**Summary:**

The site is at the junction of Dagenham Road and Fourth Avenue. The proposal is to substantially extend the existing shop with flat above to provide a small additional retail unit and three additional flats. The principle of such development in this location is acceptable.

The bulk of the proposed two storey side and rear extension would result in some reduction in the openness of the street scene by infilling the gap between the existing side elevation and Fourth Avenue. However, it is considered that having regard to the prevailing character of the area and the width of Dagenham Road, this would not cause harm to visual amenity.

The proposed dwellings would be of adequate size and layout, with external amenity space, in accordance with the policy standards of the London Plan, with the exception that one of the flats would not have private external amenity space. However, in view of the provision of a communal external amenity space, as described below, this is considered acceptable.

It is considered that the scheme would not harm the residential amenity of existing neighbouring occupiers, and in respect of this matter the proposed first floor roof terrace would incorporate a privacy screen to prevent direct overlooking of the adjoining residential property.

Four car parking spaces would be provided, thereby securing one parking space for each flat, in accordance with London Plan standards. The car parking spaces would be reached utilising the existing rear access road off Fourth Avenue at the rear of the site. The transport officer has no objections to the proposed parking and access arrangements.
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 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: 3659_PL05A; 3659_PL06A; 3659_PL07B; 3659_PL08A; 3659_PL09; 3659_PL010B; 3659_PL11B; 3659_PL13.
   
   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 seating for the shared external amenity space, and details of materials, species and a planting schedule have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping and seating shall be completed 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 safeguard and improve the appearance of the area in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

5. The car parking areas indicated on drawing No. 3659_PL11b 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.
6. The refuse enclosures indicated on drawing No. 3659_PL11b 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 in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

7. 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 which shall include a boundary treatment between the pavement of Fourth Avenue and the adjacent car parking space in order to prevent vehicles over-running the pavement whilst maintaining adequate sightlines. 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.

8. 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.

9. The privacy screen to the first floor roof terrace of Flat 2 shown on drawing No. 3659_PL10a shall be installed prior to occupation of this flat and thereafter permanently maintained.

Reason: In order to prevent a harmful loss of privacy to the rear garden and first floor rear window of No. 290 Dagenham Road and in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

10. The combined rating level of the noise from any machinery and equipment relocated or installed pursuant to this permission shall not exceed the existing background noise level outside the window to any noise sensitive room. Any assessment of compliance with this condition shall be made according to the methodology and procedures presented in BS4142:2014.

Reason: To maintain reasonable levels of protection for the occupiers of the development from external noise and in accordance with policies BR13 and BP8 of the Borough Wide Development Policies Development Plan Document.
11. Any machinery and equipment relocated or installed pursuant to this permission shall be designed and installed to ensure that structure borne (re-radiated) noise emissions shall not exceed 35 LAeq dB (5 min) when measured in any habitable room in adjoining residential premises.

Reason: To maintain reasonable levels of protection for the occupiers of the development from external noise and in accordance with policies BR13 and BP8 of the Borough Wide Development Policies Development Plan Document.

12. Habitable rooms having openings facing onto Dagenham Road or Fourth Avenue are to be provided with acoustic ventilators which are commensurate with the performance specification set out in Schedule 1 (paragraphs 6 and 7) of The Noise Insulation Regulations 1975 (as amended).

Reason: To maintain reasonable levels of protection for the occupiers of the development from external noise and in accordance with policies BR13 and BP8 of the Borough Wide Development Policies Development Plan Document.

13. Demolition and construction work and associated activities are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday and 08:00-13:00 Saturday with no work on Sundays or public holidays. Any works which are associated with the generation of ground borne vibration are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday.

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.

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

Reason: To maintain reasonable levels of protection for the occupiers of the development from external noise and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

15. 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. 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.

g. a scheme for recycling/disposing of waste resulting from demolition and construction works;

h. the use of efficient construction materials;

i. 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 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.

16. No development above ground level shall take place until a drawing showing details of the external appearance of the north elevation of the retained garage to the rear of No. 290 Dagenham Road has 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.

1. Introduction and Description of Development

1.1 The application site, 288 Dagenham Road, is located at the junction of Dagenham Road and Fourth Avenue. The building is a semi-detached property comprising ground floor shop (Premier Handy Stores) (which is double width, also incorporating the ground floor of the adjoining No. 290) and an independently accessed first floor flat. There is also an adjacent first floor flat at No. 290 which is understood to be occupied by the operator of the shop.

1.2 The site is surrounded by mainly two storey houses within Fourth Avenue and Dagenham Road, with a block of three storey flats fronting Dagenham Road to the north of the site.

1.3 Within the site, to the rear of the building is a garden/yard with one of a pair of semi-detached garages at its end, the adjoining garage serving the neighbouring property at No. 290. To the side of the building is a 4.5m wide hard paved forecourt up to the back edge of the pavement of Fourth Avenue.

1.4 The proposed development is to erect a two storey side/rear extension with additional accommodation in the roof space that would be set in from the back edge of the pavement by 0.15m and have a total depth of 19.7m. The existing first floor
flat would also be reconfigured. The scheme would provide a small additional retail unit of 26m², and a total of 4 flats (3 x 2 bedroom and 1 x 1 bedroom).

1.5 The existing garage would be demolished to make space for 4 proposed car parking spaces at the rear of the site, to be accessed from the existing rear access road that serves Nos. 288 and 290 and 1a and 1b Fourth Avenue, a pair of houses to the rear of Dagenham Road.

2. Background

2.1 The site has no planning history of specific relevance to the current proposal.

3. Consultations

Adjoining occupiers

3.1 Consultation letters were sent to 27 neighbouring occupiers. In response 11 objection letters were received and a petition in objection with 364 signatures. The petition and the majority of the letters were enclosed with the letter of objection from the occupier of the Premier Handy Store within the site, who it is understood is a leaseholder of the applicant.

3.2 Additionally, a copy has been provided of a ballot of those attending a Rush Green Residents Association meeting on 11 August showing that there was a unanimous vote to oppose the planning application by the 30 members present.

3.3 The majority of those signing the petition are from local addresses within Rush Green, though not all are living within close proximity of the site.

3.4 The letters are mainly from residents in the vicinity of the site including nearby houses within Dagenham Road and Fourth Avenue. One of the letters is from the Avenue Social Club located on the opposite side of Dagenham Road at No. 231. The letter states that the club committee after taking instructions from its members wishes to oppose the application.

3.5 In summary the reasons stated for objecting to the proposal within the submitted letters includes the following:

- No need for additional retail unit
- Insufficient parking for the development will result in additional on street parking in the vicinity that would be detrimental to highway safety
- Additional use of the existing vehicular access by the proposed 4 parking spaces would compromise pedestrian safety on Fourth Avenue
- Parking congestion in the area is already excessive particularly during school run hours.
- The side extension would adversely affect the sightline of motorists using the Fourth Avenue/ Dagenham Road junction
- The proposed retail use would endanger the business of the existing shop
- The construction period would cause disruption
- The proposed density of development is too great
• Proposal would compromise the privacy of the occupiers of No. 290 Dagenham Road
• Poor and unsightly design
• Side extension would create a terrace, and thereby de-value the existing semi-detached property at 290 Dagenham Road
• Side extension would be over existing right of access for occupiers of No. 290 Dagenham Road and would prevent deliveries to rear of shop
• The development may require the relocation of existing external plant for chiller units within existing shop that would be detrimental to the business

Environmental Health

3.6 No objection subject to the imposition of conditions relating to noise, hours of construction work, and a Construction and Environmental Management Plan.

Transport Development Management

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

3.8 This proposal to construct a new commercial unit next to this property and 3 additional dwellings.

3.9 The site provides 1 existing parking space and the proposed development would provide 4 parking spaces. It is recommended that these should be allocated to provide one space per flat.

3.10 A bollard or other protection should be installed to ensure that motorists accessing the parking space adjacent to the pavement of Fourth Avenue utilise the existing access road and do not overrun the pavement. Subject to this being secured the proposed development is considered acceptable.

4. Local Finance Considerations

4.1 The proposed development would be liable for the Mayoral Community Infrastructure Levy (CIL) at a rate of £20 per square metre (index linked from 2012) and the Borough CIL at a rate of £10 per square metre index linked from 2015 resulting in contributions of £5,335.25 and £2,332.86 respectively.

5. Equalities

5.1 The Equality Act 2010 requires the Council to advance equality of opportunity in the exercise of its functions.

5.2 In relation to this obligation all of the proposed flats would be designed to the standards set by Part M4(2) of the Building Regulations (Accessible and adaptable dwellings).
6. Analysis

Principle of the Development

6.1 The site is not designated for any specific purpose. The principle of extending the existing building in this location to provide a small additional retail unit and additional dwellings is acceptable.

Design

6.2 The proposed two storey side/ rear extension, by infilling the existing side forecourt and side garden of the site would result in a less open and spacious appearance to the street scene at the Dagenham Road/ Fourth Avenue junction. The resulting building would also sit forward of the adjacent building line in Fourth Avenue. However, in the context of the width of Dagenham Road and the set back of buildings fronting the road, it is not considered that the proposed extension would cause harm in this respect.

6.3 The proposed elevations indicate that the roof design, window proportions, and materials would be in keeping with the existing building. The proposed side elevation would incorporate two dormer windows in the sloping roof fronting Fourth Avenue. Each would have dimensions of 1.5m high and 2.4m wide, and would be set in from the roof edges. It is considered that they would not appear overly dominant.

Amenity

6.4 The proposed development has the potential to affect the amenities of the attached neighbouring flat at No. 290. In particular, the proposal incorporates a first floor terrace to serve proposed Flat 2 that would be located adjacent to the boundary with No. 290, and its first floor rear window.

6.5 In order to protect the privacy of the neighbour a side and part rear screen to this terrace has been proposed and is shown on the submitted drawing. This would prevent overlooking of the adjacent window and direct overlooking of the neighbouring garden.

6.6 The proposed flats would each meet the standards set out within the London Plan in relation to accessibility, bedroom sizes, storage space, and overall floor space, and would all be dual aspect.

6.7 In addition to the 16m2 roof terrace described above, serving Flat 2; Flat 1 a ground floor duplex unit would have a private rear garden with an area of 27m2, and Flat 2 (on the second floor within the roof space) would have a roof terrace of 5m2. These areas of private amenity space would each meet the standards set by the London Plan Housing Supplementary Planning Guidance.

6.8 The exception is proposed Flat 3 on the first floor that is within the corner of the proposed building facing Dagenham Road and Fourth Avenue which is not designed with any private external amenity space. It is understood that the architect has not proposed a balcony or terrace for this unit on the basis that due to its prominent position it would compromise the building design and be out of character.
This is accepted, and in addition to the private spaces referred to above a shared external amenity space within the existing rear garden is proposed that would have an area of 15m². It is considered that subject to this being a well designed garden space it would adequately compensate for the lack of private space for this unit. A landscaping details condition is proposed.

Transport

6.9 The site has one existing parking space within the garage that would be demolished. It is understood that this is not in use by the occupier of the shop who has the use of the adjoining garage to the rear of No. 290. Consequently there is one parking space to serve one existing flat.

6.10 The proposed development would provide 4 parking spaces, one to serve each flat, resulting in a one for one parking ratio. This would be in accordance with the standards set out within the London Plan which sets a maximum parking standard of 1 space per unit for 1 and 2 bedroom accommodation and is considered acceptable.

6.11 Whilst it is possible that there could be some overspill on street parking generated by the proposed development it is considered unlikely that this would be significant, or of a quantum that would materially affect highway safety as feared by some of those objecting to the application. Furthermore in relation to planning policy paragraph 32 of the National Planning Policy Frameworks states: “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

6.12 The scheme does not provide any parking for the proposed small retail unit with a floor space of 26m² that could also be potentially utilised as an extension to the existing shop. This is considered acceptable as it is not considered that it would have a material impact on traffic and parking congestion and it is fairly typical for small shops not to have designated off street parking.

6.13 The applicant has submitted a diagram demonstrating the suitability of the proposed parking layout. A condition can be imposed requiring details of the boundary treatment and such details can be designed to address the Transport Officer’s comment about preventing potential over-running of the pavement by cars.

6.14 The access road off Fourth Avenue that would serve the proposed parking spaces is existing though it would be used more intensively as a result of the development. There would be adequate sightlines between motorists and pedestrians utilising the adjacent pavement on Fourth Avenue. The Transport Officer has not judged this arrangement to be harmful to highway and pedestrian safety and it is therefore considered acceptable.

6.15 It has been stated that the proposed development would prevent deliveries to the rear of the shop and affect a right of access. It is not considered that rear delivery access needs to be provided for planning or highway reasons, and the issue of rights of access is a private matter between the two partie

6.16 In fact to the front of the shop on Dagenham Road there is a designated loading bay that has presumably been put in place especially to serve the existing shop unit
given the lack of any adjacent commercial premises. This would appear to be the best place for deliveries to take place because it avoids the need for large vehicles to utilise Fourth Avenue and the adjacent streets needed to gain access, due to Fourth Avenue being one way at its eastern end. Furthermore any parked vehicle attempting a delivery to the rear of the shop from Fourth Avenue would tend to block the counter-flow cycle lane on Fourth Avenue, creating a hazard. Photographs have been viewed showing the above existing loading bay in use.

6.17 With regard to the concern expressed about the impact of the development on the sightline between Fourth Avenue and Dagenham Road, given that the building is set back from Dagenham Road the sightline would remain more than adequate for motorists entering Dagenham Road to have a clear view of oncoming traffic.

Other matters

6.18 In relation to the density of the development (raised by an objector) this is considered acceptable on the basis that the extensions are not judged to over dominate the street scene, and an acceptable standard of residential amenity would be achieved for both future occupiers and existing neighbours.

6.19 It is accepted (as raised by an objector) that construction can sometimes cause a degree of disruption, but this is not a reason to refuse planning permission. It is, however, proposed that a Construction and Environmental Management Plan condition be imposed that would require the developer to submit details for approval demonstrating how the scheme would minimise the impact of construction on neighbours in relation to matters such as noise, dust and traffic.

6.20 With regard to the concern expressed about the external fans serving the chiller units it is not clear whether or not these would need to be relocated as a result of the development. In relation to their potential noise impact on the occupiers of the proposed adjacent first floor flat, this relationship is similar to that for the existing flat, and the Environmental Health Officer is satisfied that an acceptable standard of residential amenity can be maintained through the imposition of the proposed noise condition. If relocation is required, it would be a private matter that would need to be resolved between the leaseholder and the developer.

6.21 A number of other objections raised, including those relating to private rights of way, potential property devaluation, the lack of need for an additional retail unit, and the potential impact of the additional retail unit on the existing business at the site, are not planning considerations and therefore cannot be taken into account.

Background Papers

- Planning Application File
- Local Plan Policy

Policy CM1 | General Principles for Development
Policy BR9 | Parking
Policy BR10 | Sustainable Transport
Policy BR11 | Walking and Cycling
Policy BR13 | Noise Mitigation
Policy BC7  Crime Prevention
Policy BP8  Protecting Residential Amenity
Policy BP11 Urban Design

- **London Plan Policy**
  - Policy 3.3  Increasing housing supply
  - Policy 3.5  Quality and design of housing developments
  - Policy 3.8  Housing choice
  - Policy 6.9  Cycling
  - Policy 6.13 Parking
  - Policy 7.3  Designing out crime
  - Policy 8.3  Community infrastructure levy

- **National Policy**

  National Planning Policy Framework
  National Planning Practice Guidance