Notice of Meeting

DEVELOPMENT CONTROL BOARD

Monday, 6 March 2017 - 7:00 pm
Council Chamber, Town Hall, Barking

Members: Cllr Sanchia Alasia (Chair), Cllr Faraaz Shaukat (Deputy Chair), Cllr Abdul Aziz, Cllr Peter Chand, Cllr Faruk Choudhury, Cllr Edna Fergus, Cllr Irma Freeborn, Cllr Cameron Geddes, Cllr Syed Ghani, Cllr Rocky Gill, Cllr Kashif Haroon, Cllr Giasuddin Miah, Cllr Margaret Mullane, Cllr Chris Rice, Cllr Liam Smith, Cllr Bill Turner, Cllr Dominic Twomey and Cllr Jeff Wade

Date of publication: 23 February 2017

Chris Naylor
Chief Executive

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E-mail: david.symonds@lbbd.gov.uk

Councillors who are not members of the Development Control Board may speak at a meeting with the agreement of the Chair but must sit separately from the Board Members and must declare whether they have had any contact with the applicant / objector / property owner or their agents, and whether they are speaking on behalf of a third party and, if so, who (Councillors’ Code of Conduct for Planning Matters)

AGENDA

Use Classes and Planning Application Procedure

1. Apologies for Absence

2. Declaration of Members' Interests

   In accordance with the Council’s Constitution, Members are asked to declare any interest they may have in any matter which is to be considered at this meeting.

3. Minutes - To confirm as correct the minutes of the meeting held on 6 February 2017 (Pages 7 - 25)

New Planning Applications

4. Plots 201-203 Barking Riverside, Renwick Road, Barking- 16/01971/REM (Pages 27 - 55)
5. 37 Gordon Road, Chadwell Heath- 16/01503/FUL
   (Pages 57 - 75)
   Whalebone Ward

Advertisement Applications

6. Town Planning Appeals (Pages 77 - 115)
   Abbey; Alibon; Becontree; Eastbury; Gascoigne; Heath; Longbridge; Mayesbrook; Parsloes; Thames

7. Delegated Decisions (Pages 117 - 137)

8. Any other public items which the Chair decides are urgent

9. To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.

   Private Business
   The public and press have a legal right to attend Council meetings such as the Development Control Board, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 as amended). There are no such items at the time of preparing this agenda.

10. Any confidential or exempt items which the Chair decides are urgent
Our Vision for Barking and Dagenham

One borough; one community;
London’s growth opportunity

Our Priorities

Encouraging civic pride

- Build pride, respect and cohesion across our borough
- Promote a welcoming, safe, and resilient community
- Build civic responsibility and help residents shape their quality of life
- Promote and protect our green and public open spaces
- Narrow the gap in attainment and realise high aspirations for every child

Enabling social responsibility

- Support residents to take responsibility for themselves, their homes and their community
- Protect the most vulnerable, keeping adults and children healthy and safe
- Ensure everyone can access good quality healthcare when they need it
- Ensure children and young people are well-educated and realise their potential
- Fully integrate services for vulnerable children, young people and families

Growing the borough

- Build high quality homes and a sustainable community
- Develop a local, skilled workforce and improve employment opportunities
- Support investment in housing, leisure, the creative industries and public spaces to enhance our environment
- Work with London partners to deliver homes and jobs across our growth hubs
- Enhance the borough’s image to attract investment and business growth

Well run organisation

- A digital Council, with appropriate services delivered online
- Promote equalities in the workforce and community
- Implement a smarter working programme, making best use of accommodation and IT
- Allow Members and staff to work flexibly to support the community
- Continue to manage finances efficiently, looking for ways to make savings and generate income
- Be innovative in service delivery
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<table>
<thead>
<tr>
<th>Use Class</th>
<th>Use/Description of Development</th>
<th>Permitted Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices (but not sorting offices), pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.</td>
<td>State funded school for single academic year – see footnote 2. Some temporary uses – see footnote 4. A1 plus two flats above C3 residential use - see footnote 5 Bank, building society, credit union or friendly society (A2) but not for other purposes falling within A2 – see footnote 6 A2 A3 (up to 150 m²) see footnote 9 D2 (up to 200 m²) see footnote 10</td>
</tr>
<tr>
<td>A2</td>
<td>Financial services such as banks and building societies, professional services (other than health and medical services) including estate and employment agencies.</td>
<td>A1 (where this is a ground floor display window) plus two flats above A2 plus two flats above State funded school for single academic year – see footnote 2. Some temporary uses – see footnote 4. C3 residential use - see footnote 5 A3 (up to 150 m²) – see footnote 9. D2 (up to 200 m²) see footnote 10</td>
</tr>
<tr>
<td>A3</td>
<td>Restaurants and cafés For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.</td>
<td>A1 or A2 State funded school for single academic year – see footnote 2. Some temporary uses – see footnote 4.</td>
</tr>
<tr>
<td>A4</td>
<td>Drinking establishments Public houses, wine bars or other drinking establishments (but not night clubs).</td>
<td>A1, A2 or A3 unless listed as an Asset of Community Value State funded school for single academic year – see footnote 2. Some temporary uses – see footnote 4.</td>
</tr>
<tr>
<td>A5</td>
<td>Hot food takeaways For the sale of hot food for consumption off the premises.</td>
<td>A1, A2 or A3 State funded school for single academic year – see footnote 2. Some temporary uses – see footnote 4.</td>
</tr>
<tr>
<td>B1</td>
<td>Business a) Offices, other than a use within Class A2 (Financial Services) b) Research and development of products or processes c) Light industry appropriate in a residential area</td>
<td>B8 (where no more than 500 sqm) B1a - C3 subject to prior approval -see footnote 1. State funded school for single academic year – see footnote 2. State funded school or registered nursery subject to prior approval - see footnote 3 Some temporary uses – see footnote 4.</td>
</tr>
<tr>
<td>B2</td>
<td>General industrial General industry: use for the carrying out of an industrial process other than one falling in class B1. (excluding incineration purposes, chemical treatment or landfill or hazardous waste).</td>
<td>B1 or B8 [B8 limited to 500 sqm] State funded school for single academic year – see footnote 2.</td>
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<td>B8</td>
<td>Storage and distribution Storage or distribution centre. This class includes open air storage.</td>
<td>B1 (where no more than 500 sqm) State funded school for single academic year – see footnote 2. C3 (where no more than 500 sqm) see footnote 7.</td>
</tr>
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<td>C1</td>
<td>Hotels Hotel, boarding house or guesthouse, where no significant element of care is provided. (Excludes hostels).</td>
<td>State funded school for single academic year – see footnote 2. State funded school or registered nursery subject to prior approval - see footnote 3</td>
</tr>
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<td>C2</td>
<td>Residential institutions Hospital, nursing home or residential school, college or training centre where they provide residential accommodation or care to people in need of care (other than those within C3 dwelling houses).</td>
<td>State funded school for single academic year – see footnote 2. State funded school or registered nursery subject to prior approval - see footnote 3</td>
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<td>C2A</td>
<td>Secure residential institution Secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.</td>
<td>State funded school for single academic year – see footnote 2. State funded school or registered nursery subject to prior approval - see footnote 3</td>
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<td>C3</td>
<td>Dwelling houses Use as a dwelling house by a single person or by people living together as a family or by not more than 6 residents living together as a single household</td>
<td>Article 4 direction removes permitted development right to convert to C4 House in Multiple Occupation. State funded school for single academic year – see footnote 2</td>
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<td>C4 Houses in multiple occupation</td>
<td>Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.</td>
<td>C3 (dwelling houses) State funded school for single academic year – see footnote 2</td>
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<td>D2 Assembly &amp; Leisure</td>
<td>Cinema, concert hall, bingo hall, dance hall, swimming bath, skating rink, gymnasium, or area for indoor or outdoor sports or recreations, not involving motor vehicles or firearms.</td>
<td>State funded school for single academic year – see footnote 2. State funded school or registered nursery subject to prior approval - see footnote 3. Some temporary uses – see footnote 4.</td>
</tr>
<tr>
<td>Sui – Generis</td>
<td>A use on its own, for which any change of use will require planning permission. Includes, theatres, nightclubs, retail warehouse clubs, amusement arcades, launderettes, petrol filling stations, casinos, taxi businesses, waste management facilities, motor car showrooms, betting offices and pay day loan.</td>
<td>Casino to Class D2 Amusement arcades/centres and casinos to C3 (up to 150 m2) See footnote 8 Betting offices and pay day loan to A1 and A2 plus two flats above See footnote 9. Betting offices, pay day loan and casinos to A3 (up to 150 m2) See footnote 9. Betting offices and pay day loan to D2 (up to 200m2) – see footnote 10. Betting offices and payday loan to C3 residential use - see footnote 5.</td>
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Footnotes

1. B1a (Offices) can change use to C3 (Dwelling houses) provided development commenced before 30/06/16. Need to apply to Council for prior approval to confirm no significant transport and highway impacts, contamination risks and flood risks.

2. State funded schools can open without planning permission for a single academic year without planning permission from any existing use within the Use Classes Order. School must be approved by Secretary of State and school must notify Council before they open. School must revert to its previous use at end of year. Does not apply to listed buildings.

3. B1 (business), C1 (hotel), C2 (residential institution), C2A (secured residential institution) and D2 (assembly and leisure) can convert to a state funded school or registered nursery providing early years childcare without planning permission. Need to apply to Council for prior approval to confirm no significant transport and highways impact, noise impacts and contamination risks. D2 uses that have changed use from A1 or A2 using permitted development right (see footnote 10) cannot then change use to state funded school or registered nursery under this permitted development right.

4. A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (pubs), A5 (takeaways), B1a (offices), B1b (light industry), B1c (R&D), D1 (non-residential institutions) and D2 (assembly and leisure) can change to A1, A2, A3, B1a,b & c without planning permission. Change of use must be less than or equal to 150 square metres. Applies for single continuous period of two years. Can change to other permitted use within two year period. Must revert to original use at end of two year period and notify Council before use begins.

5. A1 (shops) and A2 (financial and professional services) can change to C3 (residential). Building operations and partial demolition works that are “reasonable necessary” are also permitted. Prior approval required for transport and highways impact, contamination, flooding, the design and external appearance of the building and undesirable impacts on shopping facilities. This right only applies to buildings of 150 square metres or less and does not apply in Conservation Area or to listed buildings.

6. Does apply in Conservation Areas but not to listed buildings.

7. B8 (storage of distribution) to C3 (residential). Prior approval required for transport and highways impact, air quality impacts on intended occupiers, noise impacts of the developments, risks of contamination, flooding and the impact the changer of use would have on existing industrial uses and or storage or distribution uses. Right only applies to buildings in B8 use on or before 19 March 2015 and development must be begun before 15 April 2018. Building must have been in B8 use for four years.

8. Prior approval required for transport and highways impact, flooding, contamination and where building works are to be carried out under the permitted development right, design.

9. A1 (shops), A2 (financial and professional services) and betting offices and pay day loans to A3 (restaurants and cafes). Prior approval required for noise, smell/odours, transport and highways, hours of opening as well as siting and design in relation to extraction, ventilation, waste management, storage and undesirable impacts on shopping facilities.

10. A1 (shops) and A2 (financial and professional services) can change to D2. Applies to premises in A1 or A2 use on 5 December 2013. Prior approval required for transport and highways impact, hours of opening, noise impacts of the development and undesirable impacts on shopping facilities. Does not apply to listed buildings.
Planning Application Procedure

1. The Chair introduces the Planning Officer who will present the item.

2. The Planning Officer presents the report to the Board and advises on any relevant additional information received after the completion of the report. The Planning Officer will also refer to the recommendation (it is assumed that Members will have read the report).

3. If clarification is required, DCB Members may, through the Chair, ask relevant (i.e. planning related) questions regarding an issue within the Planning Officer’s report.

4. Registered objectors may speak for up to three minutes.

5. DCB Members may, through the Chair, seek clarification of any relevant planning issue raised by the objectors.

6. Councillors who are not members of the Development Control Board may address the Board with the Chair’s permission. They are not permitted to take part in the discussions or question objectors, supporters, applicants or applicants’ representatives.

7. DCB Members may, through the Chair, seek clarification of any relevant planning issue raised by the councillors.

8. Registered supporters, applicants or applicants’ representatives for the application may speak for up to three minutes.

9. DCB Members may, through the Chair, seek clarification of any relevant planning issue raised by the supporters, applicants or applicants’ representatives.

10. DCB Members may, through the Chair, seek further clarification from Council officers on any relevant planning issue that may have arisen.

11. The Board shall debate the item. Where the application is considered to be straightforward and there are no speakers present, the Board may make a decision based on the report and without any debate.

12. The Board’s will vote on the matter (including any proposed supplementary conditions or recommendations). In the event that the Board’s decision is to refuse or allow an application contrary to the report’s recommendation, DCB Board Members must give valid reasons for the decision based on relevant planning policies.

13. The Chair shall announce the Board’s final decision.
Notes

- The opportunity to ask questions may not be used to make general or specific comments or observations. General comments can be raised at the discussion point of the proceedings.
- DCB Members must be present during the entire debate on an application in order to be allowed to participate in the deliberations and vote on the matter. Any DCB Member who is not present at the beginning of the consideration of an application, or who leaves the room at any stage during the consideration of the application, shall be excluded from participating and voting on the application.
- If a DCB Member needs to leave during consideration of an application and wishes to take part in the deliberations and vote, they should seek the permission of the Chair for a short adjournment.
- Members should avoid expressing a view about an application until after the applicant has spoken to avoid the impression of bias.
- If there is a substantial point which needs to be clarified before a vote can take place, the Board may agree to defer the application.
- The Chair may ask members of the public and press to leave the room to enable the Board to consider information which is confidential or exempt (in accordance with Schedule 12A of the Local Government Act 1972).
MINUTES OF
DEVELOPMENT CONTROL BOARD

Monday, 6 February 2017
(7:00 - 7:45 pm)

Present: Cllr Sanchia Alasia (Chair), Cllr Faraaz Shaukat (Deputy Chair), Cllr Abdul Aziz, Cllr Peter Chand, Cllr Irma Freeborn, Cllr Cameron Geddes, Cllr Syed Ghani, Cllr Rocky Gill, Cllr Kashif Haroon, Cllr Giasuddin Miah, Cllr Margaret Mullane, Cllr Chris Rice, Cllr Dominic Twomey and Cllr Jeff Wade

Also Present: Cllr Lee Waker and Cllr Phil Waker

Apologies: Cllr Faruk Choudhury and Cllr Bill Turner

61. Declaration of Members’ Interests

There were no declarations of interest.

62. Minutes (16 January 2017)

The minutes of the meeting held on 16 January 2017 were confirmed as correct.

63. Boleyn Garage, 87 Movers Lane, Barking-16/01353/FUL

The Development Management Manager introduced a report on the application relating to Boleyn Garage, 87 Movers Lane, Barking.

The proposed development involved the demolition of the existing motor repair garage and its replacement with a three storey L shape block of eight 2 bedroom flats.

The development would result in the loss of a small employment site but one that was poorly located in relation to its potential to impact adversely upon the amenities of immediately adjacent residents, and therefore the change in the use of the site was considered desirable and in accordance with the exceptions set out within policy CE3 of the Core Strategy.

The proposed flats would provide a good standard of accommodation with internal and external space that is in accordance with the requirements of the relevant planning policies.

The architecture and urban design was considered to be of good quality providing visual interest and responding well to the context of the surrounding street scene.

There were three parking spaces for eight units however the parking ratio was considered acceptable and the site has a number of dropped kerbs which would need to be re-instated with raised kerbs which may provide an opportunity to increase on-street parking.
In answer to a question, it was noted that the proposed tenure was private because at eight units the scheme fell below the threshold of 10 units where a proportion of affordable housing was required by London Plan policy.

The Board **granted** planning permission subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 16005 102 Rev. A; 16005 103 Rev. B; 16005 104 Rev. B and RP-PRE-01.

   **Reason:** For the avoidance of doubt and in the interests of proper planning.

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

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

4. No development above ground level shall take place until a scheme of hard and soft landscaping for the site, including details of materials, species and a planting schedule have been submitted to and approved by the Local Planning Authority in writing. The approved hard landscaping shall be carried out prior to the occupation of the development and thereafter permanently retained. The approved soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

   **Reason:** To ensure the development is satisfactorily landscaped in order to improve the visual appearance of the area and in accordance with policies BR3 and BP11 of the Borough Wide Policies Development Plan Document.

5. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected. The development shall not be occupied until the approved boundary treatment has been provided. The approved boundary treatment shall be retained unless the Local Planning Authority gives prior written approval for its
removal.

Reason: To ensure the boundary treatment protects or enhances the character and amenity of the area in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

6. No development above ground level shall take place until a scheme showing the provisions to be made for external lighting, CCTV coverage, access control, and any other measures to reduce the risk of crime, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

7. The refuse and cycle storage enclosures indicated on drawing No. 16005 102 Rev A; shall be constructed in accordance with the approved plans prior to the occupation of the development hereby approved and thereafter permanently retained for the use of the occupiers of the premises.

Reason: To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality and to promote cycling as a sustainable and non-polluting mode of transport in accordance with policies BR11, BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

8. Prior to the commencement of the development a scheme of highway works shall be submitted to and approved by the Local Planning Authority that shall where feasible secure the provision of an additional on-street parking bay within Gordon Road, and that shall secure the vehicular access to the approved parking bays, and the re-instatement of existing obsolete dropped kerbs; the development shall not be occupied until the completion of the approved scheme.

Reason: Details are required prior to the commencement of the development in order to secure any necessary associated works to the highway to enable the provision of the dropped kerb, in the interests of highway and pedestrian safety and convenience and in view of the low level of on-site parking provision and in accordance with policy BR9 of the Borough Wide Development Policies Development Plan Document.

9. The car parking areas indicated on drawing No. 16005 102 Rev A; shall be constructed and marked out prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason: To ensure that sufficient off-street parking areas are provided and not to prejudice the free flow of traffic or conditions of general safety along the adjoining highway in accordance with policy BR9 of the Borough Wide

10. Prior to the commencement of the development a drainage scheme that seeks to achieve the 'green field' rate of run off shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the completion of the approved scheme.

Reason: Details of the drainage scheme are required prior to commencement in order to secure any underground works required to reduce the risk of flooding and in accordance with policy BR4 of the Borough Wide Development Policies Development Plan Document and policy 5.13 of the London Plan.

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.

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

13. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of 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.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 for Conditions 11 to 14: Details are required prior to the commencement of development in order 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.

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

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

Two additional standard conditions were added:

Condition16

“Demolition and construction work and associated activities are only to be carried out between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority. Any works which are associated with the generation of ground borne vibration are only to be carried out between the hours of 0800 and 1800 Monday to Friday unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.
and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

**Condition 17**

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

Reason: To reduce the environmental impact of the construction and to ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

**64. Land to the west of the junction of Church Lane and Siviter Way, Dagenham-16/01408/FUL**

The Development Management Manager introduced a report on the application relating to Land to the west of the junction of Church Lane and Siviter Way, Dagenham.

The application site comprised a 0.16 hectare area of informal open space located on the northern side of Siviter Way, Dagenham. The land was located between the junctions of Siviter Way with St Giles Avenue and Church Lane, Dagenham.

The land was currently owned by the Council which has entered into an agreement to sell to the applicant subject to planning permission.

The site was adjacent to, but not within, the Dagenham Village Conservation Area and is not designated as protected open space. Therefore the proposed residential development of the site is policy compliant and acceptable in principle.

The development related to the erection of 4 x three bedroom houses and 5 x four bedroom houses. The proposal will comprise two separate terraces fronting St Giles Avenue and Church Lane respectively.

The proposed design and layout was considered to be of a satisfactory quality and responsive to neighbouring buildings and adjoining residential occupiers.

The scale, form and massing of the development would be acceptable and would not detract from the character of the street scene and surrounding area or impact on neighbouring residential amenities.

All the dwellings meet the London Plan space standards in terms of gross internal floor area, bedroom size and in-built storage provision. Each dwelling will also meet the Council’s policy with regards to minimum private amenity space.

One objection has been received as a result of the public consultation exercise
raising concerns with regards to the loss of the amenity green and overdevelopment of the area generally. However, it is considered that the loss of this informal space, would not undermine local plan policies. Similarly the existence of other housing developments in the vicinity eg the redevelopment of the former Butterkist factory and the Telephone Cables sports ground, does not preclude the redevelopment of this site.

The site has a Public Transport Accessibility Level (PTAL) of 2 which is low. The proposal would provide each dwelling with an off-street car parking space, of which two spaces would comprise private motor garages accessed from Siviter Way. This is an acceptable level of off-street parking provision. The development would require new vehicular access points from St Giles Avenue, Siviter Way and Church Lane. All new access points have been considered to be acceptable by the Transport Development Management Team.

The applicant had agreed to a contribution of £5,000 for the implementation of double yellow lines along Siviter Way together with the costs of the associated Traffic Management Order. This will ensure that the development does not result in any material increase in on-street parking pressures within the locality which could adversely affect highway safety.

The Chair invited Councillor Phil Waker, Village Ward Member, to address the Board. He stated that local residents had approached him with concerns about this proposed development. The open space was at the heart of the ward and was a valuable resource, having been used for events such as Dagfest. He felt that as the Council needed to sell the land, it should have been for social housing. He asked the Board to consider the views of the Village Ward Councillors who were opposed to this application and asked that they refuse the application.

The Chair invited Councillor Lee Waker, Village Ward Member, to address the Board. He felt that the proposed development area was a valuable green space and whilst recognising that additional housing was needed, he considered that residents needed open spaces too. He was concerned particularly with what he considered the massive urbanisation of the area. He supported the use of brownfield sites being used for housing but felt that the development of this site would not add value to the community and take away a valuable open space.

Andrew Sargent, on behalf of the applicant stated that he was available for any questions from Members but stated that the applicant had complied with national planning policies and it would provide nine much needed homes for people.

Members asked about landscaping conditions for this proposed development and the Development Management Manager responded that such a condition was proposed and that the submitted drawings indicated new tree planting in all rear gardens.

Members did query about whether the development could be used for social housing, however it was noted that the decision to sell the land had been taken by Cabinet. In addition as the proposed development was for nine units, there was not a planning requirement for affordable housing and the applicant bought the site in good faith and was following planning policies correctly. Members
were also mindful that this was in accordance with London Plan policy and that this was very clear. The Council has a responsibility to follow the policy.

The Board **granted** planning permission subject to the conclusion of a Section 106 agreement securing the payment to the Council of £5,000 for the cost of making an appropriate Traffic Management Order to allow the implementation of double yellow lines in the vicinity and the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans; 467/16-01 Rev A, 467/16-02, 467/16-03 Rev B, 467/16-04 Rev B, 467/16-05 Rev B, 467/16-06 Rev A.

   **Reason:** For the avoidance of doubt and in the interests of proper planning.

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

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

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

   **Reason:** To ensure that accessible housing is provided in accordance with policy 3.8 of the Housing Standards to the London Plan March 2016.

5. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for the site which shall include indications of all existing trees and shrubs on the site and details of those to be retained.

   **Reason:** To safeguard and improve the appearance of the area in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document and Section 197 of the Town and Country Planning Act 2004.
Planning Act 1990.

6. The landscaping scheme as approved in accordance with condition No. 5; shall be carried out in the first planting and seeding seasons following the occupation of any of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To secure the provision and retention of the landscaping in the interests of the visual amenity of the area and in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document and Section 197 of the Town and Country Planning Act 1990.

7. No development above ground level shall take place until a scheme showing those areas to be hard landscaped and the details of that hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out prior to the occupation of the development and thereafter permanently retained.

Reason: To safeguard and improve the appearance of the area in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

8. The car parking areas indicated on drawing No. 467/16-03 Rev B; shall be constructed and marked out prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason: To ensure that sufficient off-street parking areas are provided and not to prejudice the free flow of traffic or conditions of general safety along the adjoining highway in accordance with policy BR9 of the Borough Wide Development Policies Development Plan Document.

9. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected. No part of the development shall be occupied until the approved boundary treatment for that part has been provided. The approved boundary treatment shall be retained unless the Local Planning Authority gives prior written approval for its removal.

Reason: To ensure the boundary treatment protects or enhances the character and amenity of the area in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

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

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

d. This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.

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

12. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of 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.

13. 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.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 10 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11 which is subject to the approval in
writing of the Local Planning Authority.

15. 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 for Conditions 10-15: 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 and policy 5.21 of the London Plan.

16. Demolition and construction work and associated activities are only to be carried out between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority. Any works which are associated with the generation of ground borne vibration are only to be carried out between the hours of 0800 and 1800 Monday to Friday unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

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

Reason: To reduce the environmental impact of the construction and to ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

18. No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) have been submitted to and approved in writing by the Local Planning Authority. These plans shall incorporate details of:

a. construction traffic management;
b. the parking of vehicles of site operatives and visitors;
c. loading and unloading of plant and materials;
d. storage of plant and materials used in constructing the development;
e. the erection and maintenance of security hoarding(s) including
decorative displays and facilities for public viewing, where appropriate;
f. wheel washing facilities;
g. measures to control the emission of dust, dirt and emissions to air during construction; such measures to accord with the guidance provided in the document “The Control of Dust and Emissions during construction and demolition”, Mayor of London, July 2014; including but not confined to, non road mobile machinery (NRMM) requirements.
h. a scheme for recycling/disposing of waste resulting from demolition and construction works;
i. the use of efficient construction materials;
j. methods to minimise waste, to encourage re-use, recovery and recycling, and sourcing of materials; and a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer’s representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

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

19. No development shall take place until details of existing and finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority.

Reason: The proposed levels of the development are required prior to commencement in order to ensure that any works in connection with the development hereby permitted respect the height of adjacent properties and in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

65. Barking Riverside, Renwick Road, Barking-16/00131/OUT

The Acting Head of Regeneration and Planning (Planning) introduced a report on the application relating to Barking Riverside, Renwick Road, Barking.

This report asked the Board to agree two revisions to the outline permission they granted for Barking Riverside (ref 16/00131/OUT) on 27 July 2016.

The first was to amend the draft Section 106 Heads of Terms to introduce more flexibility to the delivery of the A13 (Renwick Road) scheme in the light of current progress with the replacement of the Lodge Avenue flyover and the A13 Riverside Tunnel and in the interests of ensuring an optimal scheme is delivered which meets the Council’s objectives.

The second was to allow for the revised Outline Planning Permission to be
issued subject to the completion of the new Section 106 agreement and for the Deed of Variation to be updated thereafter. This was because the existing Section 106 legal agreement contains many obligations which apply to Stage 1 only but it also contains obligations which have been updated in the new Section 106 legal agreement and therefore it is necessary to remove these to avoid duplication. This was not a straightforward task and is likely to take several months.

This would enable work on the revised Outline Planning Permission to proceed (e.g. this will allow Barking Riverside Limited to submit the District Centre sub framework plan and the Site Wide Infrastructure Plan in March 2017 to the Council) whilst the Deed of Variation is worked on in parallel.

The Board agreed to change the permission it granted for 16/00131/OUT as follows:

- Update the Draft Section 106 Heads of Terms as set out in Appendix 1 to the report to 27 July 2016 Development Control Board to introduce more flexibility to the delivery of the A13 (Renwick Road) Scheme as follows:

  No more than 2500 homes to be occupied before payment of the A13 scheme contribution and 4000 before scheme open to the public. If at 2500 homes TfL confirm it cannot fund and undertake the works so that the scheme is open to the public by 4000 homes than in accordance with the evidence submitted by TfL a new limit of occupations will be agreed along with any necessary interim measures to enable the continued occupation of homes in accordance with the submitted phasing scheme and land disposal programme.

- Remove the requirement to grant permission for subject to the completion of a Deed of Variation to the existing legal agreement.

66. Town Planning Appeals

The Board noted details of the following appeals:

Appeals Lodged

The following appeals have been lodged:

a) Application for prior approval of proposed single storey rear extension (depth: 6.0 metres and maximum height: 3.0 metres) – 70 Hurstbourne Gardens, Barking (Ref: 16/00916/PRIOR6)

Application refused under delegated powers 21 July 2016 (Longbridge Ward).

b) Erection of two bedroom bungalow in garden – 44 Rugby Gardens, Dagenham (Ref: 16/00727/FUL)
Application refused under delegated powers 19 August 2016 (Mayesbrook Ward).

c) **Erection of first floor side and rear extension and single storey front extension - 85 Lodge Avenue, Dagenham (Ref: 16/01084/FUL)**

Application refused under delegated powers 13 October 2016 (Mayesbrook Ward).

d) **Erection of bungalow – Land to rear of 225 Rush Green Road, Romford (Ref: 16/00653/FUL)**

Application refused under delegated powers 8 July 2016 (Eastbrook Ward).

e) **Demolition of single storey building and erection of three storey building comprising 10 dwellings – Land between 487 - 535A Rainham Road South, Dagenham (Ref: 16/00938/FUL)**

Application refused under delegated powers 27 September 2016 (Eastbrook Ward).

**Appeals Determined**

The following appeals have been determined by the Planning Inspectorate:

a) **Subdivision of house into 1 two bedroom and 1 three bedroom houses - 2 St Erkenwald Road, Barking (Ref: 16/00431/FUL – Abbey Ward)**

Application refused under delegated powers 17 May 2016 for the following reason:

1. The proposed external amenity space for both houses fails to meet the requirements of policy BP5 of the Borough Wide Development Policies Development Plan Document and would be detrimental to the living standards and amenities enjoyed by future occupiers.

**Planning Inspectorate’s Decision: Appeal dismissed 9 December 2016**

b) **Conversion of house into 2 two bedroom flats – 16 Gordon Road, Chadwell Heath (Ref: 16/00858/FUL – Whalebone Ward)**

Application refused under delegated powers 1 August 2016 for the following reasons:

1. The development has resulted in the loss of a family dwelling, further reducing the Borough’s existing stock of family housing contrary to Policy BC4 of the Borough Wide Development Policies Development Plan Document.
2. The development cannot provide sufficient off-street parking spaces and as such has resulted in an increase in existing parking pressures harmful to highway safety and contrary to Policies BR9 and BR10 of the Borough Wide Development Policies Development Plan Document and Policy 6.13 of the London Plan 2015.

Planning Inspectorate’s Decision: Appeal dismissed 18 January 2017

c) Erection of two storey side extension to provide new dwelling – 18 Martin Road, Dagenham (Ref: 16/00389/FUL – Mayesbrook Ward)

Application refused under delegated powers 25 May 2016 for the following reasons:

1. The proposed development would cause harm to the appearance of the street scene by virtue of its scale, design and prominent siting on this corner plot contrary to Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (March 2011), Policy CP3 of the Core Strategy Document 2010 and the adopted Supplementary Planning Document for Residential Extensions and Alterations guidance (February 2012).

2. The proposed development does not comply with policy 3.5 of the Minor Alterations to the London Plan (March 2016) and the Technical Housing Standards - nationally described space standards (March 2015) in that the potential second bedroom is too small and as such the house would fail to meet the space standards required for the potential number of occupants.

3. The proposed development fails to provide adequate amenity space for the proposed dwelling to the detriment of the amenity of future occupiers contrary to Policy BP5 of the Borough Wide Development Policies DPD (March 2011).

4. The proposed development would result in increased on-street parking demand within an area of poor public transport accessibility to the detriment of highway safety and the amenity of local residents contrary to Policies BR9 and BR10 of the Borough Wide Development Policies DPD (March 2011).

Planning Inspectorate’s Decision: Appeal dismissed 18 January 2017

d) Conversion of existing dwelling into 2 self-contained flats – 24 Salisbury Avenue, Barking (Ref: 16/00074/FUL – Abbey Ward)

Application refused under delegated powers 4 April 2016 for the following reasons:

1. The conversion of the existing house to flats would result in the loss of a three-bedroom family dwelling to the detriment of the stock of family
housing in the borough and contrary to policy BC4 of the Borough Wide Development Policies Development Plan Document.

2. The development does not comply with policy 3.5 of the Minor Alterations to the London Plan (March 2016) and the Technical Housing Standards - nationally described space standards (March 2015) and as such the proposed flats would provide insufficient space for daily living detrimental to the living standards and amenities enjoyed by future occupiers.

Planning Inspectorate’s Decision: Appeal dismissed 16 January 2017

e) Erection of annexe in rear garden to provide independent living accommodation for disabled daughter - 25 Charlotte Road, Dagenham (Ref: 16/00550/FUL – Village Ward)

Application refused under delegated powers 21 June 2016 for the following reasons:

1. The proposed development, due to its size and siting to the south of the neighbouring garden at 27 Charlotte Road, would appear overbearing and result in a loss of sunlight to the adjoining garden area to the detriment of the amenities of neighbouring occupiers and contrary to policies BP8 and BP11 of the Borough Wide Development Policies DPD (March 2011).

2. The proposed development, by reason of its siting and design would constitute an unacceptable form of backland development that would be harmful to the character of the area and out of keeping with the prevailing built form, contrary to Policy CP3 of the Core Strategy (July 2010), Policies BP8 and BP11 of the Borough Wide Development Policies DPD (March 2011) and the National Planning Policy Framework.

Planning Inspectorate’s Decision: Appeal dismissed 20 December 2016

f) Erection of two storey two bedroom house – Land adjacent to 33 Braintree Road, Dagenham (Ref: 16/00751/FUL – Heath Ward)

Application refused under delegated powers 27 July 2016 for the following reasons:

1. The proposed development by virtue of its scale, siting and location would represent inappropriate development of a residential garden and significantly close the gap between numbers 31 and 33 Braintree Road and as such would materially reduce the open and spacious character of the side garden of the application property and of the area, contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

2. The proposed new dwelling will be finished with a hipped roof which
does not reflect the roof design of and would be out of character with the host dwelling and terrace and as such contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

3. The development cannot provide any off-street parking spaces and as such would result in an increase in existing on-street parking pressures harmful to highway safety and contrary to Policies BR9 and BR10 of the Borough Wide Development Policies Development Plan Document and Policy 6.13 of the London Plan 2015.

Planning Inspectorate’s Decision: Appeal dismissed 18 January 2017

G) Loft conversion involving construction of gable end roof and rear dormer window – 42 Beccles Drive, Barking (Ref: 16/00760/FUL – Longbridge Ward)

Application refused under delegated powers 19 July 2016 for the following reason:

1. The proposed hip to gable roof alteration would, by reason of its design, bulk and appearance, be unduly harmful to the character and appearance of the host dwelling and disrupt the prevailing pattern of development in the street scene, contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (March 2011) and the Supplementary Planning Document for Residential Extensions and Alterations (February 2012).

Planning Inspectorate’s Decision: Appeal dismissed 20 December 2016

H) Erection of single storey front and two storey side extension – 51 Melford Avenue, Barking (Ref: 16/00711/FUL – Longbridge Ward)

Application refused under delegated powers 7 July 2016 for the following reason:

1. The proposed two storey side extension, by virtue of its gabled roof design and set back, would be incongruous and out of keeping with the street scene and original design of the host property and terrace and would partly close off an important gap within the street scene which provides relief from the built up nature of the street and would therefore fail to maintain the character of the area and be harmful to the street scene. The proposed development is contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (March 2011) and the Residential Extensions and Alterations Supplementary Planning Document (February 2012).

Planning Inspectorate’s Decision: Appeal dismissed 20 December 2016

I) Construction of front dormer window – 78 Keir Hardie Way, Barking (Ref: 16/00880/FUL – Eastbury Ward)
Application refused under delegated powers 8 August 2016 for the following reason:

1. The proposed front dormer window would look conspicuous and out of keeping in the streetscene, disrupting the rhythm and balance of the roofscape and would fail to protect the character of the area contrary to policies BP8 and BP11 of the Local Plan (March 2011) and the Residential Extensions and Alterations SPD (February 2012).

**Planning Inspectorate’s Decision: Appeal dismissed 19 January 2017**

j) Conversion of single dwelling into 6 bedroom house in multiple occupation (retrospective) - 259 Valence Wood Road, Dagenham (Ref: 16/00028/FUL – Heath Ward)

Application refused under delegated powers 29 March 2016 for the following reasons:

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

2. The proposed development, by virtue of the intensification of the existing residential dwelling, would lead to an unacceptable material increase in levels of noise and disturbance to the detriment of the residential amenity of the neighbouring occupiers, contrary to Policy BP8 of the Borough Wide Development Policies DPD (March 2011).

3. The non-provision of external amenity space for the proposed dwelling unit would result in a cramped and substandard unit of residential accommodation, detrimental to the amenities of the future inhabitants of the unit. The proposal is therefore contrary to policy 3.5 of the London Plan, the DCLG Technical Housing Standards - Nationally Described Space Standard March 2015 and policy BP5 of the Borough Wide Development Policies DPD 2011.

4. In the absence of off-street parking provision, the proposed development would result in increased parking demand within an area of poor public transport accessibility to the detriment of highway safety and the amenity of local residents contrary to Policies BR9, BR10 and BP8 of the Borough Wide Development Policies DPD (March 2011).

**Planning Inspectorate’s Decision: Appeal dismissed 24 January 2017**

**67. Delegated Decisions**

The Board noted details of delegated decisions for the period 28 November- 21 December 2016.
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The application is a strategic development which is of a scale and importance that should be determined at DCB.

Address: Plots 201-203 Barking Riverside, Renwick Road, Barking

Development: Application for approval of reserved matters pursuant to Condition 45 (zone details) of planning permission 08/00887/FUL for Plots 201-203 within Stage 2 comprising the erection of 378 dwellings, associated car parking, landscaping and tertiary roads.

Applicant: Barking Riverside Ltd

Contact Officer: Charles Sweeny
Title: Principal Development Management Officer
Contact Details: Tel: 020 8227 3807
E-mail: charles.sweeny@lbld.gov.uk

Summary:
The application site forms part of the Barking Riverside development which occupies a 179.3 hectare site of brownfield land historically associated with the old Barking Power Station. Barking Riverside has had a number of outline planning permissions since 2007 and most recently, Members may recall that a revised outline planning application for Barking Riverside was approved by Development Control Board on 27 July 2016 (Ref: 16/00131/OUT). However this application falls under the previous outline permission (Ref: 08/00887/FUL).

This application seeks reserved matters consent for the erection of 378 new homes, associated car parking, landscaping and tertiary roads on development plots 201-203 which are located within Stage 2 of the development located to the south of Choats Road and accessed off the new Drovers Road which is currently under construction.

For Members information, the reserved matters submission comprises detail on access, appearance, landscaping, layout and scale. The reserved matters stage essentially provides further detail on what was approved at the outline planning application stage. Given the scale of Barking Riverside, an additional approval process sitting between the outline planning permission and the reserved matters application known as a Sub Framework Plan was established to act as a bridge between the two. This is bespoke to Barking Riverside. Applications for reserved matters consent at Barking Riverside must demonstrate general conformity and compatibility with the outline planning permission and relevant Sub Framework Plan to be considered acceptable. The Sub Framework Plan which covers these plots was approved on 20 August 2009 (Ref: 08/00895/CDN).

Members will be aware that Development Control Board do not normally see applications for reserved matters consent however, given the number of new homes the application will
create (378) and as this is the first reserved matters submission since London and Quadrant (L&Q) acquired Bellway Homes stake in Barking Riverside, it was considered appropriate to present the application to Development Control Board.

In terms of the detail of the submission, the principle of new residential development in this location is accepted by virtue of the outline permission (Ref: 08/00887/FUL). The masterplan work envisaged this area would largely continue the theme of Stage 1 and provide more traditional family houses with some apartment blocks. This reserved matters submission consequently provides a series of terraces of 3 and 4 storey houses perpendicular to Drovers Road. The terraces are flanked by a number of mansion (apartment) blocks on the eastern, southern and western elevations ranging between 5 and 6 storeys in height which are orientated to provide a direct frontage onto Drovers Road (with the western block fronting the sports pitches associated with the new Riverside Campus).

Members should be aware that there are two areas where the scheme marginally exceeds both the density range and the height ranges established in the outline planning permission/Sub Framework Plan. In terms of density, the site was divided into two parts; a range of between 40-59 dwellings per hectare for the eastern part and 80-99 dwellings per hectare for the western part of the site was established. The tabled scheme seeks consent for 378 units which equates to a density of approximately 78 dwellings per hectare (which exceeds one range and falls below the other). The approved maximum height parameter for this part of the site was set at 5 storeys. The eastern podium block proposed as part of this submission would be at 6 storeys with the remaining blocks at 5 storeys and the townhouses at 3 and 4 storeys in height.

Whilst it is acknowledged that the density and height parameters are breached, the difference between the approved parameters and this reserved matters application are not considered significant deviations and more fundamentally, the reserved matters application accords with the vision for this part of the site which proposed lower density development favouring family houses with some apartment blocks akin to what has already been developed on Stage 1 of the site and linked to levels of public transport accessibility.

The application proposes a mix of units comprising 16% (60 no.) 1 bed, 45% (170 no.) 2 bed, 18% (68 no.) 3 bed and 21% (80 no.) 4 bed homes which accords with the Section 106 legal agreement which seeks to ensure that 30% of all new homes across the site will be 3 beds or more. The scheme has a tenure split of approximately 50% (188 no.) shared ownership and 50% (190 no.) open market private units.

The existing Section 106 legal agreement requires that 41% of the habitable rooms must be affordable (broadly equivalent to 33% of units) and 50% of these shall be social rent and 50% intermediate/shared ownership. So far 743 new homes have been built and 413 (55.5%) of these are affordable. The affordable is split as follows 308 social/affordable rent and 105 intermediate rent/shared ownership. This will be diluted with the introduction of a further 414 private units to the south of the Rivergate Centre (currently under construction) taking the overall affordable on Stage 1 to 35% by units. This plot would be the first residential plot developed in Stage 2 and would increase the overall affordable housing provision to 39% by unit number. The development would also result in 51% of the affordable housing being social/affordable rent which also accords with the Section 106 legal agreement.
The reserved matters application is considered to demonstrate general conformity with both the extant planning permission (Ref: 08/00887/FUL) and Sub Framework Plan. The development will create 378 high quality new homes within a well landscaped setting and will contribute to the ongoing realisation of Barking Riverside.

**Recommendation:**

That the Development Control Board grant planning permission subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

- LDS 0947B P0100 Rev B
- LDS 0947B P0101 Rev B
- LDS 0947B P0108 Rev B
- LDS 0947B P0151
- LDS 0947B P0152
- LDS 0947B P0153 Rev A
- LDS 0947B P0154 Rev A
- LDS 0947B P0155 Rev A
- LDS 0947B P0156 Rev A
- LDS 0947B P0157 Rev A
- LDS 0947B P0158 Rev A
- LDS 0947B P0159 Rev A
- LDS 0947B P0160 Rev A
- LDS 0947B P1011 Rev A
- LDS 0947B P1012 Rev A
- LDS 0947B P1013 Rev A
- LDS 0947B P1014 Rev A
- LDS 0947B P1015 Rev A
- LDS 0947B P1016 Rev A
- LDS 0947B P1021 Rev A
- LDS 0947B P1022 Rev A
- LDS 0947B P1023 Rev A
- LDS 0947B P1024 Rev A
- LDS 0947B P1025 Rev A
- LDS 0947B P1026 Rev A
- LDS 0947B P1031 Rev A
- LDS 0947B P1032 Rev A
- LDS 0947B P1033 Rev A
- LDS 0947B P1034 Rev A
- LDS 0947B P1035 Rev A
- LDS 0947B P1036 Rev A
- LDS 0947B P1041 Rev A
- LDS 0947B P1042 Rev A
- LDS 0947B P1043 Rev A
- LDS 0947B P1044 Rev A
- LDS 0947B P1045 Rev A
- LDS 0947B P1046 Rev A
- LDS 0947B P1051 Rev A
1. Introduction and Description of Development

1.1 This application seeks reserved matters consent for the erection of 378 new homes, associated car parking, landscaping and tertiary roads on development plots 201-203 which are located within Stage 2 of the Barking Riverside development. Plots 201-203 are located to the south of Choats Road and accessed off the new Drovers Road which is currently under construction.

2. Background

2.1 Barking Riverside has a detailed planning history. Most recently, an application was approved (Ref: 16/00131/OUT) by Development Control Board for the variation of all conditions following the grant of planning permission 08/00887/FUL for the redevelopment of the site known as Barking Riverside. The main reason for the submission of a new application was due to a change in public transport improvements extending the London Overground Gospel Oak to Barking line to Barking Riverside. This application falls under the existing outline planning permission and Sub Framework Plan approved in 2009.

3. Consultations

3.1 a) Neighbours/Publicity

3 site notices were displayed around the site and the application advertised in the local paper. No letters of representation were received.

b) Environment Agency

No objections.

c) London Fire & Emergency Planning Authority (Water Supply & Vehicle Access)

In respect of water supply, 7 new hydrants are required.

In respect of access, this is considered satisfactory subject to compliance with the Building Regulations.

Officer Note:

An informative can be imposed on any planning permission advising the applicant that 7 new fire hydrants will be required and that they should contact the London Fire Brigade for further details.

d) High Speed 1
No objections.
e) Sport England
No objections.
f) Essex and Suffolk Water
No objections.
g) National Grid
No objections.
h) Thames Water
No response received.
i) Network Rail
No response received.
j) London City Airport
No response received.
k) Designing Out Crime Officer
No response received.

**Officer Note:**

The development has been designed to comply with the principles of Secure by Design for Homes, Schools and Commercial (2016 Guide) and should achieve a minimum silver award.

l) Environmental Health Team
No objections.
m) Transport Development Management Team
No objections.
n) Drainage and Flooding Team
No objections.

4. **Local Financial Considerations**
4.1 The outline planning permission was approved prior to the adoption of both the GLA and LBBD Community Infrastructure Levy (CIL). As such, subsequent applications for reserved matters consent will not be liable for either the GLA or LBBD CIL.

5. **Analysis**

5.1.1 The extant outline planning permission was submitted with all matters reserved for future determination by the Council. For Members information, reserved matters are defined as:

**Access** – This covers accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

**Appearance** – The aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.

**Landscaping** – This is the treatment of private and public space to enhance or protect the site’s amenity through hard and soft measures, for example through the planting of trees, hedges or screening by fences or walls.

**Layout** – The way in which buildings, routes and open spaces are provided within the development and their relationships to buildings and spaces outside of the development.

**Scale** – The height, width and length of each building proposed in relation to its surroundings.

This report will therefore focus on these matters and how the application performs against the parameters established at the outline planning application stage.

**Access**

5.1.2 Plots 201-203 will be accessed off the new Drovers Road (currently under construction). This road forms the eastern and southern boundary to the plot. Five vehicular access points are shown into the plot from this new road. However, two of the access points provide one way vehicular routes in a ‘U’ shape. These routes are of a shared surface and designed for low speeds (but can accommodate larger vehicles such as the fire brigade or delivery vehicles). The access point on the western boundary would be a dead end vehicular route providing access to the podium block only. In terms of vehicular movements, the plot is largely self contained in that there is no opportunity to short cut or drive through the plot to access another part of the site. Essentially, it is anticipated that the only people utilising these internal roads would be residents or their visitors. A pedestrian and cycle route to the park is also provided on the western boundary together with an informal path along the northern boundary.

5.1.3 In terms of car parking, 265 spaces are provided with a further 38 Blue Badge spaces which gives a ratio of approximately 0.80 spaces per unit. The previously agreed standards were one car parking space per dwelling for the first 4000 dwellings (to date 743 homes have been built with a further 414 homes under construction with an average car parking ratio of 1 space per dwelling), then a
maximum of 0.7 spaces per dwelling across the completed site. The proposed level of car parking is consistent with these standards. Secure cycle storage is provided for each new home totalling 696 cycle stores. The Section 106 legal agreement requires a site wide Controlled Parking Zone to be implemented with a car parking management plan setting out how this will be enforced.

5.1.4 The new homes have been designed to comply with the inclusive design principles of the GLA Housing SPG (2016) which seeks to provide an accessible environment for all and includes ensuring level access points and appropriate ramp gradients, sizes and layout of communal entrances, lobbies and internal design of the units. All podium and mansion block cores (serving between 3-4 units) are provided with one lift. 10% of the homes have been designed to satisfy Part M4(3) of the Building Regulations which relates to wheelchair user dwellings and where possible, wheelchair user dwellings have been maximised on the ground floors of the mansion blocks together with the provision of 38 Blue Badge car parking spaces. All other homes are designed to the accessible and adaptable dwelling standard to satisfy Part M4(2) of the Building Regulations. The public realm has also been designed to be fully inclusive.

5.1.5 Overall, the application demonstrates a legible and safe road layout designed to accommodate vehicles, cyclists and pedestrians and should lend itself well to a shared surface type environment. The homes demonstrate compliance with the GLA Housing SPG (2016) and accessible design best practice and will provide accessible homes together with an accessible public realm.

Appearance

5.1.6 In respect of appearance, information should be provided on the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.

5.1.7 In this regard, the plot is flanked by mansion blocks on the southern boundary with podium blocks on the eastern and western boundaries designed to provide a uniform appearance and formal edge to the plot fronting onto Drovers Road. The podium block on the eastern boundary is the largest block which provides a focal point into the new development. Within the plot, the appearance is traditional terraced family housing which provides a more intimate feel with views of the park to the north.

5.1.8 The mansion and podium blocks are generally defined by clear repetition and symmetry, an entrance lobby subdivides the building together with individual front doors to provide an active frontage, railings and hedges are used to provide a formal frontage, private gardens, balconies and communal gardens are used for amenity spaces. The townhouses are similarly characterised by repetition and a common language with a vertical emphasis. A mix of on and off street car parking is used to provide some variety along the street together with the use of dwarf brick walls, railings and hedging.

5.1.9 The traditional feel of the plot is evidenced through the use of a simple palette of robust materials which focuses on high quality brick. The mansion and podium blocks utilise a brown textured brick (Ibstock Olde English Grey) with a grey mortar which is also used for the parapet roofs. Black and grey balustrades, balconies,
windows and rain water pipes are utilised together with grey and white oak (timber coloured) front doors to differentiate between the communal and private front doors. The townhouses utilise a buff textured brick (Bespoke Brick Alaska Sintered) with a light mortar which will be contrasted with a more smooth buff coloured brick for elements of recessed brick work. The roofs are finished in a dark graphite grey slate (Marley Eternit Rivendale Cromleigh) with composite windows coloured dark yellow. Brick corbelling, soldier courses and recessed solid brick panels are used to provide areas of detail and craft.

5.1.10 Overall, the simple palette of materials proposed is considered to work well. The emphasis on a more textured brick and the use of detail such as brick corbelling along the public facing elevations is strongly supported.

Landscaping

5.1.11 In respect of landscaping, information should be provided on the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example through the planting of trees, hedges or screening by fences or walls.

5.1.12 In terms of soft landscape, the plot has been designed so that the public amenity space creates a green link to the park which forms the northern boundary. The town houses benefit from traditional rear gardens and will include planted beds with parking framed by linear planting strips. Feature trees will give each street a slightly different character with Envac bins (for refuse disposal) discreetly incorporated within the streetscape and softened with landscaping.

5.1.13 The apartments within the mansion and podium blocks will benefit from a range of amenity space either private terraces defined by low brick walls, railings and hedges, balconies or podium communal gardens which will incorporate children's playspace, pergolas, seating, planted edges and hard paved paths. The western podium block provides amenity space at a podium (first floor) level and this has been designed with a setback to reduce the height of the podium for the adjacent townhouses who have courtyards at ground floor level. This is an unusual arrangement but it is considered that these ground floor courtyard gardens will still maintain reasonable levels of sunlight and daylight and should remain un-overlooked from the podium amenity space. Amenity space for the townhouses adjacent the eastern podium block has however been designed at podium level to mirror the eastern podium block.

5.1.14 A path along the western podium block provides access to the park to the north. The northern edge will be planted with rough grass, wild meadows, scrub, hedges and trees to provide a more natural landscape and transition between the plot and the park. Beyond this there will be a fence constructed by Transport for London associated with the new railway which will be screened by native scrub land and groups of trees. Swales are used to help attenuate surface water which forms part of the surface water drainage strategy for the whole of the Barking Riverside development.

5.1.15 In terms of hard landscape, a very comprehensive palette of robust materials are proposed which largely continues the theme established throughout Stage 1 of the development. The internal routes will be one way shared surface porous light, mid
and silver grey block paving and banded in contrasting blocks with recycled aggregate concrete edging. Private amenity terraces associated with the mansion and podium blocks will utilise a variety of grey concrete flag paving or decking bounded by brick wall, metal railings, standalone railings or close boarded fencing between 1.2 – 2.25 metre high. Footpaths will utilise a variety of resin bound gravel and cobbled concrete block paving.

5.1.16 Landscape design has always been at the heart of Barking Riverside and this is evidenced through the comprehensive hard and soft landscaping strategy which is well considered and improves on the work established on Stage 1 of the development.

**Layout**

5.1.17 In respect of layout, information should be provided on the way in which buildings, routes and open spaces are provided within the development and their relationships to buildings and spaces outside of the development.

5.1.18 In terms of layout, the drawings indicate a series of terraces of houses perpendicular to Drovers Road. The terraces are flanked by a number of mansion blocks on the southern boundary and podium blocks on the eastern and western boundaries which are orientated to provide a direct frontage onto Drovers Road (with the western block fronting the sports pitches associated with the new Riverside Campus). This arrangement also provides a uniform appearance and formal edge to the plot fronting onto Drovers Road. Five vehicular access points are shown into the plot from Drovers Road. However, two of the access points provide one way vehicular routes in a ‘U’ shape. These routes are of a shared surface and designed for low speeds.

5.1.19 Internally, the homes have been designed to comply with the design standards of the GLA Housing SPG (2016) which covers matters including internal floorspace standards, floor to ceiling heights, dual and single aspect homes and the number of units served by cores in apartment blocks. The development includes 16 no. 3 bedroom single aspect apartments in the mansion and podium blocks which the GLA Housing SPG seeks to avoid, however, this figure represents a small quantity of apartments and, more importantly, none would be north facing and each have been tested to ensure reasonable levels of sunlight, daylight and ventilation.

5.1.20 Private amenity space is provided in the form of traditional rear gardens and podium gardens for the townhouses and a range of amenity space either private terraces defined by low brick walls, railings and hedges, balconies or podium communal gardens which will incorporate children’s playspace, pergolas, seating, planted edges and hard paved paths for the mansion and podium blocks.

5.1.21 Overall, the layout works well and is considered to be in general conformity with both the extant planning permission (Ref: 08/00887/FUL) and the revised parameter plans submitted pursuant to the revised outline planning application (Ref: 16/00131/OUT.

**Scale**
5.1.22 In respect of scale, information should be provided on the height, width and length of each building proposed in relation to its surroundings.

5.1.23 In this regard, the podium block on the eastern boundary is the largest block at 6 storeys with a parapet flat roof and a frontage of approximately 76 metres and a depth of approximately 18 metres which provides a focal point into the new development. The mansion blocks along the southern boundary are 5 storeys in height with a parapet flat roof and a frontage of approximately 76 metres and a depth of approximately 18 metres. The podium block on the western boundary is 5 storeys in height with a parapet flat roof and a frontage of approximately 52 metres and a depth of approximately 18 metres. The mansion and podium blocks contribute to framing the perimeter of the plot and provide an active hard edge to Drovers Road.

5.1.24 Within the plot, the scale is more traditional terraced family housing which provides a more intimate feel with views of the park to the north with two of the terraces at 4 storeys in height and six of the terraces at 3 storeys in height each with individual pitched roof designs. The terraces are approximately 60-72 metres in length with an average depth of 10 metres.

5.1.25 Linked to scale, the application has also been accompanied with a microclimate study which assesses how the development performs in terms of ensuring good levels of sunlight, daylight and minimising overshadowing together with the impact of the development upon pedestrian-level wind microclimate conditions.

5.1.26 The assessment advises that in respect of sunlight and daylight, a small number of rooms have internal day lighting below guideline recommendations. This is in part due to the impact of future development plots to the south of the site together with the apartment block layouts which incorporate balcony spaces with recessed living rooms behind. The majority of rooms either meet or are only marginally below the guideline recommendations for internal daylight. In terms of sunlight, the assessment advises that access to direct sunlight will be affected by the expected density of future blocks to the south of the site but should remain satisfactory.

5.1.27 In respect of overshadowing of amenity spaces, the assessment advises that the mansion and podium blocks courtyards will enjoy good access to sunlight but the townhouse gardens are more mixed with some of the gardens closer to the south facing mansion blocks more poorly lit (as would be expected). However, the assessment notes that there are well sunlit public spaces in close proximity. The findings of the sunlight, daylight and overshadowing assessment are in line with the conclusions of the 2016 Environmental Statement.

5.1.28 In respect of the wind climate, the assessment advises that thoroughfares are expected to be suitable for pedestrian access to and through the site. All main entrances are located away from corners and are partially sheltered to ensure suitable conditions for ingress and egress. The assessment advises that some areas of the amenity spaces are susceptible to channelled winds but are still expected to be suitable for general recreational activities and some parts suitable for outdoor seating during at least the summer months. The findings of the wind climate assessment are in line with the conclusions of the 2016 Environmental Statement.
5.2 Sustainability and Energy

5.2.1 The energy strategy submitted with the application demonstrates that the site wide energy strategy based on the London Plan 35% target (to reduce carbon dioxide emissions below current (2013) Building Regulations) will be met through a combination of 1) passive design measures such as orientation of dwellings for solar gain which will also combat overheating, for example, the balconies on the apartment blocks will provide shading during the summer; 2) energy efficiency measures through enhanced building fabric (such as high performance glazing and insulation, improved U values (to improve air tightness and minimise heat loss), mechanical ventilation with heat recovery where natural ventilation is not possible and energy efficient lighting; 3) supplying energy efficiently through a series of combined heat and power plants (CHP) to provide hot water and heating throughout the year along with electricity (the CHP plants which will come forward through stand alone planning applications potentially within Stage 2). Prior to connection to the CHP system, the plots will serviced by a temporary containerised boiler plant room located to the north east of the site.

5.3 Amenity Issues

5.3.1 In respect of general amenity issues, Policy BP8 of the Borough Wide Development Policies DPD seeks inter alia, to protect existing and proposed occupiers from unacceptable levels of general disturbance arising from proposed developments.

5.3.2 In terms of the construction phase, there is a site wide Code of Construction Practice in place which is designed to minimise the impact of the construction phase on adjoining occupiers by utilising best practice techniques together with controlled working hours. The plot developer will be required to demonstrate compliance with this document.

5.3.3 In terms of existing background noise levels and sources, the application has been accompanied with a noise impact assessment which advises that the facades of the apartments along the eastern elevation fronting the new Drovers Road will experience the highest levels of noise from road traffic (associated with Drovers Road). These properties will benefit from high performance double glazing and external wall construction and acoustic ventilation (as an alternative to opening windows). Facades to the north and south facing the future Gospel Oak Barking London railway lines and Drovers Road respectively will benefit from moderate performance double glazing and external wall construction and potentially some form of acoustic ventilation (as an alternative to opening windows). All other facades are exposed to relatively low noise levels where standard double glazing and opening windows should ensure adequate internal noise environments. The assessment also advises that the majority of external spaces are likely to provide suitable acoustic conditions for residential amenity areas.

5.3.4 The noise impact assessment concludes that an adequate internal noise environment can be maintained across the site and apartments on the most exposed facades (eastern elevation) will have a satisfactory alternative to opening windows. The findings of the assessment are in line with the conclusions of the 2016 Environmental Statement. The applicant has also confirmed that during the detailed design stage, specific calculated assessments shall be carried out of the
sound insulation of the building envelope. The Environmental Health Team therefore raise no objections to the application on noise grounds.

5.3.5 In terms of air quality, the whole of the Borough has been designated an Air Quality Management Area (AQMA) as there are exceedences of the air quality strategy for both nitrogen dioxide (NO2) and small particulate matter (PM10). The air quality assessment submitted with the application advises that the highest points of concentrations are registered from the ground floor windows closest to the temporary energy centre.

5.3.6 The air quality assessment concludes that the predicted impacts and effects on air quality are lower than those predicted in the 2016 Environmental Statement. The Environmental Health Team have advised that the development exceeds the air quality neutral assessment Transport Emissions Benchmark, and as such on or off-site mitigation (e.g. NOx abatement) or offsetting may be required. This is mainly due to the low public transport availability levels in the area in the years assessed. However, the transport emissions are expected to be reduced over time as the whole area is developed and more public transport alternatives are available. In view of this and given the wider site has an approved green travel plan and will include a network of footpaths, cycleways together with electric vehicle charging points, it is considered adequate mitigation for what will be a temporary breach.

5.4 Ground Contamination

5.4.1 In respect of ground contamination, Policy BR5 of the Borough Wide Development Policies DPD requires development on land known to be contaminated to have appropriate site investigations and risk assessments undertaken. The site is currently being remediated by the applicant in accordance with the approved remediation strategy agreed under the outline planning permission. Conditions attached to the outline planning permission also require the plot developer to submit a validation report for approval demonstrating the effectiveness of the remediation undertaken. This is necessary to ensure the new development poses no health risk to either construction workers or future occupiers.

6. Conclusion

6.1 The proposal is considered to represent sustainable development. The application would contribute towards the Council’s vision which identifies the Borough as London’s growth opportunity and would contribute towards the regeneration of the area which is one of the Council’s growth areas in line with the corporate priority to grow the Borough.

6.2 As the proposal accords with the Local Plan and demonstrates general conformity with both the extant planning permission (Ref: 08/00887/FUL) and Sub Framework Plan and for the reasons set out above, the application is recommended for approval.

Background Papers

- Planning Application File
Local Plan Policy

Local Plan Core Strategy (July 2010)

Policy CM1 - General Principles for Development
Policy CM2 - Managing Housing Growth
Policy CM4 - Strategic Transport Links
Policy CM5 - Town Centre Hierarchy
Policy CR1 - Climate Change and Environmental Management
Policy CR2 - Preserving and Enhancing the Natural Environment
Policy CR4 - Flood Management
Policy CC1 - Family Housing
Policy CC2 - Social Infrastructure to meet Community Needs
Policy CC3 - Achieving Community Benefits through Developer Contributions
Policy CP2 - Protecting and Promoting Our Historic Environment
Policy CP3 - High Quality Built Environment

Local Plan Borough Wide Policies DPD (March 2011)

Policy BR1 - Environmental Building Standards
Policy BR2 - Energy and On-Site Renewables
Policy BR3 - Greening the Urban Environment
Policy BR4 - Water Resource Management
Policy BR5 - Contaminated Land
Policy BR9 - Parking
Policy BR10 - Sustainable Transport
Policy BR11 - Walking and Cycling
Policy BR13 - Noise Mitigation
Policy BR14 - Air Quality
Policy BC1 - Delivering Affordable Housing
Policy BC2 - Accessible and Adaptable Housing
Policy BC7 - Crime Prevention
Policy BP3 - Archaeology
Policy BP5 - External Amenity Space
Policy BP8 - Protecting Residential Amenity
Policy BP10 - Housing Density
Policy BP11 - Urban Design

Local Plan Site Specific Allocations DPD (December 2010)

London Plan (March 2016)

Policy 3.3 - Increasing Housing Supply
Policy 3.4 - Optimising Housing Potential
Policy 3.5 - Quality and Design of Housing Developments
Policy 3.6 - Children and Young People’s Play and Informal Recreation Facilities
Policy 3.7 - Large Residential Developments
Policy 3.8 - Housing Choice
Policy 3.9 - Mixed and Balanced Communities
Policy 3.10 - Definition of Affordable Housing
Policy 3.11 - Affordable Housing Targets
Policy 3.12 - Negotiating Affordable Housing on Individual and Private Residential and Mixed Use Schemes
Policy 3.13 - Affordable Housing Thresholds
Policy 5.1 - Climate Change Mitigation
Policy 5.2 - Minimising Carbon Dioxide Emissions
Policy 5.3 - Sustainable Design and Construction
Policy 5.5 - Decentralised Energy Networks
Policy 5.6 - Decentralised Energy in Development Proposals
Policy 5.7 - Renewable Energy
Policy 5.9 - Overheating and Cooling
Policy 5.10 - Urban Greening
Policy 5.11 - Green Roofs and Development Site Environs
Policy 5.12 - Flood Risk Management
Policy 5.13 - Sustainable Drainage
Policy 5.15 - Water Use and Supplies
Policy 5.21 - Contaminated Land
Policy 6.1 - Strategic Approach
Policy 6.2 - Providing Public Transport Capacity and Safeguarding Land for Transport
Policy 6.3 - Assessing Effects of Development on Transport Capacity
Policy 6.7 - Better Streets and Surface Transport
Policy 6.9 - Cycling
Policy 6.10 - Walking
Policy 6.11 - Smoothing Traffic Flow and Tackling Congestion
Policy 6.12 - Road Network Capacity
Policy 6.13 - Parking
Policy 7.1 - Building London’s Neighbourhoods and Communities
Policy 7.2 - An Inclusive Environment
Policy 7.3 - Designing Out Crime
Policy 7.4 - Local Character
Policy 7.5 - Public Realm
Policy 7.6 - Architecture
Policy 7.8 - Heritage Assets and Archaeology
Policy 7.14 - Improving Air Quality
Policy 7.15 - Reducing Noise and Enhancing Soundscapes
Policy 7.19 - Biodiversity and Access to Nature

Table 6.2 - Car Parking Standards
Table 6.3 - Cycle Parking Standards

London Riverside – Opportunity Area Planning Framework

- National Planning Policy Framework
- Planning Practice Guidance
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scheme overview

Barking Riverside commissioned a design team, led by LDS, to develop the "Barking Riverside" masterplan. As part of this exercise a number of key urban design principles were established, which formed the basis for the masterplan design. These principles have been carried through into the development of the plots 201-203 design:

- create an identity and character which is logical and contextual
- define the place strategy to reflect different physical characteristics across the site and optimise values
- develop a local and more contextual response to urban grain through a unifying street hierarchy
- improve and enhance accessibility with new connections and better permeability
- establish a network of urban hubs and open spaces which responds to changes to the primary transport solution
- create coherent landmarks that aid orientation and legibility
- anticipate the changing development context in respect of the wider regional objectives for London

The LDS masterplan design and access statement (January 2016), sets out the emerging vision and aspirations for the future development of the area. It also outlined the design, development, land use, landscape and phasing principles. The capacity for the stage 2 plots of land were established with the following key metrics:

- 367,075 m² GFA of residential development
- 37,000m² GFA of schools
- 4,000 m² GFA A1/A3 retail
- 9,250 m² GFA office
- 500 m² GFA institution
- 3,000 m² GFA leisure
- 4,800 m² GEA hotel
- 1,200 m² GEA sui generis
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a walk through the neighbourhood
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a walk through the neighbourhood

01 view looking north into the townhouse neighbourhood

02 view looking south along the mews
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a walk through the neighbourhood
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**Barking and Dagenham Council**  
**Development Control Board**

**Application No:** 16/01503/FUL  
**Ward:** Whalebone

<table>
<thead>
<tr>
<th>Reason for Referral to DCB as set out in Part 2, Chapter 9 of the Council Constitution:</th>
<th>The application relates to new dwellings without off street parking in an area which is not within a Controlled Parking Zone.</th>
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<tbody>
<tr>
<td><strong>Address:</strong></td>
<td>37 Gordon Road, Chadwell Heath</td>
</tr>
<tr>
<td><strong>Development:</strong></td>
<td>Demolition of bungalow and erection of 3 two storey two bedroom dwellings.</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>VNM Property</td>
</tr>
<tr>
<td><strong>Contact Officer:</strong> Simon Bullock</td>
<td><strong>Title:</strong> Principal Development Management Officer</td>
</tr>
</tbody>
</table>
| **Contact Details:**  
Tel: 020 8227 3803  
E-mail: simon.bullock@lbld.gov.uk |  

**Summary:**

The proposed demolition of an existing bungalow and erection of a terrace of three 2 storey houses would optimise the use of this site for residential purposes in accordance with the development plan.

The existing building does not contribute positively to the appearance of the street scene, and the proposed development is considered to be well designed and appropriate to its context in terms of scale and massing.

The proposed dwellings would provide a good standard of accommodation for future occupiers and are designed to meet the accessibility, internal space and external amenity space standards set out within the development plan. The scheme would not cause harm to the amenities of neighbouring occupiers.

The development would result in a net gain of two houses without the provision of any off street parking. Whilst the provision of parking within the development boundaries would have been preferable such provision is not feasible within the current scheme. It is considered that the additional on street parking demand that will result from the development would not have a significant impact on existing parking pressure, and furthermore would not have a severe impact on transport which is the relevant policy test set out within the National Planning Policy Framework.

**Recommendation:**

That the Development Control Board grant planning permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by S.51 of the Planning and Compulsory Purchase Act 2004)

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

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

3. No above ground development shall take place until a scheme of hard and soft landscaping for the front gardens of the approved dwellings (that shall if feasible provide a replacement hedgerow), including details of materials, species and a planting schedule has been submitted to and approved by the Local Planning Authority in writing. The approved hard landscaping shall be carried out prior to the occupation of the development and thereafter permanently retained. The approved soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the development is satisfactorily landscaped in order to improve the visual appearance of the area and in accordance with policies BR3 and BP11 of the Borough Wide Policies Development Plan Document.

4. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected. The development shall not be occupied until the approved boundary treatment has been provided. The approved boundary treatment shall be retained unless the Local Planning Authority gives prior written approval for its removal.

Reason: To ensure the boundary treatment protects or enhances the character and amenity of the area in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

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

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

6. The development shall not be commenced until a scheme of tree planting (providing a minimum of 3 trees) for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be designed to promote bio-diversity, and details
shall be provided of the species, maturity, planting schedule, soil depth and quality, and maintenance schedule. The scheme shall be implemented in accordance with the approved details and shall be carried out in the first planting season following the occupation or the completion of the development, whichever is the sooner. Any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To secure the provision and retention of the landscaping in the interests of the visual amenity of the area and in order to comply with Section 197 of the Town and Country Planning Act 1990 and policy BR3 of the Borough Wide Development Policies Development Plan Document.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i. the parking of vehicles of site operatives and visitors;
ii. details of access to the site;
iii. loading and unloading and the storage of plant and materials used in constructing the development;
iv. the erection and maintenance of security hoardings including decorative displays;
v. measures to control the emission of noise, dust and dirt during construction that shall accord with the guidance provided in the document “The Control of Dust and Emissions during construction and demolition”, Mayor of London, July 2014; including but not confined to, non road mobile machinery (NRMM)
vi. a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

8. No deliveries, external running of plant and equipment or construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

9. The development shall not be occupied until the existing dropped kerb in Gordon Road that serves a former garage has been re-instated as a raised kerb, unless any variation is agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety and convenience and maximising on street parking and in accordance with policy BR9 of the Borough Wide
1. **Introduction and Description of Development**

1.1 37 Gordon Road is a two bedroom bungalow situated at the junction of Gordon Road and Whalebone Grove. The proposal is to demolish the bungalow and replace it with a terrace of three 2 bedroom 2 storey houses that would have front entrances facing Whalebone Grove.

2. **Background**

2.1 The site has no planning history.

3. **Consultations**

   **Adjoining occupiers**

3.1 Consultation letters were sent to 33 neighbouring residents. In response 2 letters of objection were received from the occupiers of nos. 33 and 40 Whalebone Grove. No. 40 is the next door house with an adjoining garden boundary and no. 33 is on the opposite side of the road. The objections are on the following grounds:

   - No parking provision for the proposed development
   - High level of demand for existing on street parking in the area causing inconvenience to existing residents
   - Significant parking pressure on adjacent streets
   - Potential damage to adjacent property
   - Noise
   - Potential loss of light

   **Access Officer**

3.2 No comments received.

   **Environmental Health**

3.3 No comments received.

   **Transport Development Management**

3.4 The Public Transport Accessibility Level (PTAL) is 2 on a scale of 0 to 6 where 6 is excellent. This is a poor accessibility rating and no off-street parking provision is secured to serve the needs of the development.

3.5 Due to the number of proposed units, and the requirement to provide external amenity space in accordance with the relevant policy standard, the scheme has been designed such that there is insufficient space for the provision of any off street parking.
3.6 We consider that the proposed development in its current form will adversely affect the highway in that it will add to the existing parking pressure in the area. It is our view that the site is not suited to the scale of development proposed and we find it to be unacceptable and recommend that planning permission be refused on the grounds that the development would exacerbate existing parking congestion.

Waste and Recycling Policy Manager

3.7 No comments received.

4. Local Finance Considerations

4.1 The proposed development is liable for the Mayoral and Borough Community Infrastructure Levies and would result in CIL contributions of approximately £2,800 and £1,200 respectively.

5. Analysis

Principle of the development

5.1 The proposed redevelopment of the site for residential purposes, resulting in a net gain of two dwellings, is acceptable in principle.

Design

5.2 The proposed design would be contemporary in style with bulk and proportions that are reflective of, and complement the surrounding development. Whilst the surrounding streets comprise a variety of mainly two storey houses with some bungalows, including short terraces, semi-detached and detached dwellings of a variety of styles and eras there is a rhythm of relatively narrow plots and buildings that on the whole have a vertical emphasis.

5.3 It is proposed that the two storey terrace with pitched roof would utilise brick and clay tiles. In addition a small element of metal cladding is proposed at first floor level as a surround to the first floor windows. The first floor elevation of the terrace would slightly step forward of the ground floor elevation.

5.4 It is considered that these features provide visual interest, and the step in the front elevation would be balanced by the design of the large first floor windows with surrounding panels that are situated above the ground floor entrance doors, giving a vertical emphasis to the terrace, and a rhythm that is reflective of its surroundings.

5.5 The side elevations would have gable end walls, with the east elevation having a first floor window facing onto Gordon Road. To the rear each unit would have a small first floor rear projection with a flat roof. Whilst usually pitched roofs are encouraged for two storey buildings in this case it is considered that the use of flat roofs for these small first floor projections would reduce the prominence of the building and would therefore be acceptable.

5.6 The side elevation of the terrace would abut the back edge of the pavement of Gordon Road, and by comparison the existing bungalow is set back by 3.2m. Whilst this would make the development more prominent in the street scene, in the context
of this part of Chadwell Heath, it is considered acceptable, as it is a typical form of
development. The house on the diagonally opposite corner of the Gordon
Road/Whalebone Grove cross-road also has a side elevation abutting the pavement
of Gordon Road.

5.7 The existing bungalow has a mature hedgerow on its Whalebone Grove frontage
that would have to be removed to facilitate the development. The proposed plan
indicates an area of planting to the proposed front gardens, and this will be the
subject of the landscaping condition. There is sufficient space for the planting of a
replacement hedgerow with gaps for each residential entrance, and this is
considered a desirable boundary treatment for this frontage.

5.8 Having regard to the above considerations the proposed design of the scheme is
considered acceptable and in accordance with policy BP11 of the Borough Wide

Amenity

5.9 The proposed houses would each meet the minimum floor spaces, dimensions, and
storage space provision required by policy 3.5 of the London Plan and the nationally
described space standard. The houses would also be designed to achieve
accessible standard M4(2) of the Building Regulations in accordance with policy 3.8
of the London Plan.

5.10 The rear gardens would each have an area of 50m2 in accordance with the
requirements of policy BP6 of the Borough Wide Development Policies
Development Plan Document.

5.11 The proposed development would consequently provide a good standard of
accommodation for future occupiers.

5.12 The neighbouring house at 40 Whalebone Grove is detached, and has a first floor
side window facing towards the application site within its east elevation. Currently
this window faces onto the gable end wall of the bungalow which is on the site
boundary at a distance of 2.8m. The proposed development would result in a two
storey gable end wall on this boundary and it appears that this additional height and
bulk would result in some reduction in daylight reaching the affected window. The
gap between the two buildings would continue to allow the passage of direct
sunlight to this window from the south-east.

5.13 The house at 40 Whalebone Grove also has a similarly positioned window on its
west elevation, with a similar sized gap between it and the adjacent house to the
west, which is a two storey end of terrace house.

5.14 Whilst it is accepted that the development would cause some impact on this window
it is not considered that his would be severe, and where a building takes its light
over the side boundary of a neighbouring property it is generally not considered
reasonable that this should prevent development on the adjoining site. In the
circumstances outlined above the impact on residential amenity is considered
acceptable.
5.15 With reference to the neighbour’s concern about noise arising from the development it is assumed that this relates to construction noise. Some noise during construction is inevitable but a restriction on the hours of working and a construction management plan condition can be imposed. This would help to minimise noise and disturbance to neighbours.

5.17 In relation to the comment about potential damage to the neighbouring property, this is not a matter that can be controlled under the planning application and would not be a valid reason to refuse planning permission.

**Transport**

5.18 The existing site has a dropped kerb to the rear of the bungalow on Gordon Road. However, this appears to now be redundant because the garage outbuilding it was designed to serve has been altered such that it now has a solid wall in place of a garage door. The applicant has agreed to a condition requiring that this dropped kerb is re-instated as a raised kerb, and this will have the effect of slightly increasing the available on street parking space within Gordon Road, by creating sufficient space for the parking of one small car.

5.19 The proposed development of three dwellings, a net gain of two, would provide no off street parking. The site and surroundings are not in a controlled parking zone. Consequently the development would result in an increased demand for on street parking in the vicinity and this is a concern that has been raised by the two objectors to the application. The Transport Development Management Team has objected to the proposal for this reason.

5.20 The site has a relatively low PTAL level of 2 as set out above. The London Plan parking standard expressed as a maximum, states that on average less than 1 parking space should be provided per 2 bedroom dwelling.

5.21 It would appear that there is a relatively high degree of demand for on street parking in the vicinity of the site. The proposed net gain of 2 dwellings would increase the on street parking demand to some degree. However, given the small number of units it is not considered that the development would have a significant impact on the level of parking demand in the vicinity of the site, and it would not result in harm to highway safety. It is accepted however, that any increase in on street parking demand may have a slight impact on the ability of existing neighbouring residents to find on street parking spaces close to their properties.

5.22 The National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is not considered that the development would cause a severe impact on parking and transport in the vicinity of the site.

5.23 In addition a recent planning appeal relating to a nearby site at 16 Gordon Road for the conversion of an existing dwelling to two residential units was allowed. One of the reasons for the refusal of the planning application was that the lack of off street parking would result in increased parking pressure on the street. The Inspector concluded that the development would not increase the demand for on-street parking spaces to a degree that would have severe effects to the operation of the highway, or its safety in its immediate environs. As this is a relevant and recent
planning appeal determined in January this year it should be taken into account in the determination of the current application.

5.24 For the above reasons the proposed development is considered acceptable in respect of parking and transport considerations.

Environmental Sustainability

5.25 The proposed rear gardens have the potential to contribute to bio-diversity as does the existing garden of the bungalow. A condition can be imposed requiring tree planting in connection with the proposed development in accordance with policy BR3 of the Borough Wide Development Policies Development Plan Document.

Background Papers

- Planning Application File: http://paplan.lbbd.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OE3NKIBLK0600

- Local Plan Policy
  - Policy BR3 Greening the Urban Environment
  - Policy BR4 Water Resource Management
  - Policy BR9 Parking
  - Policy BR10 Sustainable Transport
  - Policy BC7 Crime Prevention
  - Policy BP5 External Amenity Space
  - Policy BP8 Protecting Residential Amenity
  - Policy BP11 Urban Design

- London Plan Policy
  - Policy 3.4 Optimising housing potential
  - Policy 3.5 Quality and design of housing developments
  - Policy 3.8 Housing choice
  - Policy 5.13 Sustainable drainage
  - Policy 6.13 Parking

- National Policy
  - National Planning Policy Framework
  - National Planning Practice Guidance
37 Gordon Road, Chadwell Heath
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Title: Town Planning Appeals

Report of the Development Management Manager, Regeneration Division

Open Report For Information

Wards Affected: Abbey, Alibon, Becontree, Eastbury, Gascoigne, Heath, Longbridge, Mayesbrook, Parsloes, Thames

Key Decision: No

Report Author: Dave Mansfield, Development Management Manager

Tel: 020 8227 3999
E-mail: dave.mansfield@lbbd.gov.uk

Accountable Director: John East, Growth and Homes

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

Recommendation(s)
The Development Control Board is asked to note this report.

1. Appeals Lodged

  a) Erection of first floor side/rear extension, conversion of garage to study, and replacement outbuilding in rear garden – 7 Oulton Crescent, Barking (Ref: 16/01229/FUL)

  Application refused under delegated powers 4 October 2016 – Longbridge Ward.

  b) Application for prior approval of proposed single storey rear extension (depth: 5.0 metres; height to eaves: 2.6 metres and maximum height: 3.35 metres) - 33 Standfield Road, Dagenham (Ref: 16/01101/PRIOR6)

  Application refused under delegated powers 22 August 2016 – Alibon Ward.

  c) Erection of two storey 2 bedroom detached house - 476 Ripple Road, Barking (Ref: 16/01309/FUL]

  Application refused under delegated powers 3 November 2016 – Eastbury Ward.
d) Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of gable end roof, rear dormer window and front rooflights - 378 Heathway, Dagenham (Ref: 16/01684/CLU_P)

Application refused under delegated powers 23 December 2016 – Alibon Ward.

2. Appeals Determined

2.1.1 The following appeals have been determined by the Planning Inspectorate:

   a) Erection of first floor extension to provide studio flat – 5 Porters Avenue, Dagenham (Ref: 16/00431/FUL – Parsloes Ward)

      Application refused under delegated powers 4 April 2016 for the following reasons:

      1) The proposed dwelling would be within a poor quality environment, which offers a poor outlook and unsafe passage of access for future occupiers of the unit. As such the site is considered to be inappropriate and unsuitable for new independent residential living accommodation, contrary to Local Plan Core Strategy Policy CP3 and Borough Wide Development Policies BP11 and BP8, which seek to secure that all new residential development should achieve the highest standards of sustainable design and layout expected for new residential dwellings. As such, the proposal fails to fulfill the social and environmental roles of sustainable development and is therefore contrary to National Planning Policy Framework Paragraphs 14 and 17.

      2) The proposal would not provide a safe and secure access way to and from the proposed dwelling. Moreover, the proposal would not create a safe environment for future occupiers of the proposed dwelling and would undermine their quality of life and sense of the 'home as a place of retreat', contrary to National Planning Policy Framework Paragraph 58, The London Plan Policy 3.5, and Borough Wide Development Policies DPD Policy BP11. As such, the proposal fails to fulfill the social and environmental roles of sustainable development, and therefore contrary to NPPF Paragraph 14.

      Planning Inspectorate’s Decision: Appeal dismissed 16 February 2017 (see attached)

   b) Erection of single storey rear extension - 16 Wykeham Green, Dagenham (Ref: 16/00985/FUL – Mayesbrook Ward)

      Application refused under delegated powers 26 August 2016 for the following reason:

      1) The development, by reason of its design and excessive scale, would result in a dominant and intrusive addition in the rear garden environment, harmful to the character and appearance of the area. The proposed extension would adversely affect the outlook of the occupiers of 17 Wykeham Green. The proposal is contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document and the guidance contained in the Supplementary Planning Document 'Residential Extensions and Alterations'.

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Planning Inspectorate’s Decision: Appeal dismissed 2 February 2017 (see attached)

c) Enforcement Notice appeal – Erection of automatic gates and railings to front and side of front garden – 25 Muggeridge Road, Dagenham (Heath Ward)

Planning Inspectorate’s Decision: Appeal dismissed 16 February 2017 (see attached)

d) Enforcement Notice appeal – Change of use of shop to café bar (Class A3) – 28 Station Parade, Barking (Abbey Ward)

Planning Inspectorate’s Decision: Appeal dismissed 31 January 2017 (see attached)

e) Enforcement Notice appeal – Erection of extension to rear of property – 29 Sutton Road, Barking (Gascoigne Ward)

Planning Inspectorate’s Decision: Appeal dismissed 16 February 2017 (see attached)

f) Enforcement Notice appeal – Erection of front fence 1.8 metres in height – 40 Goring Gardens, Dagenham (Becontree Ward)

Planning Inspectorate’s Decision: Appeal dismissed 26 January 2017 (see attached)

g) Application for prior approval of proposed single storey rear extension (depth: 6.0 metres and maximum height: 3.0 metres) - 70 Hurstbourne Gardens, Barking (Ref: 16/00916/PRIOR6 – Longbridge Ward)

Application refused under delegated powers 21 July 2016 for the following reason:

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

Planning Inspectorate’s Decision: Appeal dismissed 27 January 2017 (see attached)

h) Erection of first floor side and rear extension and single storey front extension - 85 Lodge Avenue, Dagenham (Ref: 16/01084/FUL – Mayesbrook Ward)

Application refused under delegated powers 13 October 2016 for the following reason:
1) The proposed development will result in a double storey side extension that will sit significantly forward of the front building line of properties in Ilchester Road and as such will materially close down the view to and from Ilchester Road, detrimental to the character of the existing building and surrounding area and as such is contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (March 2011) and the Residential Extensions and Alterations Supplementary Planning Document (February 2012).

Planning Inspectorate’s Decision: Appeal dismissed 2 February 2017 (see attached)

i) Erection of two storey side extension and single storey front extension - 30 Cornworthy Road, Dagenham (Ref: 16/01438/FUL – Mayesbrook Ward)

Application refused under delegated powers 9 November 2016 for the following reason:

1) The proposed two storey side extension would partly close off an important gap within the street scene which provides relief from the built up nature of the street. The development fails to protect the character of the area and would be harmful to the street scene. The proposed development is therefore contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (March 2011) and the Residential Extensions and Alterations Supplementary Planning Document (February 2012).

Planning Inspectorate’s Decision: Appeal dismissed 21 February 2017 (see attached)

j) Change of use of part of existing warehousing/storage floor space to banqueting facility with ancillary storage - 6 - 8 Thames Road, Barking (Ref: 14/00464/FUL – Thames Ward)

Application refused under delegated powers 29 February 2016 for the following reasons:

1) The proposed development is contrary to the London Riverside Opportunity Area Planning Framework Supplementary Planning Guidance 2015 which seeks to change the designation of the site to housing. The granting of permission for this proposal would embed the use on the site and make the possibility of future residential development less likely to come forward thereby compromising the long-term land use aspirations for the London Riverside area.

2) The use, by virtue of its siting and location within close proximity of land which is likely to be released for housing as identified in the Mayor of London, London Riverside Opportunity Area Planning Framework (September 2015), would be inappropriate and likely to result in noise and disturbance detrimental to the living standards and amenities enjoyed by future residential occupiers, contrary to policies BR13, BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

3) The application details as submitted do not accurately reflect the full range of uses currently operating on the site and therefore the Transport Assessment
does not provide accurate data for events being undertaken in relation to the banqueting facility and as such a full assessment of this application cannot be made. Notwithstanding this it is likely that the banqueting hall/function suite use has resulted in significant levels of on-street car parking with the likelihood of inconsiderate car parking causing obstruction of the public highway to the detriment of highway safety and the inconvenience of neighbouring commercial and potentially future residential occupiers contrary to Policies BR9 and BR10 of the Borough Wide Development Policies Development Plan Document.

Planning Inspectorate's Decision: Appeal allowed 30 January 2017 (see attached)
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Appeal Decision

Site visit made on 17 January 2017

by A J Mageean  BA (Hons) BPI PhD MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 February 2017

Appeal Ref: APP/Z5060/W/16/3159282
5 Porters Avenue, Dagenham, Essex RM9 5YS

- 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 Irfan Ali against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 15/01706/FUL, dated 8 December 2015, was refused by notice dated 4 April 2106.
- The development proposed is first floor extension to create a studio flat.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would provide satisfactory living conditions for the future occupants of the flat with particular reference to firstly its location and means of access, and secondly to outlook.

Reasons

3. The appeal site is located at the rear of a shopping parade within the Martin’s Corner Neighbourhood Centre. In common with other properties in this parade there is commercial use on the ground floor and residential above. In the appeal property a two bedroom flat accessed from the rear of the property is located on its first and second floors. The current proposal is for a studio flat which would be constructed as a first floor extension to the rear of the existing building. This would also be accessed via an existing external staircase approved for use by the neighbouring property at No 7 Porters Avenue1. The staircase exits into the rear yard area, which also contains access to the storage area for the retail unit, beyond which is the service road.

Living conditions – location/access

4. The rear service road is narrow, without pavement, poorly lit and gated at both ends. Whilst it was reasonably quiet at the time of my site visit on a weekday afternoon, I assume it is used to provide regular commercial deliveries to the units in the shopping parade. Not only would this be an uncomfortable environment for pedestrians, but it is likely that there would also be noise and disturbance from deliveries at various times of the day.

1 12/00708/FUL
5. As this part of the service road is bound by high brick walls, and the rear of what appears to be commercial premises, there would be limited natural surveillance. This would be compounded by the sharp bend in the road, limiting visibility along this route. Furthermore, in this location the proposed studio flat would not be well integrated into the wider neighbourhood in terms of local patterns of movement and the social contact which help to create an attractive residential setting.

6. The Council also points out that insufficient information is presented about the gated nature of this service road in terms of ownership and control. In this respect it is not clear how access is managed.

7. I accept the appellant’s point that residential units above shops are common in the borough. The appellant also notes that this service road currently provides access to a number of other residential units. However this fact does not justify permitting additional residential access via this poor quality environment. The appellant also suggests that the additional use of this route would increase levels of use and therefore improve its safety. However such a limited increase in usage would not in itself address the fundamental issues of the poor environment and lack of natural surveillance in this area.

8. I therefore conclude that the proposed studio flat would not provide satisfactory living conditions for future residents in terms of its location and means of access. In this respect it would conflict with the London Borough of Barking and Dagenham Borough Wide Development Policies DPD 2011 (the Borough Wide Policies) which at Policy BP11 requires new development to provide safe environments that reduce the fear of crime and improve crime prevention. It would also conflict with the National Planning Policy Framework (the Framework) which at paragraph 58 requires planning decisions to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Living conditions - outlook

9. The Council also refer to the fact that the occupants of the studio flat would have a poor outlook. There would be two small externally facing windows in the flat in the kitchen which would overlook the rear yard area. In this respect the appellant agrees that the outlook would not be particularly desirable.

10. Whilst this outlook would be poor, it would not be dissimilar to that common in central locations. In this respect the windows, in combination with the proposed small ‘roof dome’ would enable an appreciation of changing weather conditions and access to daylight and sunlight. My view is therefore that the outlook provided would be adequate bearing in mind the nature of this urban environment.

11. I conclude that in terms of outlook the proposal would provide acceptable living conditions for the future occupants of this unit. In this respect it would comply with the London Borough of Barking and Dagenham Core Strategy Policy CP3, the Borough Wide Policies BP8 and BP11, and the Framework paragraph 17, all of which seek to secure a high standard of residential design.
Other matters

12. The appellant argues that this is an accessible location with a high PTAL\(^2\) level and high density allowance, and that the studio flat would provide much needed small, low maintenance and energy efficient accommodation. Furthermore its floor area would be in excess of the Nationally Described Space Standards. Reference is also made to the London Assembly publication ‘The Future of London’s town centres’ which advises that land in town centres should improve and diversify. Such considerations do weigh moderately in favour of the appeal proposal.

13. Appellant also refers to what is considered to be unsuitable development proposed elsewhere in the borough. Whilst I am not familiar with the scheme referred to, I have judged the present scheme on its own merits.

Conclusions

14. I have accepted that the scheme would provide satisfactory living conditions in terms of outlook, and that it would be well located in terms of access to services and facilities. However, the evidence I have examined in relation to the means of access to the studio flat is such that the living conditions for future residents would not be acceptable. The degree of harm in this respect significantly and demonstrably outweighs these other considerations, and therefore the proposal does not comply with the development plan taken as a whole. It would also conflict with the Framework.

15. I conclude that the appeal should fail.

\textit{Aj Mageean}

INSPECTOR

\(^2\) Public Transport Accessibility Level
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The Planning Inspectorate

Appeal Decision

Site visit made on 18 January 2017

by Timothy C King BA(Hons) MRTPi

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

Decision date: 2 February 2017

Appeal Ref: APP/Z5060/D/16/3162552
16 Wykeham Green, Dagenham, RM9 4NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Abdul Alim against the decision of the Council of the London Borough of Barking and Dagenham.
- The application Ref 16/00985/FUL dated 24 June 2016, was refused by notice dated 26 August 2016.
- The development proposed is ‘Erect single storey rear extension.’

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:

   1) the effect of the proposal on the character and appearance of the surrounding area; and

   2) the effect of the proposal on the living conditions of surrounding occupiers, with particular regard to the outlook of the residents at No 17 Wykeham Green.

Reasons

Character and appearance

3. The appeal dwelling like No 17, its semi-detached neighbour, has already been extended with a flat-roofed, brick-built, single-storey addition to a depth of approximately 3.6m, as mentioned in the appellant’s statement. No 17’s extension is to a slightly greater depth, and there is narrow gap between the two additions.

4. The proposal at appeal seeks to extend the dwelling by an additional 4m which, as depicted on the submitted drawing no 04, would result in a substantial expanse of flat roof projecting out from the original rear wall of the dwelling. Arising from this, the cumulative depth of some 7.6m from this point would involve the creation of an extension of excessive depth which, from my viewpoint in the property’s rear garden, would appear to be significantly out of character with that of the surrounding area. The resultant area of flat roof
stretching out from the main dwelling would compound this incongruity and, as such, I consider that the proposed extension’s design and scale would be an inappropriate form of development in this particular setting.

5. On the first main issue I conclude that the proposal would be harmful to the character and appearance of the surrounding area, contrary to the aims and requirements of Policies BP8 and BP11 of the Council’s Borough Wide Development Policies Development Plan Document (DPD) which, amongst other things, require that all developments, including extensions, should have regard to, and protect, local character.

Living conditions

6. The Council’s Supplementary Planning Document ‘Residential Extensions and Alterations’ (SPD) advises that, in order to ensure that there is no material loss of outlook or daylight to semi-detached properties, the depth of an extension should not normally exceed a projection of 3.65m from the original rear wall. Although No 17 has already been extended, and is slightly deeper than the appeal dwelling’s addition I consider that the proposed additional depth would be of such significance so as to impact on the neighbouring occupiers.

7. Although I noted that No 17 sits directly south of the appeal property and that a prominent bush is situated within its rear garden close to the common boundary the additional 4m would somewhat counteract the favourable orientation, whilst there is no guarantee that the high bush would remain in situ. Indeed, it appeared to me that its presence likely already affects light entry into No 17’s rear window. In such circumstances I am also mindful that the SPD mentions that the common 45 degree angle test – a general rule of thumb in weighing up whether or not a neighbouring extension’s depth would create an undue effect – should be employed. The appellant has not demonstrated that No 17’s rear window would not be adversely affected in this regard and, in weighing up the various factors, I consider that as a result of the extension’s proposed depth the rear outlook from No 17 would suffer as a consequence.

8. On the second main issue I conclude that the proposal would be harmful to the living conditions of surrounding occupiers, contrary to the aims and requirements of DPD Policies BP8 and BP11 which, amongst other things, serve to guard against the loss of local amenities. Further, the SPD guidance would also be contravened.

Conclusion

9. I have found harm on both main issues which is compelling. Neither the intended absence of side windows in the extension nor the use of external materials in its construction to match the host dwelling would mitigate in this regard. The appeal, therefore, does not succeed.

Timothy C King

INSPECTOR
Appeal Decision

Site visit made on 2 February 2017

by K R Saward Solicitor

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

Decision date: 16 February 2017

Appeal Ref: APP/Z5060/C/16/3162740

25 Muggeridge Road, Dagenham, Essex RM10 7BG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Alina Radoescu against an enforcement notice issued by the Council of the London Borough of Barking & Dagenham.
- The enforcement notice was issued on 27 October 2016.
- The breach of planning control as alleged in the notice is without planning permission, erection of automatic gates and railings to front and side of front garden.
- The requirements of the notice are:
  - Remove the automatic gates and railings to front and side of front garden
  - Remove all alterations and fixtures related to the unauthorised automatic gates and railings to front and side of front garden
  - Remove all subsequent waste material from the property.
- The period for compliance with the requirements is 1 month.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a) an application for planning permission is deemed to have been made under s177(5) of the Act.

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue

2. The main issue is the effect of the development on the street scene along Muggeridge Road.

Reasons

3. Muggeridge Road is composed of two storey terraced houses. Whilst there are some variations, the houses are all in simple architectural style. They have reasonably sized front gardens with either open highway frontages to accommodate off-street parking or bounded by low level walls or hedging.

4. No 25 is an end terrace house located towards the end of the cul-de-sac. Unlike any others, it has been fully enclosed with metal railings and gates. Metal railings extend along both side boundaries atop 1m high walls. They continue in similar manner to the front boundary on either side of a metal pedestrian gate and double metal electric gates. The railings and gates are affixed to tall brick pillars topped with painted ball finials.
5. A retrospective application for planning permission to allow retention of the gates and railings was dismissed on appeal on 29 February 2016. The enforcement notice follows the issue of that decision.

6. The Council has clarified that it recognises the low level walls are permitted development and does not require their removal. It considers that the brick piers are caught by the notice because it requires removal of “all alterations and fixtures related to the unauthorised automatic gates and railings”. The allegation is expressed to concern solely the gates and railings. The allegation and requirements must match. It is not clear on its face that the allegation includes brick pillars when no mention is made of these. As such, I must confine my consideration to the gates and railings.

7. There is nothing lightweight about the appearance of these gates and railings. Given their height, design, materials and length, they have a bold, harsh appearance. In this setting, they are a very obtrusive feature in the street scene being immediately evident upon entering the cul-de-sac. Not only does the development severely compromise the sense of spaciousness, it is also completely at odds with its locality where no other properties are enclosed in this manner.

8. From the image supplied by the appellant of the appeal property prior to the erection of the new boundary treatment, the boundaries were easily identifiable despite its open frontage. Those boundaries are now obvious even from distance to the extent of creating a fortress like appearance in relatively open surroundings.

9. Whilst there are examples of railings nearby, none are as high and expansive or comparable in terms of their ornate design. The appellant has drawn my attention to other railings in the wider proximity, but none are closeby. The Council advises that two of the three examples are unauthorised in any event.

10. Compliance with the requirements of the notice is not a fallback position. If the appellant were to remove the boundary treatments entirely as suggested as a possibility, it would not create a situation that would be more harmful. That option is not a fallback position that would justify the grant of planning permission for the development.

11. The development has a significant adverse effect on the street scene in this part of Muggeridge Road. Therefore, it is contrary to Polices BP8 and BP11 of the Borough Wide Development Policies DPD, 2011 which, amongst other things, seeks development that has regard to, and protects and enhances the character of the area. It also conflicts with the aims in paragraphs 56 and 58 of the National Planning Policy Framework for good design that responds to local character.

Conclusion

12. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal on ground (a) and the application for deemed planning permission should fail.

KR Saward
INSPECTOR

1 Appeal ref: APP/Z5060/D/15/3138643
The Planning Inspectorate

Appeal Decision

Site visit made on 22 November 2016

by Mrs H M Higenbottam  BA (Hons)  MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date:  31 January 2017

Appeal Ref: APP/Z5060/C/16/3148465
28 Station Parade, Barking IG11 8DR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Ali Ashgar Kadhodayi-Kholghi against an enforcement notice issued by the Council of the London Borough of Barking & Dagenham.
- The enforcement notice was issued on 17 March 2016.
- The breach of planning control as alleged in the notice is ‘Without planning permission, the unauthorised material change of use of the retail (A1) at the ground level of the property to a Café Bar (A3)’.
- The requirements of the notice are:
  - Cease the use as a café bar (A3).
  - Removal all alterations and fixtures related to unauthorised use for café bar business (A3).
  - Remove all subsequent waste material from the property.
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision:  The appeal is dismissed and the enforcement notice is upheld with variations.

The notice

1. The allegation is that there has been a material change of use to a Café Bar (A3). Class A3 of the Town and Country Planning (Use Classes) Order 1987 as amended (UCO) is defined as ‘Use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises.’ It is clear that it is the consumption of food or drink on the premises which is being attacked and I will vary the allegation and requirements to reflect this in the interests of clarity. This would not result in either injustice or prejudice to the appellant or the Council.

The appeal on ground (b)

2. This ground is that as a matter of fact the matters alleged in the notice have not taken place. To succeed on ground (b), the appellant must meet the burden of proof, which rests firmly with them, by demonstrating on the balance of probabilities that, at the time the notice was issued, the matters stated in it had not occurred as a matter of fact. Whether or not a material change of use has taken place is a question of fact and degree in each case.

3. The allegation is that there has been a material change of use from retail (A1) to a Café Bar (A3). For there to be a material change of use there needs to be
some difference in the character of the activities from what has gone on previously.

4. The appellant describes the premises as a coffee lounge where sandwiches can be purchased and some food is heated up. He states that no hot food is cooked on the premises and the number of seats/covers is limited to 14. He considers that the premises are within UCO Class A1.

5. Class A1 of is defined as ‘Use for all or any of the following purposes—

(a) for the retail sale of goods other than hot food,
(b) as a post office,
(c) for the sale of tickets or as a travel agency,
(d) for the sale of sandwiches or other cold food for consumption off the premises,
(e) for hairdressing,
(f) for the direction of funerals,
(g) for the display of goods for sale,
(h) for the hiring out of domestic or personal goods or articles,
(i) for the washing or cleaning of clothes or fabrics on the premises,
(j) for the reception of goods to be washed, cleaned or repaired,
(k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet;

where the sale, display or service is to visiting members of the public.

6. The appellant owns and runs the appeal unit and the nearby Barking Hotel. The hotel is physically separate and is accessed via a door in the flank elevation of No 24 up a flight of stairs where there is a reception area. However, I saw at my site visit that the appeal unit has an area at the front of the unit which is akin to a reception area, with a service area and seating area. It was confirmed that there was no internal access from the appeal unit to the hotel. The appellant states that this area was to cater for people with enquiries concerning the Barking Hotel. However, no substantiated evidence of numbers of persons coming to the appeal unit in connection with hotel enquiries and on the evidence available this use appears to be de minimis.

7. The area beyond the front reception area was laid out with two tables at right angles to the wall on the left hand side, with bench seats, and on the right hand side there was a long seating bench along the wall with four tables and chairs. A customer service counter, fridge with bottles of water, an ice cream maker, coffee machine, cups (both china and takeaway), glasses, and a food display cabinet with glass front facing out towards the seating. To the left hand side was a door leading to a toilet and, accessed from behind the service counter, towards the right hand side was a preparation area where there was a fridge, toaster, microwave, and oven. As well as loaves of bread, boxes of breakfast cereal and trays of eggs there were stocks of takeaway food trays.

8. The appellant seeks to rely on the advice contained in the now withdrawn Circular 03/2005 to support his contention that the operation of the appeal unit is within Class A1 and that there has been no material change of use to Class A3. While this advice has been withdrawn I note that at paragraph 34 it states:
in considering where individual uses fall, it is the primary purpose that should be considered. A sandwich bar does not necessarily cease to be in the shops class merely because, for example, it also sells a limited amount of hot drinks, hot soup or food that is heated up. Similarly, it is possible for a few sandwich bar customers to eat on the premises, including at tables within or outside their establishments (e.g. on the forecourt) without involving a material change of use. Provided that this is only an ancillary part of their business, the classification of the business as a sandwich bar would rightly remain in the A1: Shops use class where the retail sales element is the primary purpose.

9. The Council states that the following foods are advertised for table service: porridge, scrambled eggs on toast, English breakfast, banana long boat, fruit sundae and knickerbocker-glory. In addition there are what appear to be screen shots in the Council’s evidence of menus which include sandwiches, smoothies, fresh juice drinks, milkshakes and desserts.

10. The majority of the floor area of the unit is laid out as a place where food and beverages can be consumed. There is no substantiated evidence relating to sales of food or drinks for consumption off the premises or to demonstrate what, if any, retail sales activity takes place within the appeal unit. As such, on the evidence available and as a matter of fact and degree, there has been a material change of use of the appeal unit from a retail use within Class A1 of the UCO to a use for the consumption of food or drink on the premises within Class A3 of the UCO. I therefore conclude on the balance of probabilities that the matters stated in the notice, as varied, had occurred and the appeal on ground (b) fails.

**Appeal on ground (a)**

Main Issues

11. The main issues in the ground (a) appeal are the effect of the Café Bar (Class A3 UCO) use on the function, vitality and viability of the town centre and the living conditions of nearby residential occupiers.

Reasons

*Function, vitality and viability*

12. Policy BTC2 of the Barking Town Centre Area Action Plan (February 2011) (AAP) designates the appeal site as forming part of the Primary Shopping Frontage of Barking Town Centre. Policy BE1 of the Borough Wide Development Policies Development Plan Document (March 2011) (DPD) permits a maximum of 15% of the measured primary frontage to be within UCO Classes A2 to A5. Policies CM5 and CE1 of the Core Strategy (CS) (July 2010) encourages development that helps maintain and enhance, promote and strengthen the vitality and viability of Barking Town Centre as a major centre.

13. The Council states that the percentage of non-Class A1 uses in the primary shopping frontage is 22.14%. Within the parade consisting of 24-38 Station Parade it is 38.4% of non-Class A1 uses. It is not clear whether the calculations take into account the appeal unit as a Class A3 use or not. However, even if the calculations do already take this use into account it is clear that the maximum of 15% set out in Policy BE1 is exceeded.
14. DPD Policy BE1 allows non-Class A1 uses to be introduced in excess of the 15% maximum where it can be demonstrated that a Class A1 use is no longer viable for retail purposes, there is no reasonable prospect of reuse despite attempts to market it at values prevailing within the parade/centre. There is no substantiated evidence to demonstrate any marketing of the appeal unit to satisfy the policy. As such, the use of the appeal unit for a purpose falling within Class A3 is contrary to DPD Policy BE1.

15. The AAP states that Barking Town Centre needs to improve its retail offer if it is to prosper. It is clear that the AAP proposed changes to frontage designations to protect the retail nature of the core of the centre and retain sufficient flexibility to accommodate other appropriate town centre uses. However, it is clear that a further dilution of the retail offer within the Primary Shopping Frontage and in particular the appeal parade would reduce the town centres retail function, vitality and viability. As such, I consider the use of the appeal unit for a UCO Class A3 use would harm the town centre and is unacceptable.

Living conditions

16. The reasons for service of the notice refer to harmful levels of noise disturbing neighbours. The Council in its evidence does not identify what noise and disturbance is generated by the use and which occupiers of which residential properties are affected. The Council suggest that hours of operation should be controlled and that opening hours of 0700 to 2000 hours would be appropriate.

17. The appellant states that hotel bedrooms of the Barking Hotel are located on the upper floors, above the appeal unit and he would not allow the use to result in noise and disturbance.

18. The appeal site is in a town centre location where there is likely to be activity till at least the early evening. I therefore consider that, subject to hours of operation being controlled, the use is unlikely to result in harm to the occupiers of the hotel or occupiers of residential properties that may be in the immediate vicinity. On this basis the appeal use would comply with Policy DPD BR13 and BP8 which directs new developments likely to generate harmful levels of noise away from existing noise sensitive locations and seeks to ensure that existing occupiers are not exposed to unacceptable levels of general disturbance or noise.

Conclusion

19. While I have found no material harm to the living conditions of nearby occupiers this does not outweigh the harm I have identified to the function, vitality and viability of the town centre. For the reasons given above I conclude that the appeal on ground (a) fails.

Appeal on ground (f)

20. This ground of appeal is that the requirements of the notice are excessive and that lesser steps would overcome the objections. In appealing on ground (f) the appellant must specify specific lesser steps which, in their view, would overcome the objections to the appeal development.

21. The Council state that the purpose of the Notice is to remedy the breach of planning control. The reasons for service relate to the effect on living conditions. In addition the Council refer in its evidence to the effect of the
material change of use on the function, vitality and viability of the town centre. I have accepted, in relation to the ground (a) appeal that living conditions of nearby residents could be safeguarded by the imposition of suitable hours of opening conditions. However, this does not overcome the harm to the function, vitality and viability of the town centre.

22. The cessation of the use and removal of fixtures from the appeal site, would remedy the breach of planning control and would be proportionate. Therefore in the absence of cogent evidence to the contrary I conclude that the requirement of the Notice is not excessive. The appeal on ground (f) fails.

Appeal on ground (g)

23. This ground of appeal is that the time given to comply with the notice is too short. The Council has given a one month compliance period. The appellant has requested a period of three months.

24. The requirements relate to cessation of the use and removal of fixtures and fittings associated with that use. The removal of internal fixtures and fittings would not appear to be an onerous task. There is no substantiated evidence to demonstrate why a longer compliance period would be necessary. I therefore find, on the evidence available the compliance period is adequate and the appeal on ground (g) fails.

Conclusions

25. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the deemed application.

Formal Decision

26. The enforcement notice is varied by:

- The deletion of the words ‘retail (A1) at the ground level of the property to a Café’ Bar (A3)’ and the substitution of the words ‘ground floor retail use (within Class A1 Town and Country Planning (Use Classes) Order 1987 as amended (UCO)) to use for the sale of food or drink for consumption on the premises (within Class A3 of the UCO)’ in paragraph 3.
- The deletion of the words ‘as a café bar (A3)’ in the first bullet point of paragraph 5.
- The deletion of the words ‘for café bar business (A3)’ in the second bullet point of paragraph 5.

Subject to these variations the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Hilda Higenbottam

Inspector
Appeal Decision
Site visit made on 6 February 2017
by K R Saward Solicitor
an Inspector appointed by the Secretary of State for Communities and Local Government
Decision date: 16 February 2017

Appeal Ref: APP/Z5060/C/16/3162411
29 Sutton Road, Barking, Essex IG11 7YD
• The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
• The appeal is made by Mr Syed Ali Junaid against an enforcement notice issued by the Council of the London Borough of Barking & Dagenham.
• The enforcement notice was issued on 18 October 2016. The breach of planning control as alleged in the notice is without planning permission, the unauthorised construction of an extension to the rear of the property.
• The requirements of the notice are:-
  • Remove the unauthorised extension to the rear of the property.
  • Remove all waste material from the site.
• The period for compliance with the requirements is 3 months.
• The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a) an application for planning permission is deemed to have been made under s177(5) of the Act.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld as corrected as set out in the Formal Decision.

Preliminary Matters

1. The allegation concerns “the unauthorised construction of an extension to the rear of the property”. In the Grounds of Appeal, the appellant queries which extension is the subject of the notice because the dwelling has been extended at the rear on three occasions. The appellant says the kitchen extension existed upon his acquisition of the property in 2007. He extended the toilet in 2011 and a ‘conservatory’ was built in 2013. The plan attached to the notice does not assist as the whole appeal site is simply outlined in red.

2. Correctly identifying the development is all the more important because the notice requires the “extension” to be removed. If it is unclear from the notice which extension is being attacked, it will similarly be uncertain whether the additions must be removed in whole or part.

3. In its Appeal Statement, the Council talks of the “proposal” as though unbuilt. It also refers to “the 5.1 deep extension” before going on to explain that it is “the combined depth of the existing and unauthorised extensions” that are 5.1m beyond the rear wall of the original house. This indicates that it is an addition to an existing extension with which the Council is concerned, but it is in the notice itself which must be clear.
4. At my site visit, it became apparent that there are three very distinct single storey rear extensions each with a flat or gently sloping roof of differing height. The kitchen extension is built up to one side boundary. A deeper toilet/store extension is alongside built close to the other boundary. From their external condition, neither appears new. A further extension has been added behind the kitchen which is clearly much newer. This is the addition which the appellant describes as a ‘conservatory’. The appellant can have had little doubt that this most recent addition was the subject of the enforcement notice rather than the more historic extensions.

5. For the avoidance of any doubt, wording can be inserted to make it clear that the notice concerns the unauthorised construction of an extension to the rear of the property “behind the existing kitchen extension”. Such amendment does not prejudice the appellant in any way as he has made representations for the retention of this structure. Nor would any injustice arise to the Council. Hereafter, I shall refer to the ‘conservatory’ as ‘the extension’.

6. The Council’s Appeal Statement suggests that the immunity period is 10 years which I take to be in error as the notice correctly identifies a 4 year period.

7. Whilst the box on the Appeal Form has not been ticked for an appeal under ground (c), the appellant has made submissions and provided drawings to illustrate that the extension is permitted development. Those arguments raise issues relevant to ground (c) and I shall deal with them under that ground. The Council will have seen those submissions and has had opportunity to comment.

**Reasons**

**Ground (c)**

8. The appeal on this ground is that the matters alleged in the notice do not constitute a breach of planning control. The burden of proof on this ground is firmly on the appellant.

9. At the time that the appellant says the extension was built (i.e. 2013), the Town and Country Planning (General Permitted Development) Order 1995, as amended, was in force. Pursuant to Article 3 and Schedule 2, Part 1, Class A, the enlargement, improvement or other alteration of a dwellinghouse was permitted development subject to certain limitations and conditions.

10. One limitation was that the enlarged part of the dwellinghouse must not extend beyond the rear wall of the original dwelling by more than 3m for a single storey extension. In May 2013, provision was introduced for extensions up to 6m in depth but subject to conditions and limitations including prior notification to the local planning authority. Clearly, that was not done and so the 3m limit applied.

11. As an addition to a previous extension, the combined projection is approximately 5.1m, a figure uncontested by the appellant. Therefore, the depth of the extension exceeded the 3m threshold. Whilst the size of the extension may have fulfilled other requirements of Class A, all limitations and conditions must be met. Due to the overall depth this cannot have been permitted development. Planning permission was required, but not obtained.

12. The ground (c) appeal fails.
Ground (a) and the deemed planning application

Main Issues

13. The main issues are the effect of the development on:
   - the character and appearance of the host dwelling and surrounding area;
   - the living conditions of neighbouring occupiers.

Reasons

Character and appearance

14. The notice refers to the design of the extension with reference to Policy BP11 of the Borough Wide Development Policies DPD, 2011. Among its principles this policy seeks the design of buildings that protect or enhance the character and amenity of the area.

15. The appeal property is a mid-terrace two storey house of simple architectural style. As mentioned in my preliminary note, it has previously been extended at the rear by two single storey additions. Together, these extensions span the width of the dwelling. The extension attacked by the notice is a further rearward projection attached to the kitchen extension at the same width.

16. The Council’s Residential Extensions and Alterations Supplementary Planning Document, adopted 2012, provides that the depth of an extension to a terraced house should not normally exceed 3.65m measured from the original wall of the house. This is a guide only, but in this instance the extension juts uncomfortably into the rear garden space at an overall depth of about 5.1m.

17. Whilst it may only be 9sqm in floorspace, the extension is nevertheless a prominent addition given the extent of its rearward projection. It causes the rear elevation to be dominated by its extensions. With its block-like form having mainly solid side walls except strips of translucent plastic at high level, the design is poor and unsympathetic to the host dwelling. Attempts have been made from use of painted render to match its appearance. However, the mix of materials including the plastic roof and very poor quality of finish does nothing to protect or enhance the character of the dwelling or area. The overall result is a most unsatisfactory appearance.

18. The appellant indicates a willingness to make changes to the extension in order to address the Council’s concerns. Whilst a condition could be imposed to improve the materials and finish for parts of the extension, a condition could not address the design or size. There is no appeal on ground (f) to suggest any lesser steps other than demolition to remedy the breach of planning control.

19. I find that there is a significant adverse effect on the character and appearance of the host dwelling and surrounding area in conflict with Policy BP11 and the SPD, as aforesaid. It is also contrary to paragraphs 17 and 56 of the National Planning Policy Framework insofar as they promote high quality design.

Living conditions

20. In its reasons for issuing the notice, the Council states that “the erection of the
rear extension results in a negative impact on present and future occupants and neighbours...”. It is unclear how there might be a negative impact on present and future occupants and it is not for me to speculate. That being so, I do not explore this issue further.

21. Similarly, the notice fails to express how there is impact on neighbours. Elaboration is found in the Council’s Appeal Statement where it specifies harm is caused to the neighbouring occupiers of No 31 in terms of outlook from their garden, but this cannot be gleaned from the notice itself. In any event, I am not satisfied that there is an adverse effect to occupiers using the neighbouring garden when the extension projects above the high boundary fence only to a limited degree. Moreover, this part of the neighbouring garden at No 21 is covered by a canopy structure which projects even further along the shared boundary than the extension. Any enclosing effect will arise predominantly from this canopy rather than the extension.

22. I find no adverse effect on the living conditions of neighbouring occupiers with reference to outlook to cause conflict with DPD Policy BP8 which seeks to protect residential amenity, including outlook, and the corresponding aims within DPD Policy BP11.

Conclusion on ground (a) and the deemed planning application

23. Although I have found no harm with regard to the effect of the development on the living conditions of the neighbouring occupiers of No 31 this does not alter the fact that the development is nevertheless harmful with regard to the first main issue. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal on ground (a) and the application for deemed planning permission should fail.

Formal Decision

24. It is directed that the notice be corrected by inserting the words “behind the existing kitchen extension” after the word “property” in paragraph 3. and in the first bullet point of paragraph 5.

25. Subject to this correction, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

KR Saward

INSPECTOR
Appeal Decision

Site visit made on 7 February 2017

by Nick Palmer  BA (Hons) BPl MRTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/Z5060/D/16/3163953

30 Cornworthy Road, Dagenham RM8 2DE

- 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 Ramunas Kucinskas against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 16/01438/FUL, dated 13 September 2016, was refused by notice dated 9 November 2016.
- The development proposed is the erection of a two storey side extension and a single storey front extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

3. The estate on which the property is located was built in the inter-war years. It comprises mainly rows of terraced houses which are set back from the road frontages and with gaps between the terraces including where the road alignment changes. The appeal property is at the end of a terrace and in such a location. It is at an angle to the adjacent house and the width of the plot decreases from front to rear. This arrangement is characteristic of the pattern of development in the area.

4. The Council has no objection to the proposed front extension and I see no reason to disagree. The proposed two storey side extension would occupy most of the available space to the side of the house leaving a gap of 0.75m to the tapering side boundary. By partially filling the space between the terraces it would erode this aspect of the local character. The side extension would also be particularly prominent in the street scene because it would be significantly forward of the adjacent house as a result of their angled relationship.

5. The area has a unity of character in terms of the standard design of the houses and the regular spaces between terraces. The side extension would follow the form of the terrace but its angled side wall would be out of character. If the appeal were to be allowed the Council would find it difficult to resist further similar extensions with the cumulative result that the gaps between the terraces which form a key part of the local character would be lost. The
The proposed side extension would not accord with the Council’s Supplementary Planning Document (SPD)\(^1\) which advises against closing the gap between terraces which may be detrimental to the street scene.

6. The appellant has drawn my attention to other examples of two storey side extensions in the area and has provided photographs of some of those extensions. I saw the extensions referred to at 2 Gale Street and 61 Lillechurch Road on my visit and noted that there are differences between those extensions and the proposed extension in that the first floors are set back from the front walls. Such extensions are few and do not alter the overall character of the area. However the circumstances of proposals vary and each proposal has to be considered on its individual merits. The existence of other side extensions in the area does not alter my conclusion on the main issue for the reasons given.

7. Policy BP8 of the Development Plan Document\(^2\) requires developments to have regard to local character and policy BP11 requires protection and enhancement of character. For the reasons given the proposal would not accord with those requirements. I conclude that the proposal would unacceptably harm the character and appearance of the area.

8. I have taken all other points raised into account including making efficient use of the building, the provision of additional family accommodation and the support expressed by a neighbour but those matters do not alter my conclusion.

**Conclusion**

9. For the reasons given I conclude that the appeal should be dismissed.

*Nick Palmer*

INSPECTOR

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\(^1\) London Borough of Barking and Dagenham Residential Extensions and Alterations (2012)

\(^2\) London Borough of Barking and Dagenham Borough Wide Development Policies (2011)


The Planning Inspectorate


Appeal Decision

Site visit made on 24 January 2017

by Mr N P Freeman  BA(Hons) DipTP MRTPI DMS
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 January 2017

Appeal Ref: APP/Z5060/C/16/3146328
40 Goring Gardens, Dagenham, RM8 2AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr K Djaafer against an enforcement notice issued by the Council of the London Borough of Barking & Dagenham.
- The enforcement notice, numbered 14/00494/NOPERM, was issued on 2 March 2016.
- The breach of planning control as alleged in the notice is “Without planning permission, an erection of a front fence 1.8 metres in height”.
- The requirements of the notice are:
  - Remove the front fence.
  - Remove all alterations and fixtures related to unauthorised front fence.
  - Remove all subsequent waste material from the property.
- The period for compliance with the requirements is 1 month after the notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(d) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Ground (d)

1. The appellant argues that he bought the property from a “Mr and Mrs Ruffell” in January 2015 and that the fence along the frontage either side of the vehicle entrance to the forecourt was finished more than 15 years before the notice was issued and has been there ever since. The Council challenge this assertion and have produced a “Google Streetview” photograph taken in 2008 which shows privet hedges where the present fencing has been erected. This photo also shows a fence set back some distance behind the hedge in line with the original front wall of the house. It seems likely that this fence enclosed the side and rear garden of the property at that time.

2. Where ground (d) is pursued and the lawfulness of the development and immunity from enforcement action is claimed the onus is upon the appellant to show, by the production of sufficiently precise and unambiguous evidence, that on the balance of probability the development in question had been completed 4 years before the notice was issued. In this case the relevant date is 2 March 2012.
3. Apart from the appellant’s claim, the only other evidence provided in support is a photograph supplied by the neighbour at 41 Goring Gardens which is said to have been taken at a party in September 2010 which shows a solid fence of about 1.8m high in the background. The Council argue that the fence in question is actually that encloses the garden No.41 and includes part of the existing fence along the front boundary of that property, not No.40. In this respect reference is made to the edges of two sheds shown in the photograph which still exist in the garden of No.41. On my visit I noted that this was so and conclude that the Council’s argument appears to be correct and the fence shown in this photograph is not the one that is the subject of the notice. Further factual evidence can be gleaned by examining the design of the fences at the front of Nos. 40 and 41. The fence at the appeal property has a curved top between concrete posts whereas the one that fronts No.41 has a horizontal top as appears in the photograph. This reinforces my finding that the fence shown is not that which exists at No.40 and so it does not assist the appellant.

4. I have also borne in mind that the appellant can only give first-hand evidence of what existed since he first saw the property and subsequently acquired it. No date is given of when he first visited but it is to be assumed that this would be a matter of months before the purchase date in January 2015. It is therefore very unlikely that he can verify what existed on the relevant date – 2 March 2012 – has he would have had no reason to be aware at that time. The people that would have known and could presumably have provided a statement – sworn or otherwise – are the previous owners from whom he bought the property. It is surprising that no such statement or explanation has been sought from them and the absence of anything to verify what existed by way of fencing on 2 March 2012 means that the appellant’s claims are not backed up with tangible evidence. It is also likely that sales particulars existed at the time he made the purchase and if so they would be likely to show the front of the property which would reveal what existed on the frontage. Again nothing to this effect has been supplied.

5. Drawing these points together I consider the appellant has not discharged the onus of proof and there is nothing to show that on the balance of probability the fence the subject of the notice was in existence on 2 March 2012. Accordingly there is no success on this ground of appeal.

Deemed planning application

6. Although no appeal of ground (a) was pursued when the appeal forms were submitted, the requisite fee for the deemed planning application was subsequently submitted within the required time period and so this also falls to be considered.

7. I consider that the main issue to address is the impact of the fence on the street scene and the character and appearance of Goring Gardens. I noted that apart from the fence at the appeal property and the one along the frontage of No.41, all the other properties in this cul-de-sac appear to have low boundary features which comprise a mixture walls and fences or in some cases hedges of the type that previously existed at the appeal property. This is the prevailing character and the tall fencing at the appeal property and the neighbour’s property (No.41) are unsightly and discordant features which are out-of-keeping with this character and have had a harmful impact on the street scene. They represent intrusive exceptions to the prevailing character.
8. The Council have referred to paragraph 5.9.1 of their Residential Extensions and Alterations Supplementary Planning Document (SPD) which indicates that boundary enclosures which are overbearing or have a material impact on the openness of an area will be considered unacceptable. In this case I find that the fence is overbearing and has harmed openness and there is nothing comparable in this road other than what exists at No.41. On this basis the development is also at odds with the terms of Policies BP8 and BP11 of the Borough Wide Development Policies DPD (March 2011).

9. The Council claim that the fence at No.41 has existed for approximately 10 years which would mean that it is immune from enforcement action. Given my assessment of the boundary features in the rest of Goring Gardens I do not consider that this is a form of development that should be encouraged or repeated and allowing what exists at the appeal property to remain could lead to this outcome, to the further detriment of the street scene and the local environment.

10. I have taken account of the appellant’s arguments concerning pollution, safety and security but I do not consider that these matters can only be addressed by the fencing in question. It is clear that the occupiers of other properties in the Gardens have not resorted to erecting this type of fencing which tends to suggest that the claim that it is needed to address these concerns is not made out. I would add that the forecourt of the property appears to be used for parking so the fence as positioned would do nothing to prevent fumes from vehicles parked here entering the property. As regards the side and rear garden it is evident from the Google Streetview photograph that a solid fence of about 1.8m did exist to screen this area and ensure that it was safe and secure. However this was set back behind the former hedge planting which softened its impact and ensured it was not a stark feature in the street scene. It may be that something similar to this could be reinstated but that is a matter between the appellant and the Council.

11. Bringing these points together I find that the fencing has had a harmful impact of the street scene in Goring Gardens and its character and appearance, contrary to the relevant development plan policies and the guidance in the SPD referred to above. Consequently I do not consider that planning permission should be granted for its retention.

Conclusion

12. For these reasons I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Decision

13. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

NP Freeman
INSPECTOR
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Appeal Decision

Site visit made on 13 January 2017

by M Seaton  DipTP MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 January 2017

Appeal Ref: APP/Z5060/D/16/3156051
70 Hurstbourne Gardens, Barking, IG11 9UT

- The appeal is made under section 78 of the Town and Country Planning Act 1990
  against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of
  The Town and Country Planning (General Permitted Development) (England) Order
  2015.
- The appeal is made by Mr Amir Ur Rehman against the decision of the London Borough
  of Barking & Dagenham.
- The application Ref 16/00916/PRIOR6, dated 14 June 2016, was refused by notice
dated 21 July 2016.
- The development proposed is a single-storey rear extension.

Decision

1. The appeal is dismissed.

Procedural matters

2. The application for prior approval of a proposed larger home extension appears
to have been made under The Town and Country Planning (General Permitted
Development) Order 1995 (as amended) (the GPDO 1995). This has been
replaced by The Town and Country Planning (General Permitted
Development)(England) Order 2015 (the GPDO), and I have considered the
appeal on this basis. This is a technical point which does not affect the interests
of any party.

3. The Council issued a notice dated 14 June 2016 in which it ‘refused’ prior
approval for the scheme considering that the proposed extension would not fall
within the parameters of permitted development as set out under Schedule 2,
Part 1, Class A of the GPDO. Whilst I am mindful that the provisions of the
Order also required the local planning authority to assess the proposed
development on the basis of its impact on the amenity of any adjoining
premises, taking into account any representations received, as a consequence
of this decision I shall first address the issue of whether the proposal should be
regarded as permitted development.

Reasons

4. The appeal relates to a single-storey rear extension to a terraced dwelling in a
predominantly residential area. The proposed development would comprise a
single-storey rear extension extending 6 metres to the rear beyond the extent
of the main rear elevation of the dwelling, with a small existing single-storey
rear wing set on the boundary with No. 68 Hurstbourne Gardens being
demolished. The extension would have a flat roof with a height to eaves of 3 metres.

5. The Council’s decision notice sets out the conclusion that the proposed extension would exceed the limitations set within paragraph A.1(j)iii of the GPDO. In this respect, the Council has cited that the proposed rear extension would extend beyond a wall forming a side elevation of the original dwellinghouse, possessing a width greater than half the width of the original dwellinghouse.

6. On the basis of the evidence before me and my observations at the site visit, I am satisfied that the small rear wing forms part of the original dwelling in the context of the assessment against the term ‘original’ in the GPDO, and is sufficiently substantial to be regarded as part of the side elevations of the original dwelling. In this respect I have noted the Council’s submissions regarding the interpretation of this aspect of the GPDO where a part of the dwelling is to be demolished, and the reference to a previous appeal decision ref. APP/B9506/X/15/3022061 and the generality of the findings in the case of Arnold v Secretary of State for Communities and Local Government 2015 EWHC 1197 (Admin). In respect of this decision, I have specifically had regard to the conclusion that a wall forming a side elevation of the original dwellinghouse may logically also include a wall which was to be, or had already been demolished, and that the term ‘original dwellinghouse’ was intended to be a constant, and not just based upon the walls that were in situ at the time the development was carried out.

7. I have carefully considered this matter in the context of the appeal site. On the basis of the submissions, and in the absence of any evidence to the contrary, I see no reason to disagree with the interpretation reached by the Inspector on the earlier appeal. As a consequence of my conclusions on the extent of the original dwellinghouse, the proposed full width extension would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse. I am therefore satisfied that the full-width extension would not be permitted development under the terms of Part 1 Class A.1 (j) (iii) of the GPDO.

8. Since the proposal would not be permitted development, it is not necessary to consider the effect on the amenity of the neighbouring occupiers in this case.

9. For the reasons given above I conclude that the appeal should be dismissed.

M Seaton
INSPECTOR
Appeal Decision

Site visit made on 18 January 2017

by Timothy C King BA(Hons) MRTPI

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

Decision date: 2 February 2017

Appeal Ref: APP/Z5060/D/16/3162091
85 Lodge Avenue, Dagenham, RM8 2JH

- 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 Nural Jaman against the decision of the Council of the London Borough of Barking and Dagenham.
- The application Ref 16/01084/FUL dated 12 July 2016, was refused by notice dated 13 October 2016.
- The development proposed is ‘First floor side extension; part first floor rear extension and front extension.’

Decision

1. The appeal is dismissed.

Procedural Matter

2. The main element in this appeal relates to the proposed side and rear extension at first floor level. The Council has raised no objection to the proposed full width, single-storey front extension and although the occupier of the adjoining property at No 83 considers that this addition would involve a loss of light to this dwelling I do not consider that this any such reduction would be so significant as to be unacceptable. As such, I have limited my assessment to that of the proposed first floor extension.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the host dwelling and the surrounding area, with particular regard to the relationship with properties eastwards along Ilchester Road.

Reasons

4. The two-storey appeal dwelling sits end-of-terrace at the corner of Lodge Avenue and Ilchester Road. It has already been extended to the side and rear by means of a single storey addition and the appeal proposal seeks to build above this so as to provide extra bedroom space. The Council’s objection is based on the fact that the resultant addition over two-storeys would sit forward of the building line along Ilchester Road to the rear, although this is already the case with the existing single storey side addition.
5. At my site visit I noted that the development pattern of the terrace of Nos 79 to 85 Lodge Avenue, where the latter property’s side building line accords with that of the front building line of the dwellings behind, is reflected in the neighbouring terrace, Nos 63 to 69 Lodge Avenue. Here, No 63’s flank wall lines up with the properties in Fitzstephen Road. Accordingly, this openness to the side of the end-of-terrace properties is a characteristic feature in the immediate locality.

6. In the circumstances I consider that, despite the existence of the single storey side extension, the consequential bulk of an overlying first floor addition would compound and be intrusive in the streetscene, unduly affecting the characteristic openness of the street corner layout. This physical relationship, as originally arranged, would have been laid out to serve a particular planning purpose, and the proposal in this instance would thereby be contrary to the aims of Policies BP8 and BP11 of the Council’s Borough Wide Development Policies Development Plan Document (DPD) which, amongst other things, stipulate that all development should have regard to, and protect, local character. More specifically, it is also contrary to the design guidance provided by the Council’s Supplementary Planning Document ‘Residential Extensions and Alterations’ (SPD) which advises that extensions should not normally extend beyond the adjacent building line which shares the junction.

7. Although I am not convinced that the proposal would unduly impact on the character and appearance of the host dwelling itself I have concluded that the proposal would be harmful to the character and appearance of the surrounding area thereby conflicting with DPD Policies BP8 and BP11 and also relevant guidance within the Council’s SPD.

8. I have noted the appellant’s comments in his written statement but I do not consider that any increased highway width afforded to Ilchester Road near to the site would outweigh the harm I have identified would result from the proposal. I have had regard to the nearby extension cited by the appellant but as each case must be assessed on its own individual merits, or otherwise, its existence cannot confirm the acceptability of the current proposal.

9. Finally, whilst I agree with the Council’s approach with regard to the acceptability of the front extension this element is married to the proposal as a whole and, as such, it is not severable from the intended development. Accordingly, I am therefore unable to reach a split decision and allow the front extension as a separate entity.

10. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR
Appeal Decision

Site visit made on 22 November 2016

by Jonathon Parsons  MSc BSc(Hons) DipTP Cert(Urb)  MRTP

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

Decision date: 30 January 2017

Appeal Ref: APP/Z5060/W/16/3156585

6-8 Thames Road, Creekmouth, Barking, Essex IG11 0HZ

- 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 Jariq Mahmood against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 14/00464/FUL, dated 28 April 2014, was refused by notice dated 29 February 2016.
- The development proposed is the change of use of a part of an existing warehouse/storage floor space to banqueting facilities and ancillary storage.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of a part of an existing warehouse/storage floor space to banqueting facilities and ancillary storage at 6-8 Thames Road, Creekmouth, Barking, Essex IG11 0HZ in accordance with the terms of the application, Ref 14/00464/FUL, dated 28 April 2014, subject to the following conditions on the attached Schedule A.

Procedural Matters

2. The Council has drawn my attention to the internal layout of the site which is different to that shown in the submitted plans. My decision is based on the application proposal and associated plans before me, including an amended ground floor plan within an updated Transport Assessment (TA). I am satisfied that the Council has been able to consider the plan and TA as it was submitted before the refusal of the planning application. During the appeal, the Appellant was consulted on the Council’s suggested planning conditions if the appeal was to be allowed.

Main Issues

3. The main issues are whether the proposed use is acceptable within (a) London Riverside Opportunity Area, having regard to local and national planning policies, and (b) the adequacy of the proposed parking provision, and any consequent effects on traffic and highway safety.

Reasons

The London Riverside Opportunity Area

4. The appeal site lies within the River Road Employment Area which is identified as Strategic Industrial Location (SIL) in the London Plan (LP) 2016. Both LP Policy 2.17 and Barking and Dagenham Core Strategy (CS) 2010 policy 3 seek
to protect employment land within SILs by requiring the refusal of planning applications for non-industrial and related uses.

5. However the appeal site also lies within an area covered by the London Riverside Opportunity Area Planning Framework (OAPF) 2016. This is a Supplementary Planning Guidance siting alongside the LP and the Borough’s development plans. It provides a policy vision for the London Riverside with the creation of new residential communities and sustainable industries and under the OAPF, residential development would be promoted for the appeal site and the surrounding area.

6. The Council has not sought to raise an objection with regard to the safeguarding of employment land under both the LP and CS and indicated that the OAPF is an important material consideration highlighting a direction of travel for the forthcoming Local Plan reviews. In this regard, the OAPF sets out the mayor of London’s strategic priorities and long term vision for the area in the next 20 years. On this basis, I have no reason to disagree with the Council's position that the proposal should be judged against the vision and priorities of the OAPF rather than the LP and CS employment policies.

7. Under the OAPF, the area surrounding the appeal would be likely to be developed for housing in a phased manner. As a result, there is a potential for new housing to be promoted whilst the proposed use is operating if planning permission is granted. The proposed banqueting and ancillary storage uses would generate traffic and activity, and associated noise and disturbance. However, the appeal site lies within an industrial area where there would be expected to be a certain amount of noise and disturbance which the design and specification of any new housing would need to take into account in any case.

8. A recent review of a premises licence has been brought to my attention which followed two incidents reported by the police. However, there is no evidence that incidents are frequent and the result of the review was not a revocation of the licence but rather a change in the stipulated hours. Consequently, I am not persuaded that the banqueting use would be less neighbourly in its effects than industrial uses in the area or the permitted use for the site.

9. For all these reasons, permitting the proposal would not make the possibility of future residential development less likely and the development would not harm the vision and priorities of the OAPF. Similarly, the proposal would not conflict with policies BR8, BR11 and BR13 of the Borough Wide Development Policies Development Plan Documents (DPD) 2011 which collectively and amongst other matters, requires all existing and future occupiers not to be exposed to unacceptable or harmful levels of noise and general disturbance and that residential amenity be maintained.

Highways

10. The appeal site comprises a substantial sized building and fronts onto Thames Road close to the junction of this road with Creek Road. Despite some bus stops offering services to urban centres in the vicinity, the site has a low Public Transport Accessibility Level (PTAL) rating.

11. The TA indicates that the banqueting use would be mainly concentrated at weekends for a variety of events, mainly weddings, and that there would normally be five main events taking place over this period. Based on a typical
Saturday night of 321 people including staff, the TA indicates a need for up to 122 vehicle spaces based on assumptions of car sharing, use of taxis and minibuses.

12. The proposed plans show provision of 60 car parking spaces surrounding the building within the appeal site which includes disabled car parking spaces and spaces for larger vehicles for minibuses. There are also areas for motorbike car parking and cycle provision. Another 20 car parking spaces would be available on a nearby site controlled by the Appellant and there are also arrangements with other users of nearby sites to provide car parking. However there are no details before me to demonstrate that these additional off-street car parking arrangements would be able to deliver this parking.

13. Consequently, there would be a need for 62 vehicle spaces in the vicinity. The Appellant has estimated that there is street parking provision for a further 80 vehicles within 200m of the site which has not been disputed. The Appellant has not submitted a car parking survey but it would be reasonable to accept available street parking in the area because the industrial uses in the area would be likely to be mainly operating Mondays to Fridays. Furthermore, there is more street parking available beyond the 200m zone identified by the Appellant.

14. Thames Road is a busy arterial road within the Borough and patrons coming to events at the venue would need to drive along the highway to find spaces and park. The TA has provided information on collisions within the area, including casualties. These show measures of serious and fatal casualties, and vulnerable user casualties (pedestrians, motorbikes and cyclists) to be not significantly different from those for the Borough or the Greater London Area. Therefore, there is no heightened safety risk in this area arising from vehicle collisions.

15. There may be times when larger numbers of patrons would be attending the premises than that identified on a typical Saturday night. However, the TA indicates that the banqueting hall would have capacity for up to 350 seats only based on the Appellant’s experience which seems realistic given the size of it and the seating arrangements shown to me. Therefore, I am not persuaded that larger events significantly greater than that identified by the TA would occur on a frequent basis. In any case, even with a larger event, there are extensive areas of street parking in the area beyond 200m from the premises and whilst this might be inconvenient for patrons, the evidence before me does indicate that the risk to highway safety would be significant or that the transport impacts would be severe.

16. Connected to the banqueting use, part of the building would have a wedding display showroom but the number of staff and associated visits by customers considering a wedding event would not be great. The Appellant would also have an event management service operating from the site which is for customers with events on the site and elsewhere. In comparison, there would be a greater number of staff are employed and some visiting customers but this is unlikely to generate great parking demands. Therefore, the on-site vehicle parking would be more than adequate to accommodate any need for parking from staff and customers during the week and at weekends, there would be adequate street parking for the reasons previously indicated.
17. For all these reasons, the transport impacts of the development would not be severe subject to planning conditions restricting hours of operation. Accordingly, the proposal would comply with DPD policies BR9 and BR10, which collectively and amongst other matters, requires developments to meet parking standards and for existing transport capacity to be sufficient to allow for travel generated by the proposed development taking into account public transport, pedestrian and cycling infrastructure, road network capacity and safety.

**Conditions**

18. Suggested conditions have been considered in light of advice contained in Planning Practice Guidance; for clarity and to ensure compliance with the Guidance, I have amended some of the Council’s suggested wording.

19. To ensure adequate car parking on the site, a condition has been imposed to ensure provision is made. I have imposed a condition specifying the relevant drawings as this provides certainty.

20. The Council has suggested a condition restricting hours of operation of the banqueting use to those outside of midnight to 7am on any day. Such hours would create car parking problems given the operation of industrial uses on Mondays to Fridays. Given my comments about highways, I have worded a condition restricting hours based on the TA and a recent premises licence. Although this condition extends hours beyond midnight, there would be unlikely to any car issues as many guests would be likely to have gone home by this time. Finally, a condition restricting seating capacity is unnecessary with the imposition of the hours of operation condition and given previous comments about the availability of car parking at weekends.

**Conclusion**

21. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Jonathan Parsons*

INSPECTOR
Schedule A

1. The development hereby permitted shall begin not later than 3 years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 14141_001; 14141_002; 14141-003 Rev F and 14141_04.

3. The banqueting hall shown on drawing number 14141-003 Rev F shall only be open to patrons between the following hours: 1900 hours to 0400 hours, Fridays to Saturdays; 1030 hours to 0300 hours, Saturdays to Sundays and 1030 hours to 0300 hours, Sundays to Mondays. The banqueting hall shall not be open to patrons at any other times.

4. The proposed car parking areas indicated on drawing number 14141_003 Rev F shall be marked out in accordance with the submitted details and the accessible parking bays indicated on this drawing shall be clearly marked with a British Standard disabled symbol and the parking areas shall thereafter be retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose with the accessible parking bays being retained for the use of disabled persons and their vehicles and for no other purpose.
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<td>Application for a certificate of lawfulness for an existing use: Use of maisonette as 2 self-contained flats. Pal House 18 Salisbury Road Dagenham Essex</td>
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29 December 2016

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<td>16/01677/CLU_P</td>
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<td>Mr R Mahmoud</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of gable end roof, rear dormer window and front rooflights and demolition of garage and erection of single storey side extension. 60 Temple Avenue Dagenham Essex RM8 1LP</td>
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<td>16/01708/OUT</td>
<td>Application Refused on 29 December 2016</td>
<td>Ashtons' Development Company Ltd</td>
<td>Demolition of existing garages and erection of 8 two bedroom flats with associated car parking and landscaping. Garages To The Rear Of 82 - 94 High Road Back Lane Romford Essex</td>
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<td>16/01863/PRIOR6</td>
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<td>Mr Richard</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves and maximum height: 3.0 metres). 15 Milner Road Dagenham Essex RM8 2PX</td>
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<td>16/01065/FUL</td>
<td>Application Refused on 30 December 2016</td>
<td>Mr N Peka</td>
<td>Erection of two storey side extension and single storey side/rear extension and loft conversion involving construction of rear dormer window. 58 Orchard Road Dagenham Essex RM10 9PX</td>
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<td>16/01374/CLU_P</td>
<td>Certificate issued on 30 December 2016</td>
<td>Mr M Hussain</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of rear dormer window and front rooflights. 14 Salisbury Avenue Barking Essex IG11 9XW</td>
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<td>16/01553/FUL</td>
<td>Application Permitted on 30 December 2016</td>
<td>Mr A Stankevicius</td>
<td>Construction of 1.8 metre high side boundary wall and 1.0 metre high front/side garden fence. 11 Markyate Road Dagenham Essex RM8 2LH</td>
<td>Mayesbrook</td>
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<td>16/01588/ FUL</td>
<td>Application Permitted</td>
<td>Mr S Rai</td>
<td>Erection of first floor rear extension, alterations to front porch roof and conversion of garage into habitable accommodation. 90 Upney Lane Barking Essex IG11 9LR</td>
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<td>Ms A Chowdhury</td>
<td>Erection of single storey rear extension. 7 St Awdrys Road Barking Essex IG11 7QB</td>
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<td>16/01670/ CLU_P</td>
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<td>Ms J O Nelson-Twakor</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of front and rear dormer windows. 13 Groveway Dagenham Essex RM8 3XB</td>
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<td>16/01710/ FUL</td>
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<td>Mr J Ram</td>
<td>Erection of two storey rear extension. 22 Joan Road Dagenham Essex RM8 1QU</td>
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<td>16/01727/ FUL</td>
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<td>Mrs Watson</td>
<td>Erection of rear conservatory. 15 Eastbury Square Barking Essex IG11 9SN</td>
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<td>16/01728/ FUL</td>
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<td>Mr C Anyaegbu</td>
<td>Erection of first floor rear extension. 172 Third Avenue Dagenham Essex RM10 9BB</td>
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<td>16/01732/ FUL</td>
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<td>Mr A Erol</td>
<td>Retention of outbuilding in rear garden. 45 Wren Road Dagenham Essex RM9 5YN</td>
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<td>16/01733/ FUL</td>
<td>FUL</td>
<td>Mr L Dalvi</td>
<td>Construction of new roof with raised height, installation of additional windows and blocking up of windows. 2A Thames Road Barking Essex</td>
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<td>16/01771/ CLU_P</td>
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<td>Mr B Ullah</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of gable end roof, rear dormer window and front rooflights. 97 Sandringham Road Barking Essex IG11 9AF</td>
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<td>16/01864/ PRIOR6</td>
<td>Prior approval</td>
<td>Mr J Singh</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 4.5 metres; height to eaves: 2.95 metres and maximum height: 3.0 metres). 16 Dunkeld Road Dagenham Essex RM8 2PR</td>
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<td>Application Refused on 4 January 2017</td>
<td>Mr F Vukelaj</td>
<td>Erection of front porch and new side door in connection with conversion of dwelling into two 2 bedroom flats. 2 Rowdowns Road Dagenham Essex RM9 6NL</td>
<td>Goresbrook</td>
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<td>16/01763/ FUL</td>
<td>Application Refused on 4 January 2017</td>
<td>Mr T Ahmad</td>
<td>Change of use of shop (Class A1) to hot food take-away (Class A5) and installation of extract ducting to rear. 10 Tudor Parade High Road Chadwell Heath Romford Essex RM6 6PS</td>
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<td>16/01774/ CDN</td>
<td>Application Permitted on 4 January 2017</td>
<td>Express Concrete Ltd</td>
<td>Application for approval of details reserved by conditions 9 (land investigation) and 10 (remediation scheme) in respect of planning permission 16/00252/CTY D B Schenker Barking Freight Terminal Ripple Road Barking Essex</td>
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<td>16/01885/ PRIOR6</td>
<td>Prior approval required and permission refused on 4 January 2017</td>
<td>Mr Singh</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres, height to eaves and maximum height: 3.0 metres). 17 Milner Road Dagenham Essex RM8 2PX</td>
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<td>14/01163/CLU_E</td>
<td>Certificate refused on 5 January 2017</td>
<td>Miss Z Un-Nisa</td>
<td>Application for a certificate of lawfulness for an existing use: Use of dwelling as two self contained flats. 30 Fordyke Road Dagenham Essex RM8 1PH</td>
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<td>16/01734/FUL</td>
<td>Application Permitted on 5 January 2017</td>
<td>Mr A Miah</td>
<td>Erection of outbuilding including entrance porch in rear garden. 21 Meadow Road Barking Essex IG11 9QT</td>
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<td>16/01777/FUL</td>
<td>Application Permitted on 5 January 2017</td>
<td>Mr W Ali</td>
<td>Erection of single storey side and rear extensions. 12 Adelaide Gardens Chadwell Heath Romford Essex RM6 6SS</td>
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<td>16/01780/CLU_P</td>
<td>Certificate issued on 5 January 2017</td>
<td>Ms A Baltusiene</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of rear dormer window and front rooflights. 51 Windsor Road Dagenham Essex RM8 3JX</td>
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**5 January 2017**

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<td>16/01551/FUL</td>
<td>Application Permitted on 6 January 2017</td>
<td>Mr L Gaxha</td>
<td>Demolition of existing extension and erection of single storey rear extension and conservatory. 31 Western Avenue Dagenham Essex RM10 8UD</td>
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<td>16/01622/ FUL</td>
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<td>Mr &amp; Mrs Natalja Danas Buineviciene Buinevicius</td>
<td>Erection of two storey side/rear extension and single storey front extension. 581 Gale Street Dagenham Essex RM9 4TU</td>
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<td>16/01735/ FUL</td>
<td>Application Permitted on 6 January 2017</td>
<td>Mr R Ambia</td>
<td>Erection of single storey rear extension. 9 Shafter Road Dagenham Essex RM10 8AJ</td>
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<td>16/01742/ CLU_P</td>
<td>Certificate issued on 6 January 2017</td>
<td>Ms A Nyiyah</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of rear dormer window and front rooflights. 150 Ballards Road Dagenham Essex RM10 9AB</td>
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<td>16/01781/ FUL</td>
<td>Application Refused on 6 January 2017</td>
<td>Mr N Ahmed</td>
<td>Erection of two storey 3 bedroom dwelling. Vacant Land Between 6 - 7 Tanner Street Barking Essex</td>
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<td>16/01785/ TPO</td>
<td>Application Permitted on 6 January 2017</td>
<td>Sainsburys</td>
<td>Application for tree works subject to a tree preservation order: T1 (Horse Chestnut) and T2 &amp; T3 (London Planes) lifting canopy up to a height of 5 metres and crown reduction of 3 metres on all sides; G1 (London Planes) lift canopy overhanging neighbouring property up to a height of 5 metres. Sainsburys 97 - 131 High Road Chadwell Heath Romford Essex RM6 6PB</td>
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<td>16/01683/CLU_P</td>
<td>Certificate issued on 9 January 2017</td>
<td>Mr V Okeke</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of gable end roofs, rear dormer window and front rooflights. 142 Heath Road Chadwell Heath Romford Essex RM6 6LD</td>
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<td>16/01713/FUL</td>
<td>Application Permitted on 10 January 2017</td>
<td>Ms O Nwadei-Obi</td>
<td>Erection of first floor rear extension. 16 Arden Crescent Dagenham Essex RM9 6TL</td>
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<td>16/01725/CDN</td>
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<td>16/01778/FUL</td>
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<td>Mrs L Wren</td>
<td>Erection of single storey side and rear extension. 24 Burnham Road Dagenham Essex RM9 4RA</td>
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<td>16/01796/FUL</td>
<td>Application Refused on 10 January 2017</td>
<td>Mr &amp; Mrs Sultan Ahmed &amp; Aneesa Hoque</td>
<td>Erection of part first floor/part two storey side extension and part single/part two storey rear extension. 36 Stratton Drive Barking Essex IG11 9HJ</td>
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<td>Mr B Bal</td>
<td>Erection of entrance porch, installation of windows and blocking up of windows in connection with conversion of house into one 2 bedroom and one 3 bedroom flats. 4 Fuller Road Dagenham Essex RM8 2TT</td>
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<td>16/01395/ FUL</td>
<td>Refused 11 January 2017</td>
<td>Mr K Nwandei</td>
<td>Erection of first floor rear extension and roof alterations involving construction of full gable roof and rear dormer window in connection with conversion of house into one 1 bedroom and one 2 bedroom flats. 222 Beam Avenue Dagenham Essex RM10 9BL</td>
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<td>Mr K Miah</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of gable end roof, rear dormer window and front rooflights. 191 Cavendish Gardens Barking Essex IG11 9DZ</td>
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<td>16/01723/ FUL</td>
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<td>Mr W Durant</td>
<td>Erection of part single/part two storey side and rear extension. 47 Lamberhurst Road Dagenham Essex RM8 1PS</td>
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<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of gable end roof, rear dormer window and front rooflights. 24 Burnham Road Dagenham Essex RM9 4RA</td>
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**LONDON BOROUGH OF BARKING AND DAGENHAM REGENERATION AND ECONOMIC DEVELOPMENT DEVELOPMENT CONTROL BOARD Applications Decided/Refused under Delegated Powers**

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<td>Mr O V M Adefolaju</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of gable end roof, rear dormer window and front rooflights. 33 Maxey Road Dagenham Essex RM9 5HX</td>
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<td>Prior approval required on 11 January 2017</td>
<td>Mr V Pranckevicihs</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 3.5 metres; height to eaves and maximum height: 3.0 metres). 26 Peartree Gardens Dagenham Essex RM8 2YR</td>
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<td>16/01808/CLU_P</td>
<td>Certificate issued on 12 January 2017</td>
<td>Ms K Kaur</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of gable end roof, rear dormer window and front rooflights. 27 Westminster Gardens Barking Essex IG11 0BJ</td>
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<td>Application Permitted on 13 January 2017</td>
<td>Mrs L Foster-Aileru</td>
<td>Alterations to external appearance in connection with conversion of garage to habitable accommodation. 4 Sovereign Road Barking Essex IG11 0XQ</td>
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<td>Mr M Ehsan</td>
<td>Erection of single storey rear extension. 64 Netherfield Gardens Barking Essex IG11 9TN</td>
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<td>16/01545/ FUL</td>
<td>Refused on 13 January 2017</td>
<td>Mrs R Ali</td>
<td>Application for variation of condition following grant of planning permission by Planning Inspectorate (Ref: APP/Z5060/W/16/3143341) dated 8 July 2016): Variation of condition 3 (hours of use) to allow extended use till 00:45 during the month of Ramadan for those years when devotions cannot be completed in time due to a later sunset. 539 Rainham Road South Dagenham Essex RM10 7XJ</td>
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<td>16/01903/ PRIOR6</td>
<td>Prior approval required and permission refused on 13 January 2017</td>
<td>Mr S Hussain</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.25 metres). 3 Manor Road Barking Essex IG11 9JA</td>
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<td>Mr &amp; Mrs D &amp; T Meah &amp; Hoque</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.25 metres). 46 Dereham Road Barking Essex IG11 9HA</td>
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<td>Prior approval not required on 13 January 2017</td>
<td>Mr S Islam</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres, height to eaves and maximum height: 3.0 metres). 2 Buttfield Close Dagenham Essex RM10 8TJ</td>
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<td>Application for prior approval of proposed single storey rear extension (depth: 6.0</td>
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<td>16/01930/</td>
<td>Prior approval not</td>
<td>Shabika Khan</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 4.0</td>
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<td>metres; height to eaves: 2.9 metres and maximum height: 3.0 metres). 119 Sandringham</td>
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<td>Road Barking Essex IG11 9AH</td>
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<td>16/00525/</td>
<td>Application</td>
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<td>Loft conversion involving construction of rear dormer windows and front rooflights.</td>
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<td>98A Longbridge Road Barking Essex IG11 8SF</td>
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<td>16/01801/</td>
<td>Application</td>
<td>Mr S Singh</td>
<td>Demolition of garage and erection of part single/part two storey side and rear</td>
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<td>Mr K Miah</td>
<td>Erection of first floor rear and single storey side extension. 191 Cavendish Gardens Barking Essex IG11 9DZ</td>
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<td>16/01820/ FUL</td>
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<td>Mr R Daukantas</td>
<td>Demolition of garage and erection of part single/part two storey side extension. 18 Downing Road Dagenham Essex RM9 6NR</td>
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<td>16/01931/ PRIOR6</td>
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<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.6 metres). 147 Lillechurch Road Dagenham Essex RM8 2EW</td>
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<td>16/01932/ PRIOR6</td>
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<td>Mr M Butcher</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres, height to eaves and maximum height: 3.0 metres). 19 Saville Road Chadwell Heath Romford Essex RM6 6DS</td>
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<td>16/01743/ FUL</td>
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<td>Mr F Chowdhury</td>
<td>Erection of two storey 1 bedroom dwelling as extension to terrace. 98 Bentry Road Dagenham Essex RM8 3PP</td>
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<td>16/01826/ FUL</td>
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<td>Demolition of side extension and erection of two storey 2 bedroom end of terrace house. 40 Cornwallis Road Dagenham Essex RM9 5NA</td>
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## Applications Decided/Refused under Delegated Powers

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<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of gable end roof, rear dormer window and front rooflights. 4 Dronfield Gardens Dagenham Essex RM8 2YD</td>
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<td>Ms Celia Dawn Felix</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of gable end roof, rear dormer window and front rooflights. 343 Whalebone Lane South Chadwell Heath Romford Essex RM6 6HB</td>
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<td>16/01789/ FUL</td>
<td>Application Permitted on 18 January 2017</td>
<td>Mr V Metodiev</td>
<td>Erection of single storey rear extension. 9 Rosedale Gardens Dagenham Essex RM9 4EA</td>
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<tr>
<td>16/01933/ PRIOR6</td>
<td>Prior approval required and permission refused on 18 January 2017</td>
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<td>Mr M M Khan</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves and maximum height: 3.0 metres). 201 Morley Road Barking Essex IG11 7DH</td>
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<td>Mr T Limbu</td>
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<td>Ms A Kelly</td>
<td>Erection of first floor side and rear extension. 160 Westrow Drive Barking Essex IG11 9BP</td>
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<td>Permitted on 19 January 2017</td>
<td>Mr S S Sukhi</td>
<td>Erection of single storey side/rear extension. 31 Bennett Road Chadwell Heath Romford Essex RM6 6ER</td>
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<td>16/01758/</td>
<td>Refused on 19 January 2017</td>
<td>Mr R Ullah</td>
<td>Demolition of rear store and erection of single storey rear extension. 102 Hulse Avenue Barking Essex IG11 9UP</td>
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<td>16/01793/</td>
<td>Permitted on 19 January 2017</td>
<td>LBBD</td>
<td>Application for approval of details reserved by conditions 11 (surface water drainage) and 47 (surface water infiltration) in respect of Phase 2 of planning permission 13/00229/FUL. Leys Redevelopment Site Wellington Drive Dagenham Essex</td>
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### LONDON BOROUGH OF BARKING AND DAGENHAM
**REGENERATION AND ECONOMIC DEVELOPMENT**
**DEVELOPMENT CONTROL BOARD**
**Applications Decided/Refused under Delegated Powers**

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<td>16/01935/ PRIOR6</td>
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<td>Mrs I J Shefaly</td>
<td>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 3.0 metres and maximum height: 3.3 metres). 7 Beverley Road Dagenham Essex RM9 5HR</td>
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<td>16/01954/ PRIOR6</td>
<td>Prior approval not required on 19 January 2017</td>
<td>Mr M Sehmby</td>
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<td>Application Permitted on 20 January 2017</td>
<td>Mr H Sandhu</td>
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<td>Erection of two storey side extension. 44 Canberra Crescent Dagenham Essex RM10 9YH</td>
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<td>16/01766/ CLU_P</td>
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<td>Mr D Rath</td>
<td>Application for a certificate of lawfulness for a proposed development: Loft conversion involving construction of gable end roof, rear dormer window and front rooflights. 8 Langley Crescent Dagenham Essex RM9 6TA</td>
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<td>Mrs C Joseph</td>
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<td>Mr S Miah</td>
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<td>Mr A Aleksandrov</td>
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<td>Mr A Iqbal</td>
<td>Application for a certificate of lawfulness for a proposed development: Erection of single storey rear extension. 146 Morley Road Barking Essex IG11 7DH</td>
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<td>Application for a certificate of lawfulness for a proposed development: Erection of single storey rear extension. 146 Morley Road Barking Essex IG11 7DH</td>
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