<table>
<thead>
<tr>
<th><strong>Reason for Referral to DCB as set out in Part 2, Chapter 9 of the Council Constitution:</strong></th>
<th>The application relates to a new dwelling without off street parking in an area which is not within a Controlled Parking Zone.</th>
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</thead>
<tbody>
<tr>
<td><strong>Address:</strong></td>
<td>31 Bevan Avenue, Barking</td>
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<tr>
<td><strong>Development:</strong></td>
<td>Erection of two storey 3 bedroom end of terrace house.</td>
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<tr>
<td><strong>Applicant:</strong></td>
<td>Mr S Miah</td>
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<tr>
<td><strong>Contact Officer:</strong></td>
<td>Simon Bullock</td>
</tr>
<tr>
<td><strong>Title:</strong></td>
<td>Principal Development Management Officer</td>
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</tbody>
</table>
| **Contact Details:** | Tel: 020 8227 3803  
E-mail: simon.bullock@lbbd.gov.uk |
| **Summary:** | The proposal is to construct a two storey 3 bedroom house as a side extension within the side garden of the existing end of terrace house at 31 Bevan Avenue.  
The proposed dwelling meets the relevant internal space standards, and the rear garden would be sub-divided to provide a rear garden for each dwelling that exceeds the minimum policy standard.  
The existing terrace is accessed by footpath only with no direct vehicular access to the houses. The development would therefore result in an additional dwelling without off street parking to serve the house.  
The marginal resulting increase in on street parking demand is considered acceptable, and the grant of planning permission would be consistent with previous decisions for similar developments within the vicinity of the site.  
The design of the house would reflect that of the existing and is considered acceptable. |
| **Recommendation:** | That the Development Control Board grant planning permission subject to the following conditions:  
1. The development permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by S.51 of the Planning and Compulsory Purchase Act 2004).  
2. The development hereby permitted shall be carried out in accordance with the following approved plans: SSCD 8496/PL02 Rev. E and SSCD 8496/PL03. |
Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development above ground level shall take place until details/samples of all materials to be used in the construction of the external surfaces of the hereby permitted dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: To protect or enhance the character and amenity of the area in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

Reason: To ensure the development respects the appearance of the existing property and to maintain the amenity of the area in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

4. Construction work at first floor level to the hereby permitted dwelling shall not commence until the single storey rear extension to the existing dwelling permitted under ref. 16/00479/FUL has been substantially completed.

Reason: In order to ensure an acceptable living environment for the occupiers of the existing dwelling and in accordance with policies BP8 and BP11 of the Borough Wide Development Policies DPD and the Residential Extensions and Alterations SPD.

5. Before occupation the dwelling shall comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that accessible housing is provided in accordance with policy 3.8 of the Minor Alterations to the London Plan.

6. An investigation and risk assessment must be 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;
(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’.

7. Where indicated by the findings of condition 6, 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. 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.

8. Where required, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, 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.

9. 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 condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 in accordance with condition 8.

Reason for Conditions 5 to 9: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy BR5 of the Borough Wide Development Policies Development Plan Document.

10. No development above ground level shall be commenced until full details of a scheme of acoustic protection from railway noise of all habitable rooms have been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 30 LAeq dB in bedrooms and 40 LAeq dB in living rooms with windows closed. Additionally, where the internal noise levels will exceed 40 LAeq dB in bedrooms or 48 LAeq dB in living rooms with windows open the scheme of acoustic protection shall incorporate measures which are sufficient to maintain comfortable conditions within the room during hot weather without the requirement to open windows.
1. **Introduction and Description of Development**

1.1 This property is an end of terrace house. The application site forms the end house within a terrace oriented perpendicular to Bevan Avenue and accessed via a pedestrian pathway. The proposed development comprises the erection of a two storey side extension within the side garden of the existing end of terrace house in order to provide a new three bedroom dwelling.

1.2 The flank wall would be on the boundary of the plot which is adjacent to a footpath which runs alongside the District Line railway.

2. **Background**

2.1 Planning permission recently granted for a single storey rear extension under ref. 16/00479/FUL.
3. Consultations

Adjoining occupiers

3.1 8 neighbours were notified as part of the consultation which expired on 1 June 2016; no responses were received.

Transport Development Management

3.2 The current Public Transport Accessibility Level (PTAL) rating has been determined at a level 2, on a scale of 1 to 6 where 6 is excellent.

3.3 There is a high on-street parking demand in the area and the site is limited by its geometry to provide off-street car parking for this proposed development. We believe that this proposal will add to the existing parking pressure in the area.

3.4 In view of the above we find the current proposal unacceptable.

Environmental Health

3.5 No objection, subject to the imposition of conditions including land contamination and acoustic protection of the dwelling from railway noise.

Officer note: Relevant conditions are proposed as set out within the conditions list above.

Access Officer

3.6 No comments.

4. Local Finance Considerations

4.1 The proposed development would be liable for a £2,441.70 Mayoral Community Infrastructure Levy (CIL) and a £1,067.65 Borough CIL payable to LBBD.

5. Analysis

Design

5.1 The design of the new house, although a little narrower than other dwellings in the terrace, reflects that of the main house and is therefore considered to be acceptable in this respect.

Amenity

5.2 The siting would cause no negative impact on neighbouring occupiers. However, the proposed house would project to the rear of the existing rear building line of the terrace by 3.65m (ground floor level) and 3m (first floor level). The existing house at 31 Bevan Avenue has not been extended to the rear but planning permission has recently been granted for a 3.65m deep rear extension.
5.3 In order for the proposed two storey house with rear projection not to have any negative impact in terms of loss of daylight and outlook on the occupiers of the existing dwelling it will be necessary for this permitted single storey extension to first be constructed. This would ensure that the development complies with the Residential Extensions and Alterations SPD. Whilst separate applications have been submitted the land of the two sites are in the same ownership. Consequently it is possible to impose a condition to ensure that the dwelling is not constructed unless this adjacent single storey extension is completed in order to ensure an acceptable living environment for the occupiers of the existing No. 31 Bevan Avenue.

5.4 The proposed house would meet the London Plan floorspace standards, and the garden space required by policy BP5 (Borough Wide Development Policies DPD) for both existing and proposed houses would be achieved.

5.5 The proposed internal layout is to designed to meet the requirements of Building Regulations M4(2) ‘Accessible and adaptable dwellings’ in accordance with policy 3.8 of the Minor Alterations to the London Plan 2016.

Transport

5.6 It is not possible to provide on-site parking due to the lack of direct road access to the site. The transport development management officer’s concerns regarding the impact of the development on on-street parking are noted. However, it is not considered that the degree of additional parking generated from a single dwelling would materially worsen existing parking conditions. Previously the Council refused a number of similar planning applications on the grounds that such extensions without any off street parking would create a precedent in this area.

5.7 However, it is necessary to take account of various planning appeal decisions and planning permissions relating to similar sites in the vicinity where planning permission was refused on the grounds of a lack of off street parking. Planning appeal decisions are material planning considerations which the local planning authority must take into account. In each case the appeal was allowed and the Inspector did not agree that refusal of planning permission on the grounds of lack of parking was justifiable.

5.8 The appeals relate to the following sites:

57 Keir Hardie Way (ref. 08/00318/FUL) two dwellings without off street parking allowed on appeal;
146 Keir Hardie Way (ref. 08/00173/FUL) single dwelling without off street parking allowed on appeal;
48 Keir Hardie Way (04/01021/FUL) single dwelling without off street parking allowed on appeal;
143 Bevan Avenue (09/00793/FUL) two storey side extension without off street parking allowed on appeal.

5.9 In view of the above planning appeal decisions the Council has subsequently granted planning permission for similar proposals in this area for new houses without off street parking:
at No. 2 Bevan Avenue (09/01033/FUL);
at 129 Bevan Avenue (11/00689/FUL);
and at 80 Keir Hardie Way (13/01098/FUL).

5.10 In these circumstances it would not be justifiable for the Council to refuse planning permission on the grounds of lack of parking provision, since the issue has been considered on appeal several times, and there has been no material change in the circumstances relating to the current planning application and it would be inconsistent with subsequent planning decisions.

5.11 The site has a moderate Public Transport Accessibility Level (PTAL) of 2, but is within approximately 500m of Upney underground station. In these circumstances and having regard to the previous appeal decisions the lack of off street parking provision is considered acceptable.

Conclusion

5.12 It is considered the proposed dwelling complies with policies BR9, BP5, BP8, and BP11 of the Borough Wide Development Policies DPD 2011, the Residential Extensions and Alterations SPD 2012, and policies 3.5 and 6.13 of the Minor Alterations to the London Plan.

Background Papers

- Planning Application File: [http://paplan.lbld.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O4WPP6BLJ2C00](http://paplan.lbld.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O4WPP6BLJ2C00)
- Local Plan Policy
  - Policy BR9 Parking
  - Policy BR10 Sustainable Transport
  - Policy BP5 External Amenity Space
  - Policy BP8 Protecting Residential Amenity
  - Policy BP11 Urban Design
- London Plan Policy
  - Policy 3.5 Quality and design of housing developments (Minor Alterations 2016)
  - Policy 3.8 Housing choice (Minor Alterations 2016)
  - Policy 6.13 Parking (Minor Alterations 2016)
  - Policy 8.3 Community infrastructure levy
- National Policy
  - National Planning Policy Framework
  - National Planning Practice Guidance