-gable roof extension (attached to 21/02090/CLUP), a single storey rear extension (attached to 21/02089/PRIEXT) and a two-storey side extension (attached to 21/02088/HSE)'
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of the existing 2-bedroom dwelling into two 1x bedroom flats involving the construction of a hip-to-gable roof extension (attached to 21/02090/CLUP), a single storey rear extension (attached to 21/02089/PRIEXT) and a two storey side extension (attached to 21/02088/HSE) at 345 Hedgemans Road, Dagenham RM9 6DR in accordance with the terms of the application Ref 22/00935/FULL, dated 28 May 2022, subject to the following 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: H020-FLAT-PP-00 - Location and Site Plans; H020-FLAT-PP-03 - Proposed Floor Plans; H020-FLAT-PP-04 - Proposed Floor Plans; H020-FLAT-PP-05 - Proposed Floor Plans; H020-FLAT-PP-06 - Proposed Sections; H020-FLAT-PP-07 - Proposed Elevations.
 - 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, the proposed bicycle storage shall have been implemented in line with the proposed ground floor plan (DRG NO: H020-FLAT-PP-03). Once implemented the bicycle storage shall thereafter be maintained.

Preliminary Matters

2. The description of development given in the banner heading and decision is taken from the decision notice rather than the planning application form as this more precisely describes the development proposed.
3. The Council makes reference to Policies SPDG1 and SP3 of the London Borough of Barking and Dagenham Draft Local Plan 2037 – Regulation 19 consultation version (Autumn 2021) (the DLP). There is little information on the status of the plan in the evidence before me and as such, I cannot be certain that these policies are in their final form, and they may be subject to modifications through the ongoing examination process. Therefore, I have attached only limited weight to these policies in my decision.

Main Issue

4. The main issue is the effect of the proposal on the supply of family housing.

Reasons

5. The appeal site is an end-terrace dwelling located in a cul-de-sac in a residential area. The proposal seeks to convert the dwelling into two one-bedroom flats each for two people. The planning history indicates that a number of proposed alterations have been permitted in recent years which would extend the property significantly. These include a two-storey side extension¹, single storey rear extension of 4m depth² and a certificate of lawful development for a hip-to-gable roof extension³. These works are indicated on the submitted plans and I note that the Council does not dispute their status as approved or lawful.
6. Policy BC4 of the Borough Wide Development Policies Development Plan Document (DPD) (adopted March 2011) seeks to preserve and increase the stock of family housing in the Borough. Consequently, when planning permission is required, the Council will resist proposals which involve the loss of housing with three bedrooms or more.
7. However, the submitted plans show that the property currently has two bedrooms, and the Council describes it this way in their officer report. As such, the change of use would not cause the loss of housing with three bedrooms or more. I appreciate that with the proposed extensions, the property may be capable of gaining another bedroom. However, that is not its existing situation upon which I have assessed the proposal, nor can it be guaranteed that the extensions would be built.
8. My attention is drawn to a dismissed appeal⁴ in the same council area where the loss of family housing was a reason for refusal. However, I have little information on this matter before me other than an excerpt from the decision. As such, I cannot be certain of its relevance to this appeal, such as whether it also involved a two or three bed property.
9. Based on the above, I find that the proposed development would not harm the balance of family sized housing within the Borough. Therefore, the proposal

¹ 21/02088/HSE

² 21/02089/PRIEXT

³ 21/02090/CLUP

⁴ APP/Z5060/W/21/3266569

would accord with policy BC4 of the DPD, policies CM1 and CC1 of the Planning for the Future of Barking and Dagenham Core Strategy (adopted July 2010), policy H10 of the London Plan and policies SPDG1 and SP3 of the DLP. These seek, amongst other things, to ensure larger family housing is protected and maintain a balanced housing supply.

Conditions

10. The Council has provided a list of suggested conditions in the event that the appeal is allowed which I have considered. 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.
11. The standard time commencement condition is not in the list although the imposition of this and the standard approved plans condition is necessary in the interests of certainty. To protect the character and appearance of the area a condition is necessary to ensure the external materials used in the development match the existing house for the same reason. To encourage sustainable modes of transport, a condition is also necessary to ensure the provision of cycle parking facilities from occupation and their retention.
12. The Council has also suggested two conditions which seek to ensure sufficient car parking, highway safety and the free flow of traffic would remain on Hedgemans Road. This is discussed in the officer report but is not given as a reason for refusal in the decision notice. The Council's Transport Planning Officer advises that 'the applicant must demonstrate that there is enough parking on-street to accommodate additional vehicles, failing to do that will require the additional residential unit to be made car permit free.'
13. The issuing of parking permits is the responsibility of the relevant highway authority and enforced through a Traffic Regulation Order. I understand that the appeal site is located within a Controlled Parking Zone. However, at the time of my site visit spaces were evident. I appreciate that this is only a snapshot in time and at other times, such as evenings, parking pressure may be different. However, there is little substantive evidence before me to indicate that parking pressure is at such a level that the proposal would cause material harm in this regard and therefore should be car-free. Moreover, requiring a parking survey to demonstrate on-street parking would not be negatively impacted following a grant of planning permission would not be reasonable. As such, I have not included either condition in this respect.

Conclusion

14. For the reasons given 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.

C McDonagh

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

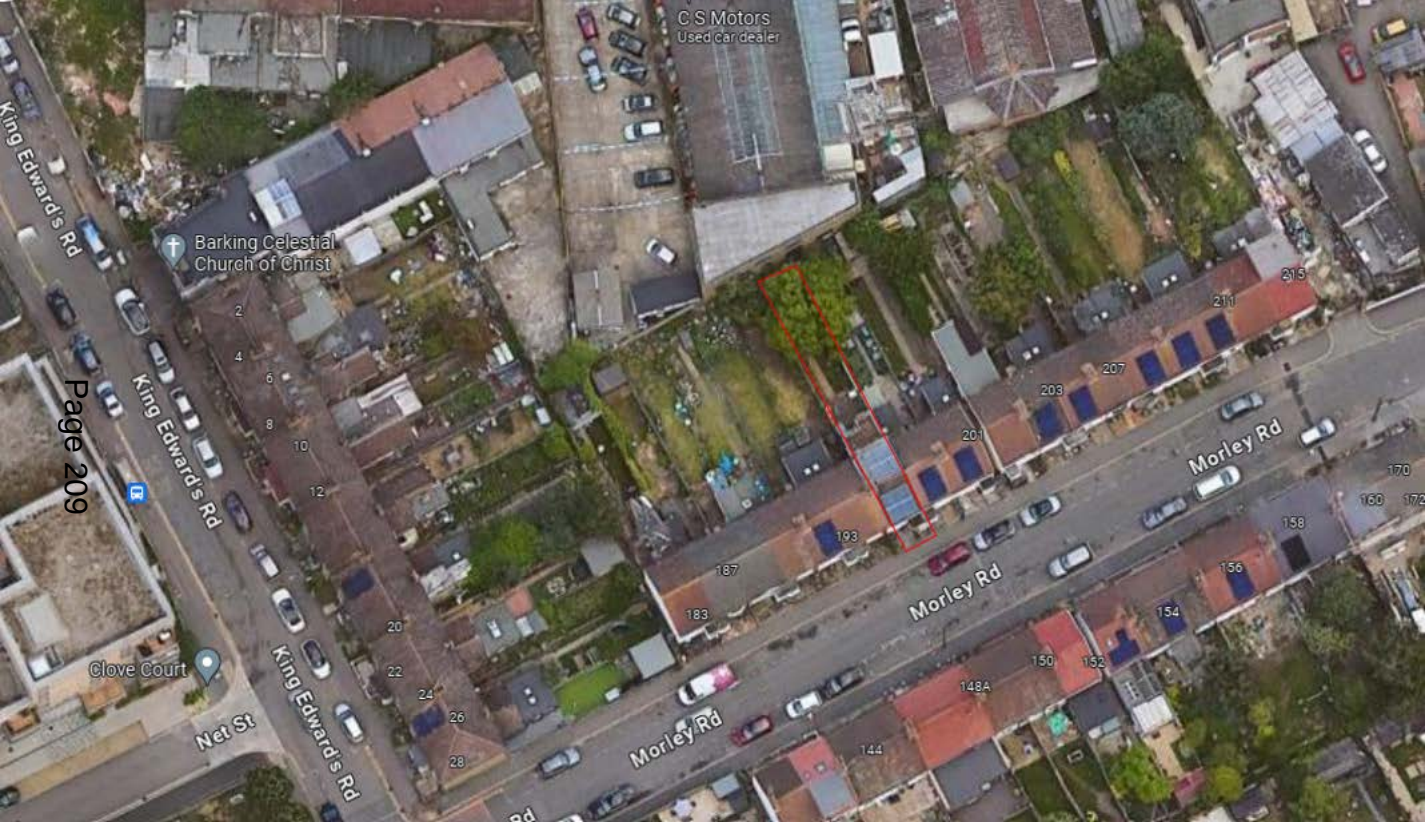
APP/Z5060/X/22/3294717

Appeal Application Description:

Application for a lawful development certificate for the existing loft conversion to facilitate the roof space into habitable accommodation and the use of the house as three bedroom dwelling.

Decision:

Appeal
Allowed



C S Motors
Used car dealer

✠ Barking Celestial
Church of Christ

King Edward's Rd

King Edward's Rd

Morley Rd

Morley Rd

Net St

King Edward's Rd

Morley Rd

Rd

Page 209

Clove Court

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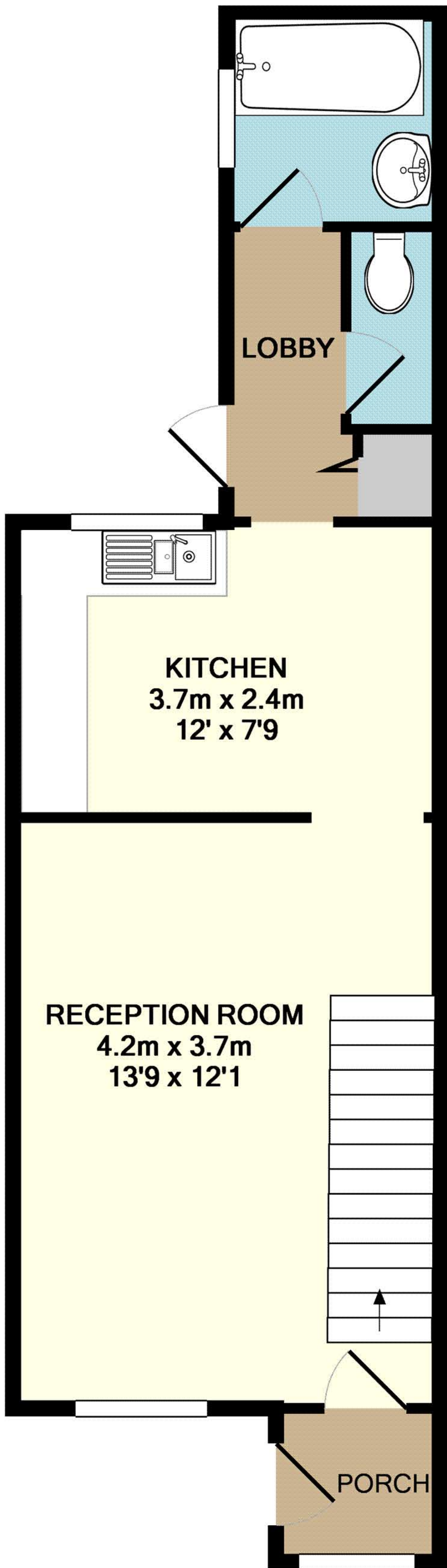
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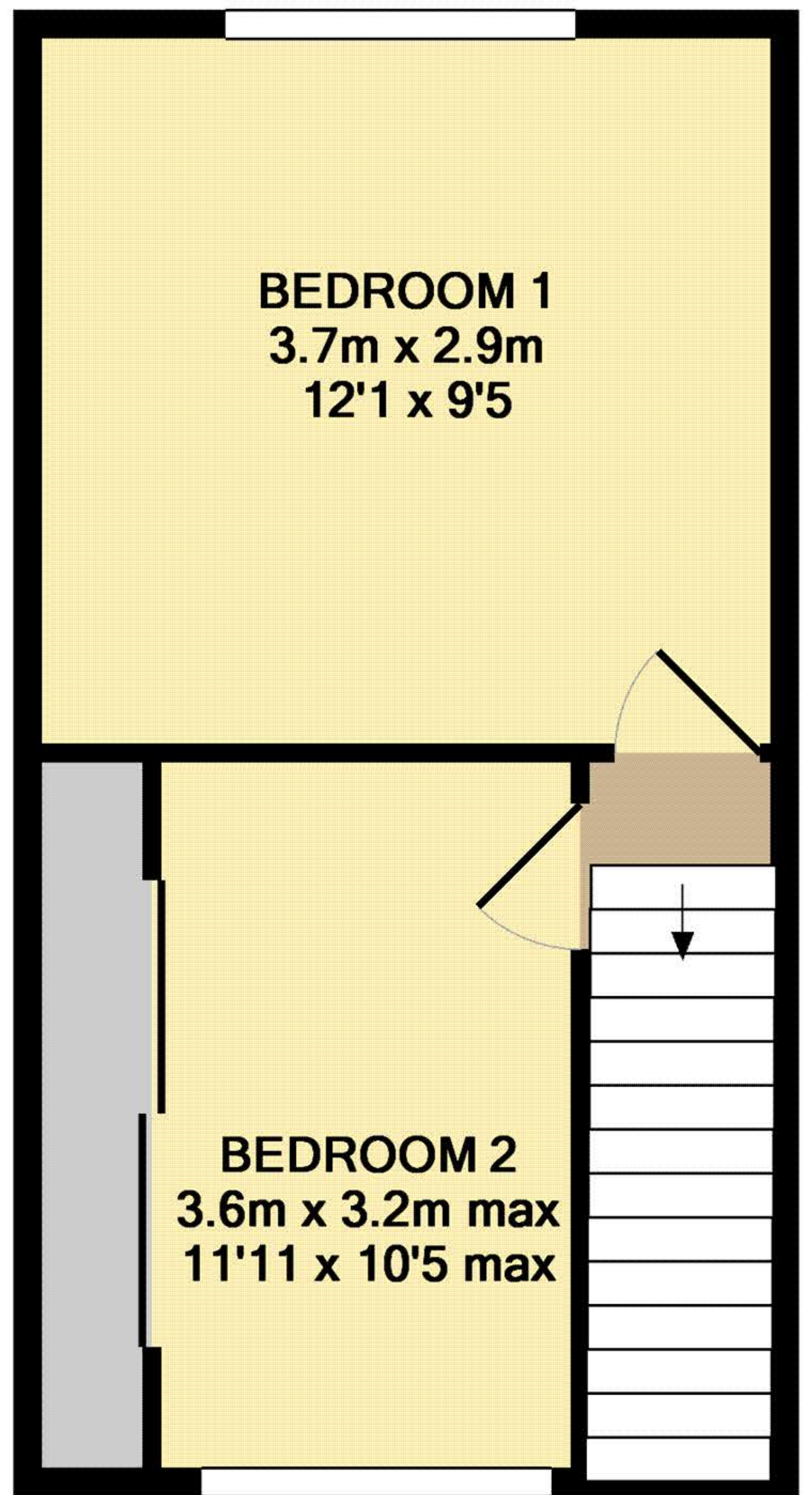
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GROUND FLOOR

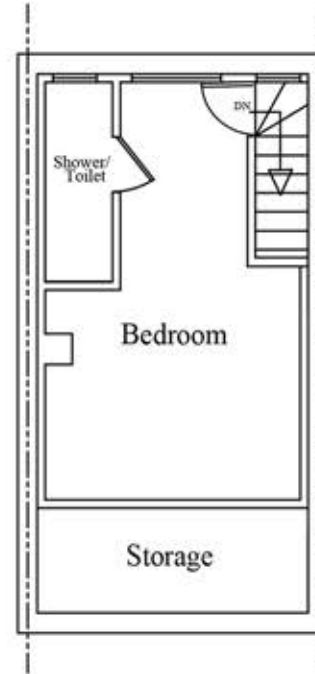
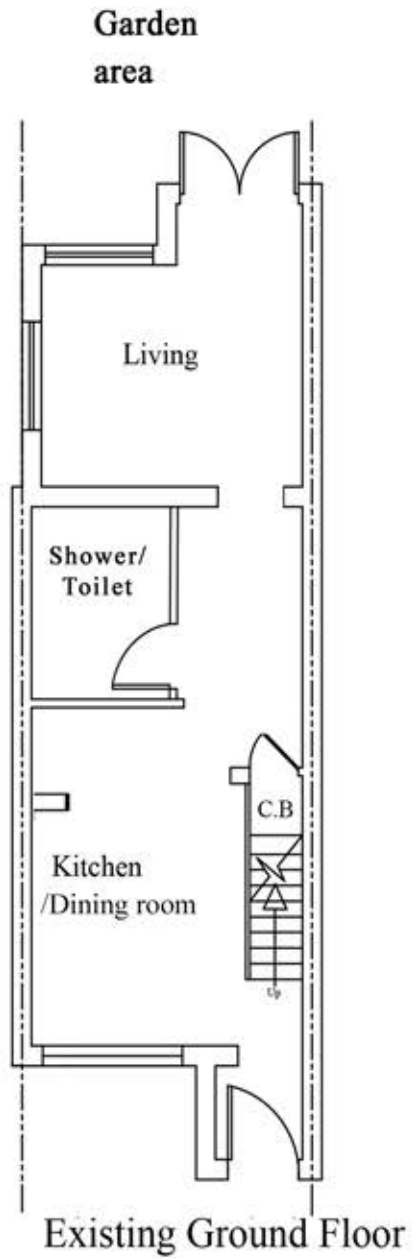


1ST FLOOR

Pre-existing House Layout as on 2015

PL01

Whilst every attempt has been made to ensure the accuracy of the floor plan contained here, measurements of doors, windows, rooms and any other items are approximate and no responsibility is taken for any error, omission, or mis-statement. This plan is for illustrative purposes only and should be used as such by any prospective purchaser. The services, systems and appliances shown have not been tested and no guarantee as to their operability or efficiency can be given



DRAWING STATUS:
PLANNING

DISCLAIMER:
Drawing to be read in conjunction with all other relevant documentation.
Do not scale from this drawing. All written dimensions to be checked on site before work commences. Discrepancies, where identified, must be reported to the designer.

The drawing is the property of Arch Studio and must not be reproduced or used in conjunction with any unauthorized person either wholly or in part without valid consent.

PLANNING APPLICATION

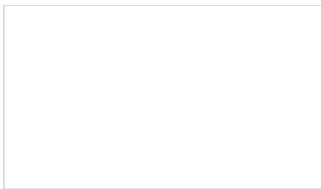
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Rev.	Date		©
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PROJECT: Regularisation application
195 Morley Road, Barking, IG11 7DH

CLIENT:

DRAWN:	DATE: 01/01/2022
SHEET SIZE: A4	SCALE: 1:100 @ A4
PROJECT NO:	DRAWING NO. PL02
	REV. A



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBB Reference: 22/00005/CLUE

31 River Road
Barking
IG11 0DA

**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: 22/00005/CLUE
Address: 195 Morley Road, Barking, Barking And Dagenham,
Development Description: Application for a lawful development certificate for the existing loft conversion to facilitate the roof space into habitable accommodation and the use of the house as three 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: 31 River Road
Barking IG11 0DA

Applicant: Baura
195, Morley Road
Barking IG11 0DA

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00005/CLUE
Application Type: Lawful Development Certificate (Existing Use)
FIRST SCHEDULE (Use / Development / Matter): Application for a lawful development certificate for the existing loft conversion to facilitate the roof space into habitable accommodation and the use of the house as three bedroom dwelling.
SECOND SCHEDULE (Site Address): 195 Morley Road, Barking, Barking And Dagenham,
Date Received: 01 January 2022
Date Validated: 01 January 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 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 01 January 2022** within the meaning of Section 191 of the Town and Country Planning Act 1990 for the following reason(s):

Reason(s):

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that the use, operations or other matter described in the application would be lawful within the meaning of S191 of the Town and Country Planning Act 1990 (as amended) if instituted or begun at the time of the application. Specifically the application fails to demonstrate that the development would comply with classes A and B of the Town and Country Development Order 2015 as when the works were undertaken, the property did not benefit permitted development rights as it was in the process of unlawfully converting to 3 flats. Furthermore, the materials that the dormer has been constructed in do not match that of the existing building.

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: -

- The location plan
- Block plan
- Existing elevations - Drawing No PL03 - Dated 29/12/2016
- Existing layout - Drawing No PL02 - Dated 01/01/2022
- Photographs & photomontages - Dated 01/01/2022
- Covering letter - Dated 01/01/2022
- Photograph 1
- Photograph 2

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: 28.02.2022

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 7 July 2023

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8TH SEPTEMBER 2023

Appeal Ref: APP/Z5060/X/22/3294717

Land at 195 Morley Road, Barking IG11 7DH

- 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 Aurimas Baura against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application ref 22/00005/CLUE, dated 1 January 2022, was refused by notice dated 28 February 2022.
 - The application was made under section 191(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 described as: 'Previously extended house, use as a 3 bedroom family house. Conversion of roof space into habitable room'.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use and operation which is found to be lawful.

Preliminary Matters

2. The description of the development subject of the LDC application is not entirely clear from the LDC application forms. The description used by the Council on the decision notice is 'existing loft conversion to facilitate the roof space into habitable accommodation and the use of the house as three bedroom dwelling'. This description has not, however, been used by the appellant in his appeal form. Instead, for the description of the development that is the subject of the appeal, he refers only to a '3b House'. However, his evidence refers to both the use of the property as a single dwelling and to a dormer extension and 'conversion' of roof space.
3. In view of the above, and having viewed the property, I will determine the appeal on the basis that the LDC is sought for a use of the appeal site as a single dwelling falling within Class C3 of Part C, Schedule 1 of The Town and Country Planning (Use Classes) Order 1987 as amended (the 1987 Order). As for the dormer and conversion works, ordinarily the use of the original attic space of a dwelling for accommodation (e.g. an attic bedroom) would not amount to development. Accordingly, and in the interests of precision, I will determine the appeal on the basis that an LDC is sought for a dormer roof extension on the rear roof slope of the building.
4. On a separate matter, the site visit had been arranged as an accompanied visit, where a representative of both the Council and appellant would be in attendance. The Council's representative did not, however, attend the site at the time and date specified. Accordingly, I carried out the site visit as an

access only visit. In doing so I am satisfied that neither party would be prejudiced in any way.

Main Issue

5. Section 191(4) of The Town and Country Planning Act 1990 as amended (the 1990 Act) indicates that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application was lawful at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application. My decision is, therefore, based on the facts of the case and judicial authority. The main issue in this case is whether the Council's decision to refuse to grant a LDC was well founded.
6. The main consideration is whether the use of the appeal site as a single dwelling and the dormer extension were lawful on the date the LDC application was made.
7. The burden of proof in this case is on the appellant, and the test of the evidence is the balance of probabilities. If the Council has no evidence itself, nor any from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the appeal and refuse to grant the LDC, provided the appellant's evidence alone is sufficiently precise and unambiguous.

Reasons

Use as a single dwelling

8. I note that there has been an extensive history to the site. I have seen reference to the issue of two enforcement notices, to planning applications and to a number of appeals.
9. The appellant has provided a chronology of events in his evidence. This suggests that when he purchased the property in 2016, it was a family home. This is not disputed by the Council.
10. I note the officer report relating to the planning application reference 18/00892/FUL. The description of development given is for the 'conversion of dwelling to two 1 bedroom flats and one studio flat (retrospective)'. Whilst the report suggests that the development has already occurred, it describes the former use as a dwelling. It refers to 'pre-existing floor plans' submitted with the application and says that the 'house is considered to be part of the Borough's stock of family housing'.
11. The report does not indicate that the appeal site was being used at the time of that application as a single dwelling, as suggested by the appellant. On the contrary, it suggests that the development subject of that application (i.e. the change of use to two 1 bedroom flats and one studio flat) had occurred at that time. Notwithstanding this, the report indicates that the Council regarded the use of the site prior to the development taking place as a single dwelling. Indeed, the Council does not take a different view on this in the appeal before me.

12. In view of the above, I have no reason to conclude that the lawful use of the property at the time of the appellant's purchase of it was anything other than as a single dwelling.
13. Moving on, as I have noted above, the report relating to the 18/00892/FUL planning application indicates that at the time of writing there had been a change of use of the site from a dwelling to three flats. This clearly prompted the issue of the first enforcement notice, dated 20 September 2018, which was targeted at a use of the site as 'three independent units of accommodation'. As an appeal was not made against this notice, the period for compliance expired on 20 January 2019. Its requirements included the cessation of this use.
14. The second enforcement notice, issued on 4 June 2020, was upheld with corrections at appeal. This requires, amongst other matters, the cessation of the use of the property as more than one self-contained dwellinghouse. The notice gave 6 months for compliance with its requirements, which would have ended on 14 June 2021. I note that the appeal against the notice was made under section 174(b) of the 1990 Act, as well as section 174(c). Accordingly, whether or not the matters stated in the enforcement notice had occurred was considered by the appointed Inspector. The ground (b) appeal failed.
15. In view of the above, whilst I note the appellant's contentions with regard to the use of the site since his purchase of it, it is more likely than not that there has been a change of use of the site from a dwelling and that the property had been sub divided into separate units of accommodation (i.e. separate dwellings).
16. Notwithstanding the above, I am mindful of the provisions of section 57(4) of the 1990 Act. This informs that 'where an enforcement notice has been issued in respect of any development of land, planning permission is not required for its use for the purpose for which (in accordance with the provisions of this Part of this Act) it could lawfully have been used if that development had not been carried out'. I have concluded above that the lawful use of the site prior to its sub-division into separate dwellings was as a single dwelling. The appellant says that the notices that were subsequently issued have been complied with. This is not disputed by the Council. Accordingly, I am led to conclude that planning permission is not required for the use of the site as a single dwelling. Indeed, I have been given no reason to conclude that the provisions of section 57(4) of the 1990 Act would not apply in this way. Furthermore, the appellant suggests that the current use of the site is as a single dwelling. I have no reason to find otherwise.
17. All things considered, it is more likely than not that on the day the LDC application was made the use of the site as a single dwelling falling within Class C3 of Part C, Schedule 1 of the 1987 Order was lawful.

Dormer

18. The operational development subject of the appeal comprises a flat roof dormer extension on the rear roof slope of the dwelling.
19. The Council has referred to Class B, of Part 1, Article 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, hereafter referred to as Class B. Class B permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. The Council

say that the development does not benefit from the provisions of Class B as the dormer was built to facilitate the unauthorised change of use to three flats. The Council also say that the development does not benefit from the Class B permission as it does not comply with a condition of the permission. It points to condition (a) of paragraph B.2. of Class B.

20. The appellant does not agree with the Council's position, as summarised above. Furthermore, it is the appellant's case that, regardless of whether or not the provisions of Class B apply, the dormer extension is lawful as it was constructed more than 4 years prior to the submission of the LDC application.
21. To succeed on this point the appellant must show that, on the balance of probability, a period of four years has passed beginning with the date on which the dormer extension was substantially completed¹.
22. The appellant has provided two photographs of the dormer extension. The first is dated 3 March 2017 and shows the rear elevation of the property with the rear facing elevation of the dormer extension. From this I can see that the extension has an external brick finish, three windows, a roof overhang, suggesting the presence of a roof, and a down pipe. The second photograph has not been dated, but is likely to have been taken after the first as it shows the rear elevation of the dwelling as I had observed it on site. The dormer extension is finished with a smooth render and the rear extensions and balcony are present in this photograph.
23. In his chronology, on 1 March 2017 date, the appellant refers to the 'loft' as having been erected and completed and used as a master bedroom. This is consistent with the first of the appellant's photographs referred to above. Whilst I acknowledge that the dormer may well have been rendered at a later date, I have no reason to conclude the dormer had not been substantially completed on the 1 March 2017 date suggested by the appellant. The evidence indicates that at this time the development was fully detailed and had the character of a dormer extension providing additional accommodation space within the roof of the building.
24. The Council does not appear to dispute the appellant's evidence, as set out above. In the officer's report, the Council refers to this evidence and acknowledges that the dormer extension 'was in place prior to the enforcement case being opened', which was 15 May 2018. Although this date would have been less than 4 years prior to the date the LDC application was made, there is no contradiction of the appellant's claims.
25. I have been given no reason to conclude that the appellant's version of events are less than probable. Accordingly, it is more likely than not that a period of more than four years has passed beginning with the date on which the dormer extension was substantially completed. For this reason, I conclude that on the balance of probability, the dormer extension was lawful on the date the LDC application was made.
26. In view of my conclusions above, I have not considered whether or not the development benefits from the permission granted by Class B.

¹ In accordance with section 171B(1) of the 1990 Act.

Conclusion

27. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the use of the site as a single dwelling falling within Class C3 of Part C, Schedule 1 of the 1987 Order and the dormer roof extension on the rear roof slope of the building was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act.

J Moss

INSPECTOR



The Planning Inspectorate

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 1 January 2022 the use and operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

It has been demonstrated, on the balance of probability, that on the date the application for a lawful development certificate was made the lawful use of the land was as a single dwelling falling within Class C3 of Part C, Schedule 1 of The Town and Country Planning (Use Classes) Order 1987 as amended and that a period of more than four years had passed beginning with the date on which the dormer roof extension was substantially completed.

Signed

J Moss

Inspector

Date: 8TH SEPTEMBER 2023

Reference: APP/Z5060/X/22/3294717

First Schedule

Use as a single dwelling falling within Class C3 of Part C, Schedule 1 of The Town and Country Planning (Use Classes) Order 1987 as amended and a dormer roof extension on the rear roof slope of the building.

Second Schedule

Land at 195 Morley Road, Barking IG11 7DH

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use and operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 8 SEPTEMBER 2023

by J Moss BSc (Hons) DipTP MRTPI

Land at: 195 Morley Road, Barking IG11 7DH

Reference: APP/Z5060/X/22/3294717

Scale: Not to Scale



Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/D/22/3306726

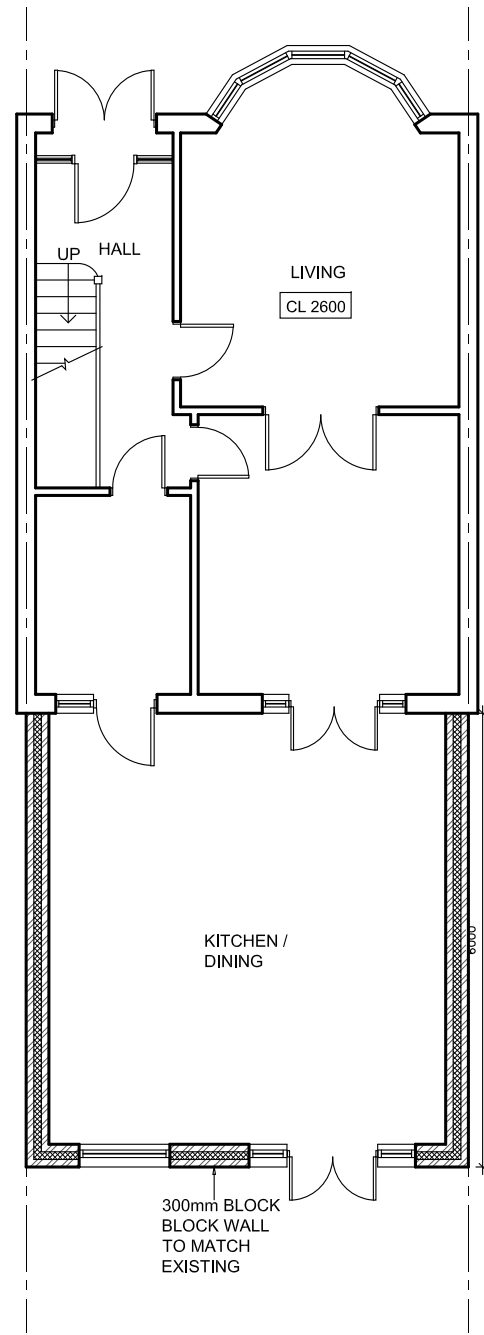
Appeal Application Description:

Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 6.00 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 2.80 metres.

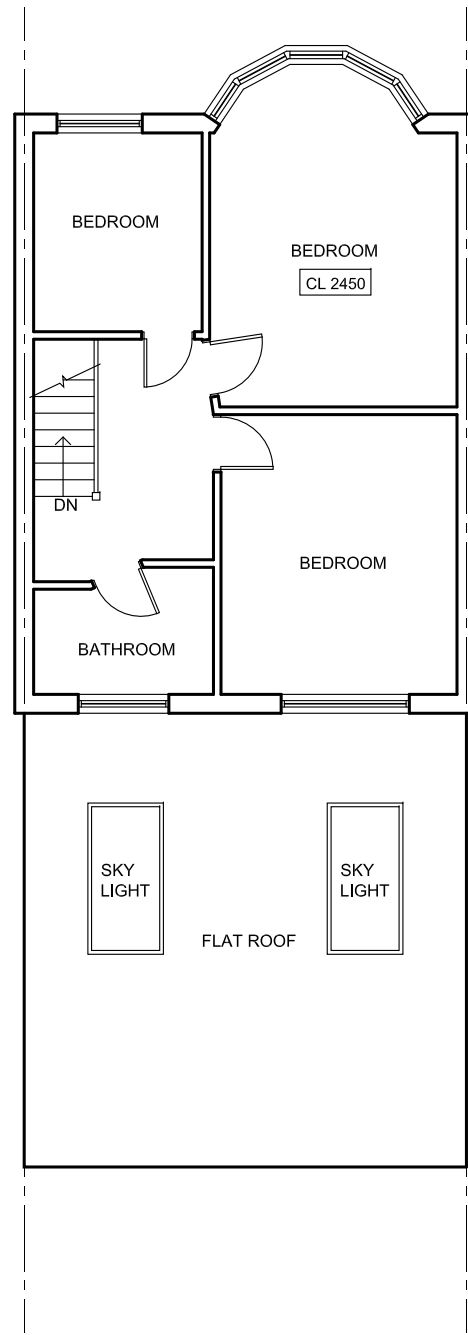
Decision:

Appeal
Allowed

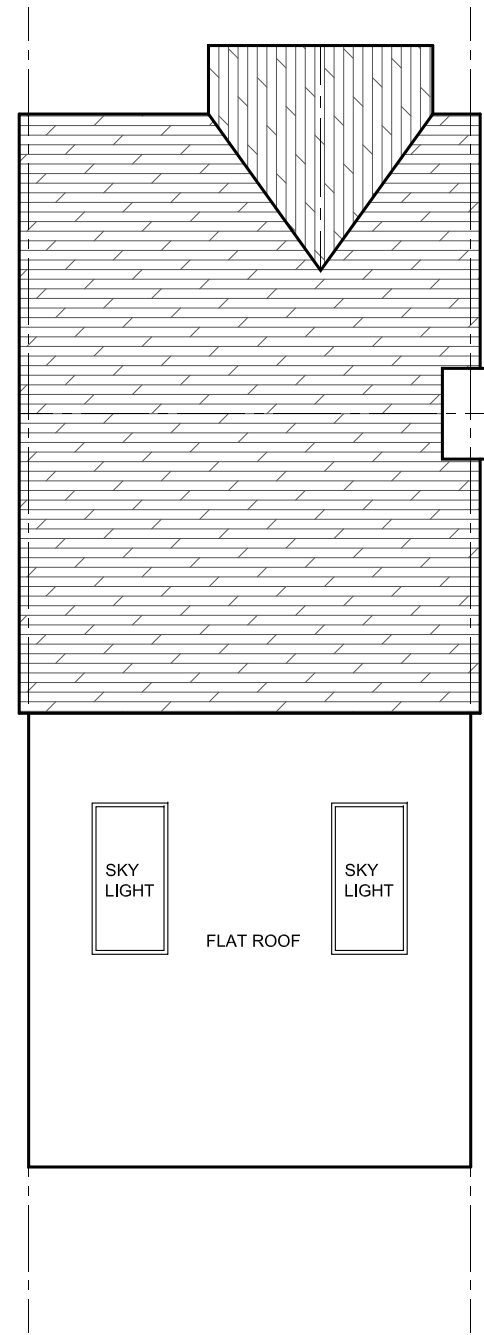




PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR




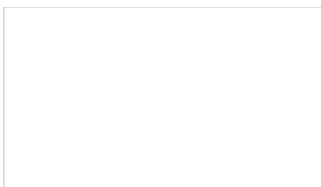
PROPOSED ROOF PLAN

Notes.

- 1 It is the responsibility of the client, contractor and supervising officer to follow the Instructions below
- 2 This drawing to be read in conjunction with all relevant drawings. Any discrepancies found to be notified to the Supervising Officer immediately
- 3 Only figured dimensions to be used for constructional purposes
- 4 All works to be carried with all relevant local authority approvals and to the satisfaction of the building control inspector. existing structure to be opened for inspection if required. all dimensions are to be checked on site prior to commencement of works.
- 5 All external finishes to match existing or conditions imposed on approved planning for scheme
- 6 This drawing is copyright of JND & can not be reproduced without JND's approval
THIS IS A PLANNING DRAWING ONLY



REV	AMENDMENT	DATE
 JND² Designs DESIGN, ARCHITECTURE, PLANNING AND PROJECT MANAGING CONSULTANTS		
Client:		MR. A. AMIN
Project:		SINGLE STOREY REAR EXTENSION AT 14 THORNHILL GARDENS, BARKING, IG11 9TX
Title:		PROPOSED FLOOR PLANS
Scale: 1:100 @A3		Date: JULY, 2022
Drawn: J P		Checked: J C
Drg. No	JND / 1223 /12	Rev-



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBBB Reference: 22/01189/PRIEXT

J Patel
72 Harrow Drive
Hornchurch
RM11 1NX

**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: 22/01189/PRIEXT
Address: 14 Thornhill Gardens, Barking, Barking And Dagenham, IG11 9TX
Development Description: Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 6.00 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 2.80 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: J Patel
72 Harrow Drive
Hornchurch RM11 1NX

Applicant: A Amin
14 THORNHILL GARDENS
BARKING RM11 1NX

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/01189/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 6.00 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 2.80 metres.
Site Address: 14 Thornhill Gardens, Barking, Barking And Dagenham, IG11 9TX
Date Received: 07 July 2022
Date Validated: 07 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 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 extension, by reason of its excessive depth, bulk, mass and proximity to the boundary, would be an undesirable addition, which would be detrimental to the amenity of neighbouring dwellings, resulting in a loss of light, loss of outlook and overbearing impact to adjoining neighbours at 12 and 16 Thornhill Gardens, and significant overshadowing to 12 Thornhill Gardens. This is contrary to policies BP8 and BP11 of the Borough Wide Development Policies DPD, policies DMD 1 and DMD 6 of the Draft Local Plan and to guidance in the Residential Extensions and Alterations SPD which seek to protect residential amenity and respect the character of the local area.

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 - JND / 1223 / 14 - July 2022
- Proposed Floor Plans - JND / 1223 / 12 - July 2022
- Proposed Elevations - JND / 1223 / 13 - July 2022
- Proposed Section - JND / 1223 / 15 - July 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: 16/08/2022

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. 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.

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 16 May 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2023

Appeal Ref: APP/Z5060/D/22/3306726

14 Thornhill Gardens, Barking IG11 9TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr A Amin against the decision of the Council for the London Borough of Barking and Dagenham Council.
 - The application Ref 22/01189/PRIEXT, dated 7 July 2022, was refused by notice dated 16 August 2022.
 - The development proposed is a single storey rear extension.
-

Decision

1. The appeal is allowed, and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for a single storey rear extension at 14 Thornhill Gardens, Barking IG11 9TX in accordance with the application 22/01189/PRIEXT, dated 7 June 2022, and the details submitted with it including drawing numbers JND/1223/12; JND/1223/13; JND/1223/14 and JND/1223/15 pursuant to Article 3(1) and Schedule 2, Part 1, Paragraph A.4(2).

Preliminary Matters

2. The provisions of the GPDO as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) requires the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The principle of the development is established by the 2015 Order. The prior approval provisions do not require regard to be had to the development plan. I have therefore only had regard to the policies of the development plan in so far as they are material to the matters for which prior approval is sought.
4. The Council refer to the emerging London Borough of Barking and Dagenham Draft Local Plan 2037 (Regulation 19 Consultation version, September 2020). The Examination has concluded, and the Council are awaiting the Inspector's report. However, I have little information to suggest when the plan is likely to be adopted, if any policies have been modified, or if there are any unresolved objections. Accordingly, I attribute limited weight to the Draft Local Plan (DLP).

Main Issue

5. The main issue is the impact of the proposed development on the living conditions of adjoining neighbours with regard to light and outlook.

Reasons

6. The appeal site consists of a two-storey terrace dwellinghouse located on the southwestern side of Thornhill Gardens in Barking. The proposed single storey rear extension would extend beyond the rear wall by approximately 6.00m across the full width of the host property, to a maximum height of approximately 3.00m with an eaves height of approximately 2.80m.
7. There are a significant number of other rear extensions and various large outbuildings on neighbouring properties in the vicinity. As such, there is a varied character with differences in the design of extensions with a noticeable lack of coherence or symmetry. Both the neighbouring properties at Nos 12 and 16 Thornhill Gardens have been extended at the rear with single storey projections. No 10 Thornhill Gardens has also been extended to a similar depth to the appeal proposal utilising the prior approval process¹. In issuing prior approval at No 10, the Council considered that the proposal would not unacceptably impact on the living conditions of the neighbour at No 12 in respect to daylight, sunlight, outlook and privacy, despite adjoining the shared boundary.
8. In regard to the effect on No 12 from the proposed scheme, this property has an existing single storey rear conservatory. There is no conclusive evidence that this serves a habitable room, however I have adopted a precautionary approach in respect of its usage. The Councils Residential Extensions and Alterations Supplementary Planning Document (SPD) highlights that single storey rear extensions should not normally exceed 3.65m from the original rear wall of the dwellinghouse, in order to ensure that there is no material loss of daylight and outlook to neighbouring properties. At approximately 6.00m in depth the proposal would significantly exceed this tolerance.
9. I have not been provided with any daylight/sunlight report nor any assessment in accordance with the British Research Establishment (BRE) tests on light. However, given the lightweight and glazed construction of the conservatory this would provide significant light into any habitable room at the ground floor of No 12. Furthermore, the glazed openings have direct views over the garden, albeit there would also be views of the proposed extension.
10. From my site observations, given the orientation of the properties, the course of the sun, and therefore the direction of shadowing, the impact on sunlight as a result of the extension on No 12 would be experienced mainly in the afternoons. However, the significantly glazed nature of the existing conservatory at this property, would allow a good degree of light to enter any habitable rooms at ground floor level. Even without more detailed BRE tests, I am satisfied that the proposal would maintain a reasonable relationship with this adjacent property and not lead to excessive loss of daylight and sunlight.
11. The appeal proposal would nevertheless increase the extent of the built form closest to the party boundary. However, the proposed flat roof design means that overall, the appeal proposal's height, scale and bulk would not be of a

¹ London Borough of Barking and Dagenham Planning Ref: 19/00334/PRIOR6

level which would give rise to any significant additional overbearing effect. In respect to outlook the proposal would not create an undue sense of enclosure relative to the rear openings at No 12 or its garden area, particularly given its similarities to the approved scheme at No 10. Neither would its overall presence significantly reduce the current aspect enjoyed by those occupants to an extent that would be overbearing given the existing boundary wall between the appeal site and this property.

12. With regard to No 16, this has been recently extended at ground floor level with windows facing down the garden. The appeal property's proposed extension would project slightly beyond the extent of that adjoining extension at No 16 by approximately 3.00m, which is less than the 3.65m tolerance as stated in the Councils SPD. Whilst the appeal proposal would increase the extent of the built form along the party boundary, it is not considered to provide significant additional overshadowing, nor an overbearing impact or loss of outlook.
13. Based on the individual circumstances of the scheme, the proposed development would not unacceptably harm the living conditions of the occupiers of the adjoining premises. As a result, the proposed development would comply with the provisions of Schedule 2, Part 1, Class A, paragraph A.4(7) of the GPDO and would not be contrary to the amenity protection aims of policies BP8 and BP11 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document adopted March 2011. Nor would it be contrary to policies DMD1 and DMD6 of the DLP or the SPD in so far as they relate to amenity impacts on neighbours.

Other Matters

14. In forming a decision, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The appellant has indicated that personal circumstances have led to the need for the development and this particular form of accommodation. It does not follow from the PSED that the appeal should automatically succeed, but these have been considered when assessing matters.
15. Interested parties have raised concerns in respect to the cumulative impact of recent developments and the current proposal on the existing structural conditions and foundations. However, these matters are not relevant in determining whether the proposal would be permitted by Schedule 2, Part 1, Class A of the GPDO. As such, I have apportioned this no weight.

Conditions

16. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse and that the development is carried out in accordance with the details and plans submitted as part of the application to the local planning authority. No further conditions are necessary.

Conclusion

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed, and prior approval should be granted.

Robert Naylor

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/D/22/3313390

Appeal Application Description:

Demolition of an existing outbuilding and Construction of a single storey outbuilding to used as an Annex.

Decision:

Appeal
Allowed



Plans

Drawing No.: 02 of 02

Please note that before building works Commences; it is the responsibility of builders or owner to serve party wall notices to all neighbours.

Dimensions
All dimensions to be checked on site. Contractor to check site thoroughly before work starts and report any discrepancies.

Dimensions stated are for guidance only. Contractor to verify all boundary positions and dimensions on site prior to commencing any work, making workshop drawings or buying any materials.

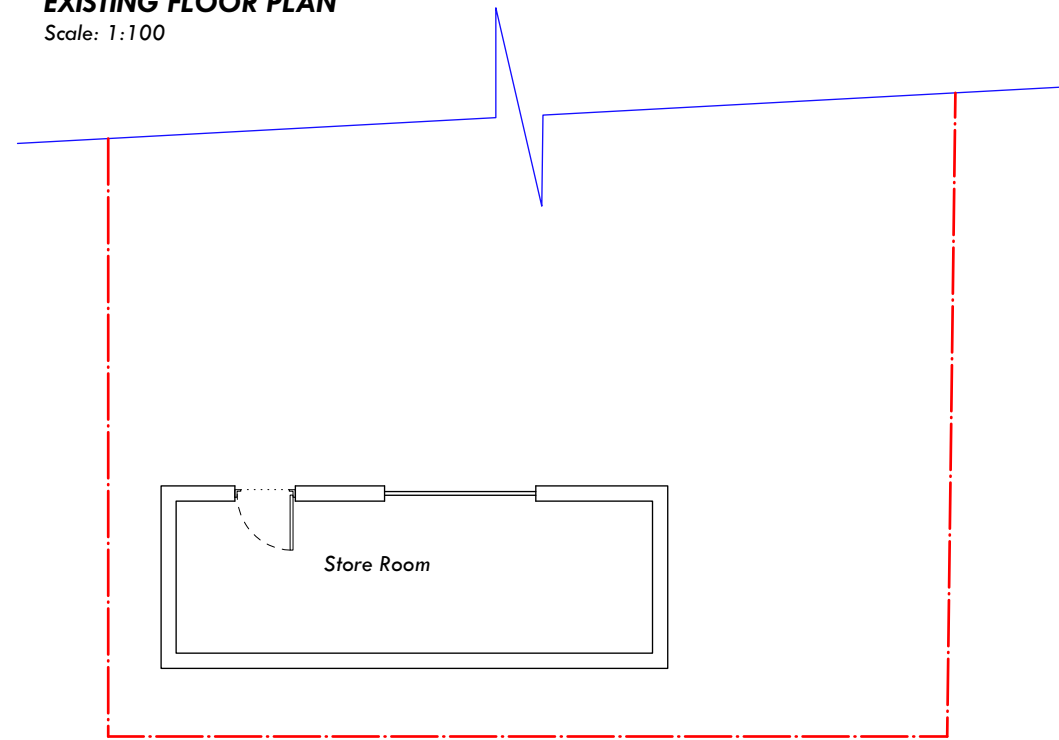
Note: simple dimension check of the site has been conducted in order to prepare this scale drawing. Proposed designs have been provided by the client and final designs on this drawing have been approved by the client.

No site supervision is implied or undertaken unless otherwise separately arranged. The drawing does not indicate the extent of any excavation works and the contractor is to determine this prior to submitting a quotation for the works or commencing any works.

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.

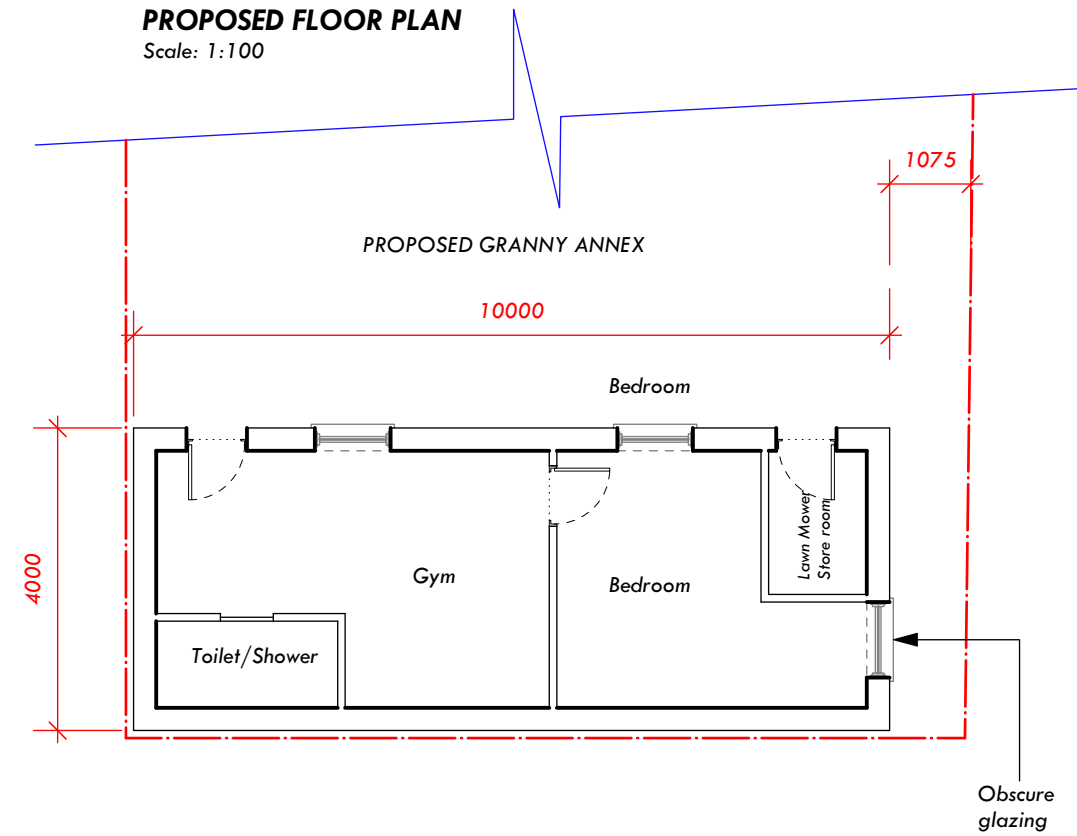
EXISTING FLOOR PLAN

Scale: 1:100



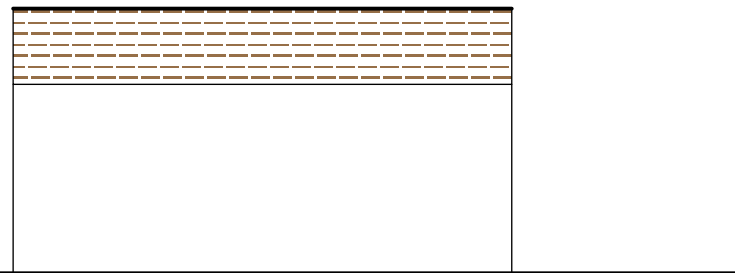
PROPOSED FLOOR PLAN

Scale: 1:100



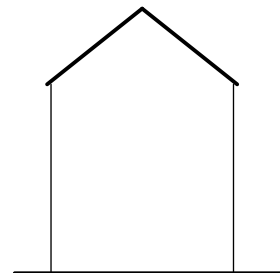
EXISTING REAR ELEVATION

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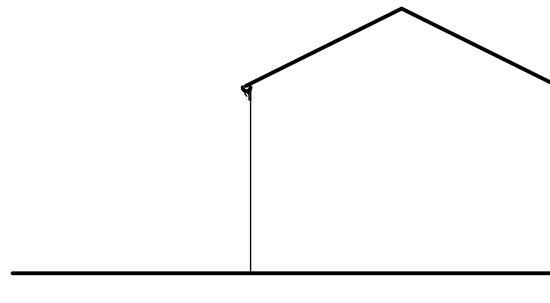
EXISTING A SIDE ELEVATION

Scale: 1:100



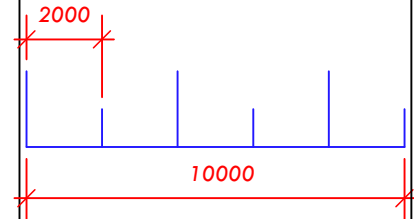
PROPOSED A SIDE ELEVATION

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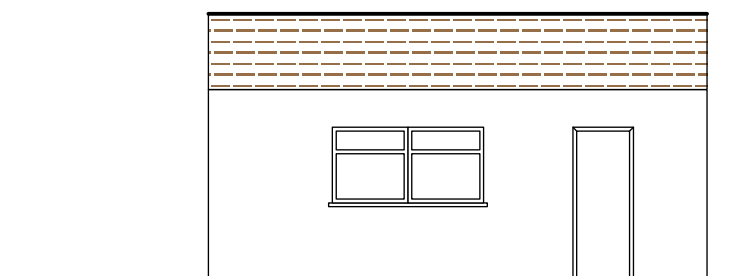
PROPOSED FRONT ELEVATION

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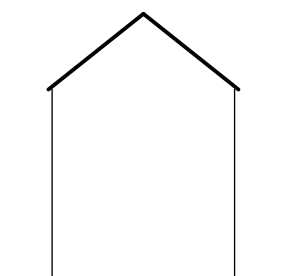
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Scale: 1:100



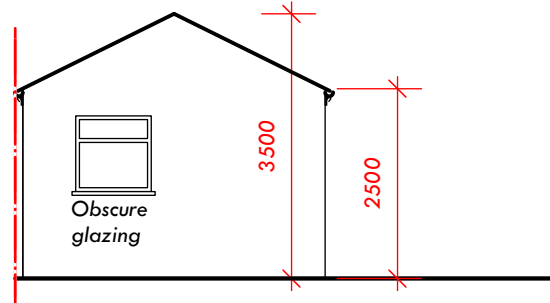
EXISTING B SIDE ELEVATION

Scale: 1:100



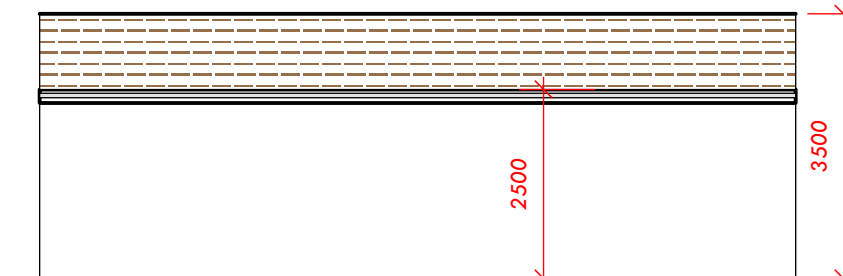
PROPOSED B SIDE ELEVATION

Scale: 1:100



PROPOSED REAR ELEVATION

Scale: 1:100



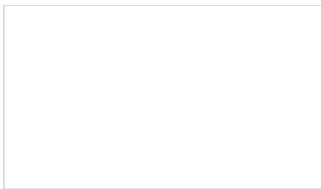
Stylish Interiors & Architecture

020 8552 3999 07947444103
info@style-ish.org.uk

Project: 128 Western Ave RM10 8UH
Drawing Title: Plans
Drawing Number: 02 of 02
Scale: 1:100 @A3
Date: 02/08/2022
Client: Mr. Abdul Karim



www.style-ish.org.uk



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBBB Reference: 22/01472/HSE

Shaik Hussain
37a St Antonys Road
London
E79QA

**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: 22/01472/HSE
Address: 128 Western Avenue, Dagenham, Barking And Dagenham, RM10 8UH
Development Description: Demolition of an existing outbuilding and Construction of a single storey outbuilding to used as an Annex.

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: Shaik Hussain
37a St Antonys Road
London E79QA

Applicant: Abdul Karim
128 WESTERN AVENUE
DAGENHAM E79QA

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/01472/HSE
Application Type: Householder Planning Permission
Development Description: Demolition of an existing outbuilding and Construction of a single storey outbuilding to used as an Annex.
Site Address: 128 Western Avenue, Dagenham, Barking And Dagenham, RM10 8UH
Date Received: 26 August 2022
Date Validated: 30 August 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 mass and bulk will appear as a disproportionately large addition in comparison to the existing dwellinghouse and will introduce a residential use into the rear garden setting which is not a location suitable for primary residential use. This would present a discordant use of the garden setting which is harmful to the surrounding character and appearance. As such the proposal is found to be unacceptable in terms of design and contrary to the following policies:

- Paragraphs 126, 130, and 134 of the National Planning Policy Framework National Planning Policy Framework (NPPF) (DLUHC, July 2021);
- Policies D1 and 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);
- Policies SP 2, DMD 1 and DMD 6 of The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, Autumn 2021);
- 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: -

- Location and block plan - Drawing no. 01 - Dated 14.06.2022
- Plans - Drawing no. 02 - Dated 02.08.2022

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: 30.09.2022

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 11 April 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2023

Appeal Ref: APP/Z5060/D/22/3313390

128 Western Avenue, Dagenham, Essex, RM10 8UH

- 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 Abdul Karim against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref. 22/01472/HSE, dated 26 August 2022, was refused by notice dated 30 September 2022.
 - The development proposed is demolition of an existing outbuilding and construction of a single storey outbuilding to be used as an annexe.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing outbuilding and construction of a single storey outbuilding to be used as an annexe at 128 Western Avenue, Dagenham, Essex, RM10 8UH, in accordance with the terms of the application, Ref. 22/01472/HSE, dated 26 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01 of 02 Location & Block Plans; and 02 of 02 Plans.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the main dwelling.
 - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 128 Western Avenue, Dagenham, and shall not be used as a separate unit of accommodation.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the appeal site and the surrounding area.

Reasons

3. The appeal property is a semi-detached house located on a corner plot at the junction with Auriel Avenue. A two-storey side extension has been added, making the building larger than the attached property. It is located in an area

- of mostly terraced housing, with a mix of outbuildings of different sizes and designs visible in nearby rear gardens.
4. The submitted plans of the outbuilding to be demolished do not reflect its size and scale on the ground. As a building with double doors, it is more akin to a former garage, and is considerably deeper than indicated on the submitted plans, projecting closer to the rear boundary. Indeed, measured on the ground, it is deeper than the dimensioned 4m of the proposed replacement outbuilding.
 5. The appeal site has a boundary wall and gates in front of the existing outbuilding, and these provide some screening effect to much of the building. Although not shown on the submitted plans, the closest properties have their own outbuildings, with that at the end of the garden of 130 Western Avenue, on the opposite side of Auriel Avenue, being substantial and sited close to the roadside boundary. Although other outbuildings are visible in the area, most are not so large as plot widths appear to be narrower than the original corner sites. Given the size and scale of the existing outbuilding, its proposed replacement would not appear excessive on the site, as a good-sized garden would remain. As an extended house, the proposed outbuilding would not appear disproportionately large relative to the host building. The proposed materials would create a more robust and visually attractive structure than that to be replaced, to the benefit of the street scene.
 6. In support of its design policies, the Council's Residential Extensions and Alterations Supplementary Planning Document 2012 (SPD) advises that the use of any outbuilding must be ancillary or related to the use of the property as a dwelling, and that any unrelated use would normally be refused. It notes that it should be designed and positioned to restrict its impact upon neighbouring dwellings. The SPD does not oppose annexe accommodation in principle. Whilst the Council's delegated report advises that no reason has been given for an annexe, there does not appear to be any policy requirement to do so.
 7. The Council opposes primary residential use of the proposed building. Whilst the submitted layout indicates the inclusion of a bedroom, as applied for the building would be used as accommodation that could reasonably be regarded as related to the main house. The Council's delegated report acknowledges that kitchen facilities in the main dwelling would be used by any occupant of the annexe. I appreciate the Council's reasoning, that a residential unit in the rear garden 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. However, I also agree with the Council's assessment that the rear gardens of neighbouring dwellings are of generous depth and that the proposed building would be some distance from the houses themselves.
 8. In this context, I do not consider that use of the building as annexe accommodation would create the harm envisaged by the Council, and in terms of its physical presence it would not be markedly larger than the building that it would replace. Given the range of outbuildings in the area, the proposal would have sufficient regard to the local character, in accordance with Policy BP8 of the Borough Wide Development Policies Development Plan Document 2011 (DPD). There would be a functional link between the main house and the use of the proposed outbuilding, and an appropriately worded planning condition would provide sufficient safeguards to control its occupancy.

9. I therefore conclude that, subject to a condition restricting the use of the building as an ancillary annexe, it would not detract from the character and appearance of the dwelling and the surrounding area. It would accord with the design objectives of the National Planning Policy Framework, and with Policies D1 and D4 of The London Plan 2021, which seek to deliver high quality design; and with Core Strategy 2010 Policy CP3, which amongst other criteria expects high quality development which respects and strengthens local character and provides a sense of place. There would be no conflict with DPD Policies BP8 and BP11, as supported by the SPD, which together require all developments to protect or enhance the character and amenity of the area.
10. I have placed more limited weight on the draft Local Plan policies listed in the reason for refusal due to the stage in the examination process, but in any event there would be no conflict with their content.

Conditions

11. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. It is also appropriate to control materials to match the main dwelling, in order to safeguard the character and appearance of the development and the area. With some modification to the wording suggested by the Council for precision, and to reflect published model conditions, I have attached a condition to restrict use of the annexe, in the interests of the amenities of neighbouring residents and the character of the area.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

H Lock

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/W/22/3313463

Appeal Application Description:

Demolition of garage and construction of a detached dwelling with parking.

Decision:

Appeal
Allowed



Evri ParcelShop

ices

Page 246

Dubai shisha
Tobacco shop

Dewey Rd

Dewey Rd

Rainham Rd S

Soul Nights Out In Essex

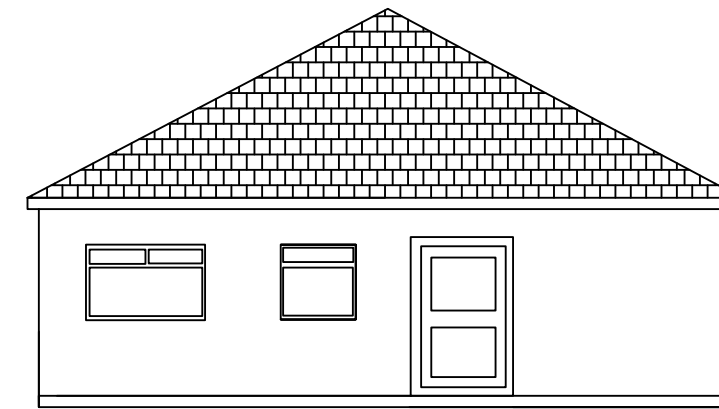
Gunays Cafe

A1112

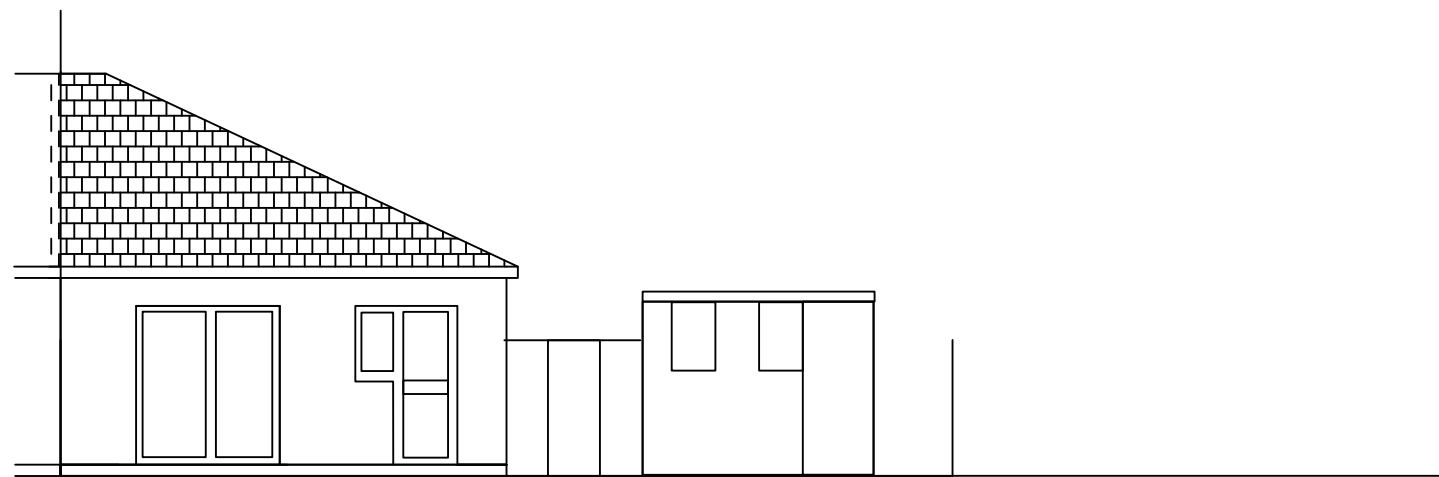
Prep & Polish
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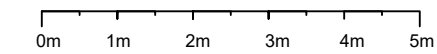


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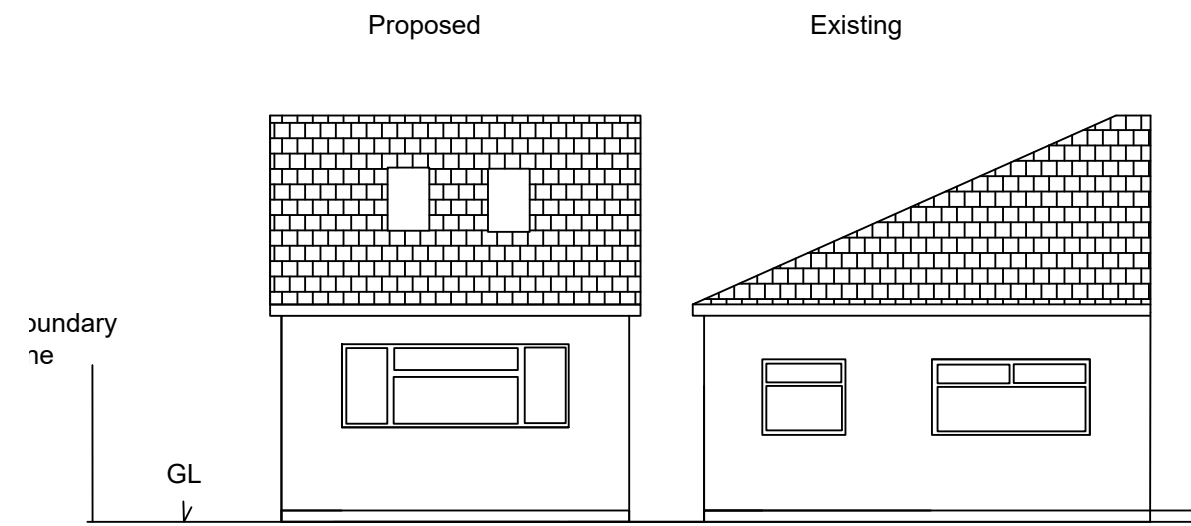


Existing Rear Elevation

2 Dewey Road, Dagenham RM10 8AR	
Proposed Detached house with Off Street Parking	
Existing Elevations	
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Drawing No: 2DR/2	
Drawn By : PSB	Date : 09/21



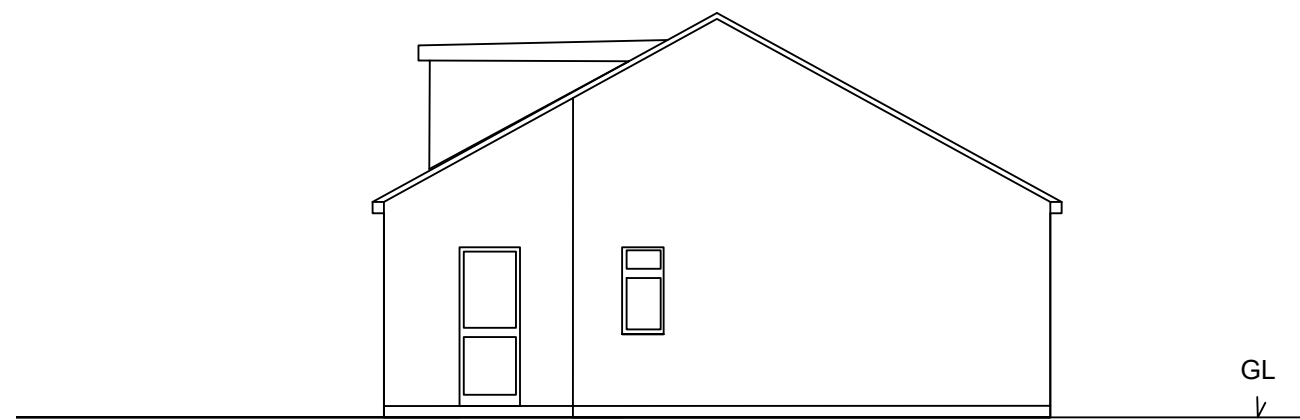
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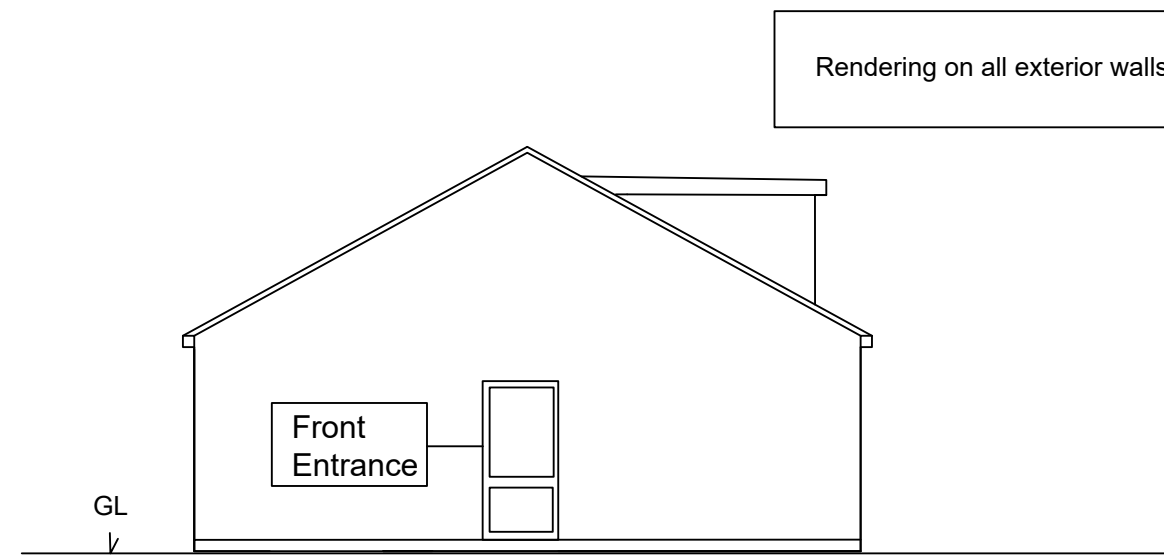
Proposed Front Elevation



Proposed Rear Elevation

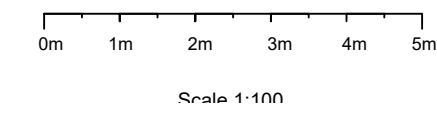


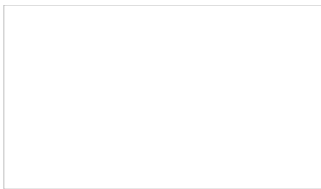
Proposed Side Elevation



Proposed Side Elevation

2 Dewey Road, Dagenham RM10 8AR	
Proposed Detached house with Off Street Parking	
Proposed Elevations	
Scale 1: 100 on A3	
Drawing No: 2DR/3	
Drawn By : PSB	Date : 09/21





London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBBB Reference: 22/00241/FULL

Paramjit Bhamra

**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: 22/00241/FULL
Address: 2 Dewey Road, Dagenham, Barking And Dagenham, RM10 8AR
Development Description: Demolition of garage and construction of a detached dwelling with parking.

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: Paramjit Bhamra

Applicant: J Ghattura

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00241/FULL
Application Type: Full Planning Permission
Development Description: Demolition of garage and construction of a detached dwelling with parking.
Site Address: 2 Dewey Road, Dagenham, Barking And Dagenham, RM10 8AR
Date Received: 31 January 2022
Date Validated: 02 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 new dwelling would fail to meet the required space standards for a property of its size. As such it is not considered that the proposed new dwelling will meet the needs of future residents and ensure a satisfactory lifestyle is provided. The proposal is contrary to:

- Policy D6 (Housing quality and standards) of the London Plan (2021);
- Policy BP6 (Internal space standards) of the Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011) - DCLG
Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended)

2. The proposed dwelling, by reason of its design and sitting, would present a discordant feature that is unsympathetic in design to the surrounding area as it results in the overdevelopment of a small plot, creating an uncharacteristic sense of claustrophobia at the end of Dewey Road which can be seen along Rainham Road South, 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:

- 2DR/1 - Existing and Proposed Plans - 09/21
- 2DR/3 - Proposed Elevations - 09/21
- 2DR/4 R1 - Proposed Floor Plans - 09/21
- 2DR/5 - Proposed Bin, Cycle and Escape Route - 09/21
- 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: 27/06/2022

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 9 May 2023

by **C Carpenter BA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 June 2023

Appeal Ref: APP/Z5060/W/22/3313463

2 Dewey Road, Dagenham RM10 8AR

- 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 J Ghattura against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 22/00241/FULL, dated 31 January 2022, was refused by notice dated 27 June 2022.
 - The development proposed is demolition of garage and erection of a detached dwelling with parking.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of garage and erection of a detached dwelling with parking at 2 Dewey Road, Dagenham RM10 8AR in accordance with the terms of the application, Ref 22/00241/FULL, dated 31 January 2022, and the plans submitted with it, subject to the following 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: Location Plan; 2DR/1 Existing and Proposed Plans; 2DR/2 Existing Elevations; 2DR/3 Proposed Elevations; 2DR/4 Proposed Floor Plans; 2DR/5 Existing and Proposed Roof Plan; 2DR/5 Proposed Bin, Cycle store and Escape Route.
 - 3) The materials used in the external surfaces of the house hereby permitted shall match those used in the existing dwelling at 2 Dewey Road.
 - 4) Notwithstanding condition 2 no development above ground shall commence until details of bicycle parking/storage have been submitted to and approved in writing by the local planning authority. The bicycle parking/storage shall be provided in accordance with the approved details prior to first occupation of the development. The bicycle parking/storage shall thereafter be retained.

Preliminary Matters

2. The Council has submitted the London Borough of Barking and Dagenham (LBBD) Draft Local Plan Regulation 19 Consultation Version (DLP) for examination. I am not aware of the exact stage it has reached, the extent of unresolved objections or whether the policies concerned will be considered consistent with the National Planning Policy Framework (the Framework).

Consequently, in accordance with paragraph 48 of the Framework, I give it limited weight.

Main Issues

3. The main issues are:

- i. The effect of the proposal on the character and appearance of the surrounding area.
- ii. Whether future occupiers would be likely to experience acceptable living conditions in terms of internal living space.

Reasons

Character and appearance

4. The appeal site is a prominent corner plot at the junction with Rainham Road South, a main road comprising commercial uses and housing. Dewey Road and other side streets are mainly residential. The area is part of the Becontree Estate, which is an extensive inter-war housing development of mainly two-storey dwellings and some bungalows. This part of the estate includes many recent infill developments amongst the original buildings that remain, resulting in a varied mix of traditional and modern building styles and some three-storey blocks. Consequently, the character and appearance of the area near the appeal site is very diverse.
5. The new house would be similar in scale to its immediate neighbours. Although the roof form would be different, it would also have a comparable eaves and ridge height, similar windows and a broadly consistent front and rear building line with those houses. Matching materials could be secured by condition. For these reasons, and notwithstanding some three-storey blocks nearby, the house would not appear discordant when viewed either down the main road or from Dewey Road. The wide footway around the site would continue to contribute to a sense of openness at the corner despite a larger building occupying the corner plot. Although small, the appeal site would allow for a gap between the new and host dwellings and sufficient external space around both houses, so the proposed development would not appear cramped.
6. I have considered the design of the proposal in relation to other single storey dwellings in Dewey Road. Other than the host property and its partner, there are a small number of semi-detached bungalows some distance further down the street. The new house would not be part of a semi-detached pair, would be narrower and would have a gabled roof unlike these other bungalows. However, given the street's diverse housing and architectural typology and the other bungalows' distance from the appeal site, these differences in appearance would detract little from the character of the surrounding area.
7. For the above reasons, I conclude the proposed development would not have a harmful effect on the character and appearance of the surrounding area. Accordingly, I find no conflict with Policies D1, D4 and D8 of the London Plan, Policy CP3 of the CS¹, Policies BP8 and BP11 of the BWDP², or the Framework. These policies seek good design that has regard to local character, respects local context and helps to create a sense of place. I also find no conflict with

¹ London Borough of Barking and Dagenham (LBBDD) Local Development Framework Core Strategy

² LBBDD Local Development Framework Borough Wide Development Policies

Policies SP2 and DMD1 of the DLP, which promote high quality design that recognises local character.

8. In addition, I find no conflict with Policy HC1 of the LP, Policy CP2 of the CS, Policy BP2 of the BWDP and Policy DMD4 of the DLP, which promote understanding and respect for local historic context, such as the Becontree Estate.
9. Policy DMD6 of the DLP and the LBBB Residential Extensions and Alterations Supplementary Planning Document do not cover new dwellings so are not relevant to this decision.

Living conditions

10. The house would accommodate two people over two storeys, notwithstanding that the upper floor is within the roof space. Consequently, for the purposes of internal space standards, the proposal comprises a one bedroom, two-person, two storey dwelling. Policy D6 of the LP and national guidance³ require a minimum 58 m² overall gross internal floor area (GIA) for a one bedroom, two-person, two storey dwelling. Even if I take the appellant's figure of 55.2m², the GIA of the proposed house would be less than the overall minimum standard required.
11. Policy BP6 of the BWDP also sets individual minimum space standards for a double bedroom, kitchen/dining/living space and storage. The Council's assessment concludes the proposal would comply with all the minimum floor areas for these different types of space. I see no reason to disagree with this conclusion. Indeed, I note that in all three instances the minimum space standard would be exceeded.
12. The open plan kitchen/dining/living area would allow for a logical flow of activities, with a downstairs toilet. Upstairs, the bathroom would be close to the bedroom, the shape of the bedroom would allow enough space around furniture, and the storage space would be easily accessible. In addition, both levels of the dwelling would be dual aspect. The outdoor space would also be larger than required with good orientation for sun and sufficient space for storage of bikes and bins. Therefore, the proposal would be consistent with many of the qualitative design aspects sought by Policy D6 of the LP, because it would be functional, comfortable, fit for purpose and dual aspect.
13. Taking all this together, I find the proposal would conflict with the minimum overall GIA space standard requirement of Policy D6 of the LP. However, I consider the other material considerations set out above outweigh that conflict. I find no conflict with the Framework, which requires a high standard of amenity for future occupiers. Under section 38(6) of the Planning and Compulsory Purchase Act 2004, this leads me to determine other than in accordance with the development plan and I conclude future occupiers would be likely to experience acceptable living conditions in terms of internal living space.

Other Matters

14. The proposal would result in the creation of one additional dwelling on a small site in an area with good access to public transport. It would therefore help to

³ Technical housing standards – nationally described space standard

meet London's unmet housing need, in accordance with Policies GG4, H1 and H2 of the LP and Policies CM1, CM2 and CC1 of the CS. This is notwithstanding that there is high demand for larger family-sized accommodation in the borough. This would be a benefit of the proposal. There would also be a modest economic benefit from construction and future occupiers' use of local services.

Conditions

15. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
16. A condition on materials is necessary to integrate the appearance of the proposed house with that of the host dwelling. The condition requiring approval of details of bicycle parking/storage is necessary to ensure effective storage and promote active travel in accordance with Policy T5 of the LP.
17. Neither the wholesale removal of freedoms to carry out small-scale alterations and extensions, nor restriction of the proposed development to C3 (single dwellinghouse) use only, has a justification specific and precise enough to meet the tests of necessity and reasonableness. Therefore, I have not included conditions on these matters. A pre-commencement condition requiring prior approval of a Construction Logistics Plan is not necessary given the scale and location of the development. The impact of one less on-street parking space, as a result of the proposed crossover, in an area with a good public transport access level (PTAL 4) would be limited. On this basis a condition requiring a parking survey or removal of a parking permit is not necessary.

Conclusion

18. I have found that the proposal would conflict with neither the development plan nor the Framework when each is considered as a whole. It follows that, while the Council acknowledges the delivery of housing has been substantially below the housing requirement in the previous 3 years, triggering the presumption in favour of sustainable development, there are no adverse impacts which would significantly and demonstrably outweigh the benefits of this proposal. I therefore conclude the appeal should be allowed.

C Carpenter

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/D/23/3321946

Appeal Application Description:

Construction of a single storey outbuilding to be ancillary to the main dwellinghouse

Decision:

Appeal
Allowed



Oval Rd N

Oval Rd N

Oval Rd N

Crosby Rd

Crosby Rd

Crosby Rd

Page 258

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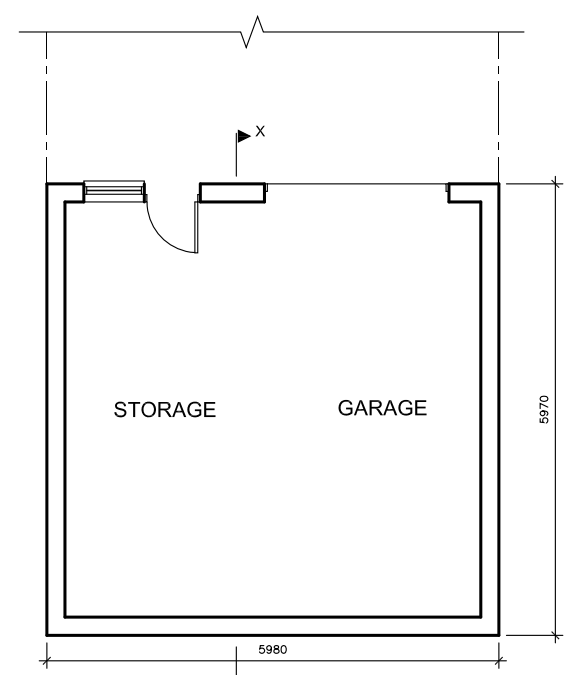
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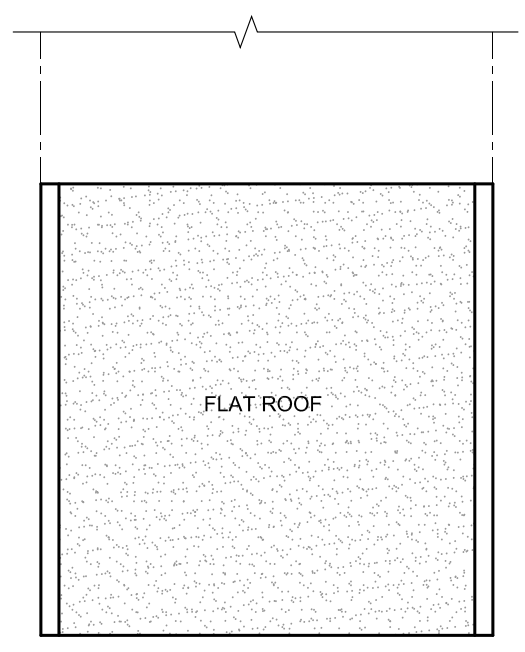
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Notes.

- 1 This drawing to be read in conjunction with all relevant drawings. Any discrepancies found to be notified to the Supervising Officer immediately
- 2 Only figured dimensions to be used for constructional purposes
- 3 All works to be carried with all relevant local authority approvals and to the satisfaction of the building control Inspector. existing structure to be opened for inspection if required, all dimensions are to be checked on site prior to commencement of works.
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EXISTING PLAN



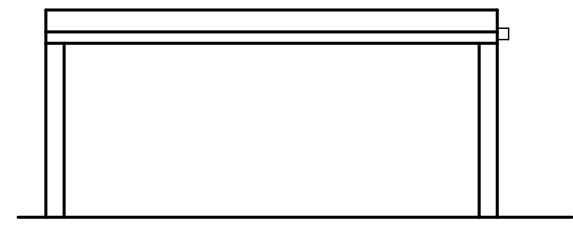
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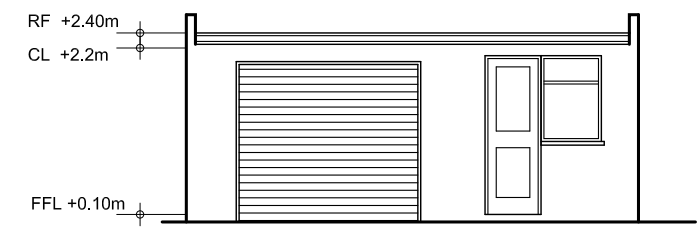
EXISTING REAR ELEVATION



EXISTING SIDE ELEVATION (OTHER SIDE)



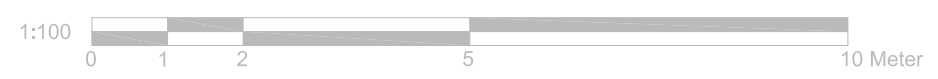
SECTION X X




EXISTING FRONT ELEVATION



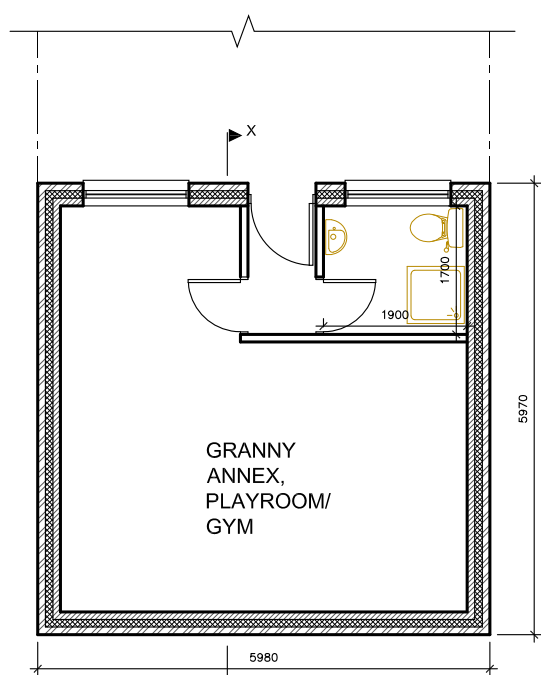
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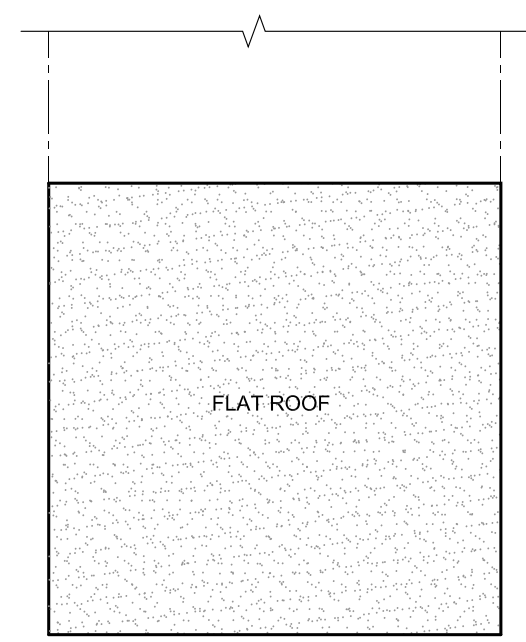
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Project: PROPOSED GRANNY ANNEXE AT 20 OVAL ROAD NORTH, DAGENHAM, RM10 9EL		
Title: EXISTING FLOOR PLANS AND ELEVATIONS		
Scale: 1:100 @A3		Date: JAN. 2023
Drawn: J P		Checked: RP
Drg. No JND / 1271/ 10	Rev-	

Notes.

- 1 This drawing to be read in conjunction with all relevant drawings. Any discrepancies found to be notified to the Supervising Officer immediately
- 2 Only figured dimensions to be used for constructional purposes
- 3 All works to be carried with all relevant local authority approvals and to the satisfaction of the building control Inspector. existing structure to be opened for inspection if required, all dimensions are to be checked on site prior to commencement of works.
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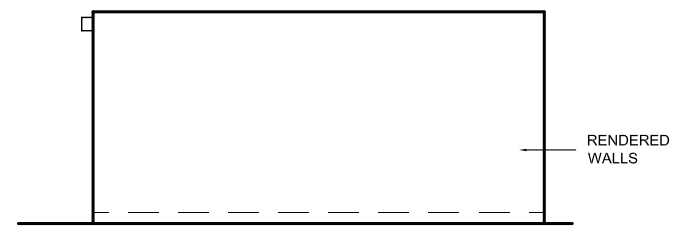
PROPOSED PLAN



PROPOSED ROOF PLAN



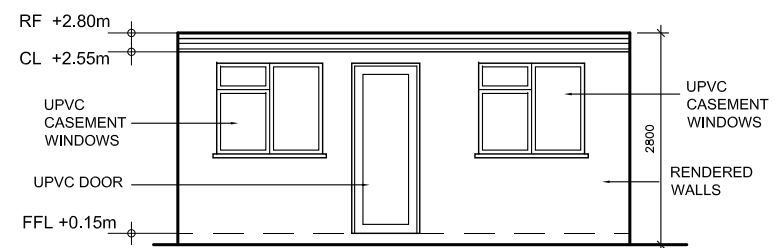
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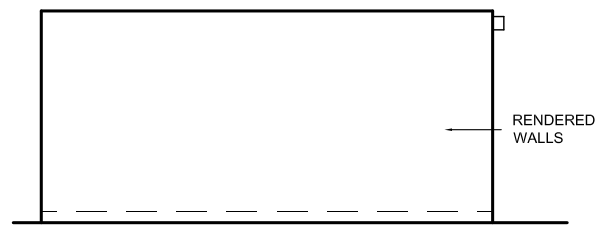
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PROPOSED SECTION X X




PROPOSED FRONT ELEVATION

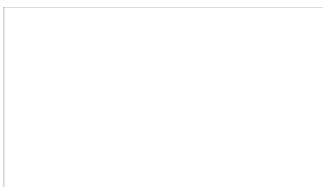


PROPOSED SIDE ELEVATION

Page 260



REV	AMENDMENT	DATE
 JND² Designs DESIGN, ARCHITECTURE, PLANNING AND PROJECT MANAGING CONSULTANTS		
Client:		
MR. A. CHODHARY		
Project:		
PROPOSED GRANNY ANNEXE AT 20 OVAL ROAD NORTH, DAGENHAM, RM10 9EL		
Title:		
PROPOSED FLOOR PLANS AND ELEVATIONS		
Scale: 1:100 @A3		Date: JAN. 2023
Drawn: J P		Checked: RP
Drg. No	JND / 1271/ 11	Rev-



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBBB Reference: 23/00050/HSE

J Patel
72 Harrow Drive
Hornchurch
RM11 1NX

**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: 23/00050/HSE
Address: 20 Oval Road North, Dagenham, Barking And Dagenham, RM10 9EL
Development Description: Construction of a single storey outbuilding to be 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: J Patel
72 Harrow Drive
Hornchurch RM11 1NX

Applicant: A Chodhary
20 OVAL ROAD NORTH
DAGENHAM RM11 1NX

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 23/00050/HSE
Application Type: Householder Planning Permission
Development Description: Construction of a single storey outbuilding to be ancillary to the main dwellinghouse
Site Address: 20 Oval Road North, Dagenham, Barking And Dagenham, RM10 9EL
Date Received: 11 January 2023
Date Validated: 11 January 2023

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 is for an outbuilding that is intended to be used as a main residence for the applicant's disabled relative. The principle of providing accommodation for a relative in the rear of the garden that is entirely separate and capable for being used as a self-contained dwelling is not appropriate. The applicant could have explored opportunities to extend the main house and provide more appropriate solution to the living accommodation. The proposed development should be refused given that it is contrary to:

- National Planning Policy Framework (MHCLG, July 2021);
- Policy D4 the London Plan (March 2021);
- Policy CP3 of the LDF Core Strategy (July 2010);
- Policy BP11 of the LDF Borough Wide Development Plan Policies DPD (March 2011);
- Policies SP 2, DMD 1 and DMD 6 of the Draft Local Plan (Regulation 19 Consultation Version, October 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:

- JND/1271/11 - Proposed Floor Plans and Elevations - JAN. 2023
- JND/1271/12 - Location & Block Plan - JAN. 2023

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: 03/03/2023

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 30 August 2023 by Thomas Courtney BA(Hons) MA

Decision by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2023

Appeal Ref: APP/Z5060/D/23/3321946

20 Oval Road North, Dagenham RM10 9EL

- 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 A Chodhary against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 23/00050/HSE, dated 11 January 2023, was refused by notice dated 3 March 2023.
 - The development is a proposed granny annexe ancillary to the main residence.
-

Decision

1. The appeal is allowed and planning permission is granted for a granny annexe ancillary to the main residence at 20 Oval Road North, Dagenham RM10 9EL, in accordance with the terms of the application Ref 23/00050/HSE, dated 11 January 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: JND/1271/10, JND/1271/11 and JND/1271/12.
 - 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) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issue is the principle of conversion of the outbuilding to residential accommodation.

Reasons for the Recommendation

4. The appeal relates to a single storey outbuilding situated in the rear garden of 20 Oval Road North. The building is flat-roofed and is currently used as a garage and storage space.

5. The Council has expressed concerns relating to the principle of accommodating a disabled occupant in an outbuilding separate to the main dwellinghouse. However, it is not clear as to why this would be unacceptably harmful as the use of the outbuilding for additional ancillary accommodation related to the main residential use of the dwelling would align with the guidance of the Residential Extensions and Alterations Supplementary Planning Document (February 2012) (the SPD) and could be controlled through imposition of a condition which would prevent it from being used as a separate dwelling.
6. Furthermore, the appellant has provided medical evidence with regards to the disabled elderly occupant and highlighted the fact that the occupant is unable to use the stairs in the main house and is thus restricted to the downstairs parts of the dwelling. Whilst the Council state that it would be preferable to extend the host dwelling rather than use an outbuilding, it is reasonable for the appellant to opt for the re-use of an existing outbuilding, rather than seeking to add an entirely new extension to the dwelling.
7. The Council refers to development plan policies relating to design in the decision notice but the officer report states that the proposal would not have a negative impact on the character and appearance of the area and that there are no concerns with the design, scale or materials that would be used, with the existing dimensions of the outbuilding maintained.
8. Given the above, the proposed conversion of the outbuilding to residential accommodation would therefore be acceptable. It would not conflict with the National Planning Policy Framework (the Framework); with Policy D4 of the London Plan (March 2021)¹, Policy CP3 of the Council's Core Strategy (July 2010)², Policy BP11 of the Council's adopted Development Plan Document (March 2011)³ and the SPD which together seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area in which they lie. The proposal would also not conflict with emerging Policies SP 2, DMD 1 and DMD 6 of the Draft Local Plan (October 2020)⁴ which seek the same.

Conditions

9. The Council has suggested several conditions, which I have considered in light of the advice in the Framework and Planning Practice Guidance. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have also imposed a condition requiring the materials used in the construction to match the existing in order to protect the character and appearance of the host dwelling and surrounding area.
10. Finally, I have imposed a condition suggested by the Council relating to the ancillary use of the proposed building in order to ensure the building is not used as a self-contained dwelling, which may give rise to substandard living conditions due to its size and unforeseen effects on neighbours' living conditions and/or the character and appearance of the area.

¹ Mayor of London, The London Plan, The Spatial Development Strategy for Greater London (March 2021).

² Barking & Dagenham Council, Local Development Framework, Core Strategy (July 2010).

³ Barking & Dagenham Council, Local Development Framework, Borough Wide Development Policies – Development Plan Document (March 2011).

⁴ Barking & Dagenham Council, Draft Local Plan 2037, Regulation 19 Consultation Version (2021)

Recommendation

11. I have concluded that the proposed conversion of the outbuilding to a granny annexe would be acceptable. The proposal would accord with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed.

K Savage

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/D/23/3329141

Appeal Application Description:

Construction of outbuilding to rear garden, including basement level.

Decision:

Appeal
Allowed



Abel & Co

Jelenas cake

Bradfield Dr

Bradfield Dr

Bradfield Dr

Westrow Dr

Westrow Dr

Westrow Dr

Westrow Dr

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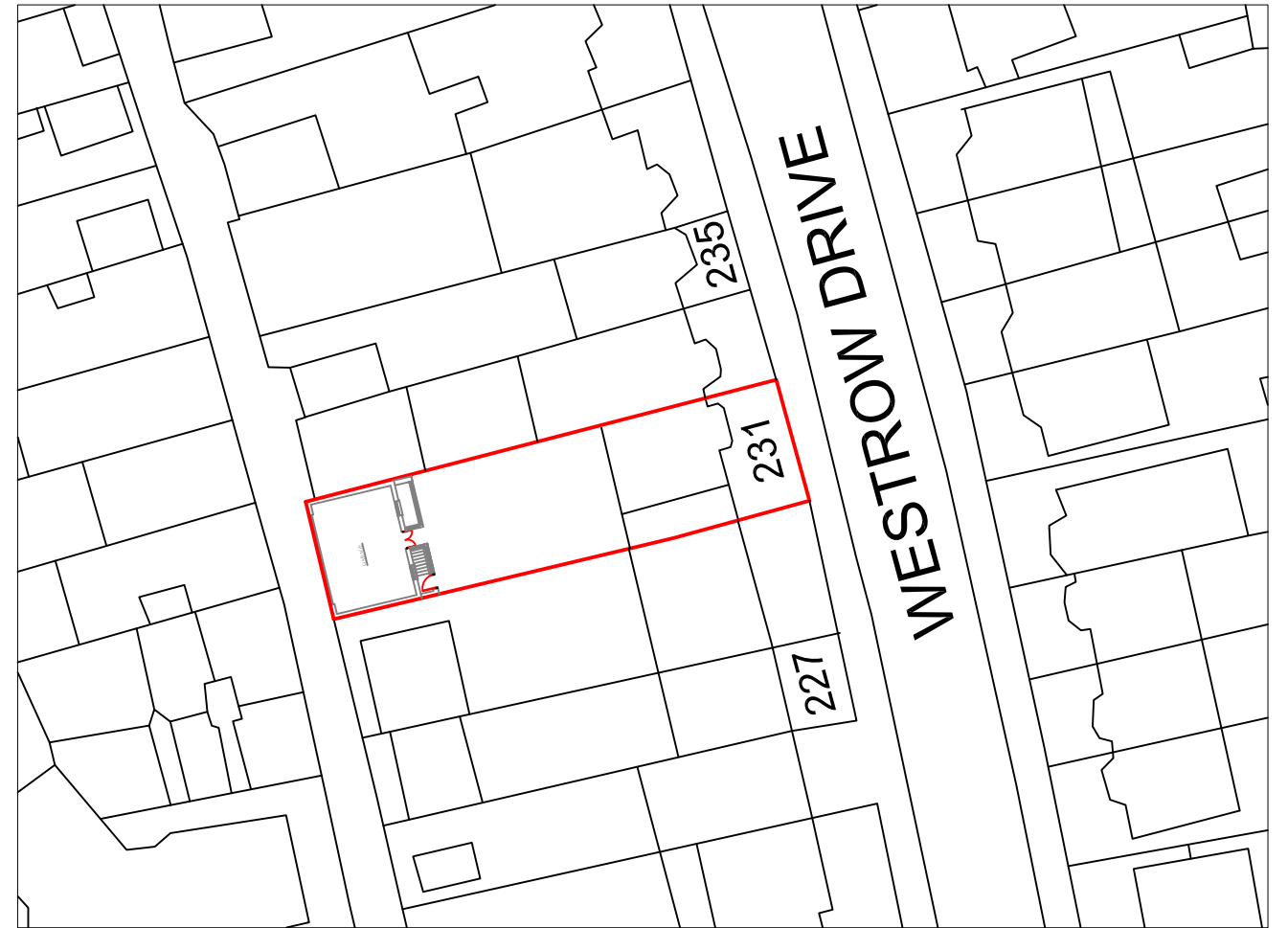
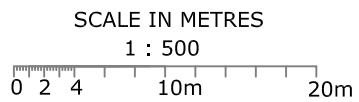
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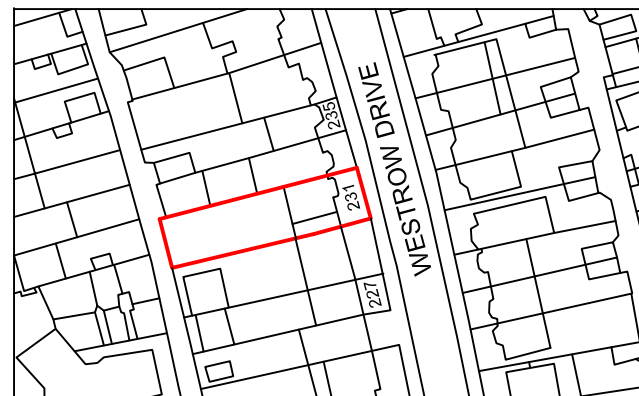
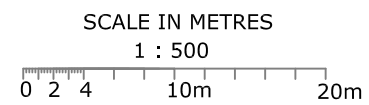
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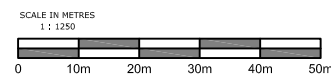
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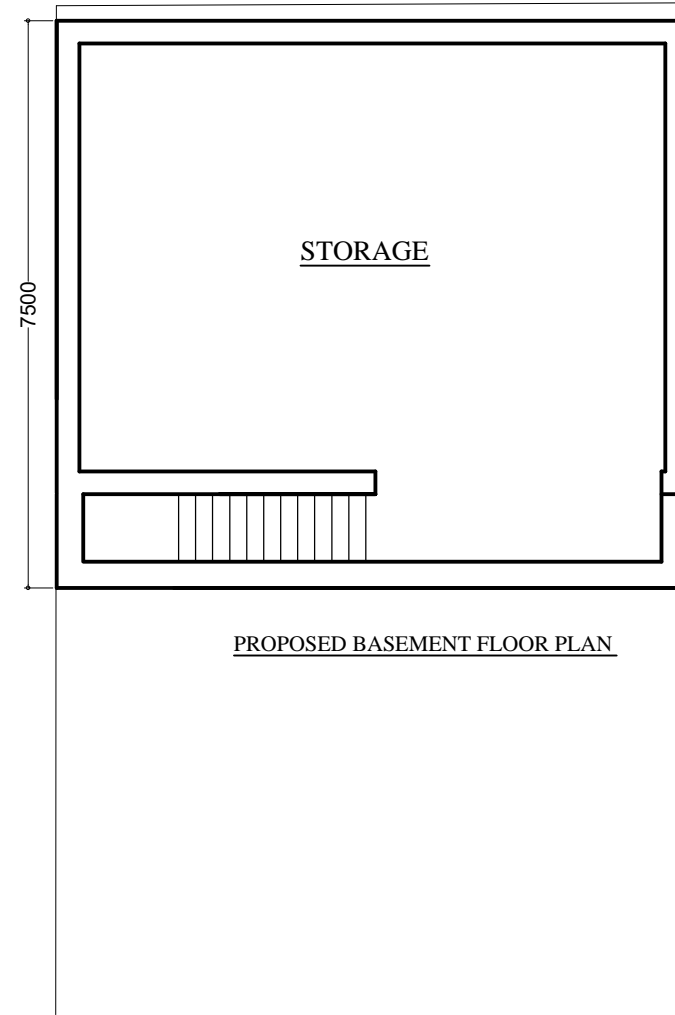
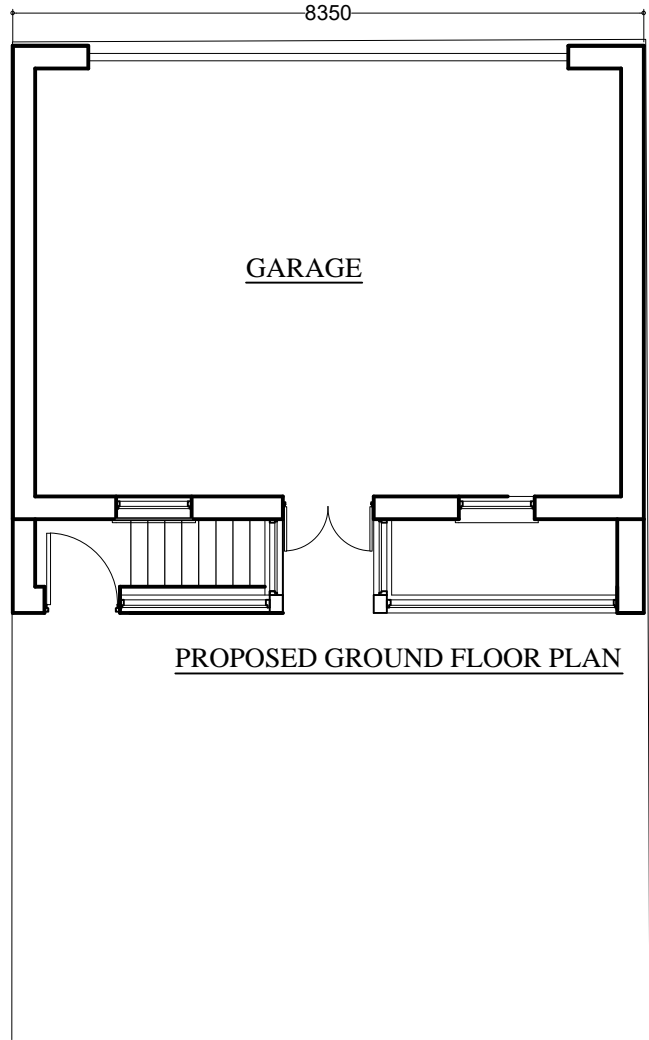
PROPOSED BLOCK PLAN



LOCATION PLAN (1:1250)

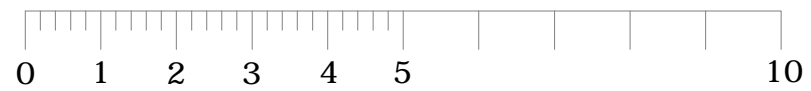


231 WESTROW DRIVE BARKING IG11	
TITLE:	PROPOSED REAR OUTBUILDING WITH BASEMENT
SCALE:	1:500, 1:1250@A3
DWG NO	SD231/PR 04



SCALE IN METRES

1 : 100

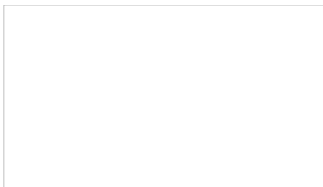


231 WESTROW DRIVE
BARKING IG11

TITLE:
PROPOSED REAR OUTBUILDING WITH
BASEMENT

SCALE: 1:100@A3

DWG NO SD231/PL/01



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBBB Reference: 23/00586/HSE

Singh Developments (UK) 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: 23/00586/HSE
Address: 231 Westrow Drive, Barking, Barking And Dagenham, IG11 9BS
Development Description: Construction of outbuilding to rear garden, including basement level.

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:** Singh Developments (UK) Ltd

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 23/00586/HSE
Application Type: Householder Planning Permission
Development Description: Construction of outbuilding to rear garden, including basement level.
Site Address: 231 Westrow Drive, Barking, Barking And Dagenham, IG11 9BS
Date Received: 17 April 2023
Date Validated: 26 May 2023

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 introduction of an outbuilding with a basement in the rear garden of the site would represent a discordant and incongruous feature which is out of character with the properties along the street scene. The proposed extent of development is considered to lead itself to forming a part of the primary accommodation onsite, rather than merely incidental use to the dwelling. For the reasons above, officers consider the proposed outbuilding and basement to be inappropriate in design and scale, and thus the proposal would not be ancillary to the use of the main dwellinghouse. As such the proposal is contrary to the following:

- 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);
- Policy BP11 of the Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011);
- Policies SP2, DMD1 and DMD6 of The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021);
- 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:

- SD231/PR04 - Proposed Block Plan and Site Location Plan - Received: 26/05/2023
- SD231/PL02 - Proposed Elevations - Received: 26/05/2023
- SD231/PL01 - Proposed Floor Plans - Received: 26/05/2023
- SD231/PL04 - Proposed Site Plan - Received: 26/05/2023

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: 20/07/2023

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 23 January 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21.02.2024

Appeal Ref: APP/Z5060/D/23/3329141
231 Westrow Drive, BARKING, IG11 9BS

- 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 Amrik Panesar (Singh Developments (UK) Ltd) against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref. 23/00586/HSE, dated 26 May 2023, was refused by notice dated 20 July 2023.
 - The development proposed is outbuilding at the rear to use as a garage and basement area to be used as storage.
-

Decision

1. The appeal is allowed and planning permission is granted for outbuilding at the rear to use as a garage and basement area to be used as storage at 231 Westrow Drive, BARKING, IG11 9BS, in accordance with the terms of the application, Ref. 23/00586/HSE, dated 26 May 2023, subject to the following 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: SD231/PR 04; SD231/PL/01; SD231/PL 02; and SD231/PL/04.
 - 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 dwelling.
 - 4) The building hereby permitted shall only be used for purposes ancillary to the residential use of the dwelling known as 231 Westrow Drive. It shall not be used as a separate unit of accommodation.

Procedural Matters

2. Since the appeal was lodged a revised National Planning Policy Framework (the Framework) has been published. However, as the policies of most relevance to this proposal have not changed fundamentally it has not been necessary to seek further comments from the parties.
3. The Council cited Policies SP2, DMD1 and DMD6 of the London Borough of Barking and Dagenham's Draft Local Plan 2037 (Regulation 19 Submission Version, December 2021) [DLP] in the decision. Following examination, the Planning Inspectorate advised the Council that the Draft Local Plan is likely to

be capable of being found legally compliant and sound, subject to Main Modifications, which the Council has confirmed did not concern the above policies. Given the advanced stage of preparation of the emerging plan, I have therefore taken these policies into account in my assessment.

Main Issues

4. The main issues are (1) the effect of the proposal on the character and appearance of the site and streetscene; and (2) whether the scale of the proposal would create accommodation that is not ancillary to the use of the main dwelling.

Reasons

Character and Appearance

5. The appeal property is an end-terraced dwelling within a residential area. There is a gated service road to the rear of the site which provides access to this and other dwellings fronting, and to the rear of, Westrow Drive. Although the rear of the appeal site is currently fenced and gated, garages are prevalent in the vicinity.
6. In this context, outbuildings used for car parking and other domestic purposes are a common feature in the local garden environment, and although visible from the service road, the tightknit development pattern means that these have limited visual impact on the more public domain of Westrow Drive. These buildings vary in design and size, but some are quite substantial and occupy a significant portion of the rear garden. This is acknowledged by the Council in its delegated report, which notes the presence of sizeable outbuildings.
7. The proposed building would have a large footprint, occupying the full width of the site. Its depth would be generous, partly due to the inclusion of a stair well to access the basement. Whilst the footprint and massing may be greater than the buildings which abut the site, as noted above there are others of similarly large scale in the vicinity.
8. The proposed basement would increase the amount of floorspace in the building. However, as submitted, the basement would be wholly below ground level, and would not create conditions that would add to the visible mass of the building above. With a garage door facing the access road and glazed panels facing the garden, the building would not be dissimilar in design to others locally. The stairwell and lightwell may be perceived from the garden, but the effect would not be much wider given the limited public vantage points from where the building would be seen. With the wide range of outbuilding styles in the vicinity, I do not consider that the proposal would be discordant or incongruous, nor out of character. In an area of dwellings with large outbuildings, the proposal would not appear out of scale with the host house.
9. The Council has cited conflict with the 'outbuildings' guidance of its 'Residential Extensions and Alterations' Supplementary Planning Document 2012 (REA). However, I find no conflict with the guidance provided, in that the building would be used for purposes ancillary or related to the use of the property as a dwelling, and its design and position would minimise its impact upon neighbouring residents. The Council's delegated report confirms that it would not cause any material loss of daylight/sunlight, loss of privacy, loss of outlook, overshadowing or overbearing impact.

10. I therefore conclude that the proposal would be acceptable in its impact on the character and appearance of the appeal site and the streetscene. It would be a functional and flexible building of sufficiently high quality design that would respect local character, as sought by Core Strategy¹ (CS) Policy CP3, and DLP Policies SP2 and DMD1. Given its context, it would protect the character and amenity of the area, in accordance with Policy BP11 of the Council's Borough Wide Development Policies Development Plan Document 2011 (BWP), as supported by the REA. Its scale and form would be sympathetic and subordinate to the original dwelling, and would respect and complement the character of the area, as required by DLP Policy DMD6. For these reasons, there would be no conflict with the design objectives set out in Section 12 of the Framework.
11. I do not consider Policy D4 of The London Plan 2021 (TLP) to be relevant, as it appears to relate to mechanisms to deliver and maintain design quality, but that does not alter my assessment.

Level of Accommodation

12. The Council has expressed concern that the building could be accessed from the service road, and converted into a low-quality, self-contained unit of accommodation in the future; and that a planning condition preventing this would not be sufficient control. However, that is not the proposal which has been applied for, and I have determined the appeal accordingly. Any subsequent change of use of the building to create a separate dwelling would require express planning permission. Whilst the Council may have concerns about enforcing a condition which restricts the use, I do not consider that the circumstances of this site would make such a condition unenforceable.
13. In addition, although the Council has questioned the need for the development, my attention has not been drawn to any policy or guidance which requires this to be demonstrated. The Council's delegated report refers to the absence of a parking stress assessment, but this does not form a reason for refusal of the application. Buildings for domestic parking are a feature of this area, with a specific rear service road for this purpose.
14. Although the building may be large in floor area, its stated purposes would typically be regarded as "ancillary", and not primary accommodation that would be expected to be contained within the main house. It would not be excessive in scale relative to the host house, given the context of similarly sized dwellings with large outbuildings nearby. The proposed basement would make effective use of land that would not impact upon the available garden.
15. I therefore conclude that the accommodation of the proposal would be of a scale ancillary to the use of the main dwelling. In so doing, it would accord with the aims of CS Policy CP3 and BWP Policy BP11, and DLP Policies SP2, DMD1 and DMD6. As noted above, I do not find TLP Policy D4 to be of relevance.

Other Matters

16. The Council has drawn attention to an appeal decision which was dismissed at 264 Westrow Drive for an outbuilding with basement in 2022². Limited details have been supplied of that development, but from the appeal decision it would

¹ Planning for the Future of Barking and Dagenham Core Strategy 2010

² APP/Z5060/W/21/3286351

appear that there were material differences from this proposal: that appeal site occupied a “prominent corner position” and had a “compact” rear garden next to the road. The Inspector found that the building would be visible, would not be subservient to the dwelling and would dominate the rear garden, none of which I have found in this case. Two other decisions³ cited by the appellant were not considered relevant, as the properties benefited from larger garden areas and mid row locations. The development was also found to overshadow a modest neighbouring garden and cause loss of outlook. Again, these matters do not arise with this scheme.

Conditions

17. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. It is also appropriate to control materials to match the existing dwelling, in order to safeguard the character and appearance of the development and the area. With some modification to wording for precision, I have attached the Council’s suggested condition to control the use of the building. This is reasonable and necessary given the building design, and the poor living conditions that it would offer if used as habitable accommodation.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

H Lock

INSPECTOR

³ At 6 Upney Lane and 16 Ventnor Gardens

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

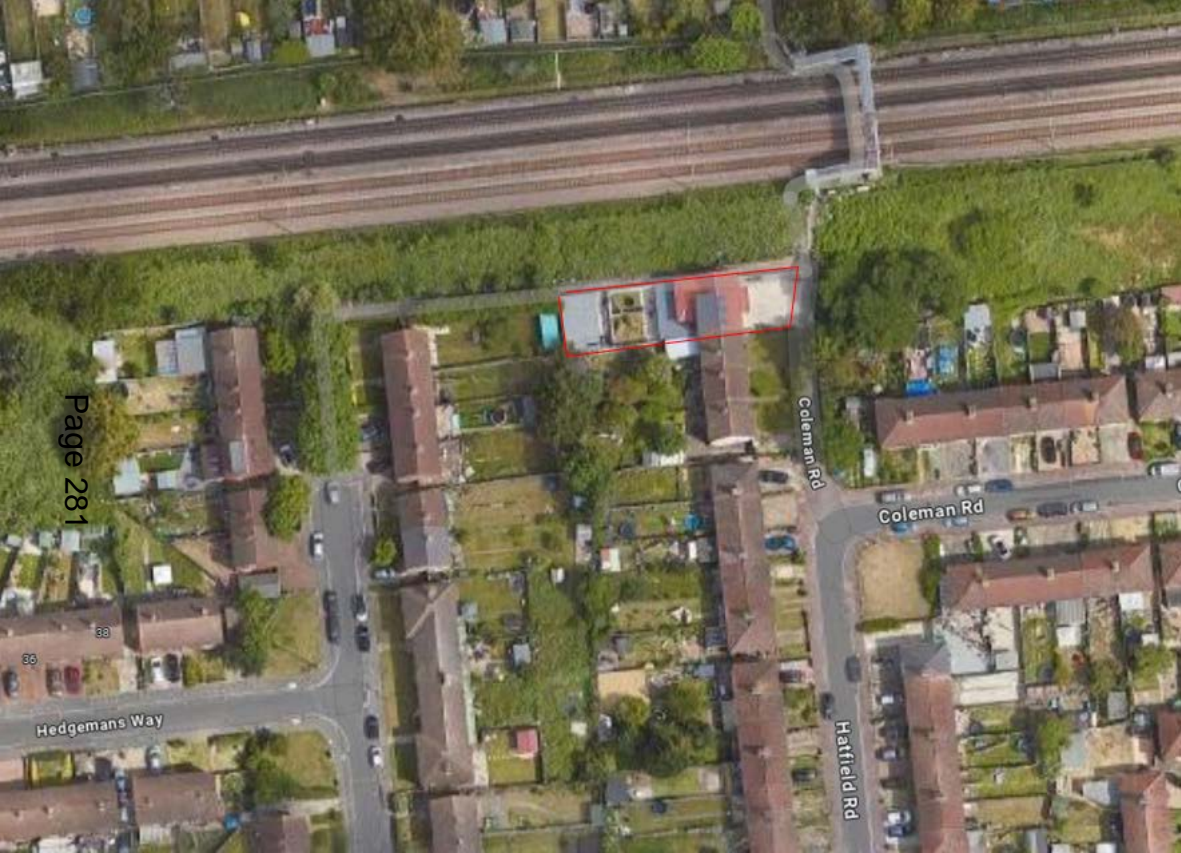
APP/Z5060/W/23/3326911

Appeal Application Description:

Conversion of existing property into 2No residential dwelling houses (1x three bedroom and 1x two bedroom) including internal alterations and addition of entrance door to front elevation.

Decision:

Appeal
Allowed



Coleman Rd

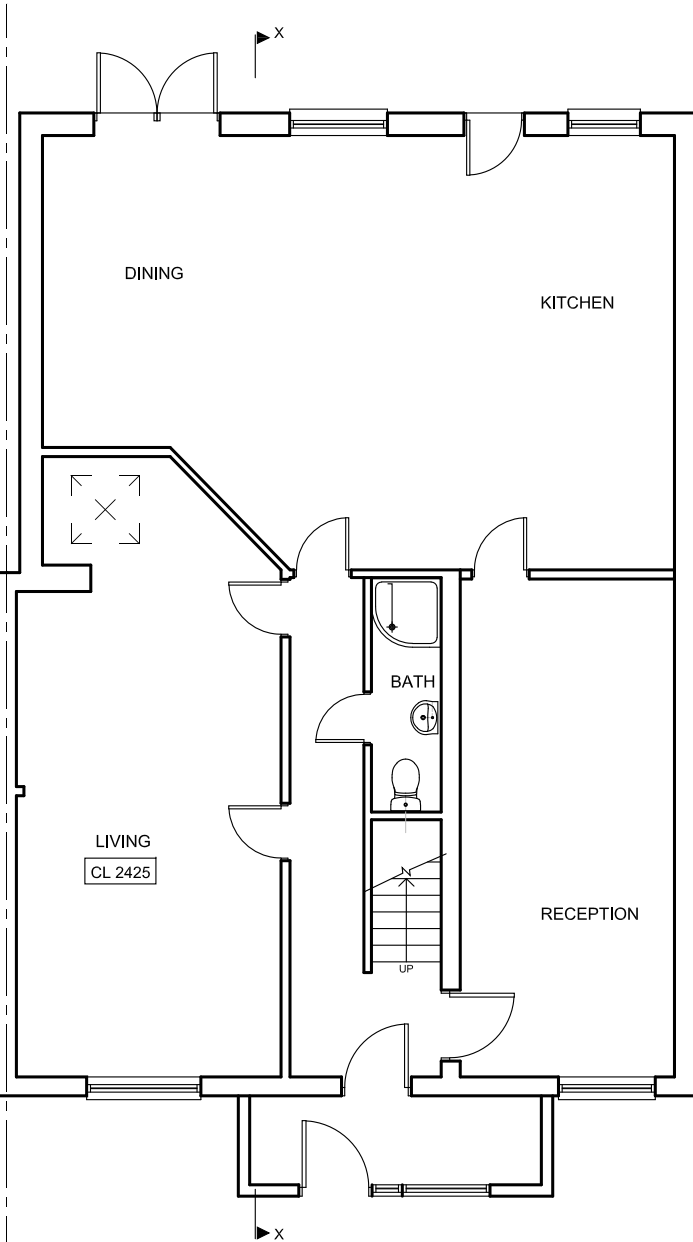
Coleman Rd

Hatfield Rd

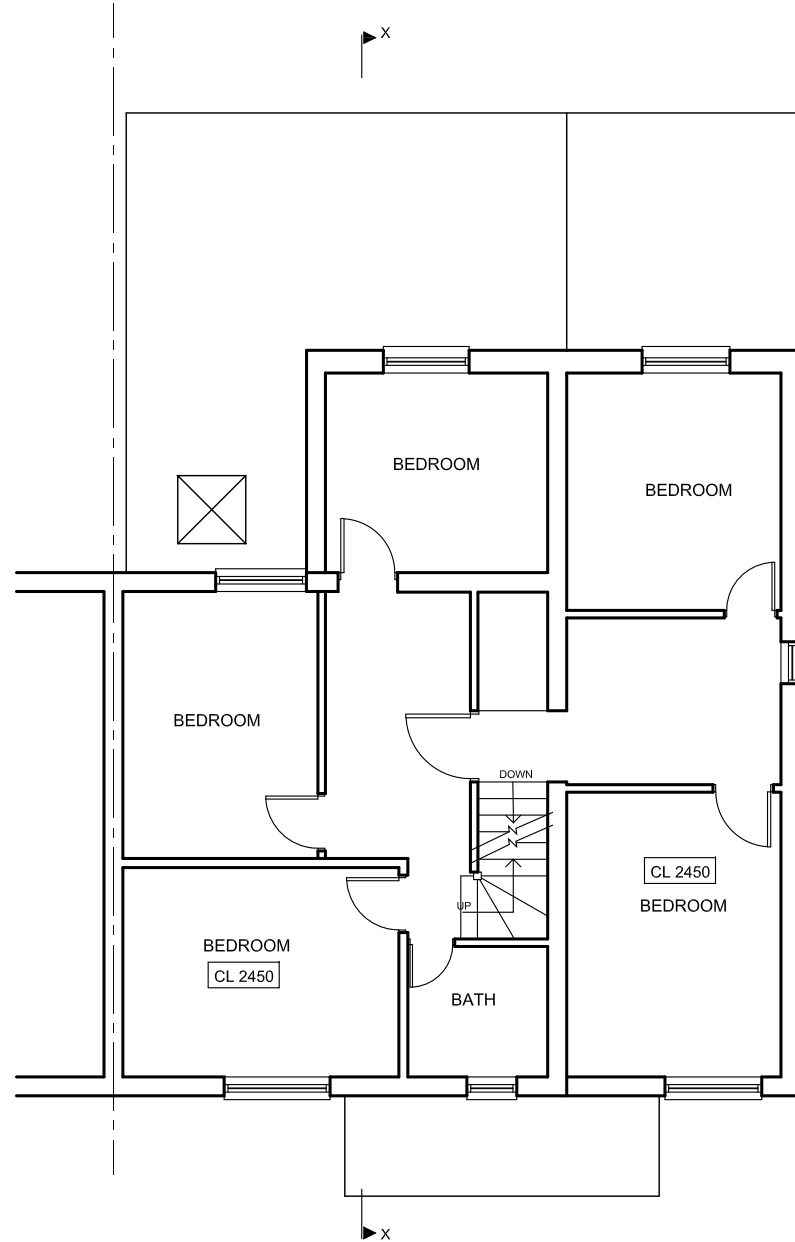
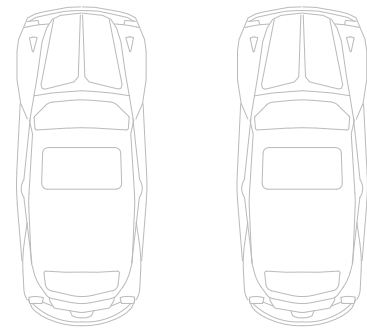
Hedgemans Way

36

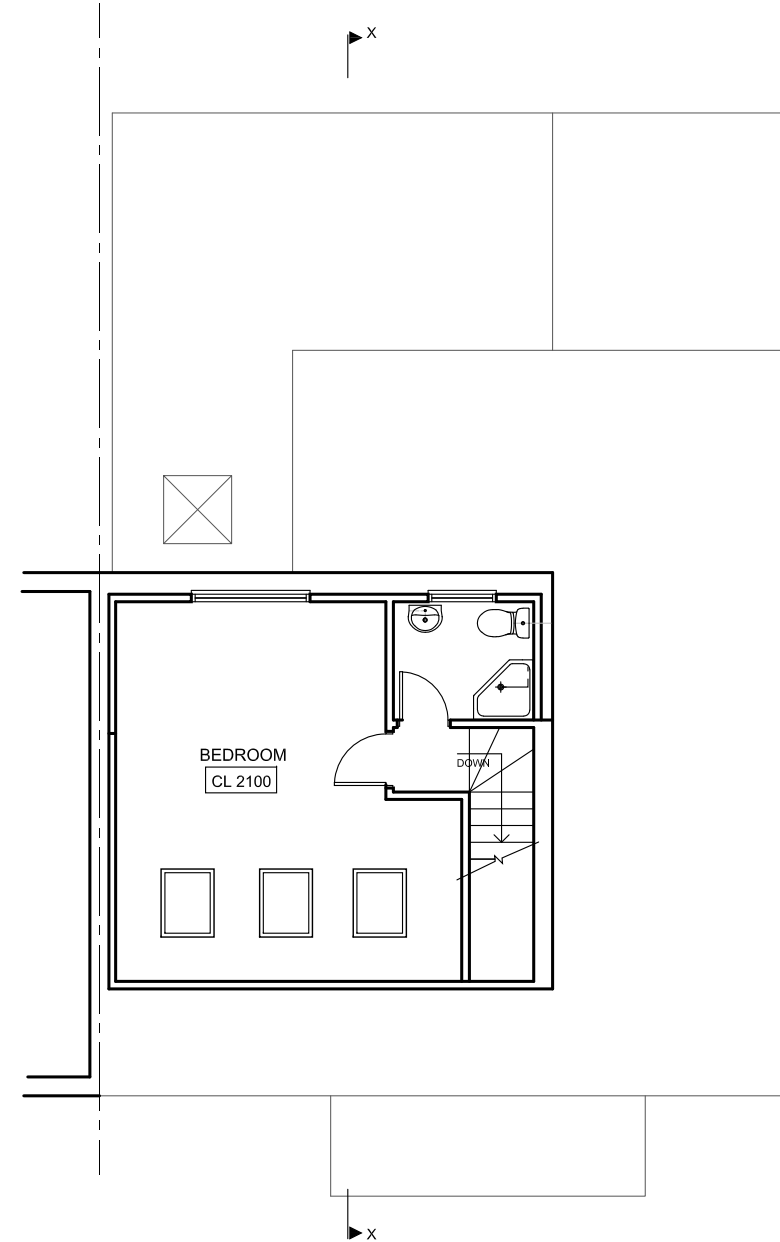
38



EXISTING GROUND FLOOR




EXISTING FIRST FLOOR

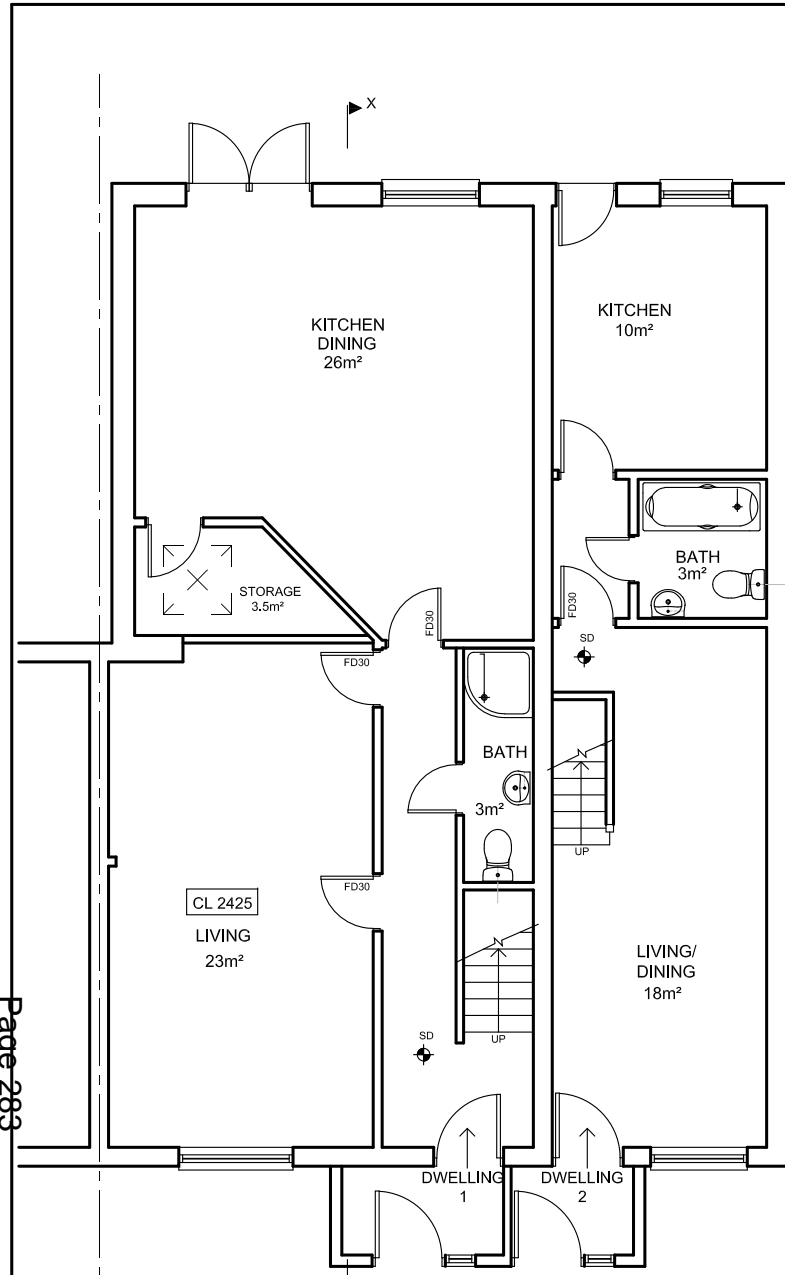


EXISTING LOFT FLOOR

- Notes.**
- 1 It is the responsibility of the client, contractor and supervising officer to follow the instructions below
 - 2 This drawing to be read in conjunction with all relevant drawings. Any discrepancies found to be notified to the Supervising Officer immediately
 - 3 Only figured dimensions to be used for constructional purposes
 - 4 All works to be carried with all relevant local authority approvals and to the satisfaction of the building control inspector. existing structure to be opened for inspection if required. all dimensions are to be checked on site prior to commencement of works.
 - 5 All external finishes to match existing or conditions imposed on approved planning for scheme
 - 6 This drawing is copyright of JND & can not be reproduced without JND's approval
- THIS IS A PLANNING DRAWING ONLY

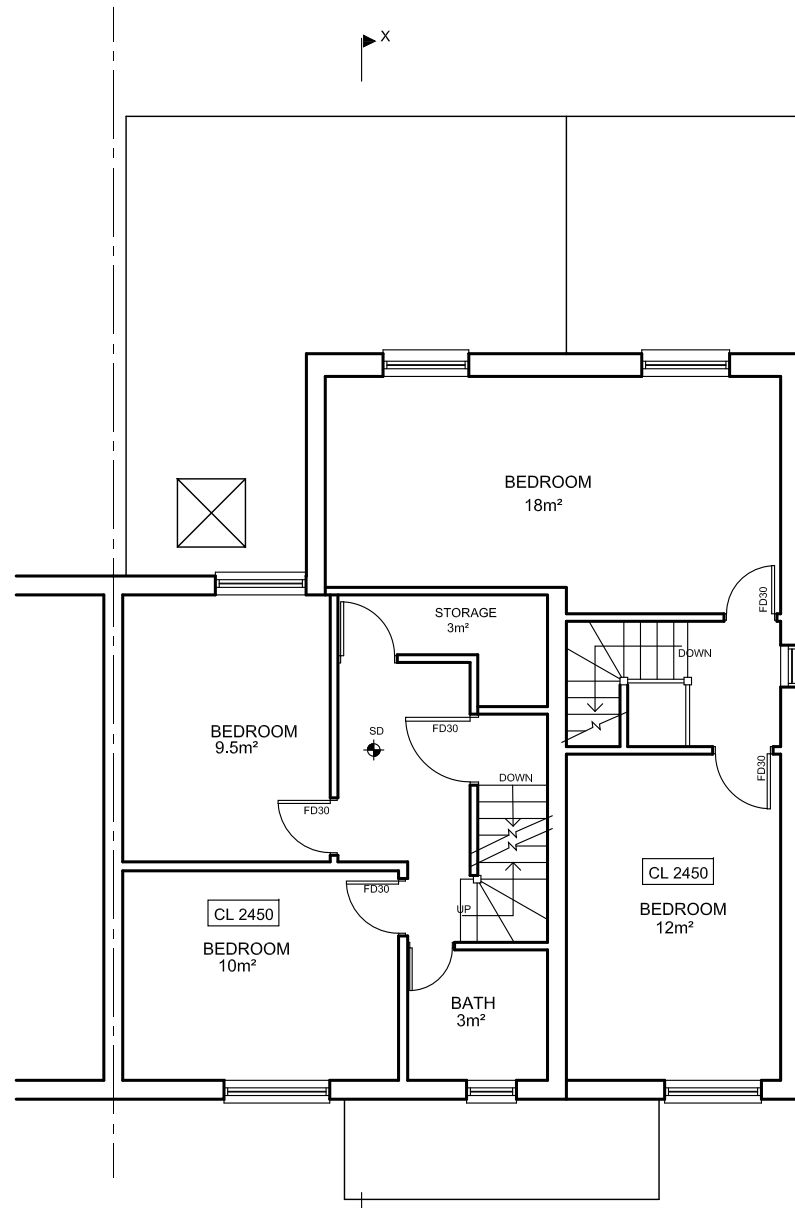
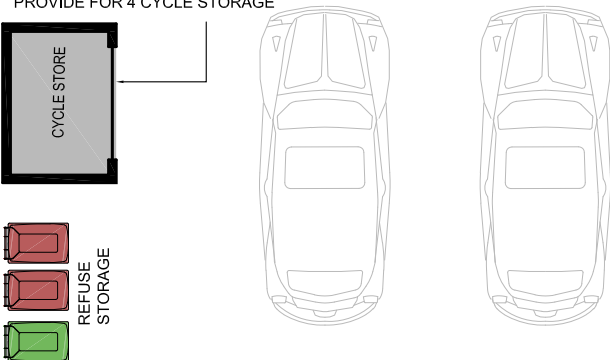
REV	AMENDMENT	DATE
 JND² Designs DESIGN, ARCHITECTURE, PLANNING AND PROJECT MANAGING CONSULTANTS		
Client: MR. B. MESHİ		
Project: CONVERSION OF PROPERTY INTO 2 NO DWELLING HOUSES AT 135, HATFIELD ROAD, DAGENHAM, RM9 6JT		
Title: EXISTING FLOOR PLANS		
Scale: 1:100 @A3	Date: MAR. 2023	
Drawn: J P	Checked: J C	
Drg. No JND / 1292/ 10	Rev-	



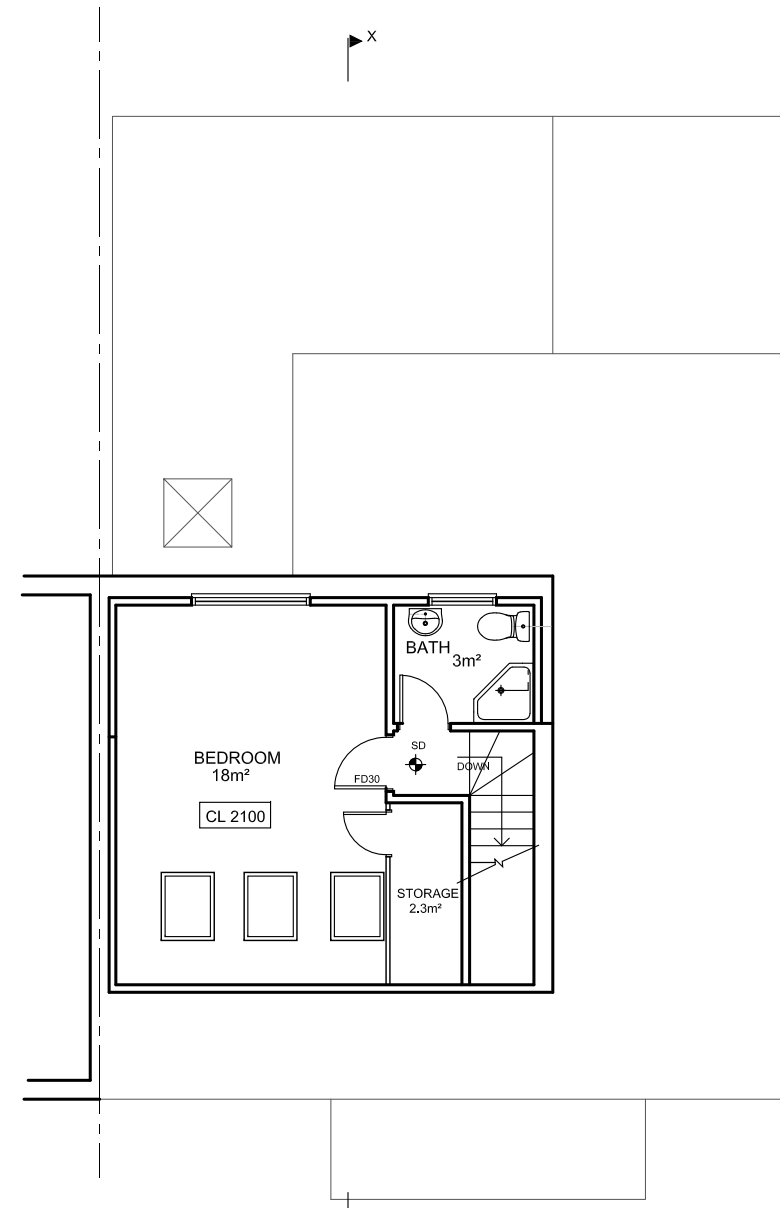


PROPOSED GROUND FLOOR

CYCLE STORAGE/ GARDEN SHED
 SECURELY FIXED TO CONCRETE
 FOUNDATION IN ACCORDANCE WITH
 DETAILS PROVIDED. GARDEN SHED TO
 HAVE BIKE ANCHOR (SUCH AS
 MAMMOTH BOLT DOWN GROUND
 ANCHOR) CERTIFICATED TO 'SOLD
 SECURE' SILVER STANDARD, TO
 PROVIDE FOR 4 CYCLE STORAGE



PROPOSED FIRST FLOOR



PROPOSED LOFT FLOOR

- Notes.**
- 1 It is the responsibility of the client, contractor and supervising officer to follow the instructions below
 - 2 This drawing to be read in conjunction with all relevant drawings. Any discrepancies found to be notified to the Supervising Officer Immediately
 - 3 Only figured dimensions to be used for constructional purposes
 - 4 All works to be carried with all relevant local authority approvals and to the satisfaction of the building control Inspector. existing structure to be opened for inspection if required. all dimensions are to be checked on site prior to commencement of works.
 - 5 All external finishes to match existing or conditions imposed on approved planning for scheme
 - 6 This drawing is copyright of JND & can not be reproduced without JND's approval
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REV	AMENDMENT	DATE



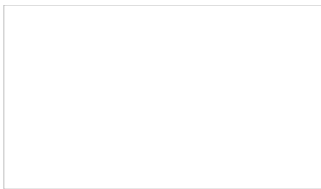
Client:
MR. B. MESHI

Project:
CONVERSION OF PROPERTY INTO 2 NO DWELLING HOUSES AT 135, HATFIELD ROAD, DAGENHAM, RM9 6JT

Title:
PROPOSED FLOOR PLANS

Scale: 1:100 @A3	Date: MAR, 2023
Drawn: J P	Checked: J C
Drg. No JND / 1292/ 12	Rev-





London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBBB Reference: 23/00616/FULL

J Patel
72 Harrow Drive
Hornchurch
RM11 1NX

**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: 23/00616/FULL
Address: 135 Hatfield Road, Dagenham, Barking And Dagenham, RM9 6JT
Development Description: Conversion of existing property into 2No residential dwelling houses (1x three bedroom and 1x two bedroom) including internal alterations and addition of entrance door to front elevation.

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: J Patel
72 Harrow Drive
Hornchurch RM11 1NX

Applicant: B Meshi
135 HATFIELD ROAD
DAGENHAM RM11 1NX

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 23/00616/FULL
Application Type: Full Planning Permission
Development Description: Conversion of existing property into 2No residential dwelling houses (1x three bedroom and 1x two bedroom) including internal alterations and addition of entrance door to front elevation.
Site Address: 135 Hatfield Road, Dagenham, Barking And Dagenham, RM9 6JT
Date Received: 24 April 2023
Date Validated: 24 April 2023

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. As a result of the shared front porch, the two dwellings fail to appear within the street as separate dwellinghouses. The proposed additional front entrance for the 2 bedroom property will result in the proposal appearing akin to a single dwellinghouse with 2 front doors. As such, the proposal will unbalance the uniformity of the street harmful to the character and appearance of the street scene, host dwelling, terrace row and the properties in the surrounding local area. The proposal therefore constitutes uncharacteristic and unsympathetic development, as such, it is considered to be unacceptable and contrary to:

- National Planning Policy Framework (MHCLG, July 2021)
- Policy D4 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 and DMD1 of the Draft Local Plan Regulation 19 consultation version (Regulation 19 Submission Version, December 2021)
- Supplementary Planning Document: Residential Extensions and Alterations (February 2012)

2. On account of the narrow width and poor levels of daylight and sunlight to the proposed 2-bedroom dwelling, officers consider the proposal to provide a substandard quality of accommodation detrimental to the standard of living of future residents. As such, the proposed development is contrary to:

- National Planning Policy Framework (MHCLG, July 2021);
- Policies D4 and D6 of the London Plan (March 2021);
- Policies CM1 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 SP3, DMD1, SP2 of the Draft Local Plan (Regulation 19 Submission Version, December 2021)

3. As a result of the division of the existing dwelling, the existing first floor rear extension for reasons of size, scale and sitting would result in the unacceptable loss of outlook, detrimental to the standard of living of future residents of the proposed 3 bedroom dwellinghouse. The proposal is therefore considered to have an unacceptable impact on neighbouring amenity,

contrary to:-

- National Planning Policy Framework (MHCLG, July 2021)
- Policies D4 and D6 of the London Plan (March 2021)
- Policy CP3 of the Local Development Framework (LDF) Core Strategy (July 2010)
- Policies BP8 and BP11 of the Borough Wide DPD (March 2011)
- Policy DMD1 of the 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:

- 10- Existing Ground Floor, First Floor and Loft Plans- 03/2023
- 11- Existing Front, Rear and Side Elevations- 03/2023
- 14- Site Location Plan and Proposed Block Plan- 03/2023
- 12- Proposed Ground Floor, First Floor and Loft Plans- 03/2023
- 13- Proposed Front, Side and Rear Elevations- 03/2023
- Design and Access Statement- N.d.

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: 09/06/2023

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 4 January 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/Z5060/W/23/3326911

135 Hatfield Road, Dagenham RM9 6JT

- 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 B Meshi against the decision of the Council for the London Borough of Barking and Dagenham.
 - The application Ref 23/00616/FULL, dated 24 April 2023, was refused by notice dated 9 June 2023.
 - The development proposed is the conversion of existing property into 2 No. residential dwelling houses.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing property into 2 No. residential dwelling houses at 135 Hatfield Road, Dagenham RM9 6JT in accordance with the terms of the application, Ref 23/00616/FULL, dated 24 April 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
 - 2) The development hereby approved shall only be carried out in accordance with the following approved plans and documents:
JND/1292/12 - Proposed Ground Floor, First Floor and Loft Plans;
JND/1292/13 - Proposed Front, Side and Rear Elevations; and
JND/1292/14 - Site Location Plan and Proposed Block Plan.
 - 3) Prior to occupation of the development, full details of the cycle parking facilities as shown on drawing JND/1292/12 shall be submitted to and approved in writing by the Local Planning Authority. Such details should demonstrate that 4 cycle parking spaces can be provided to meet the requirements of the London Cycling Design Standards. The development shall not be occupied until the approved details have been implemented. Thereafter, the cycle parking facilities shall be permanently retained.

Preliminary Matters

2. At the site visit it was confirmed that some of the works to convert the existing dwelling into two dwellings had already been completed. These works comprised the internal subdivision of the "existing" kitchen-diner into separate rooms.
3. I have noted references to policies SP2, SP3 and DMD1 of the Draft Barking and Dagenham Local Plan 2021 in the Council's decision notice and officer report. I note that the draft plan is at Examination, and therefore at an

advanced stage. However, at the current time it does not form part of the statutory development plan and I have not been made aware as to whether there are any unresolved objections in relation to the noted policies. I can, therefore, only attach limited weight to those policies in this decision and, as such, they are not an influential factor on the outcome of this appeal.

4. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issues

5. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the area, and
 - b) whether the proposed development would provide adequate living conditions for the future occupants of the dwellings, having regard to:
 - i. the width and availability of natural light in the living room of the proposed two-bedroom dwelling, and
 - ii. outlook from the rear facing first floor bedroom in the proposed three-bedroom dwelling.

Reasons

Character and appearance

6. The appeal site comprises an end terrace house which has been rendered in pale grey. The original dwelling has been enlarged with extensions to the side, rear, roof and with a front porch. The only external alterations proposed to the existing building comprise the formation of a second front door to the porch.
7. The insertion of this second front door would make it more apparent that the porch would serve two dwellings. However, this, of itself, would have negligible impact on the street scene. It would merely appear as a logical continuation of the row of terraces. It would not unbalance the row of terraces by any greater degree than exists already through the differing materials used in this end terrace.
8. I recognise that the building forms part of the Becontree Estate which was built as "Homes for Heroes" between 1921 to 1934. The area is not identified as a Conservation Area. Nevertheless, the Council regard it as a non-designated heritage asset. Recessed porches are part of the design vernacular to the estate. The porch and entrances to the two proposed dwellings are not recessed. However, this porch is an existing structure, and the insertion of the additional front door would not result in the building appearing more prominent or otherwise cause any material harm to the character of the area. Despite it not being a recessed structure, shared porches are a feature of the estate. In this regard, the ethos of the estate would be retained, albeit in a limited manner.
9. Paragraph 209 of the Framework requires that the effect on the significance of a non-designated heritage asset should be taken into account. In weighing applications that directly affect non-designated heritage assets, a balanced

judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this instance, I consider that the alterations to the non-designated heritage asset would not detract from the character and appearance of the area and would therefore have a neutral effect on the non-designated heritage asset.

10. I therefore conclude that the proposed development would not be detrimental to the character of the area. Policies D4 of the London Plan 2021 (LonP), CP3 of the Barking and Dagenham Core Strategy 2010 (BDCS) and BP11 of the Barking and Dagenham Borough Wide DPD 2011 (BDDPD) and the Framework all promote standards of good design. I am satisfied that the development proposed accords with the provisions of these policies and the provisions of the Framework.

Living conditions

11. The proposed living room to the two-bedroom dwelling is a relatively long and narrow room. It is served by a single, front facing, window. As a result, the rear portion of the room receives less natural light. This is no doubt compounded by its narrow width.
12. However, this room is presently used as a living room. In this regard there would be no material change to its functionality. The width of the room is below the 3.5 metres nominated in the Housing Design Standards (London Planning Guidance). However, this document is a best practice space standard and is unlikely to be achievable in all circumstances. As the proposed development is for the conversion of an existing building, it would not be practicable to apply this requirement. Moreover, the room will receive ample morning sun. The insertion of windows to the side elevation would add limited value, given that they would need to be high level to secure privacy from the adjacent footpath, and would be north facing with no direct sunlight.
13. The rear facing first floor bedroom to the proposed three-bedroom dwelling does have limited outlook due to the existing rear projecting element to the north. However, this outlook is towards the west and south allowing for a perfectly reasonable outdoor vantage. In any case, this is an existing situation and regardless of whether the rear projecting wall is associated with the same, or neighbouring dwelling, the effect is identical. In this regard there is therefore no material change in circumstances.
14. I conclude that the proposed dwellings would provide satisfactory living conditions for the future occupants and would accord with policies D4 and D6 of the LonP, policies CM1 and CP3 of the BDCS and BP8 and BP11 of the BDDPD. These policies, amongst other things, aim to secure satisfactory living conditions for future occupants.

Other Matters

15. The Council cannot presently demonstrate a five-year supply of deliverable housing land. Consequently, the provisions of paragraph 11(d)ii of the Framework should be applied. However, I have found that this development is acceptable in its own right and these provisions do not need to be considered further in this context.
16. In reaching my decision, I have noted that vehicle access to the existing dwelling and proposed development is via a pedestrian/cycle path. The

Highway Authority consider this to be an illegal access. It is not within my remit to address this in my decision. This does not change my reasoning or conclusions here.

Conditions

17. I have imposed a general time limit condition to ensure the development is commenced within three years to accord with the provisions of the Town and Country Planning Act 1990. I have applied a condition to secure adherence to the plans for certainty. A condition to require cycle parking provision is imposed to meet the London Cycling Design Standards and this does not conflict with the concerns of the Highway Authority with regard to the vehicle access. I have not imposed a condition relating to materials, as was recommended by the Council. This is because there are no external alterations to the building, beyond the creation of a new front door. Given my conclusions; that the addition of this front door would be immaterial in the street scene, I do not find it necessary to impose a condition requiring details of this.

Conclusion

18. For the reasons given above, I conclude that the proposed development complies with the provisions of the development plan, read as a whole, and there are no other material considerations that warrant a decision otherwise than in accordance with the development plan.

19. The appeal is allowed and planning permission is granted subject to conditions.

Nick Bowden

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/W/23/3328582

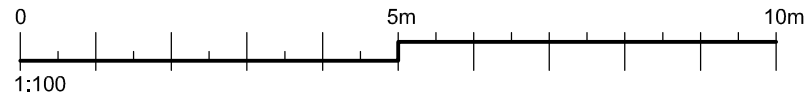
Appeal Application Description:

Demolition of existing garage and construction of a two storey 2x bedroom dwelling with associated refuse, cycle and parking amenities adjacent to 20 Tenby Road

Decision:

Appeal
Allowed

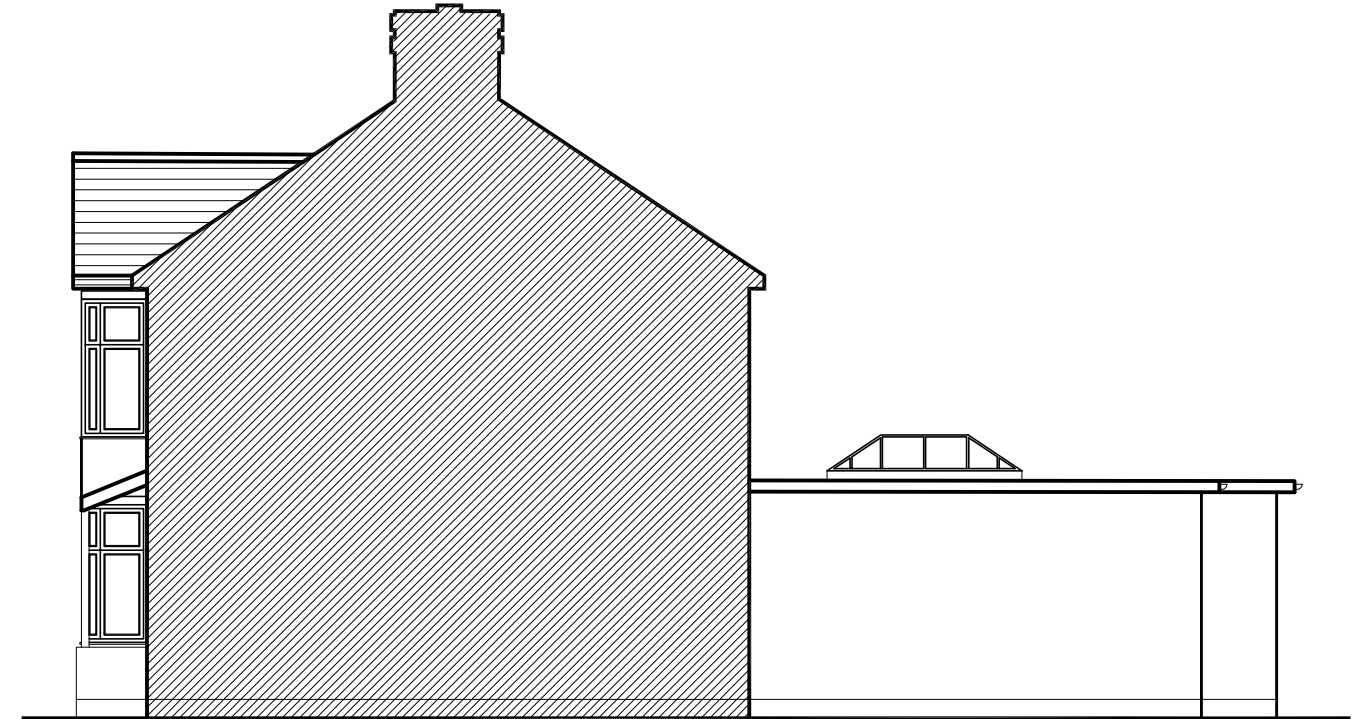




The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation. Dimensions are not to be scaled from this drawing.



EXISTING SIDE ELEVATION



EXISTING SIDE ELEVATION

Page 294



EXISTING FRONT ELEVATION



EXISTING REAR ELEVATION

rev.	description	date	chkd.
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s.nagpal@dapconsultants.co.uk
www.dapconsultants.co.uk

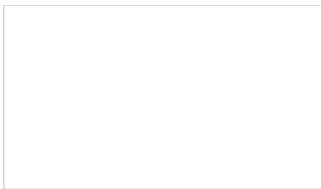
project : 20 Tenby road
Ramford

drawing title :
Existing Elevations

drawn: SN chkd : SS date:20.04.2023

status: **Planning** scale: 1:100@A3

proj no : 2364 drg no : 02 rev no:



London Borough of Barking and Dagenham
Barking Town Hall
1 Town Square
Barking IG11 7LU

LBBB Reference: 23/00847/FULL

Shailender Nagpal

**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: 23/00847/FULL
Address: 20 Tenby Road, Chadwell Heath, Romford, Barking And Dagenham, RM6 6NB
Development Description: Demolition of existing garage and construction of a two storey 2x bedroom dwelling with associated refuse, cycle and parking amenities adjacent to 20 Tenby Road

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: Shailender Nagpal
Applicant: Khalid Wali Patel
20 TENBY ROAD
ROMFORD

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 23/00847/FULL
Application Type: Full Planning Permission
Development Description: Demolition of existing garage and construction of a two storey 2x bedroom dwelling with associated refuse, cycle and parking amenities adjacent to 20 Tenby Road
Site Address: 20 Tenby Road, Chadwell Heath, Romford, Barking And Dagenham, RM6 6NB
Date Received: 02 June 2023
Date Validated: 14 June 2023

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 new dwellinghouse, by reason of design and siting, would fail to have a presence within the street scene of its own accord and would appear subordinate to the existing property. The proposed development would therefore be an unsympathetic and uncharacteristic addition to the dwelling, terrace and the surrounding local area, and would be detrimental to the character and appearance of the street scene. As such, it is considered unacceptable and contrary to the following policies which seek to ensure that proposals are well designed and respond well to the local character:

- National Planning Policy Framework (NPPF) (DLUHC, 2021)
- Policies D1 and D4 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 DMD1 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:

- Planning, Design and Access Statement, prepared by Just Planning - 20TR-2198 - 24 May 2023
- Design and Access Statement - ND
- Existing Floor Plans - 01 - 20/04/2023
- Existing Elevations - 02 - 20/04/2023
- Proposed Floor Plans - 03 - 20/04/2023
- Proposed Roof Plan and Block Plan - 04 Rev A - 20/04/2023
- Proposed Elevations - 05 - 20/04/2023
- Proposed Section - 06 - 20/04/2023

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: 03/08/2023

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 6 February 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2024

Appeal Ref: APP/Z5060/W/23/3328582

20 Tenby Road, Chadwell Heath, Barking and Dagenham RM6 6NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Khalid Wali Patel against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 23/00847/FULL, dated 2 June 2023, was refused by notice dated 3 August 2023.
 - The development proposed is a two-storey side extension to create new dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension to create new dwelling at 20 Tenby Road, Chadwell Heath, Barking and Dagenham RM6 6NB in accordance with the terms of the application, Ref 23/00847/FULL, dated 2 June 2023, subject to the conditions set out in the attached Schedule of Conditions.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but nevertheless, a different wording has been entered from that on the planning application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application.
3. The London Borough of Barking and Dagenham Local Plan 2037 is emerging (the emerging plan). I have limited information before me on the precise stage which the emerging plan is at, although it would seem to be at a relatively advanced stage. As necessary, I refer to policies within the emerging plan elsewhere in my decision.
4. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. The Council and the appellant have been given opportunity to comment on the revised Framework. I have had regard to the revised Framework in my decision.

Main Issue

5. The main issue is the effect of the development upon the character and appearance of the street scene.

Reasons

6. No 20 Tenby Road is a residential property situated at the end of a short terraced row. It adjoins properties with similar design features, including bay windows and front gable projections. However, the host property has a single storey garage outrigger to its side and this sets its appearance apart from the terraced properties it adjoins.
7. Elsewhere on Tenby Road and on neighbouring streets, there are other houses which are alike and which are grouped together. Despite this, the number of different house types represented is broad, with the design of one house type being distinctly different from another. This includes, opposite the appeal site, Nos 21 and 23 which each incorporate building materials, an approach to fenestration and a roofscape quite unlike the host property. For these reasons, although the street scene does exhibit some design cohesion, it also incorporates variety and is not uniform.
8. As the host property already has a garage outrigger to its side, it has a wider front elevation than the terraces it adjoins. Therefore, the host property's presence within the street scene markedly differs from them. Upon completion of the development, the dwelling containing 2 floors of accommodation would be clearly greater in size and scale than the existing garage but nevertheless, it would also be an outrigger to the side. Consequently, the extension would not introduce an incongruous feature.
9. The roof profile of the proposed dwelling would be hipped which would match that of the host property. The kitchen would have a flat roof and would adjoin an existing flat roofed outrigger. The plans propose that external materials would also match the existing dwelling. For such reasons, the proposed dwelling would incorporate a design which would be sympathetic to the property it would adjoin.
10. Owing to a recessed first floor front elevation and a roof ridge level set-down, the proposed dwelling would be somewhat subordinate to the host property. However, given the sympathetic design and the varied appearance of properties already within the street scene, that this would be the case and that the proposal would not be a replica of an existing house type would not be harmful.
11. For the above reasons, the development would represent high quality design with acceptable effects upon the character and appearance of the street scene. The proposal would comply with policy D4 of the London Plan (LP), policy CP3 of Barking and Dagenham's Core Strategy and policy BP11 of Barking and Dagenham's Development Policies Development Plan Document. Amongst other matters, these policies seek to achieve development with a high quality of design and layout, that protect or enhance the character of an area and which maintains the design quality of development. The development would also comply with policies DMD1 and SP2 of the emerging plan and those policies within the Framework which similarly seek to secure high quality design and ensure that development appropriately relates to local context.
12. The Council's reason for refusal also refers to policy D1 of the LP. This policy focuses principally upon processes to define an area's character and capacity for growth. The content of this policy is largely irrelevant to this main issue.

Other Matters

13. Tenby Road joins a main road which is well served by buses and which contains a range of services. Therefore, I find that the appeal site is within a quite accessible location, well connected by public transport. A driveway is within the appeal site and the plans show that parking here would be retained. I further note that the appeal site is located within a controlled parking zone with on-street parking being actively managed via permits.
14. The Council's reason for refusal included no objections related to parking. Given the above factors, I have no reason to disagree and I have no substantive evidence before me that the proposal would result in any unacceptable parking effects.

Conditions

15. The Council has chosen not to submit a list of suggested conditions. In compiling the attached schedule, I have had particular regard to the advice on the imposition of conditions contained within the Framework and the Planning Practice Guidance.
16. A standard time limitation condition is necessary, as is a condition to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area and the living conditions of existing and future occupiers, a condition to define the enclosure of the proposed back garden is necessary. In the interests of both the promotion of sustainable transport modes and the character and appearance of the area, I have imposed a condition to agree the design of cycle storage and to secure its delivery. So that appropriately designed refuse and recycling storage is also secured, I have imposed condition 5.
17. Given the scale and nature of the proposal, the effects which would arise from the demolition and construction activities involved would be likely to be short-term in nature and uncomplex. Given this, I have no reason to conclude that this phase of the development would be especially disruptive. Therefore, I find that a condition requiring the submission of a construction method statement would not be proportionate and in turn is unnecessary. However, in the interests of the living conditions of neighbouring occupiers, the hours of construction and demolition should be controlled and so I have imposed such a condition for this reason. Comprising of an existing dwelling within an existing residential area, I have no substantive evidence before me that the appeal site is likely to be contaminated. For this reason, I am not satisfied that a condition in relation to contaminated land would meet all the tests for condition imposition and so, I have not included one within my schedule.

Conclusion

18. For the reasons given above, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

H Jones

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: 01, 02, 03, 04 A, 05 and 06.
- 3) The dwelling hereby permitted shall not be occupied until a dedicated back garden to serve the dwelling has been provided, in accordance with details which have first been submitted to and approved in writing by the local planning authority. These details shall include;
 - the extent of the garden which shall match that shown on plan 04 A
 - the design and appearance of the means of enclosure to form the boundaries of the garden

Development shall be carried out in accordance with the approved details and the dedicated garden shall be retained thereafter.

- 4) The dwelling hereby permitted shall not be occupied until the proposed cycle/bike store, as shown on plan 04 A, has been implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority. These details shall include;
 - full details of the design and appearance of the cycle/bike store

Development shall be carried out in accordance with the approved details and the cycle/bike store shall be retained thereafter.

- 5) The dwelling hereby permitted shall not be occupied until the proposed bin store, as shown on plan 04 A, has been implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority. These details shall include;
 - full details of the design and appearance of the bin store

Development shall be carried out in accordance with the approved details and the bin store shall be retained thereafter.

- 6) Construction and demolition works, the related operation of plant and machinery and related site deliveries or site dispatches shall only take place between the hours of 08:00 and 18:00 on Mondays to Fridays inclusive and 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

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