

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/D/21/3283439

Appeal Application Description:

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

Decision:

Appeal
Allowed



Fairfield Rd

Fairfield Rd

Lady Aisha Acad

Fast Utilities Solutions

Victoria Rd

Victoria Rd

Touch Gloves Boxing

Victoria Rd

Victoria Rd

Victoria Rd

Victoria Rd

Loxford Rd

Al-Futuwwa Girls
Secondary School

Special Tailors Ltd

Google

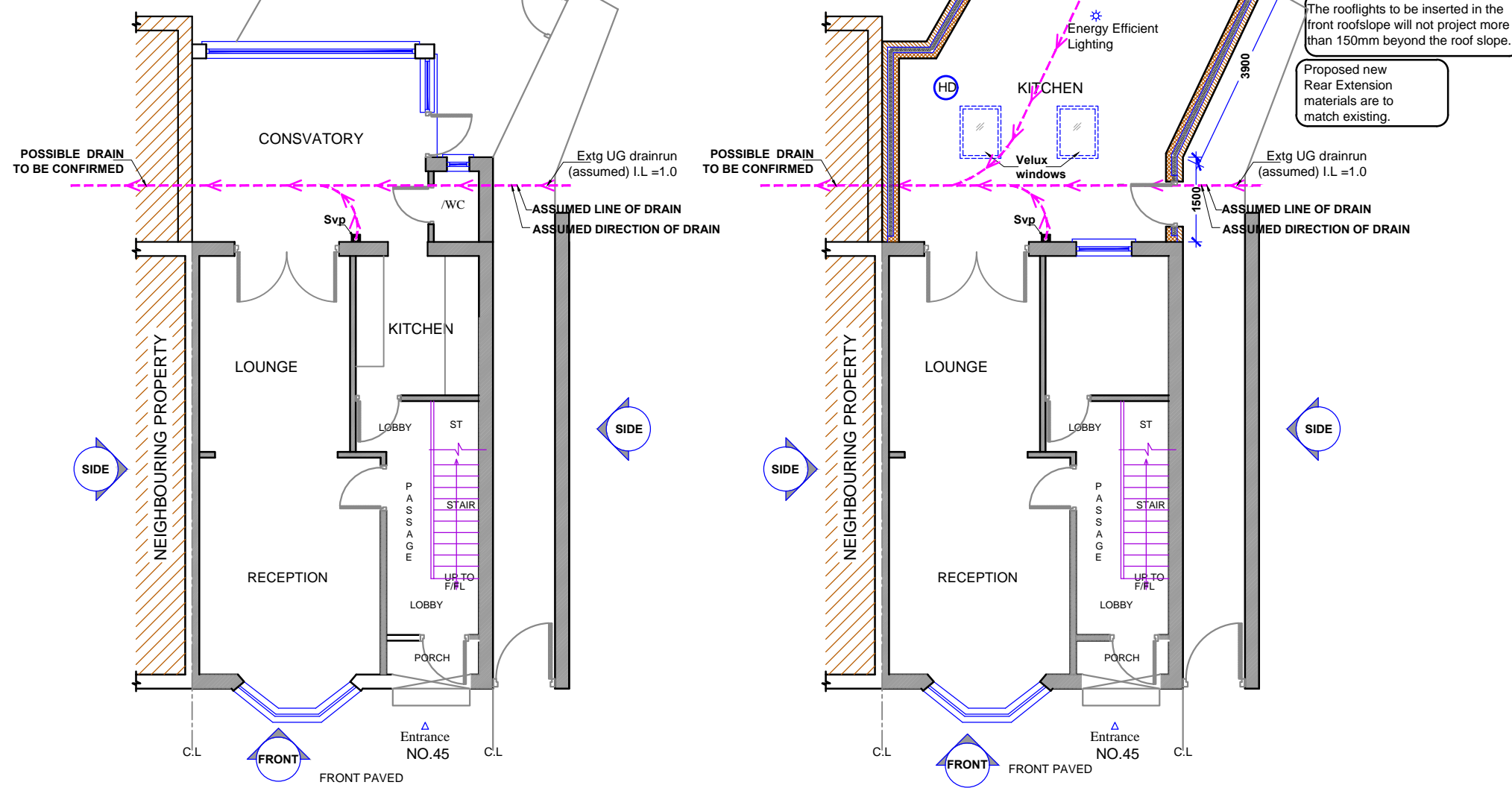
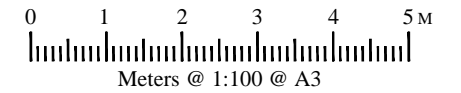
GENERAL NOTES

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

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

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

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



1 EXISTING GROUND FLOOR PLAN
Scale: 1:100

2 PROPOSED GROUND FLOOR PLAN
Scale: 1:100

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

LBB Reference: 21/01311/PRIEXT

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

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

Dear Sir / Madam,

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

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

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

Yours sincerely,

Marilyn Smith

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

PLANNING DECISION NOTICE

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

| | | | |
|---------------|----------------------------------------------------------------------------------------------|-------------------|---------------------------------------------------------------------|
| Agent: | R Rawal Town and Country Valuers & Surveyors Ltd. 401 Ilford Lane Ilford IG1 2SN | Applicant: | Kamalathasan Veerapapathiran 45 VICTORIA ROAD BARKING IG1 2SN |
|---------------|----------------------------------------------------------------------------------------------|-------------------|---------------------------------------------------------------------|

PART 1 - PARTICULARS OF THE APPLICATION

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

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

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

Informative(s):

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

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

Working with the applicant:

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

DATE OF DECISION: 12/08/11

Yours sincerely,

Marilyn Smith

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

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

1. Appeals to the Secretary of State

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

- **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 12 April 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2022

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

45 Victoria Road, Barking IG11 8PY

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

Decision

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

Preliminary Matters

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

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

Main Issue

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

Reasons

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

Conclusion

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

L Douglas

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/W/21/3290012

Appeal Application Description:

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

Decision:

Appeal
Allowed and
Costs
Awarded



Meadow Walk

Meadow Rd

Meadow Rd

Meadow Rd

Shortcrofts Rd

Shortcrofts Rd

Technique
Football coaching

Rrr ttrrmort
Book Shop

t.l. discounts
Discount Store

Spurring Rd

Ivyhouse Rd

Ivyhouse Rd

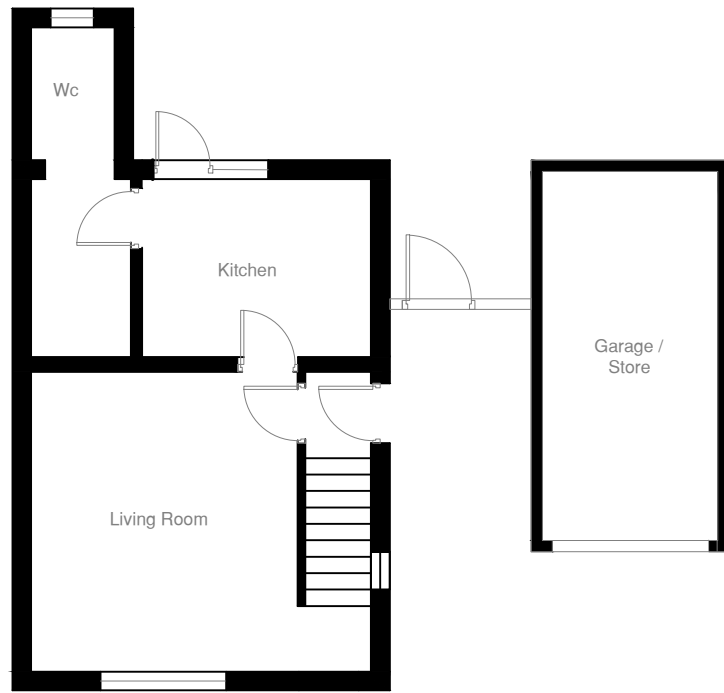
Ivyhouse Rd

Ivyhouse Rd

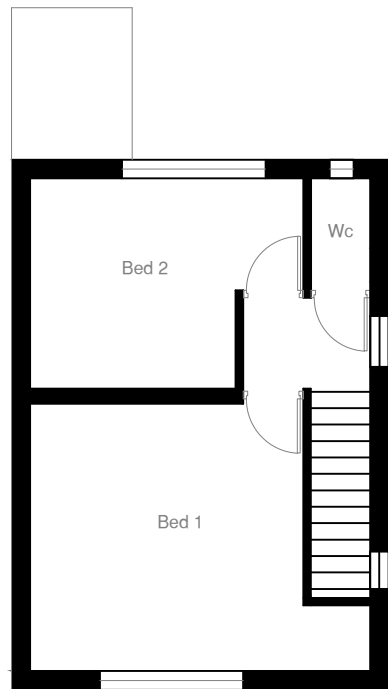
BasedOnDemand
Electronics Retail and Repair Shop

Jlk security

Google



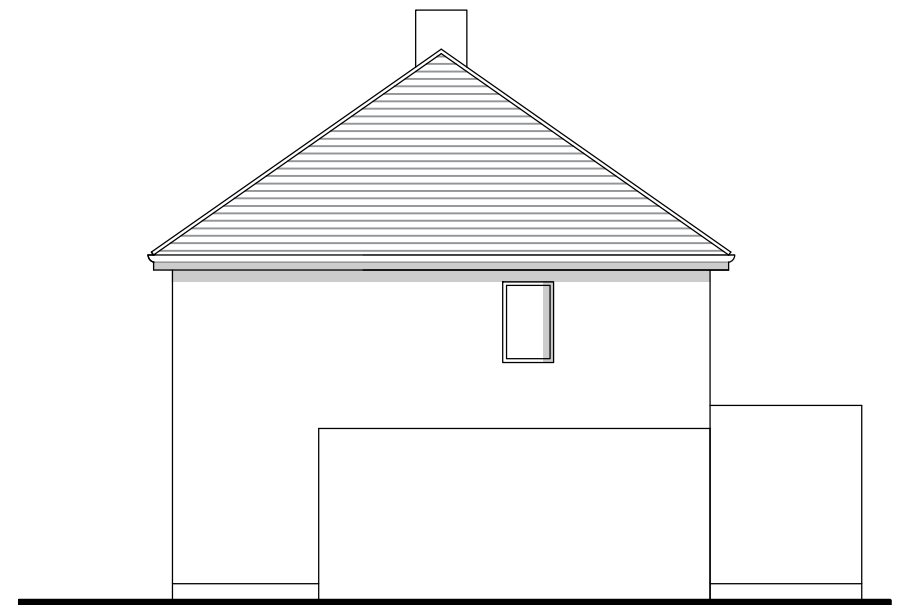
GROUND FLOOR PLAN
1:100 / A3



FIRST FLOOR PLAN
1:100 / A3



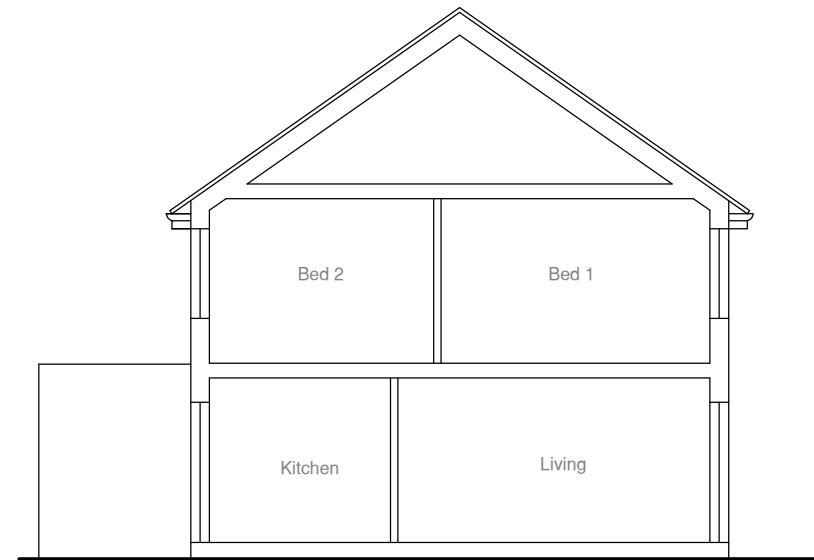
FRONT ELEVATION
1:100 / A3



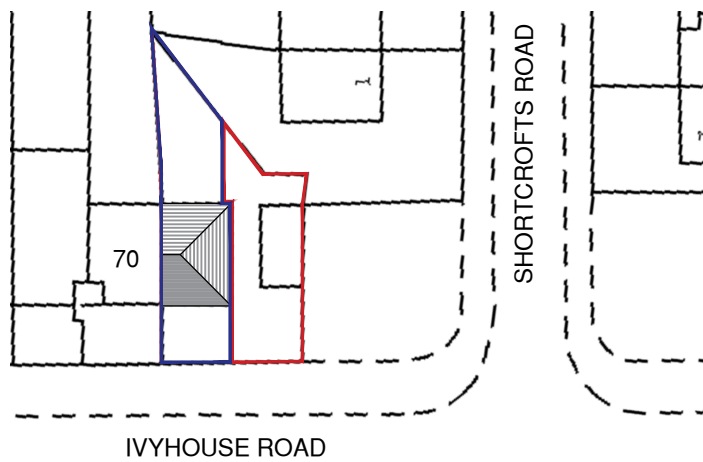
SIDE ELEVATION
1:100 / A3



REAR ELEVATION
1:100 / A3



SECTION
1:100 / A3



SITE & ROOF PLAN
1:500 / A3



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

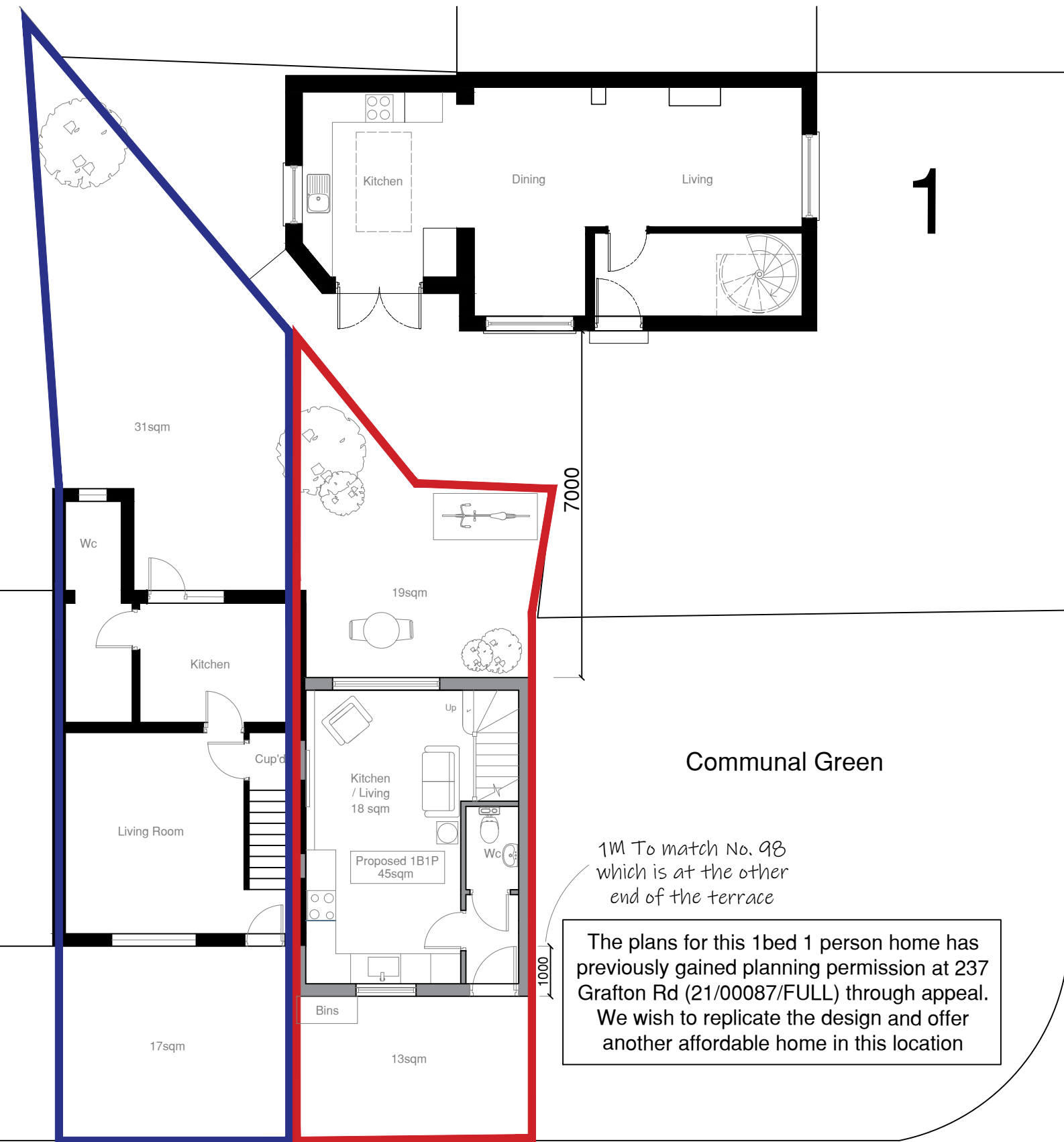


Drawing title
EXISTING PLANS
Job No
1524_PL02
Scale @ A3
1:100
Date

Drawn by
RJ



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



SHORTCROFTS ROAD

1

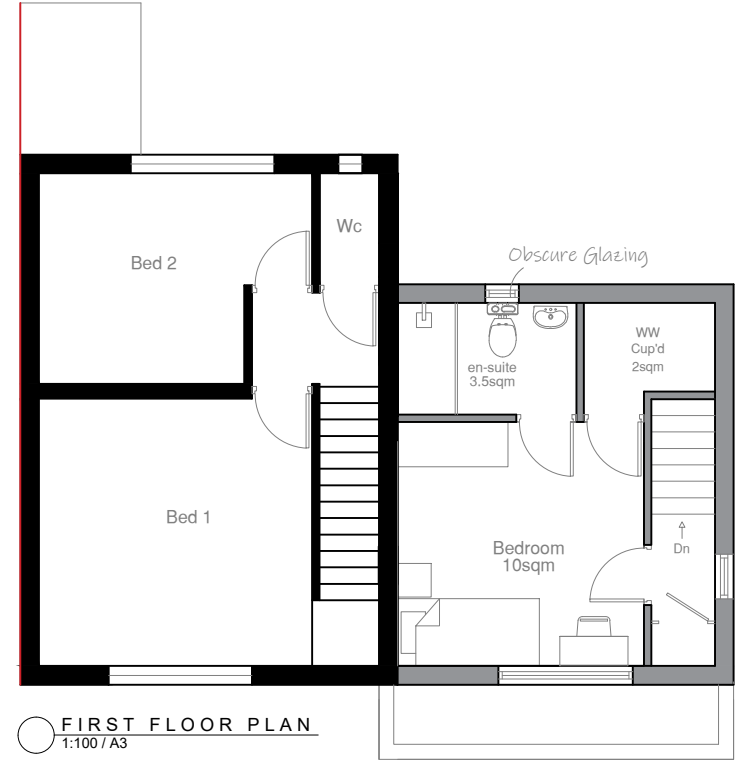
Communal Green

1M To match No. 98 which is at the other end of the terrace

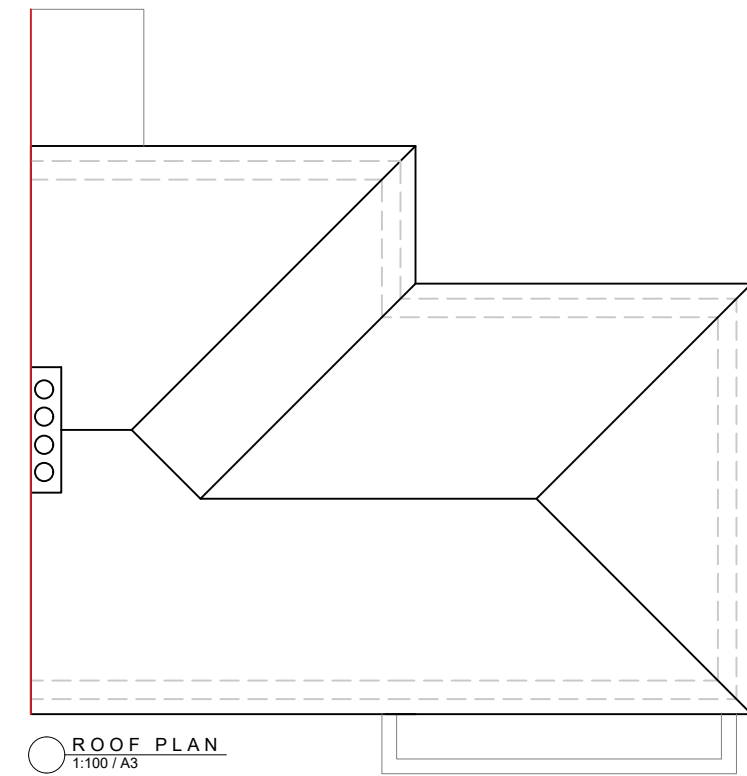
The plans for this 1bed 1 person home has previously gained planning permission at 237 Grafton Rd (21/00087/FULL) through appeal. We wish to replicate the design and offer another affordable home in this location

GROUND FLOOR & BLOCK PLAN
1:100 / A3

IVYHOUSE ROAD



FIRST FLOOR PLAN
1:100 / A3



ROOF PLAN
1:100 / A3



SECURE BIN STORE



SECURE CYCLE STORE



6FT TIMBER FENCE



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



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

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

LBBD Reference: 21/01042/FULL

Robert Fry
40 Parkview House
Hornchurch
RM12 4YW

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

Dear Sir / Madam,

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

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

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

Yours sincerely,

Marilyn Smith

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

PLANNING DECISION NOTICE

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

Agent: Robert Fry
40 Parkview House
Hornchurch RM12 4YW

Applicant: Bharadia
RM12 4YW

PART 1 - PARTICULARS OF THE APPLICATION

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

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

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

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

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

Informative(s):

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

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

Working with the applicant:

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

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

DATE OF DECISION: 04.08.2021

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

Site visit made on 16 August 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 OCTOBER 2022

Appeal Ref: APP/Z5060/W/21/3290012

68 Ivyhouse Road, Dagenham RM9 5RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bharadia against the decision of the Council for the London Borough of Barking and Dagenham.
 - The application Ref 21/01042/FULL, dated 3 June 2021, was refused by notice dated 4 August 2021.
 - The development proposed is described as a “proposed 1 bed 1 person dwelling.”
-

Decision

1. The appeal is allowed and planning permission is granted for a proposed 1 bed 1 person dwelling at 68 Ivyhouse Road, Dagenham RM9 5RR in accordance with the terms of the application, Ref 21/01042/FULL, dated 3 June 2021, subject to the conditions in the attached schedule.

Applications for costs

2. The application for costs made by the appellant against the Council is the subject of a separate decision.

Preliminary Matters

3. The Council has confirmed that they considered the proposal on the revised plans that were submitted during the application process. I will do the same and will consider those plans referenced on the decision notice.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of No 1 Shortcrofts Road with particular reference to overshadowing.

Reasons

Living conditions of adjoining occupants

5. The appeal site occupies a prominent corner plot at the junction of Ivyhouse Road and Shortcrofts Road. The surrounding area is mainly residential with predominately 2-storey terrace dwellings creating an overall suburban feel. The appeal proposal would provide an additional residential unit as part of a two-storey side extension to the existing property. The proposed extension would replace an existing flat roofed garage that is positioned to the side of the existing dwelling with 1 Shortcrofts Road located to the rear of the existing garage.

6. Policy D6 of The London Plan adopted March 2021 (LP) indicates that sufficient sunlight should be provided to surrounding housing that is appropriate for its context. Policy BP8 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document adopted March 2011 (DPD) expects that development should not lead to significant overshadowing.
7. The proposal would be roughly to the south of the dwelling at 1 Shortcrofts Road and the dwelling would be higher than the existing garage. As such, the building would cast a longer shadow towards that neighbouring property and its garden area. It was clear from my visit to the site, that the ground floor windows in the flank elevation of No 1 already experience some overshadowing during the morning hours due to the proximity of the existing property at the appeal site. However, from the details before me it is clear that the ground floor at No 1 is an open plan kitchen/diner/living room that benefits from a dual aspect, with windows serving the front and the rear of the property. Even if there were some interruption of sunlight reaching that room, the other window serving that room would be unaffected.
8. Furthermore, the submitted sun shadow profile snapshots showing the shadow effect of the proposed dwelling on No 1, indicate that in summertime there would be no shadow cast over No 1 or its garden. As such it is unlikely to have a significant loss of light through overshadowing above that currently experienced. In winter, however, in the afternoon when the sun is lower in the sky, there would be some overshadowing of the flank elevation. At that time of day and season this would not, however, be harmful to the living conditions of occupants of this property, given the existing relationship, relatively short time frame and dual aspect nature of the living conditions.
9. The Council has not submitted any evidence to counter the findings of this study, and what has been submitted by the appellant reinforces my view that any over-shadowing caused by the proposal would not be significant. I am also aware of the previous decision on the site and the re-determined appeal¹, following the quashing of the original appeal decision, which proposed a building closer to No 1 than that under the current scheme.
10. With regard to the main issue, I conclude that the proposal would not result in harm to the living conditions of the existing occupiers of the adjoining dwelling with particular reference to overshadowing. The scheme would be compliant with LP Policy D6 and DPD Policy BP8 which amongst other things, are concerned with housing quality and protecting residential amenity. The proposal is also consistent with the advice in the National Planning Policy Framework 2021 (the Framework), which amongst other things, seeks high quality design and a good standard of amenity for all existing and future occupants of buildings.

Other Matters

11. I have had regard to a previous appeal decision at the appeal site. Whilst the main issue is similar, nevertheless I have determined this appeal on its own merits and based on all the evidence before me.
12. The principle of the scheme is not in dispute. The proposal would also make a small but valuable contribution to the provision of housing required by Barking

¹ Appeal Ref: APP/Z5060/W/20/3249128

and Dagenham. The Framework requires a significant boosting of the supply of homes and the LP emphasises the importance of small sites in meeting housing needs.

13. I have had regard to the decisions at 237 Grafton Road and 18 Stockdale Road including the allowed appeal decision² for a similar development as highlighted by the appellant and the Council. These developments may have some design similarities however based on the information I have about these other cases; the orientation and context would appear to be different. The character of each site and how these relate to the living conditions of existing occupiers also varies. Each scheme needs to be considered on its own merits and circumstances.
14. Several other matters have also been raised by interested parties and I have taken them all into account. These include matters such as amenity space, the 5-year supply of deliverable housing sites, the planning balance and application of paragraph 11 d) of the Framework, and the previous quashed and redetermined appeal decision. However, whilst I take these representations on board, I have not been presented with compelling evidence that would lead me to a different overall conclusion that the appeal should be allowed.

Conditions

15. I have considered the Councils suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary, or for the sake of consistency, brevity, or clarity. The numbers given in brackets (X) refer to the condition being imposed, with the order being prescribed by the time when the condition needs to be complied with.
16. In addition to the standard time limit condition (1), I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty (2). I have also attached a condition requiring the use of matching materials in the interests of a good quality appearance to the development (3). The scope for planting is limited within the appeal site. The need therefore to provide soft treatments to the front garden area and the site boundaries should be provided to protect the character and appearance of the area (4). In order to ensure that there is appropriate cycle parking and storage I have imposed a condition requiring its provision (5). The restricted nature of the plot requires the removal of permitted development rights to protect the character and appearance of the area, with the exception of other roof alterations (6). Due to the proximity of other residential occupiers the hours of construction should be restricted in the interests of the living condition of these occupiers (7).
17. I have not imposed conditions relating to M4(2) compliance; water efficiency and acoustic protection since these regulations are controlled under the separate Building Control legislation, as such planning conditions would be unnecessary. Nor have I imposed the condition requesting details of a construction logistic plan given the relatively minor nature of the scheme it is unlikely to affect amenities or highway safety, as such it is also unnecessary.
18. The appeal site is in residential use and there is no evidence that it is likely to be contaminated and so the need for a full investigation and risk assessment

² Appeal Ref: APP/Z5060/W/20/3260545

has not been shown. A material change of use from residential purposes would require planning permission in any event and so a condition requiring written approval from the Council would be of no effect.

Conclusion

19. For the reasons given I conclude that the appeal should succeed.

Robert Naylor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1524_PL01, 1524_PL02, 1524_PL03a and 1524_PL04a.
- 3) The materials to be used in the external surfaces of the extensions hereby approved shall match those of the existing dwelling.
- 4) No part of the development hereby permitted shall be occupied until details of the treatment of the front garden area and of all boundaries have been submitted to and approved in writing by the local planning authority. The approved details shall be carried out prior to the occupation of the dwelling hereby permitted or within timescales previously agreed in writing by the local planning authority.
- 5) No part of the development hereby permitted shall be occupied until the cycle storage provision as approved shall be implemented and retained thereafter for the lifetime of the development.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, B and E in Part 1 of Schedule 2 to that Order shall be carried out.
- 7) Other than internal works that are inaudible at the site boundaries, demolition, construction and associated activities to carry out the development hereby permitted shall not take place other than between 0800 to 1800 hours on Monday to Friday and 0800 to 1300 hours on Saturday and not at all on Sunday or on Public or Bank Holidays. Any works which are associated with the generation of ground borne vibration shall only be undertaken between 0800 and 1800 hours on Monday to Friday.



Costs Decision

Site visit made on 16 August 2022

by R Naylor Bsc (Hons) MPhil MRTPI

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

Decision date: 05 OCTOBER 2022

Costs application in relation to Appeal Ref: APP/Z5060/W/21/3290012 68 Ivyhouse Road, Dagenham RM9 5RR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Mohamed Bharadia for a full award of costs against the Council of the London Borough of Barking and Dagenham.
 - The appeal was against the refusal of planning permission for a proposed 1 bed 1 person dwelling.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant submits that the Council has acted unreasonably on substantive and procedural grounds in that it has failed to have regard to the decision of the High Court to quash the original appeal decision¹. Furthermore, the appellant contends the Council has failed to provide an accurate evaluation of the proposal and erroneously relied on the Inspectors decision, subsequently quashed, as a material consideration despite being aware of the outcome of the High Court challenge, as such they consider this constitutes unreasonable behaviour.
4. Section 70(2) of the Town and Country Planning Act 1990 as amended, is clear that, *'in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations'*.
5. The High Court ruling to quash the Inspectors decision was communicated to all parties on 2 August 2021, although the Council issued their subsequent refusal two days later on 4 August 2021. The Council has highlighted that "BeFirst" carry out their statutory planning function on their behalf, and that the High Court ruling was received during the final checks before this decision was issued. Nevertheless, at that time the Council was reasonably aware of the High Court challenge. In my view they could have been more cautious before relying as they did in their officer report, on that previous Inspector's reasoning

¹ Appeal Ref: APP/Z5060/W/20/3249128

in those circumstances. Although I acknowledge, the Inspectors original decision was quashed on the basis that he did not supply adequate reasons for his decision, this would not prejudice a new Inspector in the redetermination of the appeal reaching a similar conclusion.

6. Nevertheless, the Council should have clearly demonstrated on planning grounds why the proposal was unacceptable and provide clear evidence to substantiate that reasoning. In my appeal decision, I have reached the view that the proposal would not result in harm to the living conditions of the adjoining dwelling with particular reference to overshadowing. Little evidence was put forward by the Council to support their reason for refusal or establish what levels of overshadowing existed, and if so, how this would be made worse by the smaller proposed development. Nor has the alleged harm to amenity been substantiated other than a significant reliance on the dismissed (now quashed and allowed) appeal decision.
7. I therefore accept that the applicant might reasonably have expected the Council to take the High Court ruling of 2 August 2021, on board and to have amended its decision in view of that. In the planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy and the relevant material considerations, the development proposed could reasonably have been permitted. The Council did not do so, and despite the arguments advanced in the Council's costs statement, I consider that the Council acted unreasonably in failing to do so.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Barking and Dagenham shall pay to Mr Bharadia, the costs of the appeal proceedings described in the heading of this decision, and such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Robert Naylor

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/W/22/3296524

Appeal Application Description:

Demolition of an existing garage and the construction of a new semi detached two storey 2x bedroom dwelling including a single storey side extension on the new property and a roof light to the front of the loft, and a pitched roof to match 144 Marston Avenue.

Decision:

Appeal Allowed



Marston Ave

Marston Cl

Marston Ave

Marston Ave

Marston Ave

Stansgate Rd

Stansgate Rd

Stansgate Rd

Braintree Rd

evsey garden

ethorpe Rd

JP&L Exotics
Fishmonger

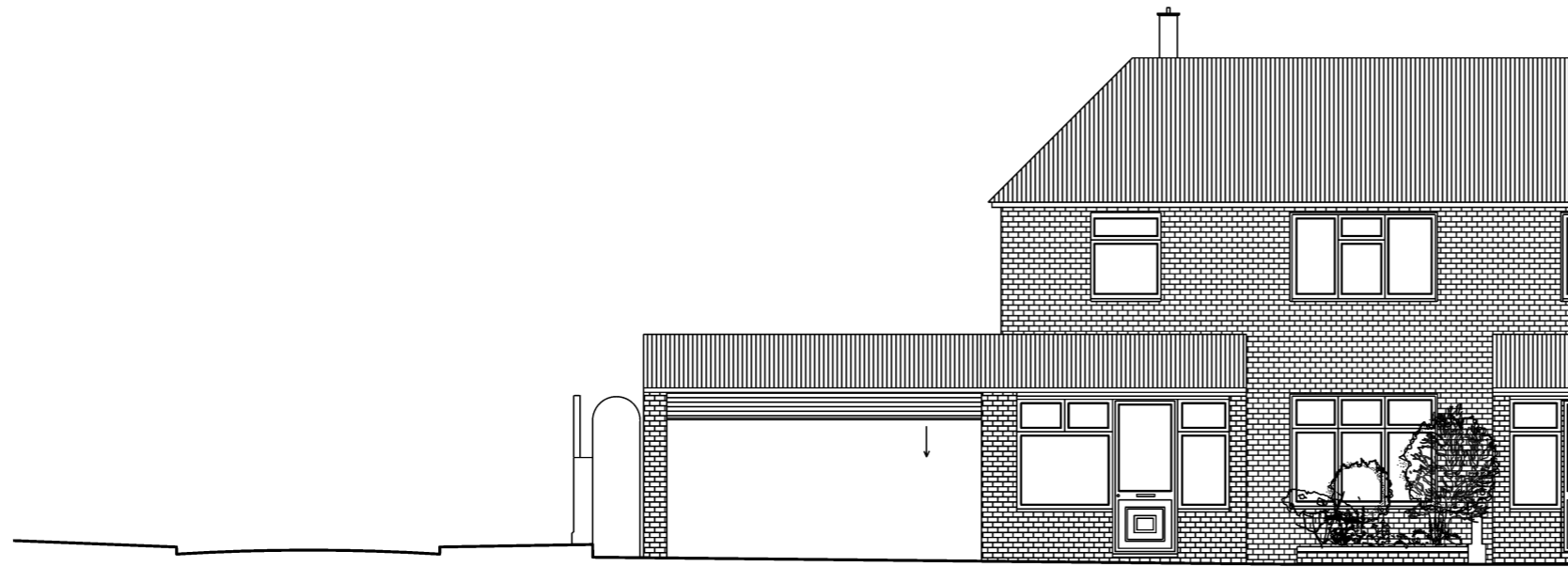
Heathpark Launderette

Costcutter
Barcode & Store

Uncle Johns
Fish & chips

Google

- General Notes
1. Do not scale
 2. All dimensions are shown in millimetres unless otherwise noted
 3. Refer to project based risk assessments before undertaking any work
 4. Notify the architect of any discrepancy immediately



Front elevation



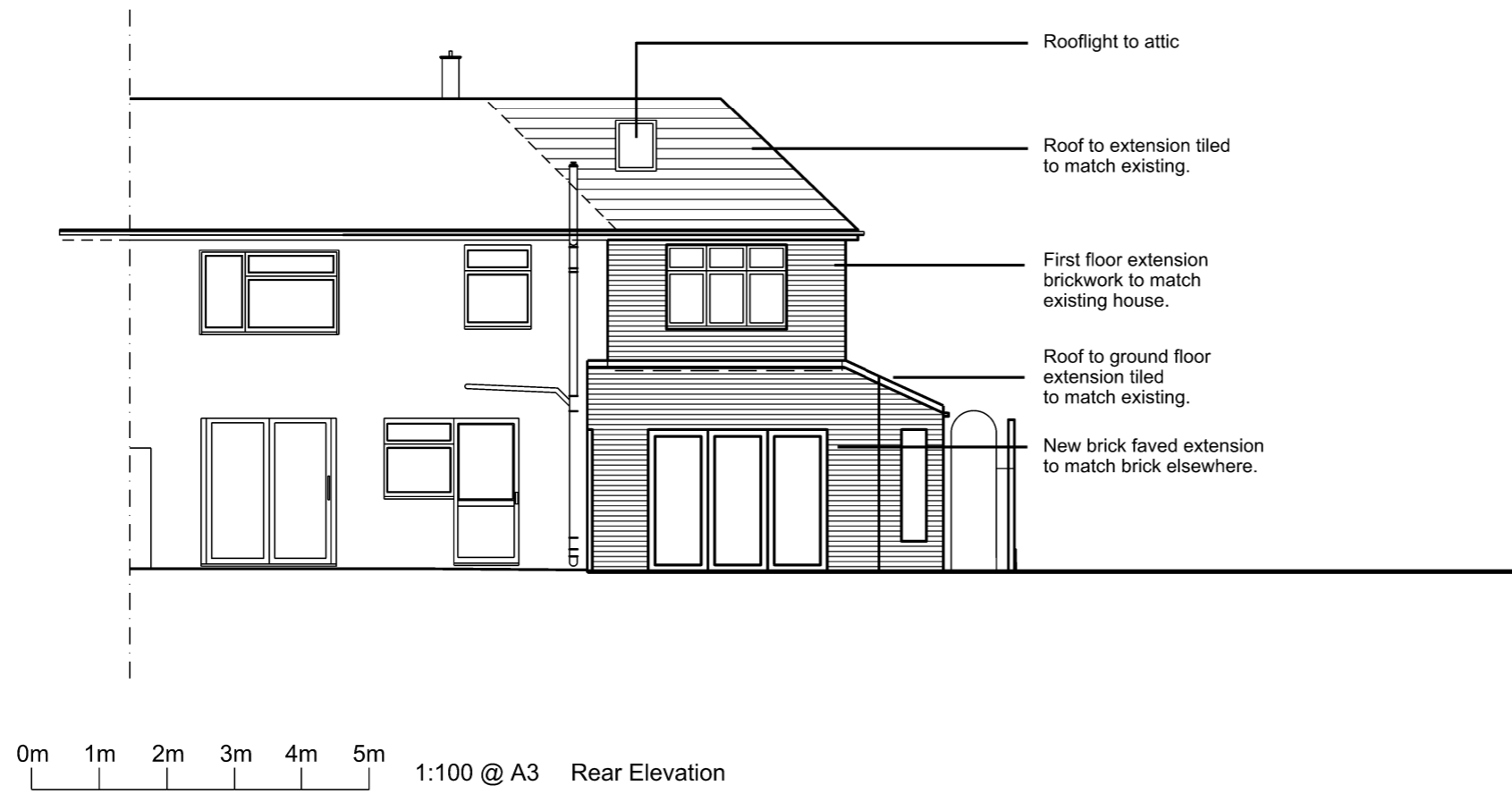
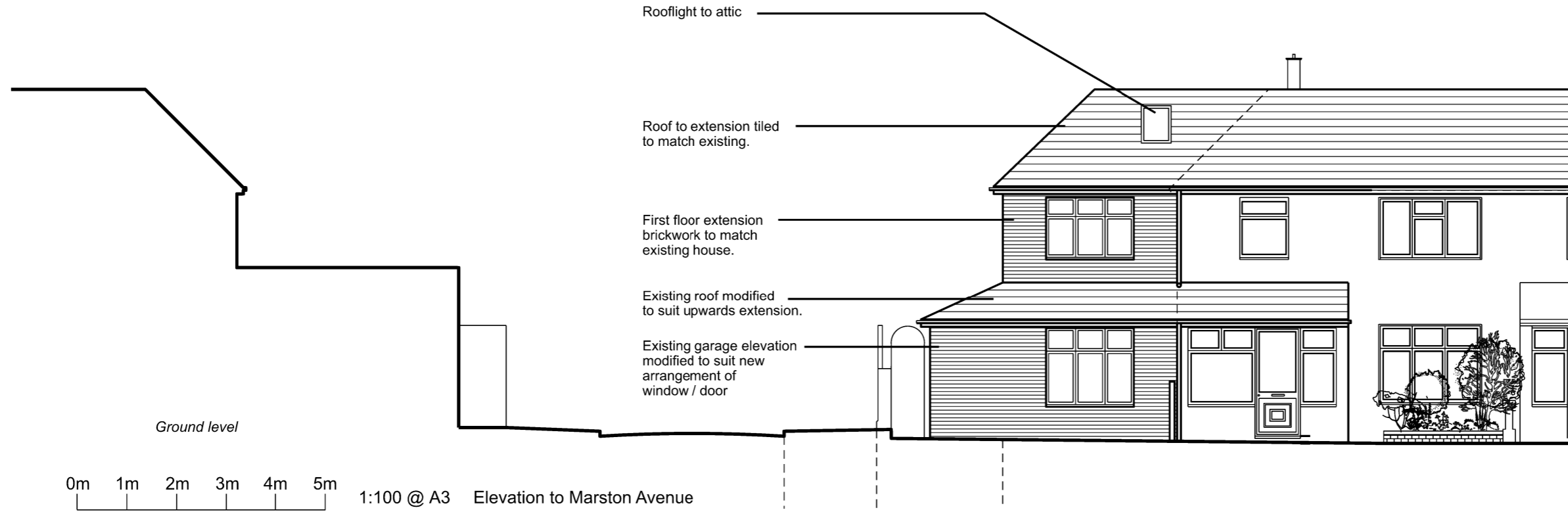
Rear elevation

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

P1 2021/11/29 First Issue

| Rev | Date | Reason For Issue | Chk |
|----------------------------------------------------------------------------------------------|-------------------------|-------------------|-----|
| David Lees Architects <small>david@davidleesarchitects.co.uk 07597 573 892</small> | | | |
| Client I & V Properties Ltd | | | |
| Project 144 Marston Avenue, Dagenham, RM10 7LJ | | | |
| Title Existing Elevations | | | |
| Status Planning | | | |
| Project Number 2127 | Date 2021/11/29 | Checked By DL | |
| Revision P1 | Scale @ ISO A3 1:100 | Approved By DL | |
| Drawing Number A-3-003 | | | |

- General Notes
1. Do not scale
 2. All dimensions are shown in millimetres unless otherwise noted
 3. Refer to project based risk assessments before undertaking any work
 4. Notify the architect of any discrepancy immediately



P1 2021/11/29 First Issue

| Rev | Date | Reason For Issue | Chk |
|-----|------|------------------|-----|
|-----|------|------------------|-----|

David Lees Architects
david@davidleesarchitects.co.uk 07597 573 892

Client
I & V Properties Ltd

Project
144 Marston Avenue, Dagenham, RM10 7LJ

Title
Proposed Front and Rear Elevations

Status
Planning

| | | |
|------------------------|-------------------------|-------------------|
| Project Number 2127 | Date 2021/11/29 | Checked By DL |
| Revision P1 | Scale @ ISO A3 1:100 | Approved By DL |

Drawing Number
A-3-007

LBBB Reference: 21/02160/FULL

David Lees

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

Dear Sir / Madam,

Application Number: 21/02160/FULL
Address: 144 Marston Avenue, Dagenham, Barking And Dagenham, RM10 7LJ
Development Description: Demolition of an existing garage and the construction of a new semi detached two storey 2x bedroom dwelling including a single storey rear extension on the new property and a roof light to the front of the loft, and a pitched roof to match 144 Marston Avenue.

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

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

Yours sincerely,

Marilyn Smith

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

PLANNING DECISION NOTICE

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

Agent: David Lees
Applicant: Private Client
63 HASKARD ROAD
DAGENHAM

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 21/02160/FULL
Application Type: Full Planning Permission
Development Description: Demolition of an existing garage and the construction of a new semi detached two storey 2x bedroom dwelling including a single storey rear extension on the new property and a roof light to the front of the loft, and a pitched roof to match 144 Marston Avenue.
Site Address: 144 Marston Avenue, Dagenham, Barking And Dagenham, RM10 7LJ
Date Received: 30 November 2021
Date Validated: 30 November 2021

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

1. The proposed development, by reasons of scale, sitting and massing would erode the gap between the application site and No 146 Marston Avenue. This would be particularly noticeable when perceived from Marston Avenue. The development of the two storey dwelling with single storey rear extension would have an enclosing effect which would generate visual harm upon the cul-de-sac and the wider street scene. Furthermore, the proposal would convey the appearance of a subservient side extension, rather than a new dwelling in its own right and as such would lack a sense of access and approach when viewed from Marston Avenue. The development is contrary to:

- Paragraph 130 of the National Planning Policy Framework (2021);
- Policies D1, D4 and D8 of the London Plan (March 2021);
- Policies CP2, CM1 and CP3 of the LDF Core Strategy (July 2010)
- Policies BP2 and BP11 of the LDF Borough Wide Development Plan Policies DPD (March 2011);
- Policies SP2, DMD1 and DMD4 of the Draft Local Plan (Regulation 19 Autumn 2021);
- Residential Extensions and Alterations Supplementary Planning Document (February 2012)

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

Informative(s):

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

- Block Plan - 02.09.2021
- Site location plan - 02.09.2021
- Flood risk assessment

- Design and access statement - 11.2021
- Fire statement - 11.2021
- Proposed ground floor plan - A-3-004 REV P1 - 29.11.2021
- Proposed roof plan - A-3-006 REV P1 - 29.11.2021
- Proposed first floor plan - A-3-005 REV P1 - 29.11.2021
- Proposed front and rear elevations - A-3-007 REV P1 - 29.11.2021
- Proposed side elevations - A-3-008 REV P1 - 29.11.2021

Working with the applicant:

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

DATE OF DECISION: 24.01.2022

Yours sincerely,

[Marilyn Smith](#)

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **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 September 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2022

Appeal Ref: APP/Z5060/W/22/3296524 144 Marston Avenue, Dagenham RM10 7LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Valeri Kalatchev against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/02160/FULL, dated 30 November 2021, was refused by notice dated 24 January 2022.
 - The proposed development is described as "The proposal is to subdivide the plot to create a new self contained two bed house by extending and modifying the existing garage attached to no 144 Marston Avenue. The garage will be extensively remodelled, extended to the rear and a new narrow first floor constructed above part of the garage. A new pitched hipped roof will be constructed above to match the existing roof pitch and design."
-

Decision

1. The appeal is allowed and planning permission is granted for development as follows: "Subdivide the plot to create a new self contained two bed house by extending and modifying the existing garage attached to no 144 Marston Avenue. The garage will be extensively remodelled, extended to the rear and a new narrow first floor constructed above part of the garage. A new pitched hipped roof will be constructed above to match the existing roof pitch and design", at 144 Marston Avenue, Dagenham RM10 7LJ in accordance with the terms of the application, Ref 21/02160/FULL, dated 30 November 2021, and the plans submitted with it, subject to the conditions in the schedule below.

Preliminary Matters

2. A modified description of development was used by the Council on the decision notice. However, I am unclear whether this was agreed by the applicant and it differs from the description on the application form, notably in terms of the extent of proposed works to the existing garage. Therefore, in the banner heading and formal decision above I have used the description of proposed development as originally provided on the application form. However, I have omitted wording which is solely descriptive in nature and does not relate to proposed development.
3. Although no applicant name was provided on the application form, the appellant's name was confirmed as the appropriate party during consideration of the appeal and is included in the heading above.
4. The reason for refusal refers to conflict with policies in the Draft Local Plan (Regulation 19 Autumn 2021). The Council has confirmed that this refers to the London Borough of Barking and Dagenham Draft Local Plan 2037 Second

Revised Regulation 19 Consultation Version (Autumn 2021), which has been submitted for Examination in Public (EiP). However, there is no evidence before me as to any findings from the EiP on the soundness of the relevant policies or the extent of any unresolved objections. I have taken this into account when considering the weight to be attributed to the emerging Local Plan below.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to separation between buildings and how the proposed dwelling would be perceived in the street scene.

Reasons

6. Marston Avenue is a residential street laid out in short terraces, mostly of four to six properties. Gaps between each terrace are generally narrow and there is a well-defined and continuous building line along both sides of the road.
7. The proposed development would occupy a corner site at the junction of Marston Avenue and Marston Close. The latter is a cul de sac of terraced properties around a small green and parking area. The corner plots to either side of Marston Close are wider than most of their neighbours and each includes a double garage attached to the end of the terrace.
8. The proposed dwelling would be on the same alignment as the existing garage, set back from the boundary with Marston Close, retaining a pathway between the front and rear gardens. Since the garage already exists, the distance between the buildings to either side of Marston Close would be unchanged. The garage is a fairly substantial structure which already screens views into the cul-de-sac from Marston Avenue to some extent. As such, the degree of inter-visibility between Marston Close and Marston Avenue at street level would be largely unaffected.
9. There would be an increased sense of enclosure at first floor level, resulting from the introduction of a second storey to form the upper floor of the proposed dwelling. However, the proposed alignment of the first floor flank wall, stepped further back from the site boundary, would maintain a reasonable sense of space around the corner of the terrace at this higher level.
10. Since the existing gaps between terraces are generally narrow, the street scene along Marston Avenue does not have a particularly spacious character. Therefore, the degree of enclosure around this corner would be consistent with the established character of the area. Within Marston Close, the green space provides a sense of spaciousness which would be maintained. The single storey projection at the rear of the proposed dwelling would be modest in scale and largely screened by the existing boundary fencing. Sufficient garden area would be retained to accommodate this additional building mass without the proposed dwelling appearing unduly prominent or intrusive.
11. The proposed design would harmonise with the adjoining terrace, incorporating a fully hipped roof continuing the existing ridge line, facing brickwork matching the rest of the terrace and similar fenestration. Although the proposed dwelling would be narrower than its neighbours, this would not disrupt the rhythm of the street scene to any material degree, since there is already some variation in the length of each terrace.

12. The proposed side entrance would be a departure from the forward-facing entrances found on the existing terraces. However, a side entrance is not a particularly unusual design approach for an end terrace property on a corner site. The proposed gate to Marston Close would help to identify this clearly as the front door, and there would also still be direct access from Marston Avenue, in the form of the retained and modified driveway.
13. Overall, the design strikes a reasonable balance between integrating with the form of the existing building, while creating a separate dwelling, having a sense of approach proportionate to the modest scale of the development.
14. I conclude that the proposed development would not harm the character and appearance of the area. It would accord with Policies D1, D4 and D8 of the London Plan adopted March 2021, Policies CP2, CM1 and CP3 of the Core Strategy¹, Policies BP2 and BP11 of the Borough Wide Development Policies DPD² and relevant paragraphs in the National Planning Policy Framework July 2021. These policies amongst other things require that development protects or enhances the character and amenity of the area, protects and reinforces local distinctiveness and supports a well-designed and accessible public realm.
15. Based on the evidence available to me, I cannot be certain that Policies SP2, DMD1 and DMD4 of the emerging Local Plan are in their final form, since modifications may be proposed as a result of the ongoing Examination in Public. For that reason, I have attributed only limited weight to these emerging policies. In any event, based on the wording included in the Draft Local Plan (Regulation 19 Autumn 2021), none of these emerging policies would materially change the approach in the adopted development plan, in so far as is relevant to the issues raised in this appeal. Therefore the precise weight which should be attached to the emerging Local Plan has not been a determinative factor in my consideration of the issues as set out above.
16. The Residential Extensions and Alterations Supplementary Planning Document (February 2012) provides guidance for people who want to extend and improve their home. Since the proposed development is for the formation of a separate dwelling, albeit one attached to the existing terrace, the SPD is not directly applicable. Therefore I have given it limited weight.

Other Matters

17. The Council's officer report highlights a requirement for cycle parking spaces which is not included in the proposed plans. This is a matter which can be addressed through imposition of conditions, as set out below.

Conditions

18. The Council has suggested a number of conditions which I have considered against advice in the National Planning Policy Framework July 2021 and Planning Practice Guidance. As a result I have amended some of them for consistency, clarity and omitted others.

¹ Planning for the Future of Barking and Dagenham Local Development Framework Core Strategy adopted July 2010

² Planning for the Future of Barking and Dagenham Local Development Framework Borough Wide Development Policies Development Plan Document adopted March 2011

19. A condition specifying the approved plans is necessary as this provides certainty. A condition to secure use of matching external materials is required to ensure that the proposed dwelling is well integrated with the existing terrace.
20. Only limited details have been provided of the proposed boundary treatment. Since the use of boundary treatment to define the approach to the proposed dwelling has been relevant to my consideration of the issues above, further details are required to ensure that this is implemented successfully, as well as to ensure that boundary treatment is appropriate to the character of the area.
21. Conditions are required to secure formation of separate vehicular accesses for the existing and proposed dwelling, together with implementation of on-site parking areas. This is in order to ensure that adequate access and parking facilities are available to support a more intensive residential use without impacting highway safety or the free flow of traffic. This includes provision for parking and storage of bicycles in accordance with Development Plan requirements, as highlighted by the Council.
22. Finally, a condition to prevent insertion of any windows in the south-facing elevation at the rear is necessary to ensure that mutual privacy is maintained following sub-division of the site.
23. According to the Council's officer report, the Environmental Protection consultee recommended that conditions be imposed relating to acoustic protection and contaminated land. However, neither was included in the Council's list of proposed conditions.
24. No specific risks relating to land contamination have been highlighted in the evidence before me. Furthermore, only limited ground disturbance is proposed, since it is intended that the existing garage structure would be adapted and extended. The proposed dwelling would abut an existing external structural wall and I have not been provided with any evidence indicating that this would provide insufficient acoustic protection for a separate dwelling. As such, I conclude that these suggested conditions would be neither necessary nor fairly and reasonably related to the development in question.

Conclusion

25. For the above reasons, I conclude that the proposed development is in accordance with the development plan as a whole, and that there are no other relevant material considerations that would indicate a decision otherwise would be appropriate, therefore the appeal should be allowed subject to the conditions set out in the schedule below.

Jane Smith

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans:
 - Site location plan (undated)
 - Existing Ground Floor Plan – A-3-001 Rev P1
 - Existing First Floor Plan – A-3-002 Rev P1
 - Existing Elevations – A-3-003 Rev P1
 - Proposed ground floor plan - A-3-004 Rev P1
 - Proposed first floor plan - A-3-005 Rev P1
 - Proposed roof plan - A-3-006 Rev P1
 - Proposed front and rear elevations - A-3-007 Rev P1
 - Proposed side elevations - A-3-008 Rev P1
3. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the existing building.
4. No part of the development hereby permitted shall be first occupied unless and until details of all proposed walls, fences, gates or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved details and thereafter so retained.
5. The dwelling hereby permitted shall not be occupied until means of vehicular access to both the existing and proposed dwellings on the site have been constructed in accordance with the approved plans. Both accesses shall thereafter be retained.
6. No part of the development hereby permitted shall be first occupied unless and until space has been laid out within the site in accordance with the approved plans for cars to be parked. Thereafter the car parking areas shall be retained and maintained for their designated purpose.
7. Prior to the occupation of the dwelling hereby permitted, details of arrangements for the parking and storage of bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle parking and storage facilities shall be provided prior to the first occupation of the dwelling hereby permitted, in accordance with the approved details, and thereafter so retained.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted in the south-facing elevation of the single storey rear element of the dwelling hereby permitted.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

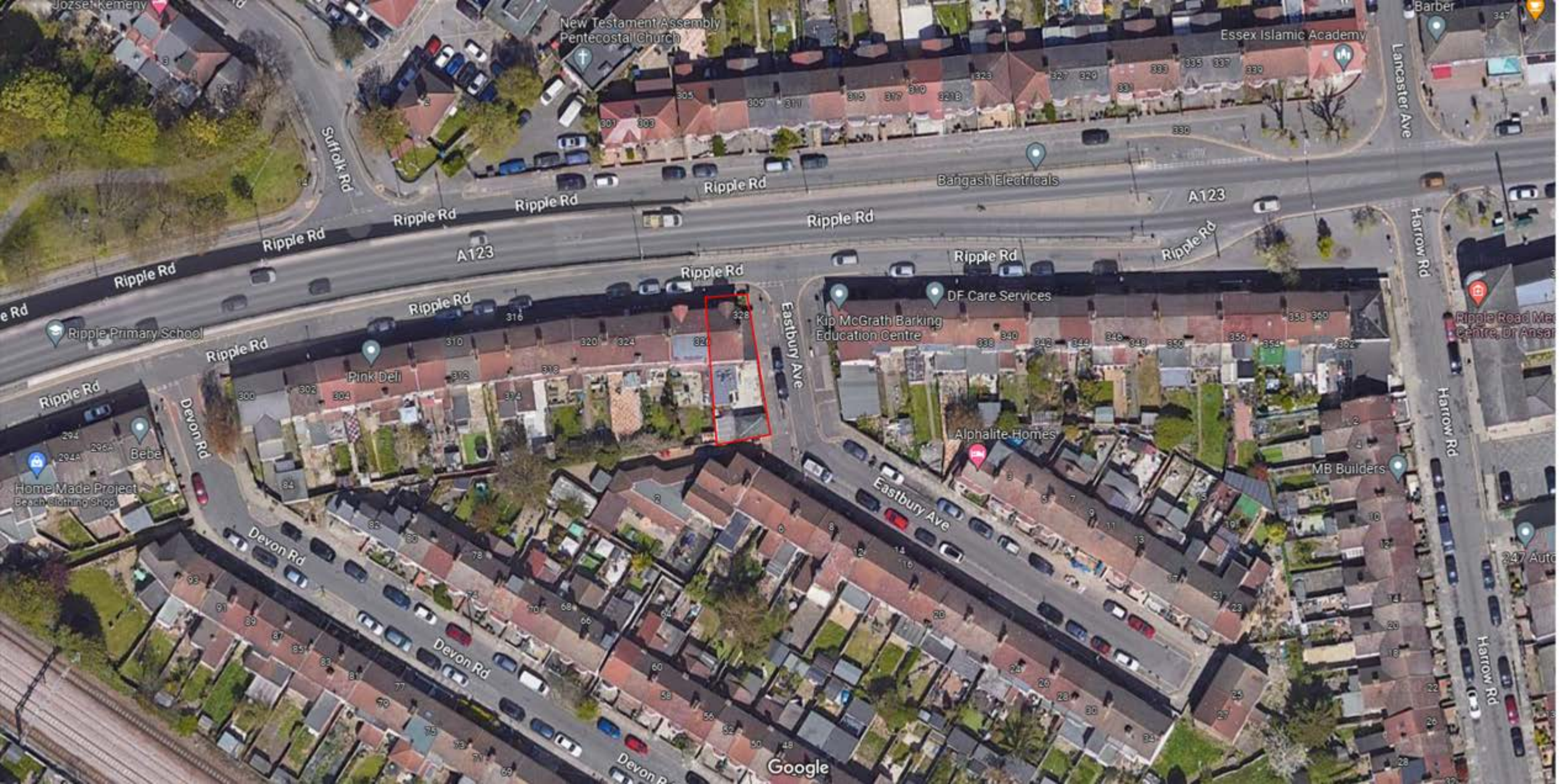
APP/Z5060/W/21/3288107

Appeal Application Description:

Conversion of existing dwelling into 3 flats (1x studio, 1x 2 bedroom and 1x 3 bedroom) including internal alterations, a rear dormer extension including one roof light to the rear, four roof lights to the front and six windows to the side, with associated cycle parking and refuse storage.

Decision:

Appeal Allowed



New Testament Assembly
Pentecostal Church

Essex Islamic Academy

Suffolk Rd

Lancaster Ave

Ripple Rd

Ripple Rd

Ripple Rd

Ripple Rd

Ripple Rd

Bangash Electricals

A123

Ripple Rd

Harrow Rd

Ripple Rd

Ripple Rd

Ripple Rd

Ripple Rd

Ripple Primary School

Kip McGrath Barking
Education Centre

DF Care Services

Ripple Rd

Ripple Rd

Pink Deli

Ripple Rd

Ripple Rd

Ripple Rd

Ripple Rd

Ripple Rd

Ripple Rd

Harrow Rd

Ripple Road Market
Centre, Dr Ansar

Ripple Rd

Devon Rd

Ripple Rd

Ripple Rd

Ripple Rd

Ripple Rd

Ripple Rd

Ripple Rd

Ripple Rd

Alphalite Homes

MB Builders

Home Made Project
Beach Clothing Shop

Bebe

Devon Rd

Devon Rd

Eastbury Ave

Harrow Rd

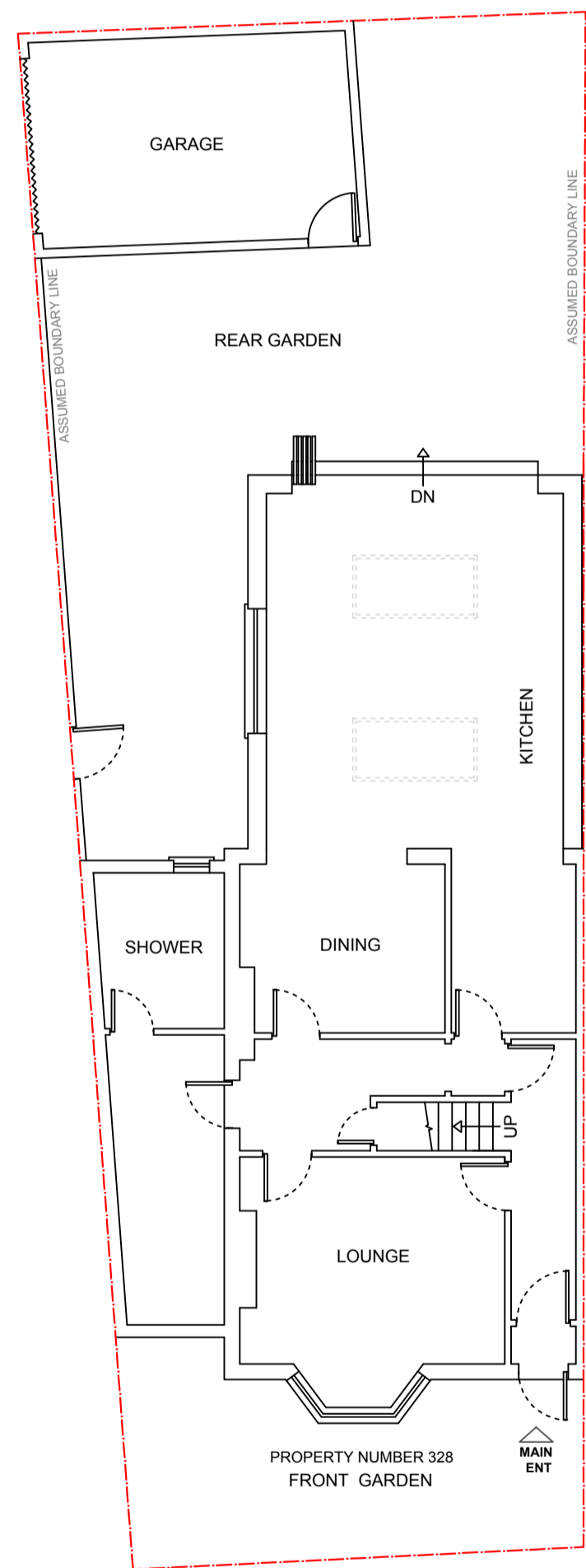
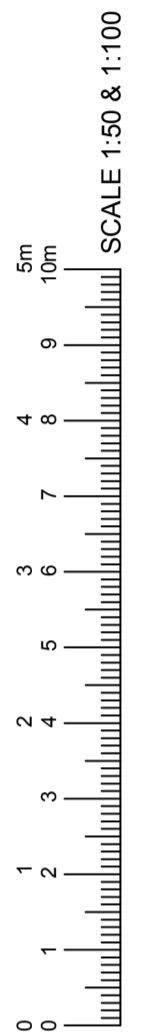
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Google

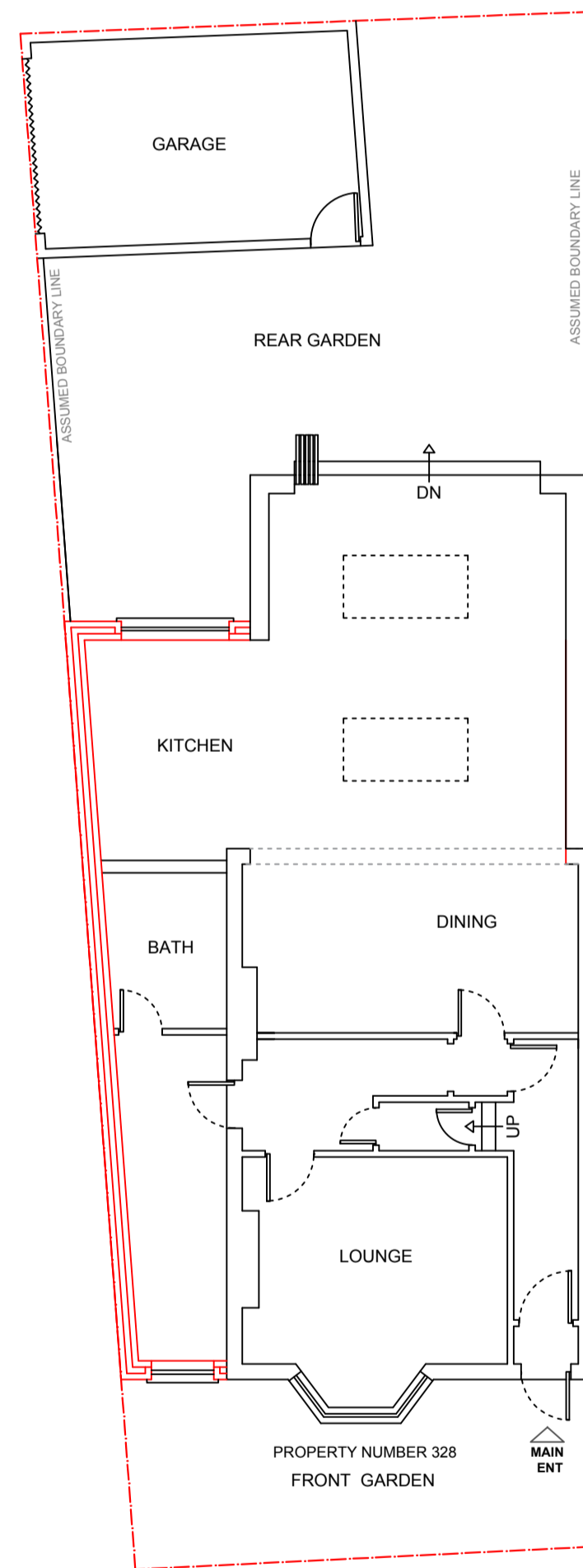
PAPER SIZE
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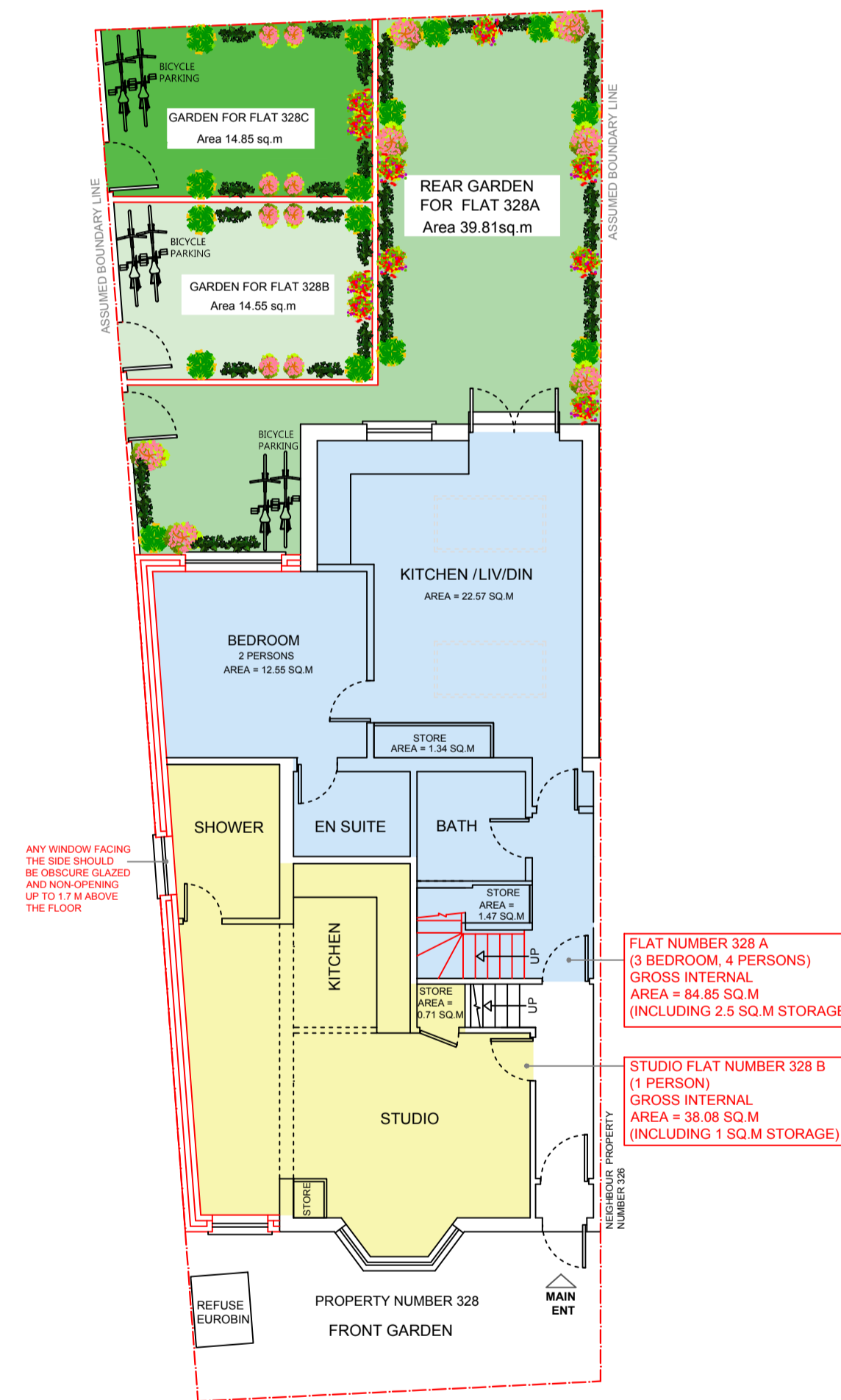
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|-------------|--------------------|---------------------------------|-----------------------------------------|-----------------------------------------|----------|---------------------|
| 328 A | 03 | 04 | | 84.85 SQ.M | 2.5 SQ.M | 39.81 SQ.M |
| 328 B | STUDIO FLAT | | 38.08 SQ.M | | 1 SQ.M | 14.55 SQ.M |
| 328 C | 02 | 03 | | 72.805 SQ.M | 2 SQ.M | 14.85 SQ.M |



1 GROUND FLOOR - EXISTING
1:100



2 GROUND FLOOR - AS APPROVED
1:100



3 GROUND FLOOR - PROPOSED
1:100

ALL WORK TO COMPLY WITH CURRENT BUILDING REGULATIONS AND CODES OF PRACTICE.
ALL DIMENSIONS IN MM UNLESS NOTED OTHERWISE
MEASURED SURVEY DOES NOT INCLUDE FOR INTRUSIVE SURVEY TO DETERMINE EXACT LOCATION OF STEEL WORK SUPPORTING STRUCTURE
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ANY DEVELOPMENT WITHOUT A CERTIFICATE OF LAWFULNESS OR PLANNING PERMISSION IS SOLELY AT OWNERS RISK.
MATERIALS SHOULD MATCH THOSE OF THE EXISTING DWELLING

PLANNING ISSUE
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| Revision | Description | Date |
|-----------------------------------------|-------------|------|
| 02084786567 / 07538938251 / 07507665812 | | |

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169 Southpark Drive Ilford IG3 9AD
Email getrapidplans@gmail.com
Web site www.getrapidplans.co.uk

ADDRESS 328 RIPPLE ROAD, BARKING, IG11 7RG

PROJECT 1) FLATS CONVERSION

TITLE GROUND FLOOR PLANS

| | |
|----------------------|-----------------|
| DRAWN AT HEAD OFFICE | SCALE 1:100 @A1 |
| DRAWING NO J72-1 | REVISION |
| | DRAWN BY |
| | CHECKED BY |
| | DATE 04-08-2021 |

H

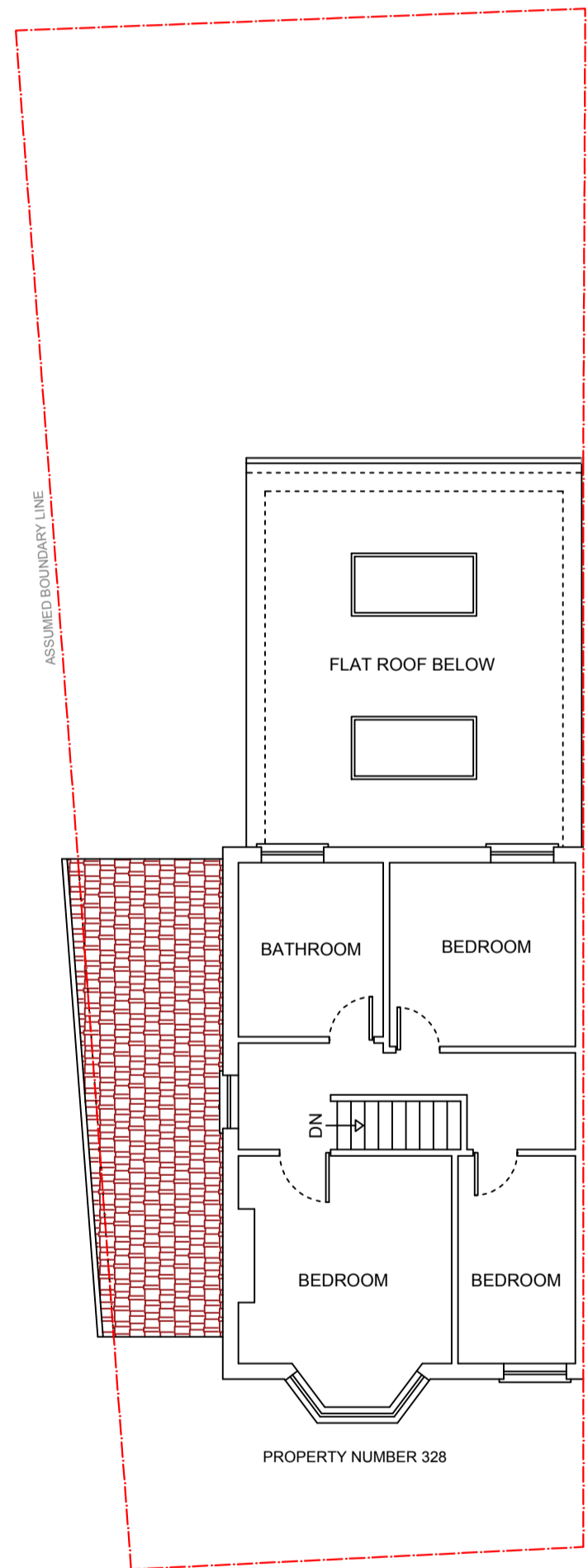
PAPER SIZE

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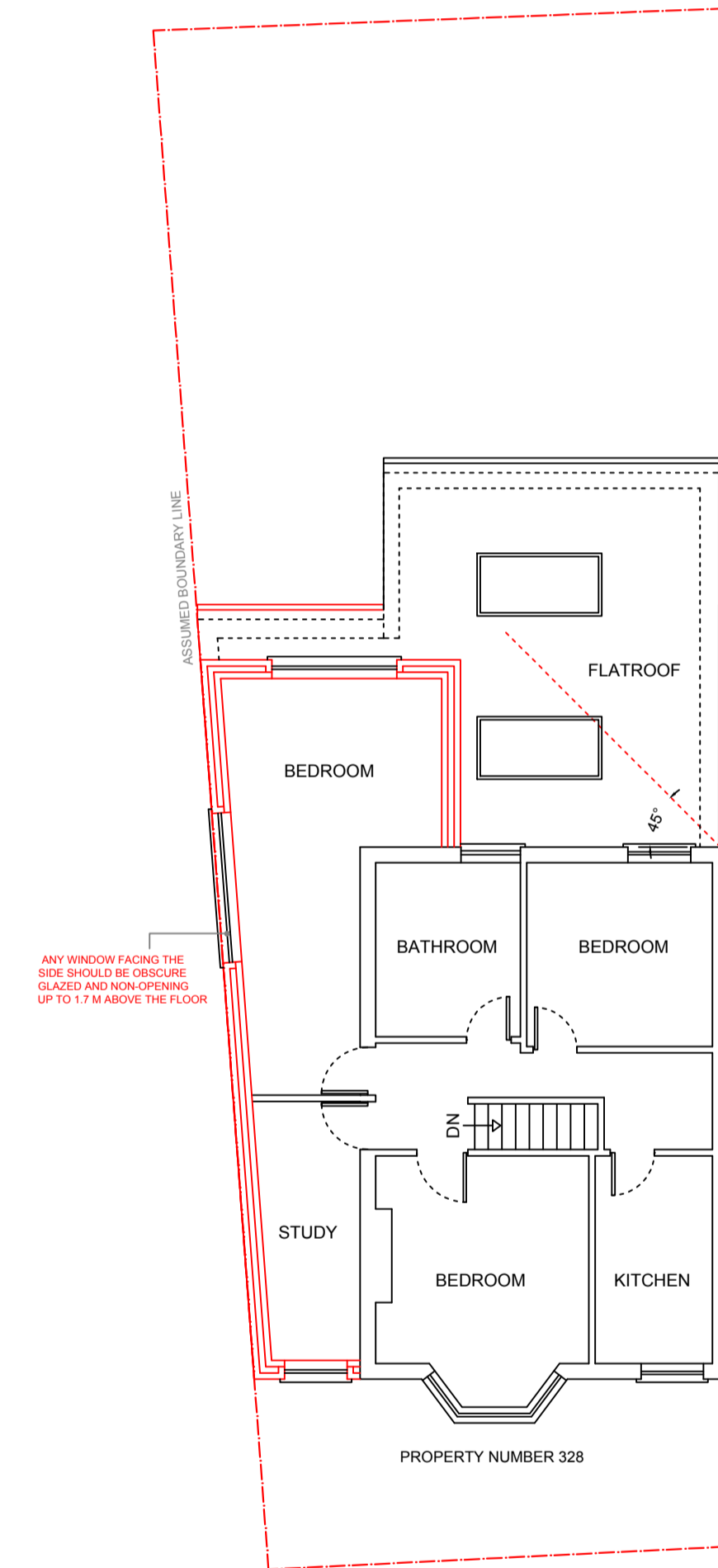
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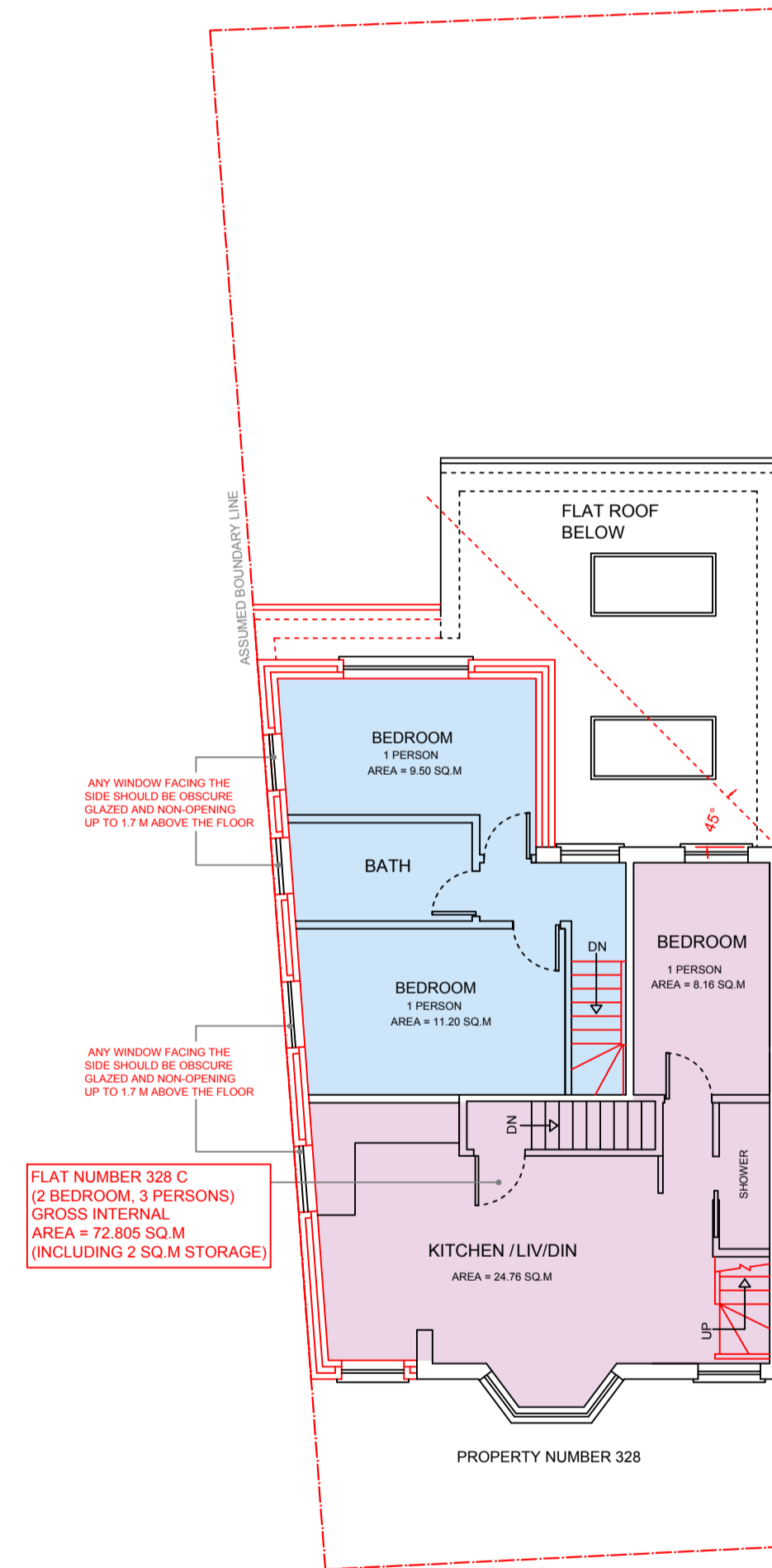
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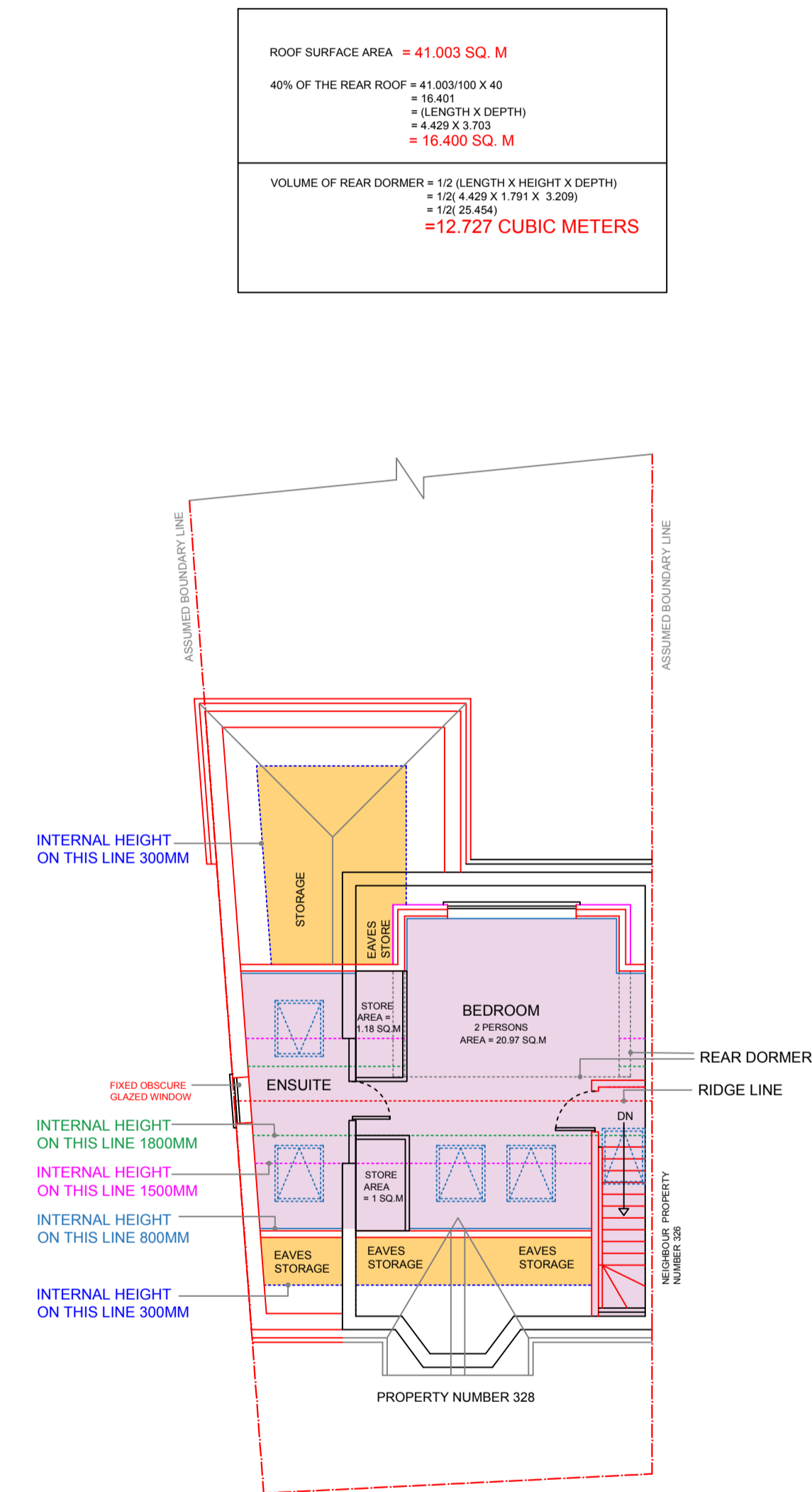
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1:100



5 FIRST FLOOR - AS APPROVED
1:100



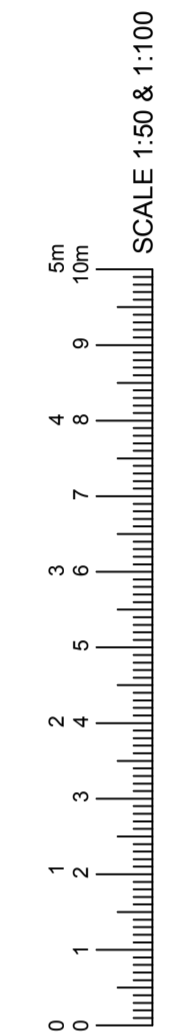
6 FIRST FLOOR - PROPOSED
1:100



7 LOFT - PROPOSED
1:100

ROOF SURFACE AREA = 41.003 SQ. M
 40% OF THE REAR ROOF = 41.003/100 X 40
 = 16.401
 = (LENGTH X DEPTH)
 = 4.429 X 3.703
 = 16.400 SQ. M

VOLUME OF REAR DORMER = 1/2 (LENGTH X HEIGHT X DEPTH)
 = 1/2(4.429 X 1.791 X 3.209)
 = 12.727 CUBIC METERS



ALL WORK TO COMPLY WITH CURRENT BUILDING REGULATIONS AND CODES OF PRACTICE.
 ALL DIMENSIONS IN MM UNLESS NOTED OTHERWISE
 MEASURED SURVEY DOES NOT INCLUDE FOR INTRUSIVE SURVEY TO DETERMINE EXACT LOCATION OF STEEL WORK SUPPORTING STRUCTURE
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PLANNING ISSUE
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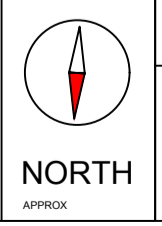
| Revision | Description | Date |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|------|
| <p>GET RAPID PLANS 02084786567 / 07538938251 / 07507665812 169 Southpark Drive Ilford IG3 9AD Email getrapidplans@gmail.com Web site www.getrapidplans.co.uk</p> | | |

ADDRESS 328 RIPPLE ROAD, BARKING, IG11 7RG

PROJECT 1) FLATS CONVERSION

TITLE FLOOR PLANS

| | |
|-------------------------|--------------------------------|
| DRAWN AT HEAD OFFICE | SCALE 1:100 @A1 |
| DRAWING NO J72-2 | REVISION DATE 04-06-2021 |



LBBB Reference: 21/01570/FULL

Hasnain Ikram

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

Dear Sir / Madam,

Application Number: 21/01570/FULL
Address: 328 Ripple Road, Barking, Barking And Dagenham, IG11 7RP
Development Description: Conversion of existing dwelling into 3 flats (1x studio, 1x 2 bedroom and 1x 3 bedroom) including internal alterations, a rear dormer extension including one roof light to the rear, four roof lights to the front and six windows to the side, with associated cycle parking and refuse storage.

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

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

Yours sincerely,

Marilyn Smith

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

PLANNING DECISION NOTICE

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

Agent: Hasnain Ikram **Applicant:** c/o Agent

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 21/01570/FULL
Application Type: Full Planning Permission
Development Description: Conversion of existing dwelling into 3 flats (1x studio, 1x 2 bedroom and 1x 3 bedroom) including internal alterations, a rear dormer extension including one roof light to the rear, four roof lights to the front and six windows to the side, with associated cycle parking and refuse storage.
Site Address: 328 Ripple Road, Barking, Barking And Dagenham, IG11 7RP
Date Received: 22 August 2021
Date Validated: 25 August 2021

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

1. The conversion of a 3 bedroom single dwellinghouse into 1 x 3 bedroom flat, 1 x 2 bedroom flat and 1 x studio flat represents the loss of a good quality single dwellinghouse with generous external and internal amenity space which is capable for use by a larger family. This is a form of housing in high demand within the borough which the Council is seeking to protect from conversion. The principle of development is considered unacceptable and contrary to:-

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

2. The proposal fails to provide adequate on site external amenity space which is functional or useable harmful to the standard of living of residents of the 2 bedroom and 3 bedroom flats. The proposal is considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, July 2021)
- Policy D6 of the London Plan (March 2021)
- Policy BP5 of the Borough Wide DPD (March 2011)
- Policy DMNE1 of the Draft Local Plan Regulation 19 consultation version (October 2020)

3. The proposed conversion will increase the number of households on site from 1 to 3, as such, the proposal is considered to generate more waste, noise, comings and goings and general disturbances than currently produced on site harmful to the standard of living of neighbouring residents. The proposal is considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, July 2021)
- Policies GG1, GG4 and D14 of the London Plan (March 2021)

- Policy BP8 of the Borough Wide DPD (March 2011)
- Policies DMD1 and DMSI3 of the Draft Local Plan Regulation 19 consultation version (October 2020)

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

Informative(s):

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

- J72-1 Ground Floor Plans [Revision A] dated 04.08.2021
- J72-2 Floor Plans dated 04.08.2021
- J72-3 Roof Plans dated 04.08.2021
- J72-4 Front and Rear Elevations dated 04.08.2021
- J72-5 Side Elevations dated 04.08.2021
- J72-6 Measurement Floor Plans [Revision A] dated 04.08.2021
- J72-7 Sections dated 04.08.2021
- J72-8 Site Plans [Revision A] dated 04.08.2021
- Site Location Plan

Working with the applicant:

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

DATE OF DECISION: 20.10.2021

Yours sincerely,

[Marilyn Smith](#)

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

Site visit made on 12 July 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/Z5060/W/21/3288107

328 Ripple Road, Barking IG11 7RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Caiya Weng against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/01570/FULL, dated 20 August 2021, was refused by notice dated 20 October 2021.
 - The development proposed is conversion of existing property to create 3x new flats with associated cycle parking and refuse storage.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing property to create 3x new flats with associated cycle parking and refuse storage at 328 Ripple Road, Barking IG11 7RP in accordance with the terms of the application, Ref 21/01570/FULL, dated 20 August 2021, subject to the conditions in the attached schedule.

Procedural Matters

2. I note that the name of the appellant is different from the name of the applicant stated on the application form. I have been advised that this was because a representative of the applicant's agent was recorded as the applicant in error. I have therefore referred to the appellant, the intended applicant, in the banner heading above.

Main Issues

3. The main issues are:
 - The effect of the proposal on the supply of family housing;
 - Whether the proposal would provide satisfactory living conditions for future occupiers, specifically relating to the amount and utility of the proposed garden space; and
 - The effect of the proposal on the living conditions of neighbouring occupants, specifically relating to outlook, noise, and disturbance.

Reasons

Supply of family housing

4. The appeal property is located in a residential area made up predominantly of similar sized houses. It is close to shops and services located further east along

Ripple Road and Ripple Infants and Junior School is located almost directly opposite. The property is a 2-storey, 3-bedroom end of terrace house set on a moderate sized plot with space to the front and a private rear garden. The amount of rear garden space is limited due to it containing a single detached garage, rear extension, and outbuilding. Most of the houses in the surrounding area appear to be used as single dwellinghouses, although there are some flats further along Ripple Road next to the railway track.

5. Policy CC1 of the Council's Core Strategy (2010) (Core Strategy), in summary, seeks to ensure that sufficient family housing is created and maintained in the Borough. It defines this as three-bedroom, four bedroom or larger units. Similarly, I understand that policy H10 of the London Plan (2021) sets out how decision-taking should have regard to the need for additional family housing and the role of one and two bed units in freeing up existing family housing. The National Planning Policy Framework (Framework) likewise expects that policies on housing provision are informed by demographic information, with express reference made in paragraph 62 to families.
6. I acknowledge that being relatively generous, and previously extended, the property at present is likely to be attractive to larger households. The proposal would inevitably intensify the use of No 328. I accept in that context it would result in an arrangement which is likely to be less attractive to some families, by virtue of more limited space.
7. However, proposed flat 328A would have 3 bedrooms, thus representing family housing within the terms defined by the Core Strategy and London Plan. As annotated on drawing No J72-1 revision A, that split-level unit would have a gross internal area of 84.85 square metres, which meets space standard expectations of a two storey, 3-bedroom unit occupied by 4 individuals. Based on the information before me, the layout and room size of proposed unit 328A is such that it would allow for comfortable occupation by a family. I note in particular that there would be a well-proportioned kitchen/ living/ dining room that would lead out directly to a rear garden. Albeit that neighbouring properties appeared to be principally similar dwellings to No 328 as it currently stands, I nevertheless saw that there is a mixture of housing types in the area, such that flats would not inherently be out of keeping.
8. Accordingly, I find the proposal would accord with policies CM1, CM2, and CC1 of the Core Strategy and policy BC4 of the Borough Wide Development Policies Development Plan Document 2011 (DPD). These seek, amongst other things, to provide suitable housing in the right location and promote the delivery and retention of family sized accommodation. It would also accord with policies GG4, H1, H2 and H9 of the London Plan 2021 and the Housing Supplementary Planning Guidance, which seek, amongst other things, to deliver the homes that are needed and support the provision of homes on small sites and the efficient use of the existing housing stock.

Garden Space

9. The proposal would provide a private garden for each of the 3 flats. However, they would not meet the Council's minimum external amenity space standards as set out at policy BP5 of the Borough Wide DPD. While they would meet the minimum standards set out in Policy D6 of the London Plan, this policy clearly states that these standards should only be applied where there are no higher local standards.

10. The amount of garden space provided for the 2-bedroom flat, 328C, at 14.85sqm would be significantly below the Council's minimum standard of 40sqm. It would benefit from private access but not direct access. While this may not be optimal in terms of convenience, that is not a wholly atypical arrangement in respect of flats and occupants would not necessarily use this space less because of residing on upper floors. Thus, this does not justify providing a garden space of a size that is significantly below standard.
11. It may be that the space provided for the 3-bedroom family sized flat, 328A, at 39.81sqm would only be slightly below the Council's minimum standard of 40sqm and that it would benefit from direct access. However, the amount and utility of the garden spaces would be further exacerbated by the inclusion of cycle parking. While the area to the front of the house is relatively large, given that it is not private and will contain the refuse and recycling storage, its value as an additional outdoor space for future occupants would be limited.
12. For the reasons above, I find the limited size of the garden spaces would result in cramped living conditions for the future occupiers of flats 328A and 328C. While the level of shortfall in respect of flat A is limited, and while smaller outside spaces may be acceptable to some electing to live in this location, the proposal would conflict with policy BP5 of the Borough Wide DPD and the application of policy D6 of the London Plan.
13. The proximity of public open spaces, including Greatfields Park, moderates this harm to a degree. Furthermore, I recognise that, while the proposal conflicts with the application of Policy D6 of the London Plan, the garden spaces meet the minimum standards for private outdoor space set by this policy.
14. The appellant has referred to an appeal decision¹ to support the shortfall in garden space. However, the appeal relates to a very different scale of development which had significant regeneration benefits and was assessed against a different policy context.

Outlook, Noise and Disturbance

15. I accept that the proposal would likely generate more occupants than the existing house. Flats would be occupied independently, which may result in comings and goings at different times compared to the occupation of a single house. I acknowledge that the area tends to be comprised of similar properties, and note that an additional intensity of noise may in theory arise within the property and use of outside spaces.
16. However, there are higher density examples of housing relatively nearby, such that some additional intensity of use would not be uncharacteristic. The existing house is generous and, subject to its extension, could in itself host a large number of residents. The surrounding area is, moreover, fairly lively. There is noise generated at various times from the shops and services on Ripple Road, local schools, together with vehicular movements along the A123 itself.
17. In that context the additional intensity that the proposal would entail would not, in my view, diverge significantly from prevailing conditions. The scheme would integrate reasonably with the prevailing character of the area. I note

¹ APP/M4320/W/20/3266042; APP/Z5060/W/21/3268706

there are also separate provisions for dealing with noise, from whatever property, which amounts to a statutory nuisance.

18. Notwithstanding this, the separate households would require more refuse and recycling storage. The area in front of the house would provide adequate space for this storage and I am satisfied that the delivery of this could be addressed by condition. For these reasons the proposal would not unduly affect the living conditions of neighbouring occupants. Thus, it would accord with policy BP8 of the Borough Wide DPD and policies GG1, GG4 and D14 of the London Plan that seek, amongst other things, to ensure that high quality living conditions are delivered by residential development for existing and proposed occupiers.

Other Matters

19. Concerns have been raised regarding the quality of accommodation in terms of internal space. However, given that all the flats meet the nationally described space standards, I am satisfied that in this regard the proposal would provide satisfactory living conditions to future occupants.
20. The Council refer to their emerging Local Plan which is currently progressing through examination at a relatively advanced stage. While that plan cannot yet be accorded full weight, insofar as relevant to the circumstances here it seeks to protect family housing which I have dealt with under the first main issue in any event.

Planning Balance

21. Housing Delivery Test data from 2020 returns a result of 57% and for 2021 66%. Although performance has therefore evidently improved, given footnote 8 to the NPPF, paragraph 11.d) ii) is engaged. Namely, given that housing delivery has faltered relative to needs, permission should be withheld only where the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits. In that context I have reasoned that the proposal would be acceptable in terms of the supply of family housing and effects on living conditions of those nearby.
22. The sole matter on which I identified harm would result is in respect of outside space provision. Nevertheless, for the reasons given in paragraphs 12 to 14 of this decision, the weight accorded to that harm is limited. Moreover, the scheme would meet the minimum garden space figures in policy D6 of the London Plan, if not the application of that policy, and there are no set thresholds in the Framework. Consequently, whilst outside space arrangements would perhaps be sub-optimal, they would not be significantly so, or unacceptable to many individuals in this central location. That is in clear contrast to the Inspector who determined the appeal at 169 Hardie Road brought to my attention by the Council.²
23. In this instance the proposal would deliver much needed housing in an area close to facilities, service and public transport. It would make efficient use of land and would support the objective of the Framework in boosting the supply of homes. Delivery has evidently been faltering for many years and therefore needs are pressing. There would also be economic benefits during conversion

² Ref. APP/Z5060/W/20/3265198, where the Inspector considered that the scheme there would have caused significant harm to the character and appearance of the area and that it would fail to provide adequate living conditions.

and occupants would bring trade and life to the nearby area. In that context the adverse effects of allowing the appeal would not significantly and demonstrably outweigh the harm that would result. Accordingly, other material considerations justify allowing the appeal.

Conditions

24. The Council requests that 8 conditions be imposed, which I conclude on below. In addition to the changes explained below, I have amended the wording of certain conditions to ensure that they meet the tests in the Framework and Planning Practice Guidance without altering their fundamental aims.
25. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty.
26. To protect the character and appearance of the area a condition is necessary to clarify the full details of the hard and soft landscaping, including its establishment and maintenance. I have also imposed a condition to ensure the external materials used in the development match the existing house for the same reason. However, a condition requiring a scheme of improvement works to uplift the external facades of the existing house is not directly relevant to the development being permitted.
27. To also protect the character and appearance of the area, as well as to ensure adequate living conditions for future and neighbouring occupants, conditions are required to clarify the details of boundary treatments and refuse and recycling storage. As the details of the boundary treatments can be included in the details of the hard and soft landscaping, I have combined these requirements into a single condition. To encourage sustainable modes of transport, a condition is also necessary to ensure the provision of cycle parking facilities from occupation and their retention.
28. I have not imposed the condition requiring the additional window on the eastern elevation of the property to be finished in obscure glaze, as it is not clear which window the condition is referring to. Notwithstanding this, the plans show all the windows on this elevation, which would all be newly constructed, to be obscure glazed and non-opening up to 1.7m above floor level. The condition is, therefore, imprecise and unnecessary.

Conclusion

29. For the reasons above, having had regard to the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Hannah Guest

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos J72-1 (Rev A); J72-2; J72-3; J72-4; J72-5; J72-6 (Rev A); J72-7; J72-8 (Rev A).
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Before any dwelling hereby permitted is first occupied, a hard and soft landscaping scheme shall have been implemented in line with details previously submitted to, and agreed in writing by, the local planning authority. These details shall include a full planting schedule and plan for the front and rear gardens, and the position, design, materials and type of boundary treatments, including secure pedestrian gates into the rear gardens. Once implemented the landscaping shall thereafter be maintained.
- 5) Before any dwelling hereby permitted is first occupied, refuse and recycling storage shall have been implemented in line with details previously submitted to, and agreed in writing by, the local planning authority. Once implemented the refuse and recycling storage shall thereafter be maintained.
- 6) Before any dwelling hereby permitted is first occupied, bicycle storage within each garden shall have been implemented in line with details previously submitted to, and agreed in writing by, the local planning authority. Once implemented the bicycle storage shall thereafter be maintained.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/D/22/3308606

Appeal Application Description:

Construction of an outbuilding

Decision:

Appeal
Allowed



Longbridge Rd

A124

Shirley Gardens

Lyndhurst Gardens

Shirley Gardens

Shirley Gardens

Shirley Gardens

Shirley Gardens

Hurstbourne Gardens

Hurstbourne Gardens

Learning Cycle Tutors

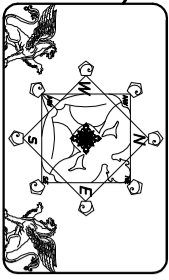
Google

A124

Hulse Ave

Hulse Ave

Hurst



T.M.D.S.Ltd
Architectural Services
& Vastu Consultancy
Mobile : 07887555550

Client's:
Mr. Rustem Geca

Proposed Development:
180 Longbridge Road
Essex
IG11 8ST

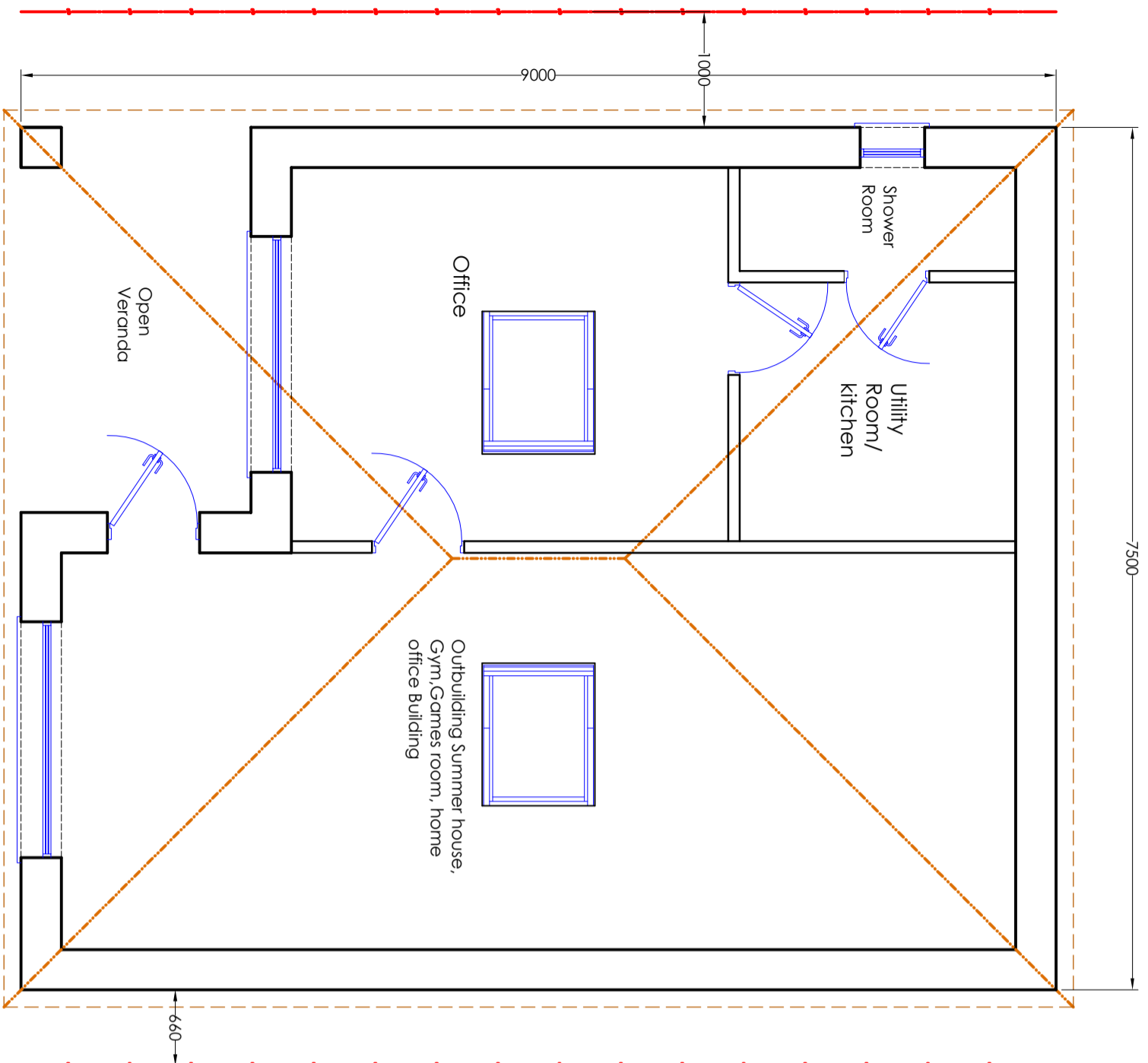
Issue:
Planning Approval

Scale: 1:50@A3
Job No: 310/Rear
Shed

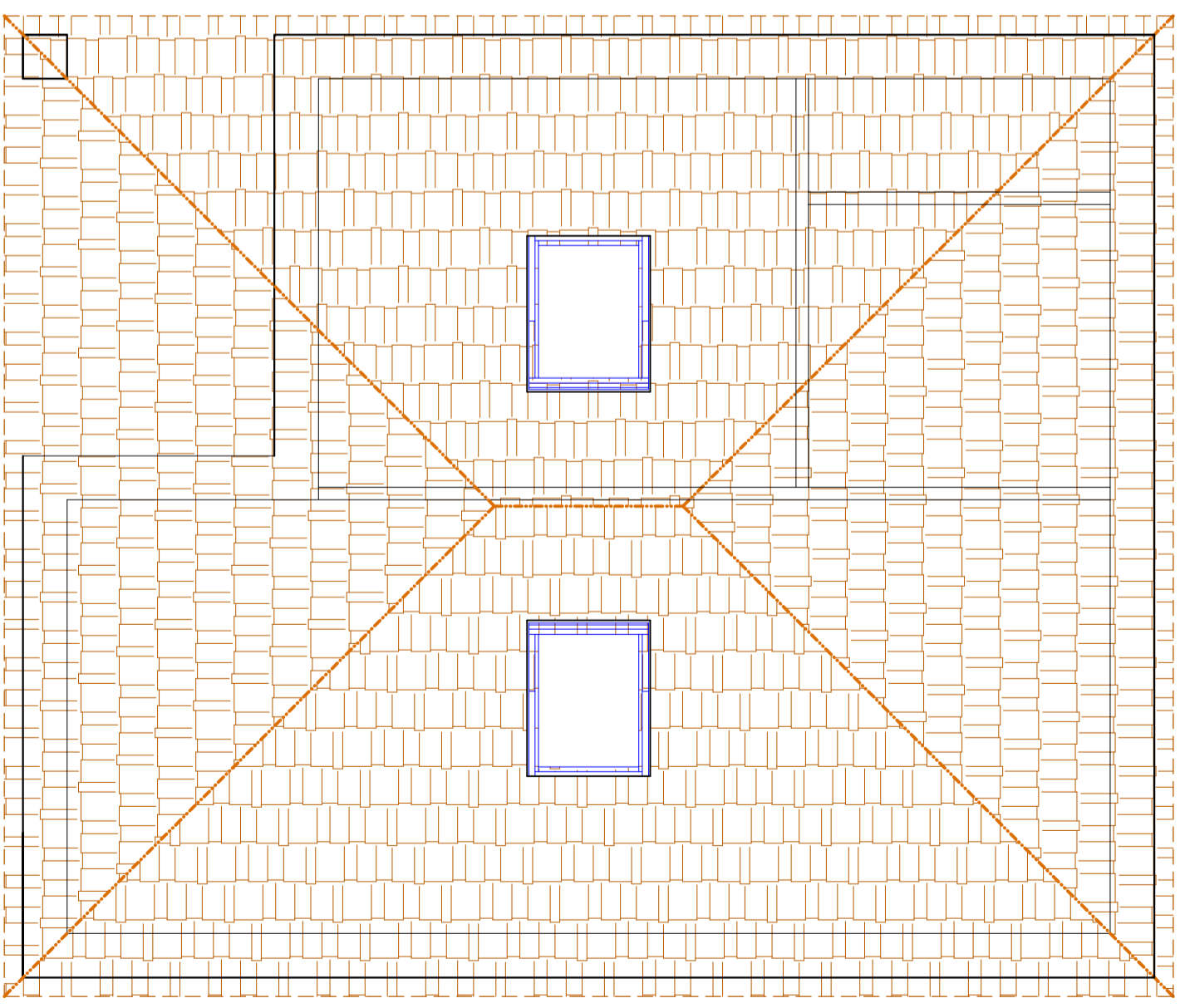
Date: 2022/07/11
Dwg No: 1

Project Description
Outbuilding Summer house,
Gym,Games room, home office
Building
Utility Room/Kitchen

GENERAL NOTES : "This drawing is prepared solely for design and planning submission purposes. It is not intended or suitable for either Building Regulations or Construction purposes and should not be used for such".
Structural Design and Building Control Approval is required before construction commences. This drawing is subject to copyright do not reproduce this drawing without prior permission.



Proposed Ground Floor Plan



Proposed Roof Plan

LBBB Reference: 22/01251/HSE

Kirit Tailor

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

Dear Sir / Madam,

Application Number: 22/01251/HSE
Address: 180 Longbridge Road, Barking, Barking And Dagenham, IG11 8ST
Development Description: Construction of an outbuilding

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

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

Yours sincerely,

Marilyn Smith

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

PLANNING DECISION NOTICE

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

Agent: Kirit Tailor
Applicant: Rustem Geca
180 LONGBRIDGE ROAD
BARKING

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/01251/HSE
Application Type: Householder Planning Permission
Development Description: Construction of an outbuilding
Site Address: 180 Longbridge Road, Barking, Barking And Dagenham, IG11 8ST
Date Received: 20 July 2022
Date Validated: 20 July 2022

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

1. The proposed scale of the outbuilding is considered overly large and not appropriate for the rear garden setting, taking into consideration the existing extension at the property. This reduces the quality of amenity and raises concerns over it being considered ancillary to the main dwelling.. As such, the proposed development is contrary to:

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

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

Informative(s):

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

- External Area Site Plan, 04, 22/08/22
- Proposed Elevations, 02, 11/07/22
- Plans, 01, 11/07/22
- Block Plan, 03, 11/07/22

Working with the applicant:

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

DATE OF DECISION: 30/08/22

Yours sincerely,

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

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

Site visit made on 9 December 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2022

Appeal Ref: APP/Z5060/D/22/3308606 180 Longbridge Road, Barking, IG11 8ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rustem Geca against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 22/01251/HSE dated 20 July 2022, was refused by notice dated 30 August 2022.
 - The development proposed is construction of an outbuilding.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of an outbuilding at 180 Longbridge Road, Barking, IG11 8ST in accordance with the terms of the application Ref 22/01251/HSE dated 20 July 2022 and in accordance with the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision;
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg No: 1; Drg No: 2; Drg No: 3; and Drg No: 4.
 - 4) The outbuilding hereby approved may only be used for purposes incidental to the enjoyment of the dwellinghouse as such. It may not be used for purposes conflicting with the use of the property as a single dwellinghouse and in particular, it may not be used as a separate unit of accommodation.

Procedural Matters

2. The description of the development proposed is taken from the Council's decision notice, which is clear. The application form describes the development proposed as "an Outbuilding Summer house, Gym, Games room, home office Building, Utility Room/kitchen."
-

3. The appeal property benefits from planning permission¹ for development including a rear dormer extension and a single storey rear extension. Works relating to this existing permission appeared to be advanced at the time of my site visit.
4. The Council states that the proposed development would not result in any harm to the amenity of neighbouring occupiers.
5. The Council, in its reason for refusal, considers the proposal to be overly large and inappropriate for the rear garden setting as, when combined with the extension to the host property, it would, in the Council's view, "reduce the quality of amenity."
6. Whilst the Council, in its reason for refusal, states that there are "concerns over (the proposal) being considered ancillary to the main dwelling," I am mindful that the Council has suggested the imposition of a condition that would address this matter.
7. Taking all of the above into account, this decision letter focuses on the main issues in this case, which are as set out below.

Main Issues

8. The main issues in this case are the effect of the proposed development on local character; and whether the living conditions of current and future occupiers would be acceptable with regards to private outdoor amenity space.

Reasons

Local Character

9. The appeal property is an extended two storey semi-detached dwelling with living accommodation at roof level. It is set back from the road behind a short front garden/driveway area fronted by a low garden wall. There is a pavement and a wide grass verge between the garden wall and Longbridge Road.
10. The appeal property has a long garden to the rear. Behind this long garden there is a detached garage and a further area of land, including access to the garage.
11. During my site visit, I observed the appeal property's garden to be expansive. I also noted that it backs onto an area characterised by the presence of gardens and large outbuildings including, but not limited to, the appeal property's detached garage. The presence of gardens and large outbuildings affords the area a green and spacious character, albeit with large outbuildings appearing as a common feature.
12. Whilst the proposed outbuilding would be quite large, a substantial open area of rear garden would still remain between it and the house; and there are also further areas of garden land in front of the house and adjacent to the existing detached garage.
13. Further to this, the proposal would be situated adjacent to the existing detached garage and would be located within the vicinity of other large outbuildings.

¹ Reference: 22/00050/HSE.

14. As a consequence of all of the above, I find that the proposal would appear comfortable in its surroundings.

15. Taking this into account, I find that the proposed development would not harm the character and appearance of the area and would not be contrary to the National Planning Policy Framework; to London Plan (2021) Policy D4; to DPD² policies BP8 and BP11; to Core Strategy³ policy CP3; or to the Council's Residential Extensions and Alterations Supplementary Planning Document (2012), which together amongst other things, protect local character.

Living Conditions

16. The Council's Residential Extensions and Alterations Supplementary Planning Document (2012) generally seeks to ensure that extensions do not cover more than 50% of garden space when taken together with existing extensions or outbuildings. The proposed development, when combined with other extensions to the appeal property, would not amount to development covering more than 50% of the appeal property's garden space. This is accepted by the Council.

17. The Council goes on to state that the proposal, in combination with existing extensions, would cover more than 50% of useable rear garden space. However, I have found above that a substantial area of the rear garden would still remain and in its own Officer's Report, the Council itself has asserted that, even taking the proposal into account, "there is still ample garden remaining."

18. The proposal provides for plentiful outside private amenity space and there is no substantive evidence before me to demonstrate that that this would not be the case, or that the amount of remaining private amenity space would be so deficient as to result in any significant harm.

19. Furthermore, I note that Supplementary Planning Guidance is simply that. It provides guidance rather than policy requirements to be slavishly adhered to. In this case, the proposed development would be situated within a large garden and a large area of garden would be retained.

20. Taking all of the above into account, I find that the proposed development would be acceptable in respect of the living conditions of current and future occupiers with regards to private outdoor amenity space. The proposed development would not be contrary to the National Planning Policy Framework; to London Plan (2021) Policy D4; to DPD policies BP8 and BP11; to Core Strategy policy CP3; or to the Council's Residential Extensions and Alterations Supplementary Planning Document (2012), which together amongst other things, seek to protect residential amenity.

Conditions

21. I have considered the conditions suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition controlling external finishes is necessary in the interests of local character.

² Barking and Dagenham Borough Wide Development Policies Development Plan Document (2011).

³ Barking and Dagenham Core Strategy (2010).

22. A condition controlling the use of the outbuilding and preventing the outbuilding from being used as a separate unit of accommodation is necessary in the interests of ensuring that its use remains ancillary to the dwellinghouse. This is in order to comply with the limitations imposed by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Conclusion

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

N McGurk

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/W/22/3302777

Appeal Application Description:

Retrospective application for the construction of a single storey rear outbuilding and conversion into a one-bedroom flat to be used as accommodation ancillary to the main dwellinghouse

Decision:

Appeal
Allowed



Bell Farm Ave

Bell Farm Ave

Bell Farm Ave

Bell Farm Ave

Bell Farm Ave

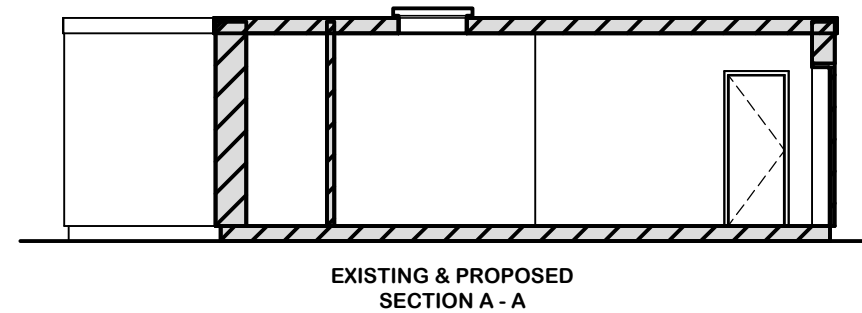
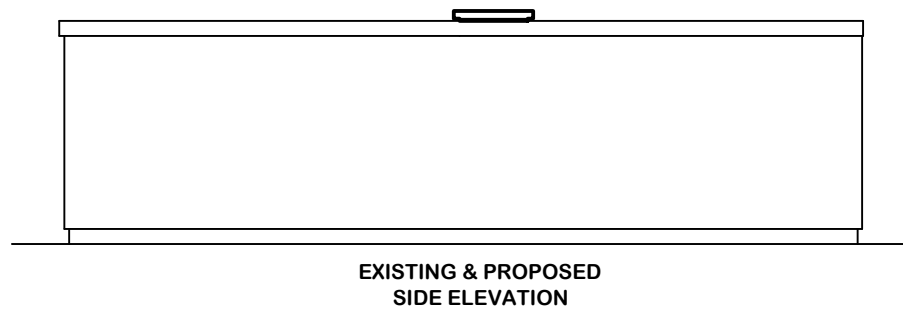
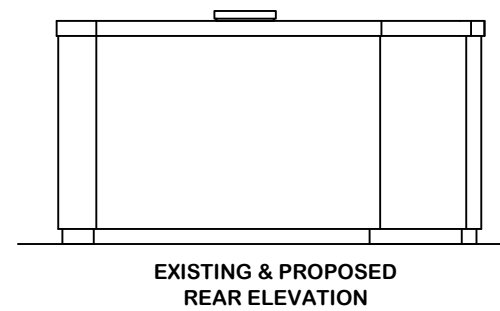
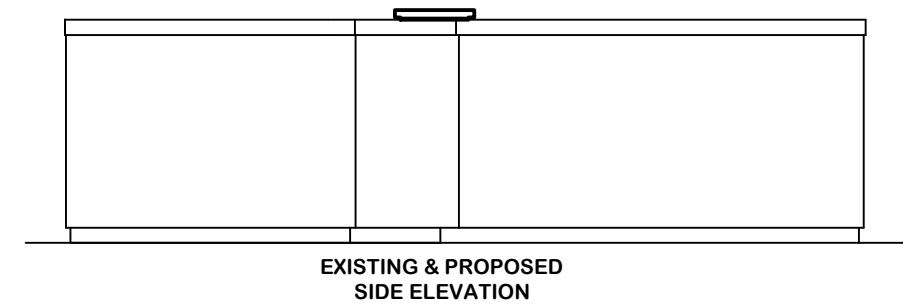
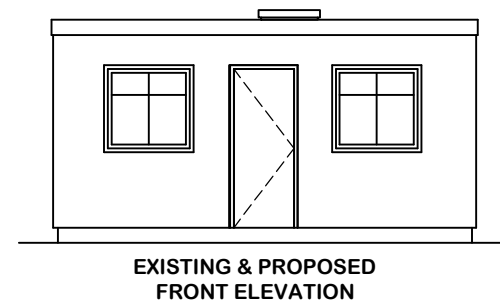
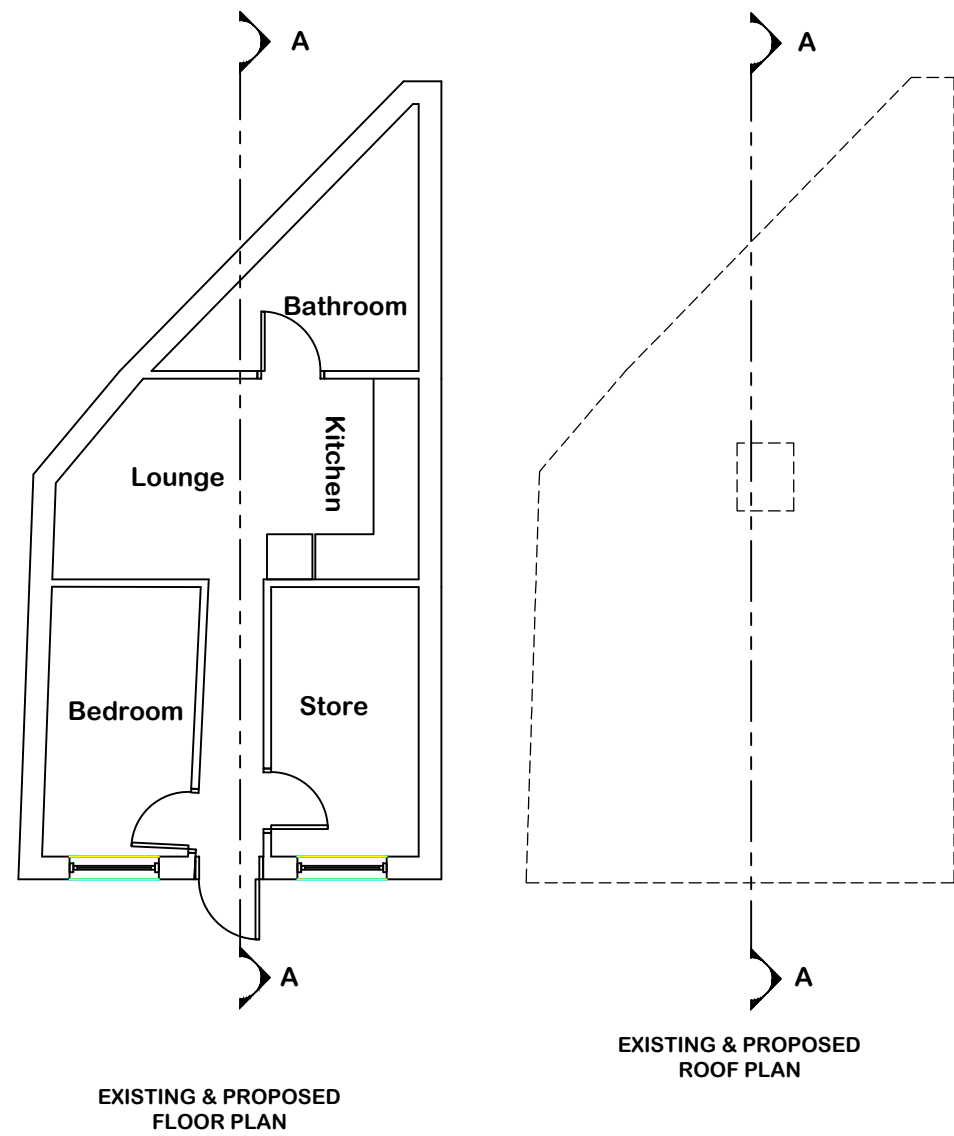
Bell Farm Ave

Hooks Hall Dr

Park Dr

Google

General Notes: All dimensions in mm unless specified otherwise | Contractors to confirm all dimensions on site



City Landmark Designs
(Planning, Appeals, Architectural, Calculations, Building Construction & Management)

1 Beadles Parade, Rainham Road South, Dagenham, Essex, RM10 8YL
Tel: 0208 593 2929 Mob: 07983 965 580
Email: info@citylandmark.net
Website: www.citylandmark.net

Proposed development:

Retention of the converted rear garden outbuilding into one bedroom flat.

Site location:

86 Bell Farm Avenue
RM10 7BB

Drawing No: 01

Scale: 1:100 @ A3

Date: Feb 2022

LBBB Reference: 22/00278/FULL

City Landmark Designs

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

Dear Sir / Madam,

Application Number: 22/00278/FULL
Address: 86 Bell Farm Avenue, Dagenham, Barking And Dagenham, RM10 7BB
Development Description: Retrospective application for the construction of a single storey rear outbuilding and conversion into a one-bedroom flat to be used as accommodation ancillary to the main dwellinghouse

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

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

Yours sincerely,

Marilyn Smith

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

PLANNING DECISION NOTICE

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

Agent: City Landmark Designs
Applicant: Ade Oloyode
86 BELL FARM AVENUE
DAGENHAM

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00278/FULL
Application Type: Full Planning Permission
Development Description: Retrospective application for the construction of a single storey rear outbuilding and conversion into a one-bedroom flat to be used as accommodation ancillary to the main dwellinghouse
Site Address: 86 Bell Farm Avenue, Dagenham, Barking And Dagenham, RM10 7BB
Date Received: 04 February 2022
Date Validated: 05 May 2022

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

1. The proposed 1 bed flat for reasons of size, scale, design and siting will appear at odds with the prevailing patterns of development given it would sit to the rear of the building line. The proposal therefore constitutes backland development which lacks in a sense of access, safety and approach. The proposal therefore represents an uncharacteristic and unsympathetic addition which is detrimental to the character and appearance of the property, terrace row and the surrounding local area. The proposal is considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, 2021);
- Policies D1, D4 and D8 of the London Plan (March 2021);
- Policy CP3 of the Core Strategy DPD (July 2010);
- Policy BP11 of the Borough Wide DPD (March 2011);
- Policies SP2, SP4 and DMD1 of the Draft Local Plan Regulation 19 consultation version (October 2020)

2. The proposal fails to provide ample bedroom space and adequate private external amenity space which is functional or useable harmful to the standard of living of residents of the 1 bedroom dwelling. The proposal is considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, July 2021)
- Policy D6 of the London Plan (March 2021)
- Policy BP5 of the Borough Wide DPD (March 2011)
- Policy DMNE1 of the Draft Local Plan Regulation 19 consultation version (October 2020)

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

Informative(s):

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

- Site Location Plan and Block Plan - Drawing no: 02 - Dated Feb 2022
- Existing Outbuilding Floor Plan, Roof Plan, Front, Rear and Side Elevations and Section Plan - Drawing no: 01 - Dated Feb 2022

Working with the applicant:

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

DATE OF DECISION: 19.06.2022

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

Site visit made on 12 January 2023

by **L Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 February 2023

Appeal Ref: APP/Z5060/W/22/3302777

86 Bell Farm Avenue, Dagenham RM10 7BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Pastor Ade Oloyode against the decision of the London Borough of Barking and Dagenham Council.
 - The application Ref 22/00278/FULL, dated 4 February 2022, was refused by notice dated 19 June 2022.
 - The development is a rear garden outbuilding converted into a one-bedroom flat to be used as accommodation ancillary to the main dwellinghouse.
-

Decision

1. The appeal is allowed and planning permission is granted for a rear garden outbuilding converted into a one-bedroom flat to be used as accommodation ancillary to the main dwellinghouse, at 86 Bell Farm Avenue, Dagenham, RM10 7BB in accordance with the terms of the application, Ref 22/00278/FULL, dated 4 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 01 (Floor Plan, Roof Plan, Front, Rear and Side Elevations and Section Plan), and Drawing No. 02 (Site Location Plan and Block Plan).
 - 2) The outbuilding hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the main dwelling known as 86 Bell Farm Avenue, Dagenham, RM10 7BB.

Preliminary Matters

2. The Council amended the original description of development from that on the application form to add that the outbuilding is to be used as accommodation ancillary to the main dwellinghouse. As this ancillary nature is accepted by the appellant and is a key element of their proposal, I have included this in the description of development in the banner heading above.
3. An outbuilding is already present on the site and in use as residential accommodation, and it appears to be as shown on the plans before me. For the avoidance of doubt, I have determined the appeal based on the submitted plans.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions for its occupier.

Reasons

Character and appearance

5. The appeal site is an end terrace 2-storey residential dwelling which incorporates single storey extensions to its side and rear. The property has a flat roofed single storey building sited at the end of the rear garden. The proposal is for the use of this outbuilding as a dwelling annex ancillary to the main dwelling, and it provides a bedroom, lounge/kitchen, bathroom, and storeroom. There are no proposed alterations to the existing garden or wider plot. The site is within a predominantly residential area, with Central Park Dagenham directly to its rear.
6. While the Council has assessed the proposal as a new stand-alone dwelling and thus categorised the outbuilding's character as backland development, its use is ancillary to the main dwelling as it provides additional floorspace for the main dwelling's occupants. I therefore find a rear garden location is appropriate in principle, as is a lack of street presence or direct street access and approach. This ancillary nature could be further safeguarded by the imposition of a condition to control against the outbuilding being occupied or used as a separate entity to the main house.
7. The outbuilding is subordinate to the street's existing dwellings in height, mass, and scale. It is single storey with a flat roof, and its materials are sympathetic to the general character of the dwellings. I also noted a number of other structures in the rear gardens of Bell Farm Avenue, evident in views from the park. In this context the appeal outbuilding does not have appear incompatible with its surroundings.
8. In conclusion therefore, the development does not cause harm to the character and appearance of the area, and complies with policy CP3 of the Barking and Dagenham Core Strategy (2010), policy BP11 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document (DPD) (2011), and policies D1 and D4 of the London Plan (2021). The proposal also complies with Section 12 of the National Planning Policy Framework ('the Framework') (2021). Together this suite of policies require development proposals to deliver good design, achieve high quality standards in relation to the design and layout of new buildings and spaces, for the design of buildings and layout of new development to protect or enhance the character of the area, and to provide a safe, convenient, accessible, and inclusive built environment.
9. Based on the evidence available to me, I cannot be certain that Policies SP2 and DMD1 of the emerging Local Plan are in their final form. In any event, based on their wording included in the Barking and Dagenham Draft Local Plan 2037 (Second Revised Regulation 19 Consultation Version, Autumn 2021), these emerging policies would not materially change the approach in the adopted development plan, insofar as is relevant to the issues raised in this

appeal. Therefore, the precise weight which should be attached to the emerging Local Plan has not been a determinative factor in my consideration of this main issue.

10. The Council's reason for refusal also includes policy SP4 of the Draft Local Plan, but this relates to delivery of social and cultural facilities, and policy D8 of the London Plan, which refers to public realm, and so I do not find them directly relevant to this appeal.

Living conditions

11. The Council has assessed the proposal based on living conditions policies and standards which would be applied to a new dwelling. While the proposal is not for a new dwelling, these policies generally seek to ensure satisfactory standards of living conditions for residents. Similarly, the Nationally Described Space Standard is useful as a proxy, in the absence of other detailed guidance for ancillary accommodation. The outbuilding has a slight deficiency against the specified standards, but I find this is acceptable considering its ancillary nature. I was also further satisfied on my site visit that there is sufficient internal space, as it did not feel cramped overall, and the bedroom accommodated a bed plus space for some furniture and circulation.
12. The outbuilding is single aspect, with only the bedroom and storeroom incorporating windows. While the kitchen/lounge therefore has no direct outlook, it was very bright internally due to the rooflight plus light through the glazed front door. On balance this lack of outlook is acceptable considering the ancillary nature of the floorspace and its garden outbuilding location.
13. The outbuilding's occupant shares the existing dwelling's access, garden, and parking. The lack of a separate private garden supports the nature of the proposal as ancillary accommodation. This is therefore not a factor causing harm to the standard of living conditions for its occupier.
14. In conclusion, the development provides acceptable living conditions for its occupier. In as much as the policies seek to ensure satisfactory standards of living conditions the development complies with policies BP5 of the Development Policies DPD and D6 of the London Plan. It also complies with paragraph 130 of the Framework regarding the need to provide a high standard of amenity for existing and future users. As above, the precise weight which should be attached to policies DMD1 and DMNE1 of the Draft Local Plan has not been a determinative factor in my consideration of this main issue.

Other Matters

15. I note the suggestion that the outbuilding has previously been used as private rental accommodation, but this has not affected my determination of the current proposal.

Conditions

16. I have attached a condition to specify the approved plans to provide clarity for the terms of the permission. I have also imposed a condition requiring the outbuilding to not be occupied or used at any time other than for a purpose ancillary to the residential use of the dwelling, as this is central to the acceptability of the scheme.

17. The Council proposed a condition requiring details of cycle parking to be agreed. As the outbuilding includes a large storage room, I do not find this necessary.
18. The Council also proposed a condition requiring agreement of car parking details. However, although the dwelling is located in a PTAL 1a area, a lack of parking was not cited as a reason for refusal. Furthermore, my site visit identified off-street parking available for at least 3 cars. Therefore, in reflecting paragraph 56 of the Framework and the Planning Practice Guidance, I find that a condition requiring details of car parking spaces is not necessary.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the development accords with the development plan taken as a whole, and therefore the appeal is allowed.

L Hughes

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/X/21/3284654

Appeal Application Description:

Application for a lawful
development certificate
(proposed) for the demolition of
the existing outbuilding and the
construction of a new outbuilding

Decision:

Appeal
Dismissed



A124

Longbridge Rd

Shirley Gardens

Shirley Gardens

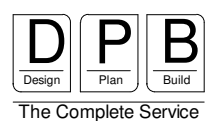
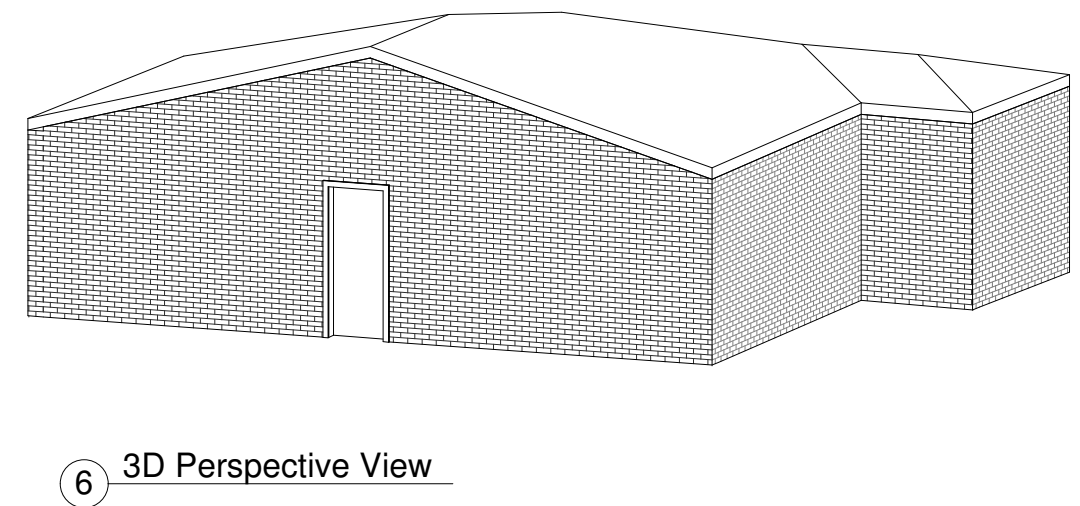
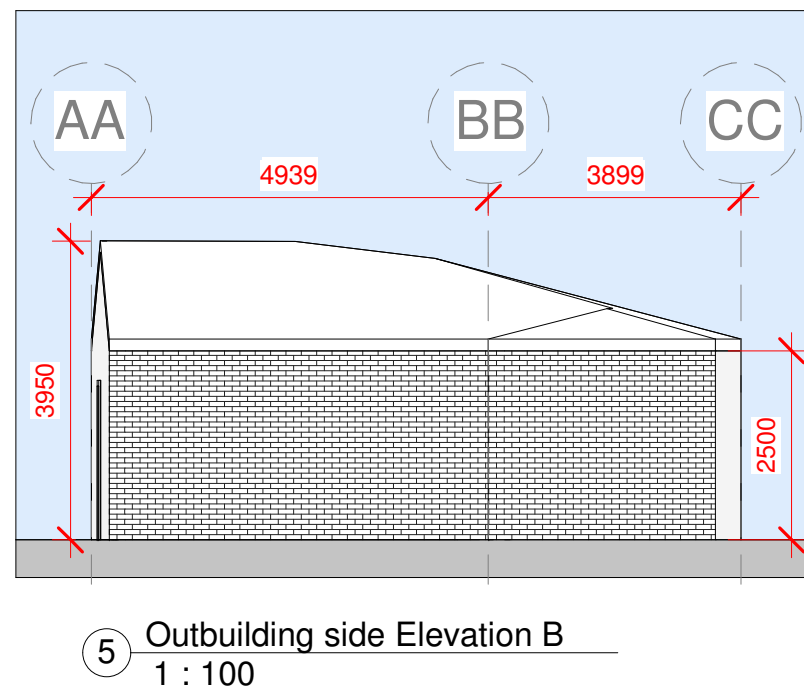
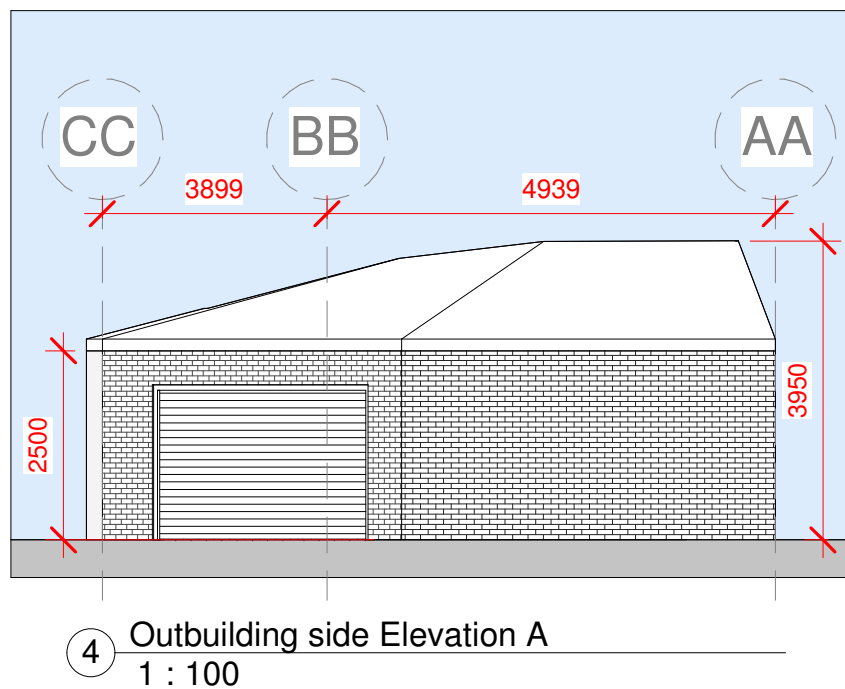
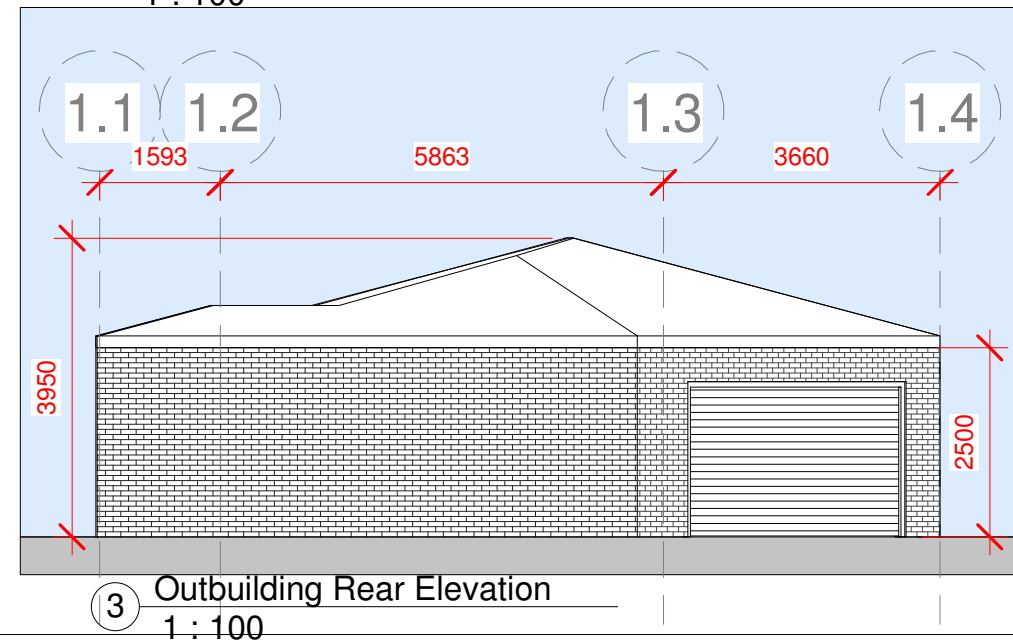
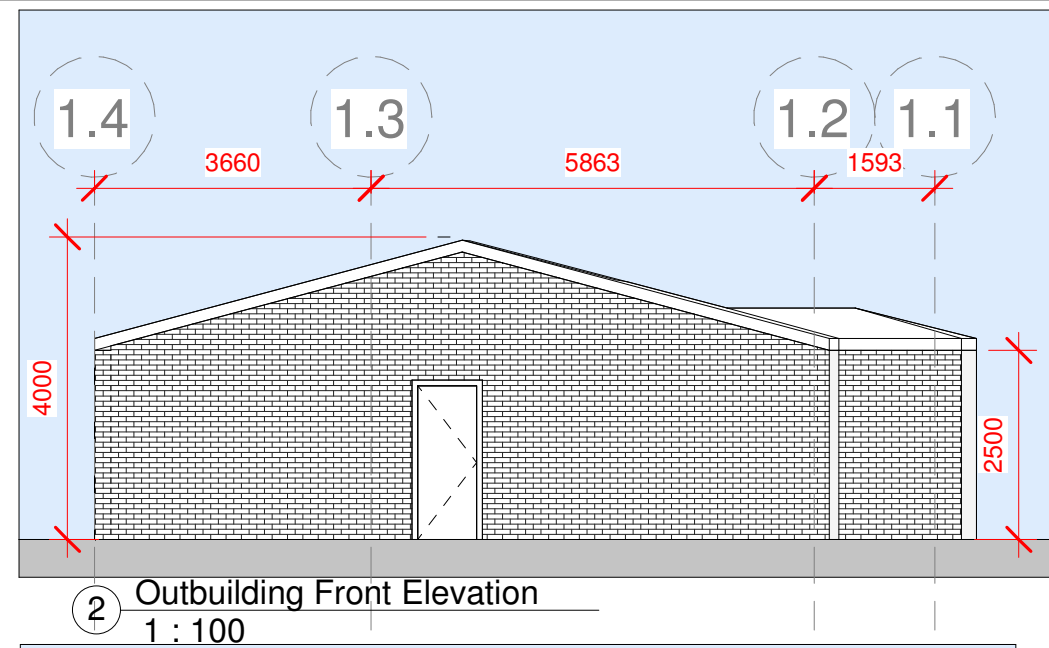
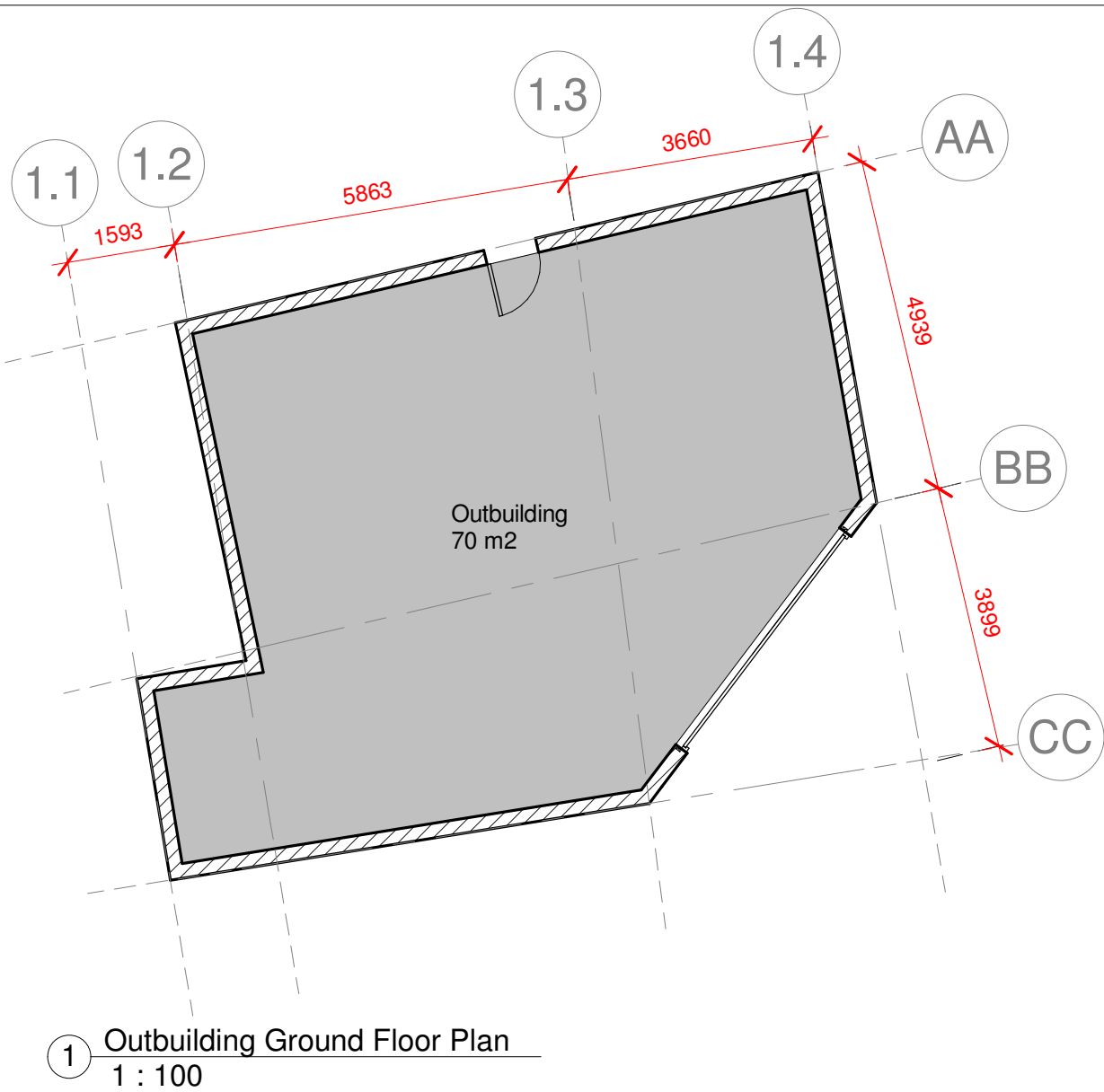
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DPB LTD
4 The Triangle
Tanner Street
Barking, IG11 8QA
tel: 020 8591 4000
www.dpb ltd.co.uk

Client Mr Ali Kholghi
Project: 188 Longbridge Rd, Barking, IG11 8SU

| | |
|---------|------------|
| Scale | 1:100 @ A3 |
| Date | 10/06/2021 |
| Drawn | BD |
| Checked | AA |

Project
DPB/BD/P/003

Drawing
Outbuilding - Plans and Elevations

Signed of

Signature

Signed of

LBBB Reference: 21/01222/CLUP

Ben Dalton
4 The Triangle
BARKING
IG11 8QA

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

Dear Sir / Madam,

Application Number: 21/01222/CLUP
Address: 188 Longbridge Road, Barking, Barking And Dagenham, IG11 8SU
Development Description: Application for a lawful development certificate (proposed) for the demolition of the existing outbuilding and the construction of a new outbuilding

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

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

Yours sincerely,

Marilyn Smith

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

PLANNING DECISION NOTICE

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

Agent: Ben Dalton
4 The Triangle
BARKING IG11 8QA

Applicant: Ali Kholghi
IG11 8QA

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 21/01222/CLUP
Application Type: Lawful Development Certificate (Proposed Use)
FIRST SCHEDULE (Use / Development / Matter): Application for a lawful development certificate (proposed) for the demolition of the existing outbuilding and the construction of a new outbuilding
SECOND SCHEDULE (Site Address): 188 Longbridge Road, Barking, Barking And Dagenham, IG11 8SU
Date Received: 29 June 2021
Date Validated: 06 July 2021

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby certifies that the use / development / matter described in the FIRST SCHEDULE to this certificate in respect of the land specified in the SECOND SCHEDULE and as identified on the plans specified below **WAS NOT LAWFUL ON 06 July 2021** within the meaning of Section 191 of the Town and Country Planning Act 1990 for the following reason(s):

Reason(s):

1. The proposed development does not comply with the relevant conditions, limitations or restrictions applicable to development permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Specifically the proposed development fails to comply with Class E in its entirety and Class E.1(e)(ii) as detailed below:

The proposed development cannot be considered under Class E by virtue of failing to provide evidence of have a use that is incidental to the enjoyment of the main dwellinghouse.

Notwithstanding, Class E.1(e)(ii) *states that development will not be permitted under Class E if the height of the building, enclosure or container would exceed 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse. The proposed outbuilding is situated directly on the boundary of the curtilage of the dwellinghouse and has a height of 4m. It therefore fails to comply with Class E.1(e)(ii).*

Plan(s) and Informative(s):

1. The application hereby refused has been considered against the following plan(s) and/or document(s) submitted with the application: DPB/BD/P/001- Location Plan- 10/06/21, DPB/BD/P/002- Existing and Proposed Site Plan- 10/06/21, DPB/BD/P/003- Outbuilding - Plans and Elevations- 10/06/21, DPB/BD/P/004- Outbuilding - Existing Plans and Elevations- 10/06/21

Working with the applicant:

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

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

DATE OF DECISION: 26/07/21

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

Site visit made on 24 January 2023

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/Z5060/X/21/3284654 188 Longbridge Road, Barking IG11 8SU

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Ali Kholghi against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application ref 21/01222/CLUP, dated 14 June 2021, was refused by notice dated 26 July 2021.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is demolition of existing outbuilding and construction of new outbuilding.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application sought a certificate of lawfulness for a proposed development. The purpose of an application made under s.192 is to find out whether proposed development, as described in the application form and shown on the drawings, would be lawful if instituted or begun at the time of the application. The burden of proof rests with the appellant and the appropriate test of the evidence is the balance of probabilities.
3. The planning merits of the proposed development are not relevant to this appeal. My decision rests on the facts of the case and the interpretation of any relevant planning law.
4. Correspondence was sent to the appellant requesting access be made available to the site. However, the appellant did not attend at the requested time, and I was unable to view the site. Nevertheless, this has not prevented me from being able to determine the appeal since all the information needed was included with the application and appeal documents, and a decision can be reached on the papers without causing prejudice to any party.

Main Issue

5. I consider that the main issue is whether the Council's decision to refuse to grant an LDC was well-founded.

Reasons

6. The appeal site is a semi-detached dwellinghouse. The application sought to demonstrate that the demolition of an existing outbuilding and the construction

- of a new outbuilding would be development permitted by Article 3(1) Schedule 2 Part 1 Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
7. Class E(a) of the GPDO permits the provision within the curtilage of a dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse as such, subject to certain conditions and limitations.
 8. To benefit from the provisions of Schedule 2 Part 1 Class E of the GPDO, the proposed outbuilding must be required for a purpose incidental to the enjoyment of the dwellinghouse and must meet *all* [my emphasis] the limitations and conditions in Class E.
 9. In considering whether the purpose is incidental it is necessary to consider the purpose(s) for the building and the incidental quality in relation to the enjoyment of the dwellinghouse. It is also necessary to consider whether the building is genuinely and reasonably required to accommodate the uses(s) or activities and consequently achieve that purpose.
 10. Size is a relevant but not conclusive factor in determining whether the proposal would be incidental to the use of the dwellinghouse. In assessing whether the outbuilding is genuinely and reasonably required for incidental purposes it is necessary to apply objective reasonableness in consideration of all the relevant facts and circumstances.
 11. There is no indication of how the outbuilding would be used although the plans show a garage type door. Notwithstanding its size, which I consider to be fairly significant when compared to the dwellinghouse, in the absence of details about how the outbuilding would be used, I cannot conclude that it would be reasonably required for a purpose incidental to the enjoyment of the dwellinghouse.
 12. Accordingly, I find that the submitted evidence does not show, on the balance of probabilities, that the proposed outbuilding would be reasonably required for a purpose incidental to the enjoyment of the dwellinghouse. The proposed development would not, therefore, constitute permitted development by virtue of Schedule 2 Part 1 Class E of the GPDO.
 13. Additionally, the Council stated that the overall height of the outbuilding would be 3.95m which the appellant did not dispute. Consequently, the proposed outbuilding would fail to meet the Class E.1.(e)(ii) requirement as it would exceed 2.5 metres in height and would be within 2 metres of the boundary of the curtilage of the dwellinghouse.
 14. Accordingly, since the appellant has failed to demonstrate that the proposed outbuilding would be reasonably required for a purpose incidental to the enjoyment of the dwellinghouse, and as it does not comply with all the limitations and conditions in Class E, it would not be permitted by Class E of Part 1 of Schedule 2 of the GPDO.

Conclusion

15. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the *demolition of existing outbuilding and construction of new outbuilding* was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Felicity Thompson

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/D/22/3306334

Appeal Application Description:

Construction of a front porch with
pitch roof

Decision:

Appeal
Dismissed



B191

Bennett's Castle Ln

Bennett's Castle Ln

A124

Wood Ln

A124

Martin Rd

Martin Rd

Martin Rd

ValhalaGames

Family Tree Services

Emphasize Body Studios

Ucps-Romania

Google



EXISTING FRONT ELEVATION

| REFERENCE DRAWINGS | |
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NOTES
 PLEASE NOTE THAT BEFORE BUILDING WORKS COMMENCES IT IS THE RESPONSIBILITY OF THE BUILDER OR OWNER TO SERVE PARTY WALL NOTICES TO ALL NEIGHBORS

| No | DATE | REVISION | BY | CHK |
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CONSULTANT
 CIVIL ENGINEERS
 STRUCTURAL ENGINEERS
 ARCHITECTURAL DESIGNERS



Contact: 07947249323

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| DRAWN F.R | CLIENT/PROJECT 5 WOOD LANE | DRAWING No. D05 |
| CHECKED A.R | | SCALE: 1:50 |
| PROJECT NO. | TITLE EXISTING FRONT ELEVATION | DATE: 28-05-2022 |



PROPOSED FRONT ELEVATION

| REFERENCE DRAWINGS |
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NOTES
 PLEASE NOTE THAT BEFORE BUILDING WORKS COMMENCES IT IS THE RESPONSIBILITY OF THE BUILDER OR OWNER TO SERVE PARTY WALL NOTICES TO ALL NEIGHBORS

| No | DATE | REVISION | BY | CHK |
|----|------|----------|----|-----|
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CONSULTANT
 CIVIL ENGINEERS
 STRUCTURAL ENGINEERS
 ARCHITECTURAL DESIGNERS

 Contact: 07947249323

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|----------------|-----------------------------------|---------------------|
| DRAWN F.R | CLIENT/PROJECT 5 WOOD LANE | DRAWING No. D07 |
| CHECKED A.R | TITLE PROPOSED FRONT ELEVATION | SCALE: 1:50 |
| PROJECT NO. | | DATE: 28-05-2022 |

LBBB Reference: 22/00933/HSE

Civils Consulting Ltd

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

Dear Sir / Madam,

Application Number: 22/00933/HSE
Address: 5 Wood Lane, Dagenham, Barking And Dagenham, RM8 3ND
Development Description: Construction of a front porch with pitch roof

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

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

Yours sincerely,

Marilyn Smith

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

PLANNING DECISION NOTICE

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

Agent: Civils Consulting Ltd **Applicant:** Munir Ahmad

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 22/00933/HSE
Application Type: Householder Planning Permission
Development Description: Construction of a front porch with pitch roof
Site Address: 5 Wood Lane, Dagenham, Barking And Dagenham, RM8 3ND
Date Received: 28 May 2022
Date Validated: 28 May 2022

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

1. The proposed development, by reason of its excessive depth fails to respect the character and appearance of the area. The proposal is therefore considered contrary to the Development Plan policies and guidance specified above. The proposal is therefore contrary to the following policies:

- National Planning Policy Framework (NPPF) (DLUHC, 2021);
- Policies D1, D4, D8 of the London Plan (March 2021);
- Policy CP3 of the Local Development Framework (LDF) Core Strategy (July 2010);
- Policy BP11 of the Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011);
- Policies SP2 and DMD6 of The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021);
- Sections 5.1 and 5.2 of the Residential Extensions and Alterations (SPD) (February 2012)

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

Informative(s):

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

- Site Location Plan - Drawing No. D10 - Dated 28.05.2022
- Block Plan - Drawing No. D09 - Dated 28.05.2022
- Proposed Side Elevation - Drawing No. D08 - Dated 28.05.2022
- Proposed Front Elevation - Drawing No. D07 - Dated 28.05.2022
- Proposed Roof Plan - Drawing No. D04 - Dated 28.05.2022
- Proposed Ground Floor Plan - Drawing No. D02 - Dated 28.05.2022

Working with the applicant:

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

DATE OF DECISION: 19.07.2022

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

Site visit made on 9 December 2022

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 December 2022

Appeal Ref: APP/Z5060/D/22/3306334 5 Wood Lane, Dagenham, RM8 3ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Munir Ahmad against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 22/00933/HSE dated 28 May 2022, was refused by notice dated 19 July 2022.
 - The development proposed is a front porch with pitched roof.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal property benefits from a recent planning permission¹ for the "construction of a small front porch with a pitch roof." The proposal the subject of this appeal is for a larger front porch.

Main Issue

3. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal property is a two storey mid-terrace dwelling extended at roof level and to the rear. It is located in a residential area and is situated along Wood Lane in a prominent position, close to Wood Lane's junction with Bennett's Castle Lane and opposite Wood Lane's junction with Martin Road.
5. The area is largely characterised by the presence of short rows of two-storey terraced houses of broadly similar design, set back from the road behind short gardens and/or parking areas and with longer gardens to the rear.
6. During my site visit, I observed that, whilst many dwellings have been altered and/or extended, the similarities in their overall appearance resulting from the rhythm of development, the common use of similar materials, the predominant presence of hipped roofs to end-dwellings, the regular appearance of gaps

¹ Reference: 22/0399/HSE.

between rows of dwellings and the presence of modest porches or canopies above front doors, provides for a pleasant sense of uniformity.

7. The row of terraced houses within which the appeal property is located presents many of these uniform features. Notably, there is an absence of any large porches to the front elevation of any of the dwellings in the terrace.
8. Whilst the appeal property benefits from a permission for the development of a porch, this is for a modest addition. In contrast, the proposed development is for a larger porch that would project forwards for some considerable depth. I find that the dimensions of the proposal are such that it would result in the development of a porch of such scale that it would appear as an incongruous feature – out of keeping with the uniform qualities of the terrace.
9. The harm arising from the above would be exacerbated as a result of the appeal property's prominent location, such that the proposal would draw undue attention to itself as an incongruent development widely visible in its surroundings.
10. Taking all of the above into account, I find that the proposed development would harm the character and appearance of the area contrary to the National Planning Policy Framework; to London Plan (2021) Policies D1, D4 and D8; to DPD² policy BP11; to Core Strategy³ Policy CP3; and to the Council's Residential Extensions and Alterations Supplementary Planning Document (2012), which together amongst other things, seek to protect local character.

Other Matters

11. In support of his case, the appellant draws attention to other developments in the area. However, as noted above, the proposal would result in harm to its immediate surroundings. Whilst there are examples of other porches elsewhere in the wider area, this is not a factor that mitigates the harm identified.

Conclusion

12. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

² Reference: Barking and Dagenham Borough Wide Development Policies Development Plan Document (2011).

³ Reference: Barking and Dagenham Core Strategy (2010).

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/W/22/3291686

Appeal Application Description:

Change of use of dwelling from 5 self contained flats (unauthorised use) to a House in Multiple Occupation.

Decision:

Appeal
Dismissed



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Caribbean kitchen

Car prime repair garage

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Hunters Hall

Hunters Square

Hunters Square

Hunters Square

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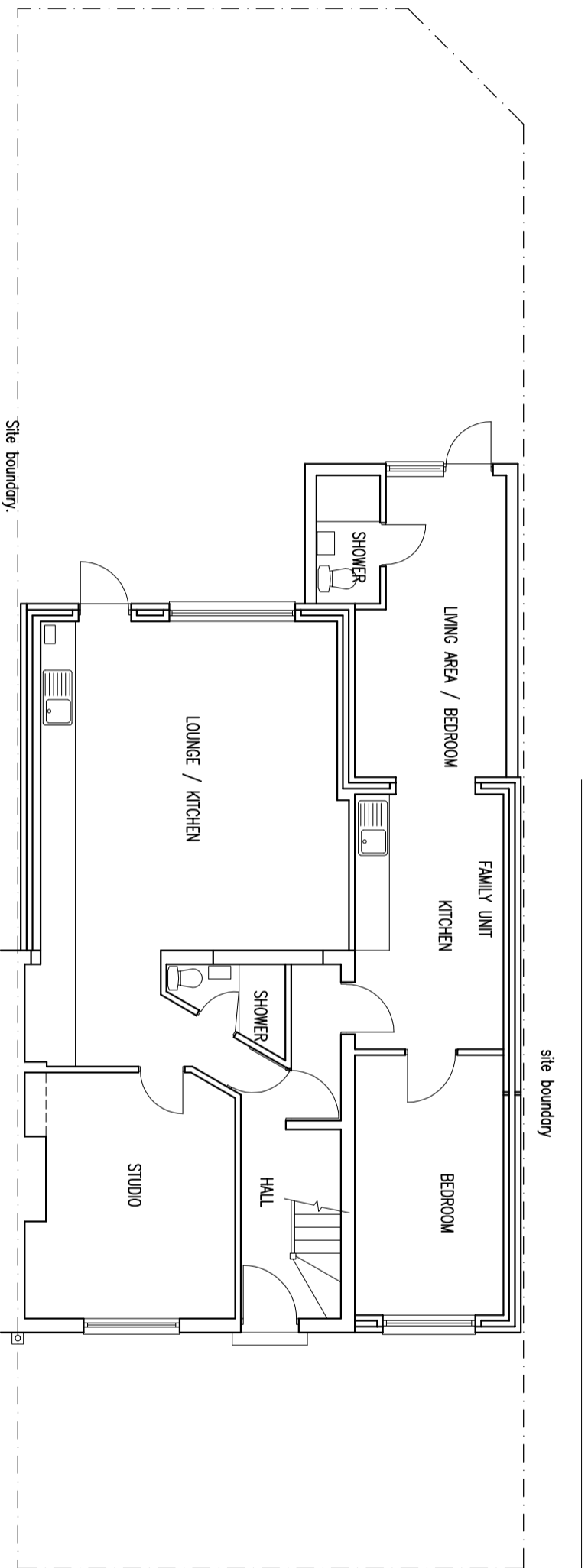
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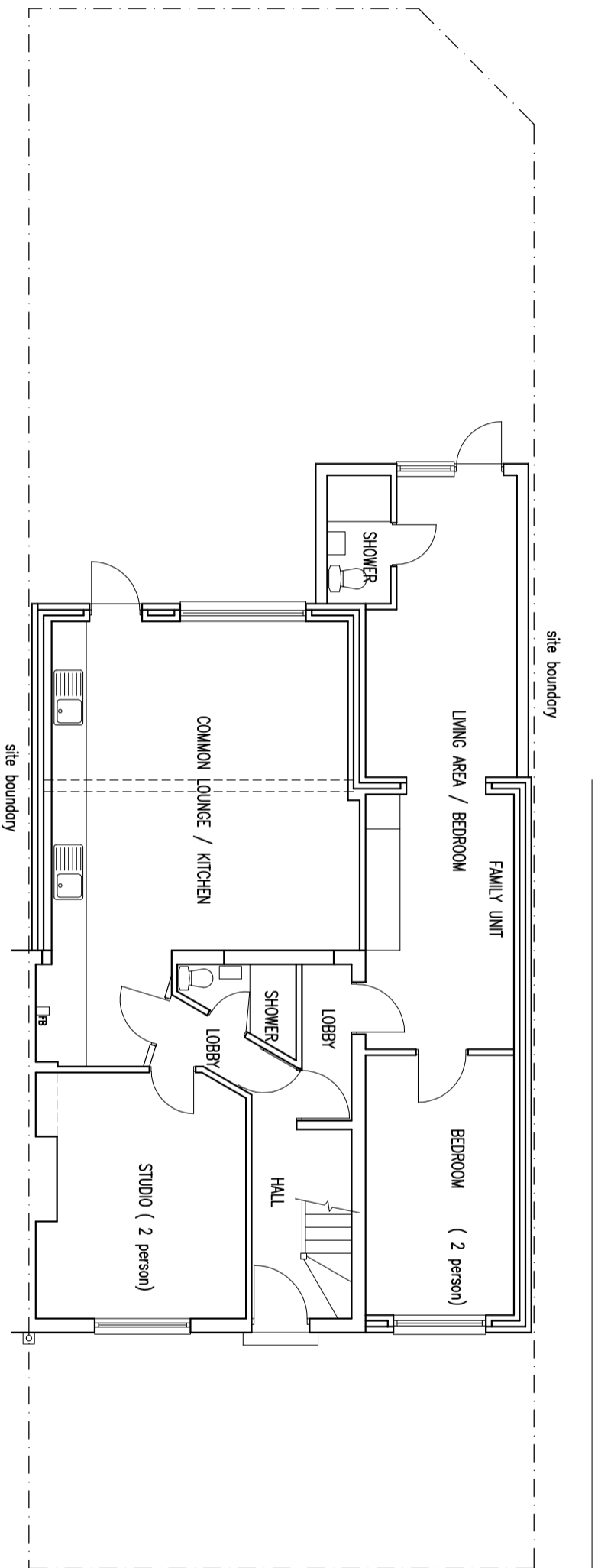
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EXISTING SITE LAYOUT



PROPOSED SITE LAYOUT



HUNTERS HALL ROAD

HUNTERS HALL ROAD

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|---------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------|----------|---------------|
| CLIENT DESIGN SERVICES LIMITED. 8 Timberdene Avenue, Barkingside, Essex, IG6 2LS. Tel. 020 8550 3320 | | EXISTING AND PROPOSED SITE LAYOUTS | Date | July 2021 |
| PROPOSED HOUSE IN MULTIPLE OCCUPATION AT 202 HUNTERS HALL ROAD, DAGENHAM, RM10 8HU | | PROPOSED HOUSE IN MULTIPLE OCCUPATION AT 202 HUNTERS HALL ROAD, DAGENHAM, RM10 8HU | Scale | 1:100 @ A3 |
| | | | Dgn. No. | C19/62/HMO 07 |

LBBD Reference: 21/01397/FULL

Physentzos Toouli

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

Dear Sir / Madam,

Application Number: 21/01397/FULL
Address: 202 Hunters Hall Road, Dagenham, Barking And Dagenham, RM10 8HU
Development Description: Change of use of dwelling from 5 self contained flats (unauthorised use) to a House in Multiple Occupation.

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

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

Yours sincerely,

Marilyn Smith

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

PLANNING DECISION NOTICE

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

Agent: Physentzos Toouli
Applicant: Ozmindik Ugur
202 HUNTERS HALL ROAD
DAGENHAM

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 21/01397/FULL
Application Type: Full Planning Permission
Development Description: Change of use of dwelling from 5 self contained flats (unauthorised use) to a House in Multiple Occupation.
Site Address: 202 Hunters Hall Road, Dagenham, Barking And Dagenham, RM10 8HU
Date Received: 22 July 2021
Date Validated: 27 July 2021

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

1. The conversion of the dwelling into a HMO would result in the loss of a family dwelling house to the detriment of the stock of larger homes in the borough, contrary to the following policies:

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

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

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

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

Informative(s):

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

application: -

- Existing and Proposed Site Plans - C19/62/HMO 07 - July 2021
- Proposed Ground Floor Plan - C19//62/HMO 04 - July 2021
- Proposed First Floor Plan - C19//62/HMO 05 - July 2021
- Proposed Loft Floor Plan - C19//62/HMO 05 - July 2021
- Site Location Plan - December 2014
- Planning Statement - July 2021

Working with the applicant:

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

DATE OF DECISION: 17.09.2021

Yours sincerely,

[Marilyn Smith](#)

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

- **Six (6) months:** Full application (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time and prior approval applications.
- **Twelve (12) weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **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 28 September 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 OCTOBER 2022

Appeal Ref: APP/Z5060/W/22/3291686

202 Hunters Hall Road, Dagenham RM10 8HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ozmindik Ugur against the decision of the London Borough of Barking and Dagenham Council.
 - The application Ref 21/01397/FULL, dated 20 July 2021, was refused by notice dated 17 September 2021.
 - The development proposed is described as 'Change of use of dwelling from 5 self-contained flats (unauthorised use) to a House in Multiple Occupation'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I saw on my visit that the appeal property is currently being used as 5 x self-contained flats. However, I acknowledge that the Council state this use to be unauthorised with an enforcement investigation taking place. I also recognise that the description of the development refers to them as such. The appellant in their statement refers to the use as unauthorised and there is no evidence before me to demonstrate the existing authorised use is anything but a single-family dwelling. Thus, I have assessed the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the Borough's supply of family housing; and
 - the effect of the proposal on the living conditions of occupants of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Family Housing

4. The appeal property is located on the edge of a residential area, close to local facilities and services. Hunters Hall Road is a relatively long road. I saw on my visit that along the section where the appeal property is located there is relatively frequent pedestrian movements associated with people accessing the shops and services on Oxlow Lane. This gave the area a degree of vibrancy. Vehicle movements are less frequent, as this end of the road is a dead end. To the rear of the appeal property are several garages that I understand are rented by the Council, as well as some industrial units.

5. Hunters Hall Road is made up of two-storey terraced properties, which appeared to be predominantly used as single-family dwellings. It has wide pavements which incorporate some parking and give the road a spacious feel. The appeal property is a two-storey end of terrace house with additional accommodation in the roof provided for by a rear dormer extension and velux rooflights. It is set on a moderate sized plot with space to park at the front and a modest sized rear garden.
6. Policy CC1 of the Council's Core Strategy (2010) (Core Strategy), in summary, seeks to ensure that sufficient family housing is created and maintained in the Borough. It defines this as three-bedroom, four bedroom or larger units. I acknowledge that its specific requirements relate to major housing developments (10 units or more). However, the supporting text explains that the Borough has lost larger family accommodation through housing conversion and the aim of the policy is to secure a much higher level of family provision.
7. Residential conversions and Houses in Multiple Occupation (HMOs) are covered by Policy BC4 of the Core Strategy, which seeks to preserve the stock of family housing. To achieve this, the first part of the policy clearly states that, when planning permission is required, the Council will resist proposals which involve the loss of housing with three bedrooms or more.
8. The proposal would change the existing authorised use as a single-family dwelling into an HMO. Although this would not technically result in the loss of a house with three bedrooms or more, the house would no longer be occupied by a single family and, as such, would conflict with the overarching aim of Policy BC4 to preserve the stock of family housing. Given this, the second part of Policy BC4 is not applicable, as it applies to proposals that are not resisted by the first part of the policy. Similarly, while it may be that supporting paragraph 3.4.2 refers to preserving 4-bedroom homes in particular, the overall aim of the policy is to preserve housing of three-bedrooms or more. The intention of the policy is clearly set out in paragraph 3.4.3 which states that it aims to ensure that the current deficit in family homes is not worsened by further flat conversions and HMOs.
9. I acknowledge that Policy H2 of the London Plan (2021) supports the delivery of new homes on small sites. I also understand that there may be evidence that shows there to be a high requirement in the Borough for 1-bedroom units and a greater level of under occupancy than overcrowding. Notwithstanding this, the Council refer to their emerging Local Plan, which is currently progressing through examination at a relatively advanced stage. Policy DMH 4 of the emerging Local Plan seeks to preserve and increase the stock of family housing, in a similar manner to Policy BC4 of the Core Strategy. While that plan cannot yet be accorded full weight, it shows that, based on current evidence, the Council are continuing to resist proposals for the conversion or loss of existing family housing with three or more bedrooms.
10. Furthermore, while I understand that there are no specific statistics regarding the need for 6-bedroom family homes, there is no substantive evidence before me showing that a 6-bedroom property would not be utilised to its full potential or would have a negative impact on the provision of housing in the Borough.
11. For the reasons above, the proposal would harm the Borough's supply of family housing and undermine the Council's specific intention to retain this type of housing. Accordingly, it would conflict with policies CC1 and BC4 of the Core

Strategy, policy GG4 of the London Plan and the aims of the National Planning Policy Framework (the Framework). These policies, amongst other things, seek to ensure that the homes being delivered provide for identified needs, in this case, family housing. It would also not accord with the terms of policies CM1 and CM2 of the Core Strategy and H9 of the London Plan. While these policies support residential development of previously developed land and properties, this is where the land or property is underused or would lead to vacant or under-occupied properties.

12. The proposal would not conflict with policies H1 and H2 of the London Plan, the Housing Supplementary Planning Guidance (2016) or Housing Delivery Test Action Plan (2020). However, the absence of any conflict with these policies does not justify conflict with other policies is a neutral factor in this case.

Living Conditions

13. Whether or not the proposal would generate a greater number of residents than a 6-bedroom family dwelling, given the rooms in HMOs are typically occupied independently, the use of the property would be different. The Council have referred to appeal APP/Z5060/W/20/3253029. I agree with the Inspector of that appeal, that unrelated adults are more likely to have individual daily schedules, deliveries and visitors and less likely to undertake activities together than a family, and that this will result in increased noise and disturbance. However, I understand that the circumstances relating to that appeal were different. The appeal property in that case was in close proximity to neighbouring properties at its sides and rear. Also, the proposal would have resulted in a house being located between two HMOs which would have exacerbated the harm to the living conditions of those occupants, which is not the case for this proposal. Given the size of the existing house, in this case, the subsequent noise and disturbance is likely to be limited. Furthermore, this section of Hunters Hall Road has a degree of vibrancy associated with the nearby facilities and services on Oxlow Lane. It also experiences some noise from the neighbouring commercial uses and garages to the rear. Therefore, any additional comings and goings would likely be a very modest addition to the movement patterns and noise levels that are typical of the area.
14. Notwithstanding this, the unrelated individuals would likely require more refuse and recycling storage. I saw on my visit that the property already had additional bins located at the front to cater for the 5 self-contained flats. From my observations I am satisfied that the provision of any additional bins, including the design of appropriate bin storage, could be secured by condition.
15. For these reasons the proposal would not unduly affect the living conditions of neighbouring occupants. Thus, it would accord with policies BP8 and BP11 of the Borough Wide DPD and the aims of the Framework. These seek, amongst other things, to ensure that high quality living conditions are delivered by residential development for existing and proposed occupiers, including waste facilities.

Planning Balance and Conclusion

16. Housing Delivery Test data from 2020 returns a result of 57% and for 2021 66%. Although performance has therefore evidently improved, there remains a considerable shortfall in delivery, and given footnote 8 to the NPPF, paragraph 11.d) ii) is engaged. Namely, given that housing delivery has faltered relative

to needs, permission should be withheld only where the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits. In that context I have reasoned that the proposal would be acceptable in terms of its effects on living conditions of those nearby.

17. However, I have identified that harm would result with regards to the Borough's supply of family housing. In this regard, the proposal would conflict with policies CC1 and BC4 of the Core Strategy, as well as policy GG4 of the London Plan. These are broadly consistent with the Frameworks aim to reflect the size, type and tenure of housing needed for different groups in the community in planning policies, including those who require housing for families with children.
18. I acknowledge that the proposal would provide additional accommodation that would meet the Technical Housing Standards – Nationally described space standard and could likely be delivered quickly in a location that is close to local facilities and services. However, while the proposal would contribute to the shortfall in housing delivery in the Borough, the contribution would be limited.
19. Therefore, while the Framework seeks to significantly boost the supply of housing and recognises the important contribution that small sites can make to meeting the housing requirement of an area, in this case, the adverse impact of losing a family-sized dwelling would outweigh the benefits of the additional accommodation provided by an HMO.
20. Consequently, when the proposal is assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. The proposal would not, therefore, benefit from the presumption in favour of sustainable development.
21. For the reasons above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Hannah Guest

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

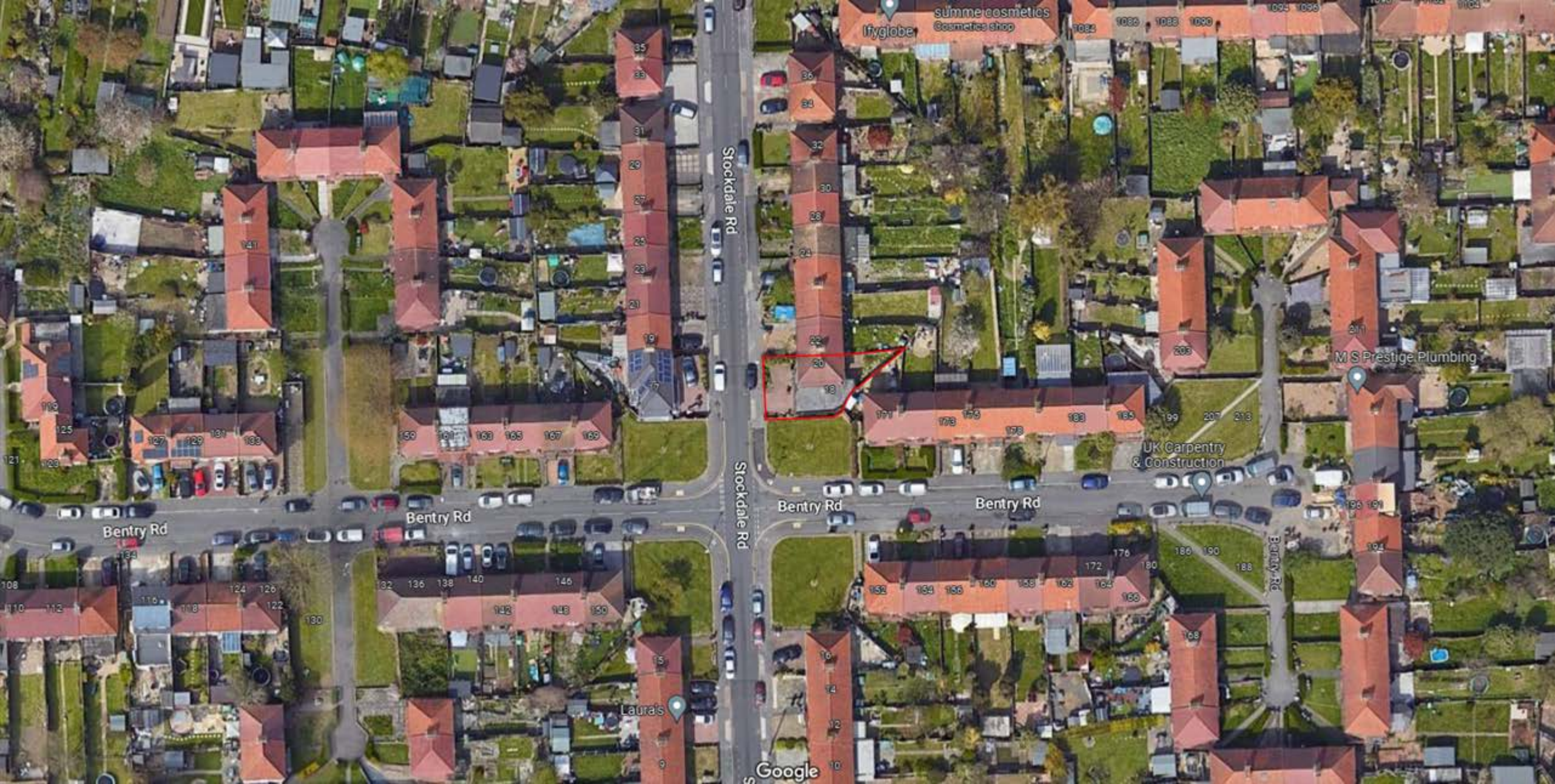
APP/Z5060/W/21/3282938

Appeal Application Description:

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

Decision:

Appeal
Allowed



summe cosmetics
Cosmetics shop

Stockdale Rd

Stockdale Rd

Bentry Rd

Bentry Rd

Bentry Rd

Bentry Rd

Bentry Rd

UK Carpentry
& Construction

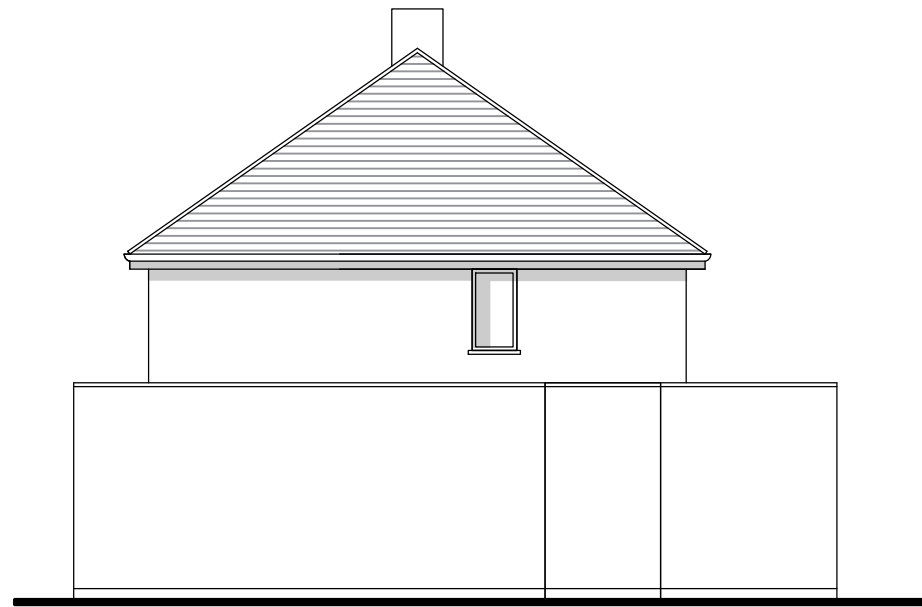
M S Prestige Plumbing

Laura's

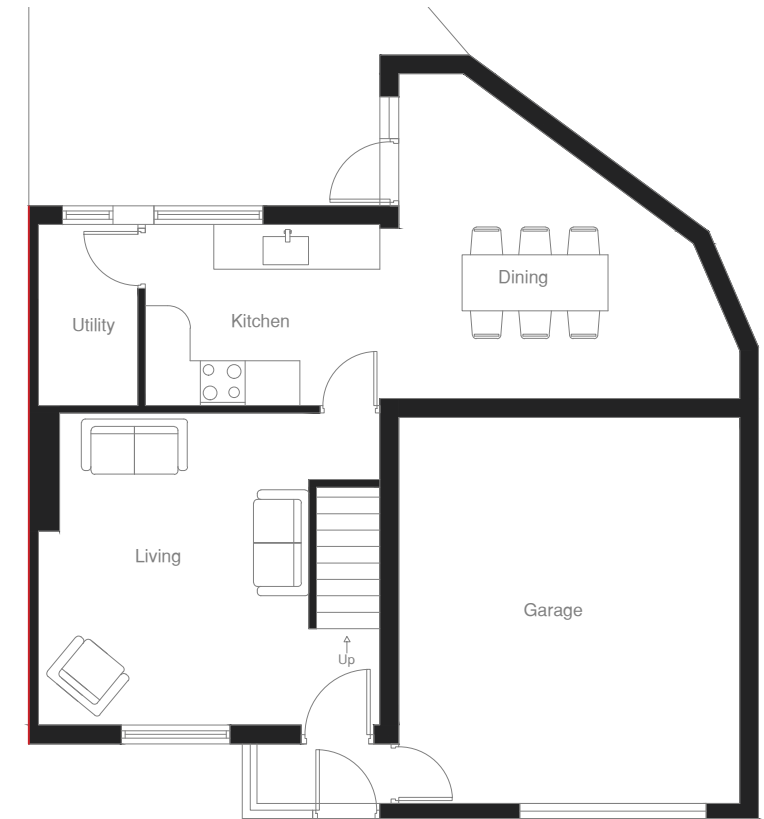
Google



FRONT ELEVATION
1:100 / A3



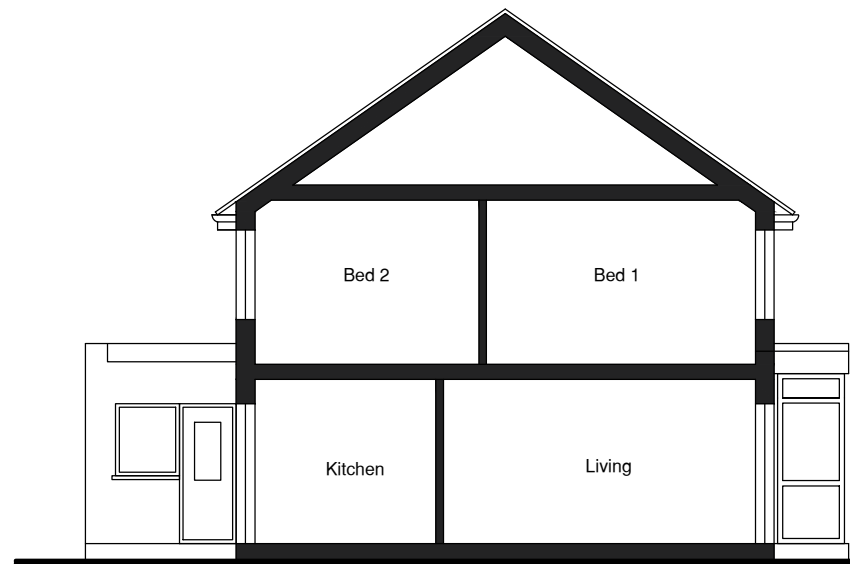
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1:100 / A3



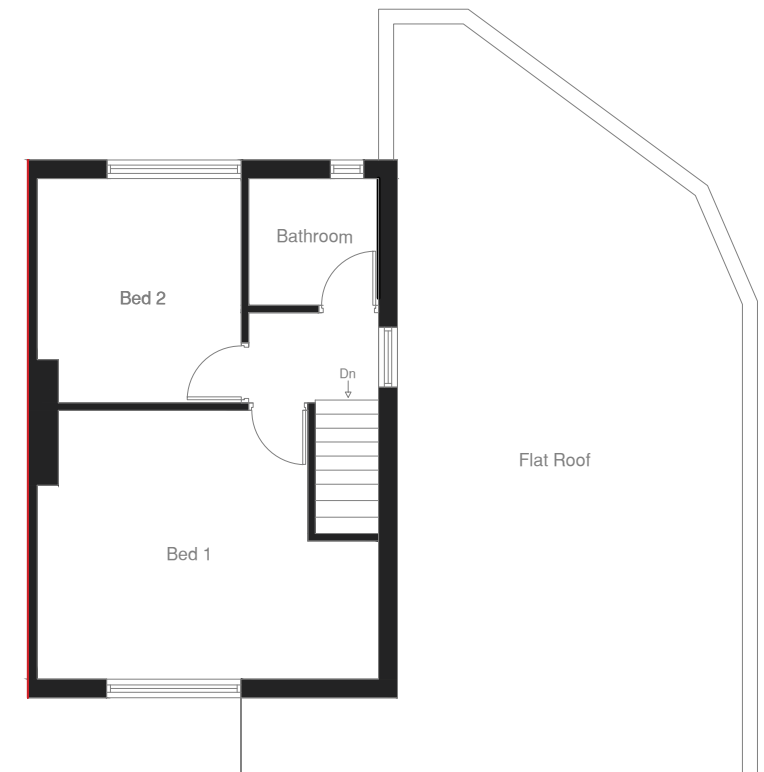
GROUND FLOOR PLAN
1:100 / A3



REAR ELEVATION
1:100 / A3



SECTION
1:100 / A3



FIRST FLOOR PLAN
1:100 / A3



Job title
18 STOCKDALE ROAD, RM8 3PS
NOTE: THESE DRAWINGS ARE FOR PLANNING PURPOSES ONLY.
A MEASURED SURVEY IS REQUIRED ON SITE BEFORE CONSTRUCTION.



Drawing title
EXISTING PLANS
Job No
2024_PL02
Scale @ A3
1:100
Date

Drawn by
RJ



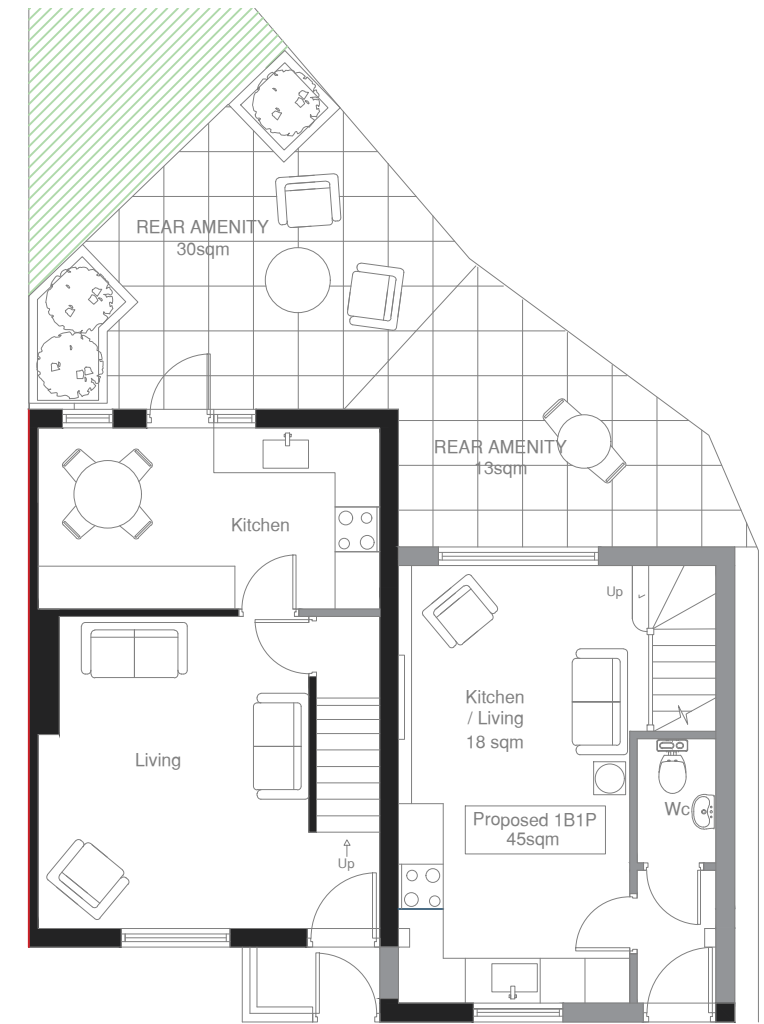
PLANNING
www.randRplanning.co.uk
RobertJon@Live.co.uk
Tel: 07436007718



FRONT ELEVATION
1:100 / A3



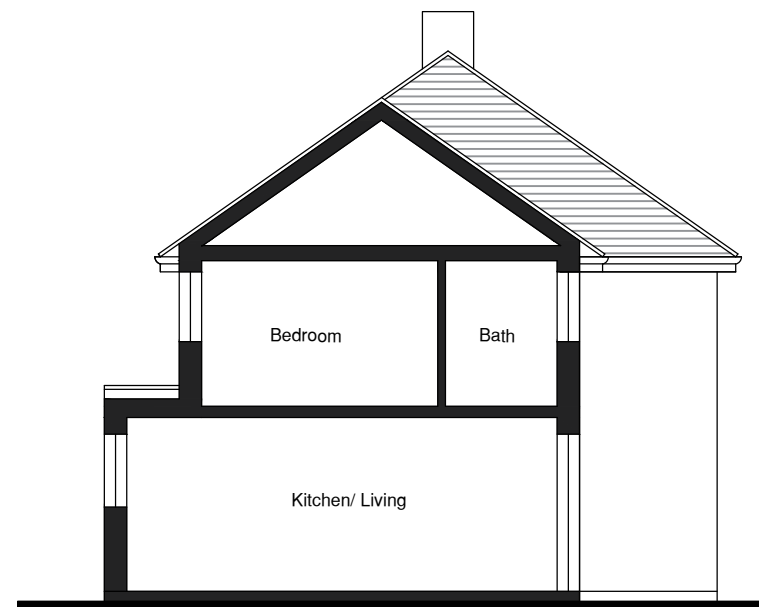
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1:100 / A3



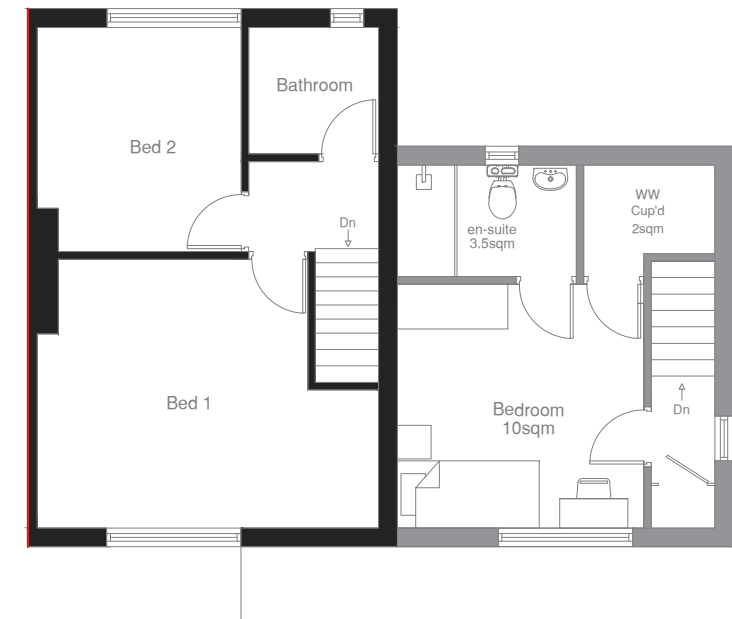
GROUND FLOOR PLAN
1:100 / A3



REAR ELEVATION
1:100 / A3



SECTION
1:100 / A3



FIRST FLOOR PLAN
1:100 / A3



Job title
18 STOCKDALE ROAD, RM8 3PS
NOTE: THESE DRAWINGS ARE FOR PLANNING PURPOSES ONLY.
A MEASURED SURVEY IS REQUIRED ON SITE BEFORE CONSTRUCTION.



Drawing title
PROPOSED PLANS
Job No: 2024_PL03
Scale @ A3: 1:100
Date:
Drawn by: RJ

r&R

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

LBBB Reference: 21/01190/FULL

Robert Fry
40 Parkview House
Hornchurch
RM12 4YW

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

Dear Sir / Madam,

Application Number: 21/01190/FULL
Address: 18 Stockdale Road, Dagenham, Barking And Dagenham, RM8 3PS
Development Description: Demolition of existing garage and the construction of a two storey, 1x bedroom dwelling

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

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

Yours sincerely,

Marilyn Smith

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

PLANNING DECISION NOTICE

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

| | | | |
|---------------|--------------------------------------------------------|-------------------|------------------------------------------------------|
| Agent: | Robert Fry 40 Parkview House Hornchurch RM12 4YW | Applicant: | BHARADIA 40 Parkview House Hornchurch RM12 4YW |
|---------------|--------------------------------------------------------|-------------------|------------------------------------------------------|

PART 1 - PARTICULARS OF THE APPLICATION

| | |
|---------------------------------|-----------------------------------------------------------------------------------------|
| Application Number: | 21/01190/FULL |
| Application Type: | Full Planning Permission |
| Development Description: | Demolition of existing garage and the construction of a two storey, 1x bedroom dwelling |
| Site Address: | 18 Stockdale Road, Dagenham, Barking And Dagenham, RM8 3PS |
| Date Received: | 25 June 2021 |
| Date Validated: | 25 June 2021 |

PART 2 - PARTICULARS OF THE DECISION

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

Conditions:

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

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

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

- 2024-PL03 - Proposed Plans
- 2024-PL04 - Proposed Site and Roof Plans

No other drawings or documents apply.

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

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

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

4. Prior to occupation of the development, details of the cycle parking facilities, shall be submitted to and approved in writing by the Local Planning Authority. The submission should include details of the security, monitoring and access arrangements for the cycle parking facilities. The development shall not be occupied until the approved details have been implemented. Thereafter, the cycle parking facilities shall be permanently retained.

Reason: In the interests of promoting cycling as a safe, efficient and non-polluting mode of transport and in accordance with policy BR11 of the Borough Wide Development Policies Development Plan Document.

5. No development shall commence until:

(a) an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments; and
- iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)'; and

- b. a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) The approved remediation scheme must be carried out in accordance with its terms prior to commencement of the development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met.

- d. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the Local Planning Authority.

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

Summary of Policies and Reasons:

In deciding to grant planning permission in this instance, Be First, working in partnership the London Borough of Barking and Dagenham, found the proposal to be acceptable following careful consideration of the relevant provisions of the National Planning Policy Framework, the Development Plan and all other relevant material considerations. Upon review, the London Borough of Barking and Dagenham is satisfied that any potential material harm resulting from the proposal's impact on the surrounding area would be reasonably mitigated through compliance with the conditions listed above.

The following policies are of particular relevance to this decision and for the imposition of the abovementioned conditions:

National Planning Policy Framework (NPPF) (MHCLG, February 2019)

London Plan (2020)

Policy D1 - London's Form, Character and Capacity for Growth

Policy D4 - Delivering Good Design

Policy D6 - Housing Quality and Standards

Policy H1 - Increasing Housing Supply

Policy H2 - Small Sites

Policy HC1 - Heritage Conservation and Growth

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

Policy CM1 - General Principles for Development

Policy CM2 - Managing Housing Growth

Policy CR2 - Preserving and Enhancing the Natural Environment

Policy CP2 - Protecting and Promoting our Historic Environment

Policy CP3 - High Quality Built Environment

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

Policy BP2 - Conservation Areas and Listed Buildings

Policy BP5 - External Amenity Space

Policy BP8 - Protecting Residential Amenity

Policy BP10 - Housing Density

Policy BP11 - Urban Design

Policy BR5 - Contaminated Land

Policy BR11 - Walking and Cycling

The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Consultation Version, September 2020)

The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Consultation Version, September 2020) is at an "advanced" stage of preparation. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making, unless other material considerations indicate that it would not be reasonable to do so.

Policy SP2 - Delivering a well-designed, high quality and resilient built environment

Policy SP 3 - Delivering homes that meet peoples' needs

Policy SP4 - Delivering quality design in the borough.

Policy DMD1 - Securing high quality design

Policy DMD4 - Heritage assets and archaeology remains

Policy DMD6 - Householder extensions and alterations

Supplementary Planning Documents

DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended)

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

Working with the applicant:

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

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

This development is potentially liable for payment of both the Mayor of London and London Borough of Barking and Dagenham's Community Infrastructure Levies (CIL). Further information about CIL, including the process that must be followed and forms that will be required, can be found on the Council's website: <https://www.lbbd.gov.uk/developer-contributions-cil-and-s106> . CIL forms can be submitted to: S106CIL@befirst.london

DATE OF DECISION: 12/08/2021

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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

Working in partnership



**Barking &
Dagenham**

Be First Regeneration Ltd

9th Floor Maritime House
1 Linton Road, Barking
London
IG11 8HG

THE BUILDING REGULATIONS 2010 (AS AMENDED)

Building Control

Most construction requires Building Control.

Our Building Control team are here to make that process as streamlined as possible while protecting you, the property owner.

The simplest way to get started is to register and apply on our portal:

<https://online-befirst.lbbd.gov.uk/>

As Building Control, we will check the work carried out to ensure that it complies with current regulations.

Unlike private approved inspectors, we are not a business that will close due to financial or regulatory issues, nor will we cancel an application once it has been accepted and paid for.

If you would like further information before applying or need to discuss a large commercial or residential project, please email buildingcontrol@befirst.london with any queries or to request a call.





Appeal Decision

Site visit made on 5 April 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

Appeal Ref: APP/Z5060/W/21/3282938

18 Stockdale Road, Dagenham RM8 3PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Bharadia against the decision of the Council of the London Borough of Barking and Dagenham.
- The application Ref 21/01190/FULL, dated 22 June 2021, was approved on 12 August 2021 and planning permission was granted subject to conditions.
- The development permitted is for the demolition of existing garage and the construction of a two storey, 1x bedroom dwelling.
- The conditions in dispute are:
 - No.5 which states:

No development shall commence until: (a) an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

 - a survey of the extent, scale and nature of contamination;*
 - 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*
 - an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)'; and*

(b) a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) The approved remediation scheme must be carried out in accordance with its terms prior to commencement of the development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning

Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met.

(d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- No.6 which states:
Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the Local Planning Authority.
 - The reasons given for the conditions are:
 - No.5: *Contamination must be identified prior to commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy BR5 of the Borough Wide Development Policies Development Plan Document.*
 - No.6: *In the interest of the character and amenities of the local area.*
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Decision

1. The appeal is allowed and the planning permission Ref 21/01190/FULL for the demolition of existing garage and the construction of a two storey, 1x bedroom dwelling at 18 Stockdale Road, Dagenham RM8 3PS granted on 12 August 2021 by the Council of the London Borough of Barking and Dagenham, is varied by deleting conditions 5 and 6 and substituting for them the following condition:
 - 5) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Part 1, Classes A, B, C, D, E, G and H of Schedule 2 to that Order shall be carried out to the dwelling hereby permitted.

Preliminary Matters

2. The Council's statement refers to the application having been refused. It is clear from the decision notice and subsequent appeal submissions that the proposal was approved, subject to a series of conditions. This appeal seeks the removal of conditions 5 and 6 which relate to land contamination and permitted development rights. Section 79(1) of the Town and Country Planning Act 1990 allows me to allow or dismiss the appeal or reverse or vary any part of the decision (whether the appeal relates to that part or not) and I may deal with the proposal as if it had been made to me in the first instance.

Main Issue

3. The main issue is whether the conditions are reasonable and necessary having regard to:
 - (i) risks from contamination of the land; and
 - (ii) the character and appearance of the area.

Reasons

Land Contamination

4. During the consideration of the planning application, the views of the Council's Environmental Protection Officer (EPO) were sought, and no objection was raised subject to the imposition of an extensive condition relating to the assessment and remediation of potential land contamination. This condition was considered necessary by the EPO given the absence of information on how the garage had previously been used. This recommendation was accepted by the Case Officer and the wording of condition 5 followed this internal advice.
5. However, there is no evidence before me of a history of contamination or previous use that could have given rise to such concerns. An internal examination of the garage clearly shows it to be of breeze block construction. There is one double power socket on the rear internal wall but there are no shelves or any signs that the garage might have been used for any sort of repairs to vehicles or as a more general workshop.
6. A large piece of carpet covered the central part of the garage floor. When pulled back, the lighter shading of the concrete floor beneath the carpet suggested that it had been there for quite some time. There were no indications that the carpet was trying to hide any signs of contamination. The garage only contained the general detritus that might be expected on a domestic garage concrete floor.
7. Accordingly, I am unable to identify a clear risk of contamination which would arise from the construction works and thus indicate condition 5 to be reasonable or necessary.
8. Without this condition the proposed development would be consistent with the requirements of Policy BR5 of the Borough Wide Development Policies Development Plan Document March 2011 (DPD). This policy seeks, amongst other things, to adopt a risk-based approach to land contamination and ensure that development which would give rise to such problems does not proceed.

Permitted Development Rights

9. Paragraph 56 of the National Planning Policy Framework (the Framework) states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Paragraph 54 of the Framework states that conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance (PPG) advises that blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of

reasonableness and necessity. Therefore, the removal of permitted development rights needs to be supported by a clear justification.

10. The appeal site is a two-storey end of terrace dwelling located close to the junction with Bentry Road. Houses in Stockdale Road and Bentry Road are generally of uniform appearance and set back from their site frontages, giving the area around the appeal site a pleasant and spacious context. This spaciousness is enhanced by the open, grassed areas on all four corners of the Stockdale/Bentry Road junction.
11. The proposal would form a subservient addition to the existing property, with the roof replicating the shape and pitch of the rest of the terrace. Given the existing street scene together with the appeal site's position and prominence, I am satisfied that additional works that would increase the size, bulk or profile of the built form, could lead to harmful consequences in terms of the character and appearance of the wider area.
12. In addition to extensions and works to the roof, the restriction should also include works involving a porch, outbuildings, microwave antenna or chimneys, flues etc. Such works could have harmful consequences for the size, bulk or profile of the house and thus the wider area. The removal of all these permitted development rights is therefore justified.
13. In considering the scheme, the Council had regard to the recent appeal decision¹ for No.237 Grafton Road (No.237). I visited Grafton Road and observed that site. Both Grafton and Stockdale Roads are characterised by houses of similar size and appearance with hipped roofs of similar pitch. Both roads appear to be part of the wider Becontree Estate. Where extensions are evident, they are subservient to the main dwelling and generally the roofscape in the vicinity of both sites has been subject to minimal disruption.
14. I note that the Inspector who considered the Grafton Road appeal did not restrict permitted development rights. Whilst there are clear similarities between the two sites and the schemes, I observed some differences in context. The appeal site is highly visible when turning into Stockdale Road from Becontree Avenue. To my mind, the alignment of the houses in Grafton Road tend to obscure views of the side of No.237 to a far greater extent when approaching from Turnage Lane, than the houses in Stockdale Road do when approaching the appeal site from Becontree Avenue. I also note from the appeal decision that permitted development was not an issue directly raised for the Inspector to consider.
15. The appellant is also concerned that the existing dwelling would be deprived of its permitted development rights. Having read the Officer Report (OR), the Council's decision and their appeal statement, they do not suggest to me that the Council's concerns regarding permitted development were in relation to the existing dwelling. The Council do not appear to make any comments in this regard.
16. Without good reason, permitted development rights should not normally be removed from an existing dwelling. I note that the existing dwelling would lose some floorspace but the building-to-plot ratio would not be diminished for the worse. Given the position of the boundary between the existing and proposed

¹ APP/Z5060/W/20/3260545

dwelling, a rear extension under permitted development would be set away from the rear elevation of the new dwelling and to the north of it. The situation in relation to the rear roof would remain unchanged. As such, there does not appear to be any sound planning reasons to remove permitted development rights from the existing dwelling.

17. However, I shall attach an amended condition, to make clear that removal of permitted development rights relates only to the proposed dwelling and not the existing one.
18. Although no policies were cited in the reason for the condition, I note that Policy CP2 of the Core Strategy as well as Policy BP2 of the Borough Wide DPD were referenced in the OR when considering the design and appearance of the proposal and its wider visual effects. In finding that additional works to the proposed dwelling as permitted development could have harmful consequences for the character and appearance of the area, I consider a condition removing such rights would accord with the above-mentioned policies which, amongst other things, seek to preserve and protect the character of the Becontree Estate.

Other Matters

19. As I am deleting condition 5 (a pre-commencement condition), it has not been necessary for me to address the issue of securing the appellant's agreement to the wording.
20. Interested parties have highlighted concerns with regard to the proposal creating additional demand for vehicle parking in the area. However, the Council's Transport Officer has noted that the proposal is to retain 1 off-street parking space for the new property and that this is acceptable. I have no substantive evidence before me to come to a different conclusion.
21. Representations have been made regarding the possible loss of light and privacy to neighbours and that the development could create additional noise. Notwithstanding the lack of any substantive evidence, given the size and design of the proposed dwelling, together with its position relative to neighbouring dwellings, the living conditions of neighbours would not be adversely affected.
22. Concerns regarding repairs to the boundary fence between Nos. 18 and 20 Stockdale Road are outside the scope of this appeal.

Conclusion

23. I have deleted conditions 5 and 6. For consistency of numbering, I am imposing a new condition 5, to remove permitted development rights to the proposed dwelling, which is necessary in order to protect the character and appearance of the wider area. All other aspects of planning permission 21/01190/FULL remain unaltered.
24. For the reasons given above, having considered the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should succeed.

Stewart Glassar

INSPECTOR