# Title: Town Planning Appeals

## Report of the Chief Planner

### Open Report

**Wards Affected:** Abbey, Becontree, Chadwell Heath, Eastbrook, Eastbury, Heath, Longbridge, Mayesbrook, Parsloes, River, Valence, Village

**Key Decision:** No

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**Summary:**

This report advises Members of recent appeals that have been lodged and the outcomes of decisions made.

**Recommendation:**

The Planning Committee is asked to note this report.

## 1. Appeals Lodged

The following appeals have been lodged:

**a)** Application for prior approval: Notification of a proposed change of use from premises in light industrial use (Class B1(c)) and any land within its curtilage to two dwellinghouses (Class C3) – 58 Winding Way, Dagenham (Ref: 18/00104/PRIIND – Becontree Ward)

Application refused under delegated powers 8 March 2018

**b)** Demolition of existing outbuildings and erection of 4 two-storey plus basement 2-bedroom mews style semi-detached houses - Land rear of 20 - 30 Church Street, Dagenham (Ref: 18/01215/FUL – Village Ward)

Application refused under delegated powers 9 October 2018

**c)** Erection of two storey detached 1 bedroom dwelling - 7 Park Drive, Dagenham (Ref: 18/00335/FUL – Eastbrook Ward)

Application refused under delegated powers 9 May 2018

**d)** Erection of first floor side and rear extension - 82 Frizlands Lane, Dagenham (Ref: 18/01185/FUL – Heath Ward)
Application refused under delegated powers 3 September 2018

e) Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.2 metres) - 46 Sandown Avenue, Dagenham (Ref: 18/00962/PRIOR6 – Village Ward)

Application refused under delegated powers 10 July 2018

f) Erection of two storey side extension and front porch in connection with conversion of single dwellinghouse into 6 bedroom house in multiple occupation (HMO) – 49 Rugby Road, Dagenham (Ref: 18/01453/FUL – Mayesbrook Ward)

Application refused under delegated powers 16 October 2018

g) Erection of two storey side extension with single storey rear extension and front porch in connection with conversion of single dwelling into 7 bedroom house in multiple occupation (HMO) - 49 Rugby Road, Dagenham (Ref: 18/01454/FUL – Mayesbrook Ward)

Application refused under delegated powers 16 October 2018

h) Continuance of use of premises as a church (Use Class D1) - Unit G7 Chadwell Heath Industrial Park, Kemp Road, Dagenham (Ref: 18/00794/FUL – Valence Ward)

Application refused under delegated powers 5 October 2018

i) Erection of single storey dwelling house within rear garden of 112 Lindisfarne Road - 112 Lindisfarne Road, Dagenham (Ref: 18/00295/FUL – Parsloes Ward)

Application refused under delegated powers 8 May 2018

j) Erection of two storey side extension, part single/part two storey rear extension and conversion of garage to habitable room – 34 Melford Avenue, Barking (Ref: 18/01547/FUL – Longbridge Ward)

Application refused under delegated powers 2 November 2018

2. Appeals Determined

The following appeals have been determined by the Planning Inspectorate:

a) Application for outline planning permission: Erection of eight storey side/rear extension to Spectrum Building to provide 16 flats (4 two bedroom and 12 one bedroom) – Spectrum Building, 22 Freshwater Road, Dagenham (Ref: 17/01011/OUT – Valence Ward)

Appeal refused at Development Control Board 19 March 2018 for the following reason:
1. Insufficient clarity has been provided on the availability for rent of the existing unoccupied parking spaces on site. The development therefore fails to make adequate provision for car parking and would be likely to result in additional demand for on street parking in the locality which would be detrimental to highway safety and public amenity in an area with a high degree of parking stress contrary to policies BR9 and BR10 of the Borough Wide Development Policies DPD (March 2011).

Planning Inspectorate’s Decision: Appeal allowed 12 December 2018 (see attached)

b) Conversion of existing dwelling into one 1-bedroom and one 2-bedroom self-contained flats and conversion of bed-sit in rear garden to one 1-bedroom self-contained flat – 86 Faircross Avenue, Barking (Ref: 18/00392/FUL – Abbey Ward)

Application refused under delegated powers 2 May 2018 for the following reasons:

1. The proposed development would result in the loss of a family dwelling house to the detriment of the stock of family housing in the borough, contrary to Policy BC4 of the Borough Wide Development Policies Development Plan Document (2011).

2. The proposed development, by reason of the intensification of the existing residential dwelling with conflicting uses between the individual flats and introduction of a new, separate, dwelling unit to the rear would lead to an unacceptable level of noise and disturbance to the detriment of the residential amenity of future occupiers, and neighbouring properties contrary to Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (2011) and Policy 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscape of the London Plan (2016).

3. The development would be detrimental to the living standards and amenities of future inhabitants of these units by reason of the shortfall in external amenity space and the lack of privacy and functionality of what is provided. The proposal is therefore contrary to Policies BP5 and BP11 of the Borough Wide Development Policies Development Plan Document (2011) and policy 3.5 Quality and Design of Housing Developments of the London Plan (2016).


Planning Inspectorate’s Decision: Appeal dismissed 21 December 2018 (see attached)
c) Application for prior approval of proposed single storey rear extension (depth: 5.0 metres; height to eaves: 3.0 metres and maximum height: 3.2 metres) - 23 Southwold Drive, Barking (Ref: 18/00393/PRIOR6 – Longbridge Ward)

Application refused under delegated powers 6 April 2018 for the following reason:

1. The proposed rear extension would project beyond a side wall of the original house and form a side extension which is more than half the width of the original dwelling, consequently the proposal would not accord with Schedule 2, Part 1, Class A, Paragraph A.1 (j) (iii) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Planning Inspectorate’s Decision: Appeal dismissed 7 January 2019 (see attached)

d) Application for removal of condition 3 (to be occupied by a person dependent on the occupiers of the main dwelling) following grant of planning permission 05/01070/FUL - 4 Marks Gate Cottages, Whalebone Lane North, Romford (Ref: 17/01321/FUL – Chadwell Heath Ward)

Application refused under delegated powers 13 November 2017 for the following reasons:

1. The site is within the Metropolitan Green Belt wherein permission will only be given for the erection of new buildings or the use of existing buildings or land for agricultural, other essential purposes appropriate to a rural area or, small scale facilities for participatory sport or recreation. The proposed development is an inappropriate use within and fails to preserve the openness and visual character of the Green Belt, contrary to policy 7.16 of the London Plan, 2016, policy CM3 of the Core Strategy DPD and the National Planning Policy Framework, 2012. The proposed development is harmful to the purposes of designating green belts and very special circumstances have not been presented to outweigh such harm.

2. The proposed southern access point would be sited directly onto a pelican crossing and would be extremely dangerous and prejudicial to pedestrian and highway safety. The development is considered contrary to policy BR10 of the Borough Wide Development Policies Development Plan Document, 2011.

3. The amenity space provision for the existing 3 bedroom dwellinghouse falls below the minimum required standard and would not adequately meet the needs of future occupiers and is contrary to Policy BP5 of the Borough Wide Development Policies Development Plan Document, 2011.

Planning Inspectorate’s Decision: Appeal allowed 9 January 2019 (see attached)

e) Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of gable end roof, rear dormer window and front rooflights - 45 Bevan Avenue, Barking (Ref: 17/01984/CLU_P – Eastbury Ward)

Application refused under delegated powers 6 April 2018 for the following reason:

1. The proposed rear extension would project beyond a side wall of the original house and form a side extension which is more than half the width of the original dwelling, consequently the proposal would not accord with Schedule 2, Part 1, Class A, Paragraph A.1 (j) (iii) of the Town and Country Planning (General Permitted Development) (England) Order 2015.
Application refused under delegated powers 5 March 2018 for the following reason:

1. The roof addition would extend beyond the plane of an existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway, and therefore does not comply with the requirements of Class B.1 (c) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Planning Inspectorate's Decision: Appeal dismissed 9 January 2019 (see attached)

f) Erection of two storey 3 bedroom end terrace house – 36 Crabtree Avenue, Marks Gate, Romford (Ref: 18/00061/FUL – Chadwell Heath Ward)

Application refused under delegated powers 26 March 2018 for the following reason:

1. The location of the site, set back some 18 metres from the public highway and behind an area of public open space, would not allow a safe standard of access and parking from the unadopted accessway. Furthermore the parking spaces for the existing and proposed dwellings would not be accessible independently of each other, having to cross or reverse into each other's space. The proposed parking and access arrangements would not be usable in a safe and efficient manner to the detriment of highway safety and contrary to Policy BR10 of the Borough Wide Development Policies DPD (March 2011).

Planning Inspectorate's Decision: Appeal dismissed 21 January 2019 (see attached)

g) Change of use to house in multiple occupation – 10 St Erkenwald Road, Barking (Ref: 16/01928/FUL – Abbey Ward)

Application refused under delegated powers 28 November 2018 for the following reason:

1. The conversion of the dwelling into a house in multiple occupation (HMO) would result in the loss of a family dwelling house to the detriment of the stock of family housing in the borough, contrary to Policy BC4 of the Borough Wide Development Policies DPD (March 2011).

Planning Inspectorate's Decision: Appeal dismissed 18 January 2019 (see attached)

h) Erection of two storey 2 bedroom dwelling – 2 Review Road, Dagenham (Ref: 18/00694/FUL – River Ward)

Application refused under delegated powers 21 June 2018 for the following reason:

1. The proposed new dwelling by virtue of its bulk, scale, massing and proximity to the side boundary would appear unduly prominent and overbearing in the street scene resulting in visual harm detrimental to the character of the host building.
and surrounding area. As such the proposal is contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

Planning Inspectorate’s Decision: Appeal dismissed 18 January 2019 (see attached)

i) Application for a certificate of lawfulness for a proposed development: Erection of part single/part two storey rear extension and loft conversion involving construction of rear dormer window – 34 Bull Lane, Dagenham (Ref: 17/02011/CLU_P- Heath Ward)

Application refused under delegated powers 22 February 2018 for the following reasons:

1. The proposed extension would be within 2 metres of the boundary and have a maximum eaves height exceeding 3.0 metres and consequently the proposal would not accord with Schedule 2, Part 1, Class A, Paragraph A.1 (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. The proposed rear extension would extend more than 3 metres beyond a rear wall which forms part of the original dwellinghouse as defined by the Town and Country Planning (General Permitted Development) (England) Order 2015. Consequently the proposal would not accord with Schedule 2, Part 1, Class A, Paragraph A.1 (f) (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Planning Inspectorate’s Decision: Appeal dismissed 25 January 2019 (see attached)

j) Erection of two storey 1 bedroom house in side garden – 265 Sheppey Road, Dagenham (Ref: 18/00110/FUL – Eastbury Ward)

Application refused under delegated powers 29 March 2018 for the following reason:

1. The proposed development would result in a two storey dwelling that would sit significantly forward of the front building line of the adjacent terrace at 1-19 Carrow Road and would significantly compromise the openness of the corner plot, detrimental to the character of the surrounding area and Becontree Estate contrary to policy CP2 of the Core Strategy DPD, policies BP2, BP8 and BP11 of the Borough Wide Development Policies DPD and the Supplementary Planning Document for Residential Extensions and Alterations (February 2012).

Planning Inspectorate’s Decision: Appeal dismissed 23 January 2019 (see attached)

3. Appeals Withdrawn

a) Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 2.9 metres and maximum height: 3.0
metres) – 26 East Road, Chadwell Heath (Ref: 18/00433/PRIOR6 – Chadwell Heath Ward)

b) Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.2 metres) - 46 Sandown Avenue, Dagenham (Ref: 18/00962/PRIOR6 – Village Ward)