



Be First Regeneration Ltd
9th Floor, Maritime House
1 Linton Road
Barking
IG11 8HG

Working in partnership with



Appendix 2

Performance Review Sub-Committee

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**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

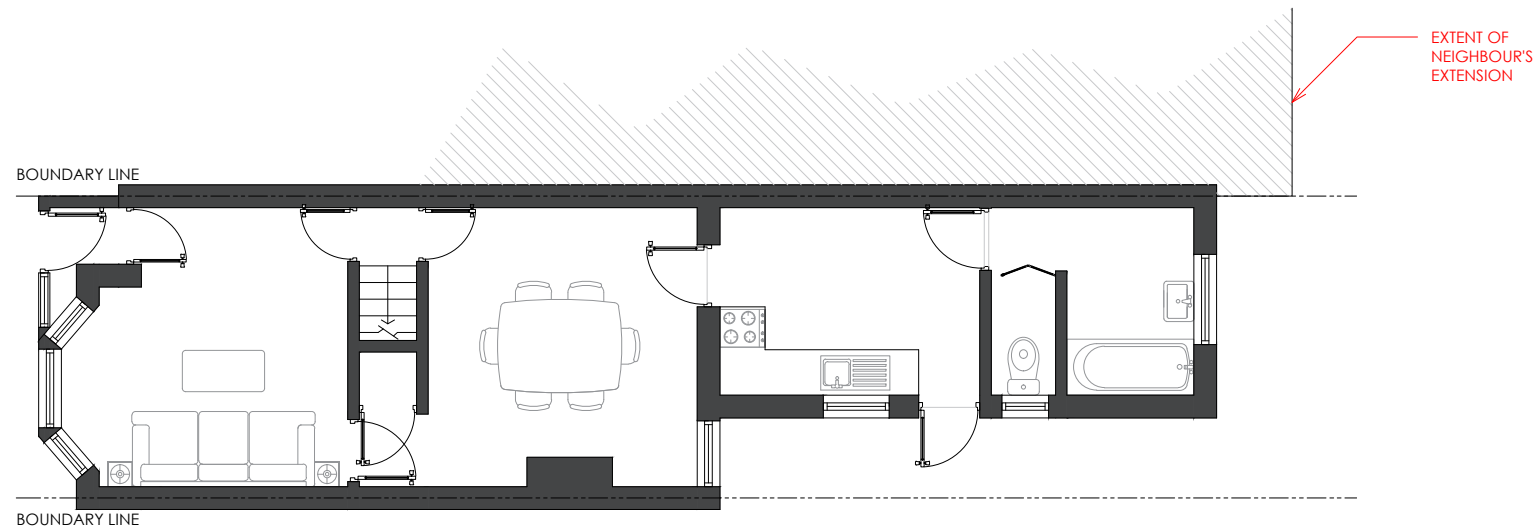
APP/Z5060/D/20/3265536

Appeal Application Description:

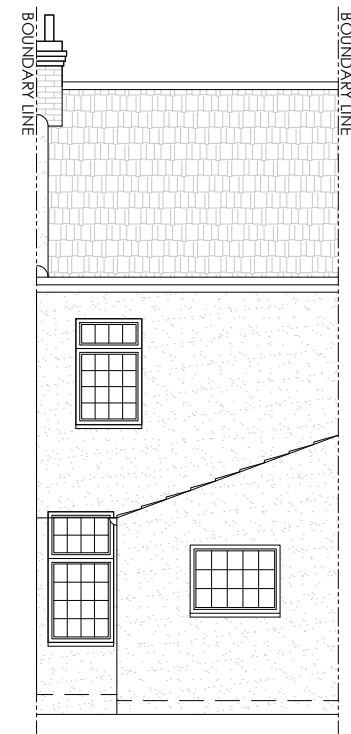
Prior notification application for the construction of two single storey rear extensions. The first proposed extension will extend beyond the rear wall by 3.00 metres. The maximum height of the proposed extension from the natural ground level is 2.60 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.60 metres. The second proposed extension will extend beyond the rear wall by 5.82 metres. The maximum height of the proposed extension from the natural ground level is 3.69 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.60 metres.

Decision:

Appeal Dismissed



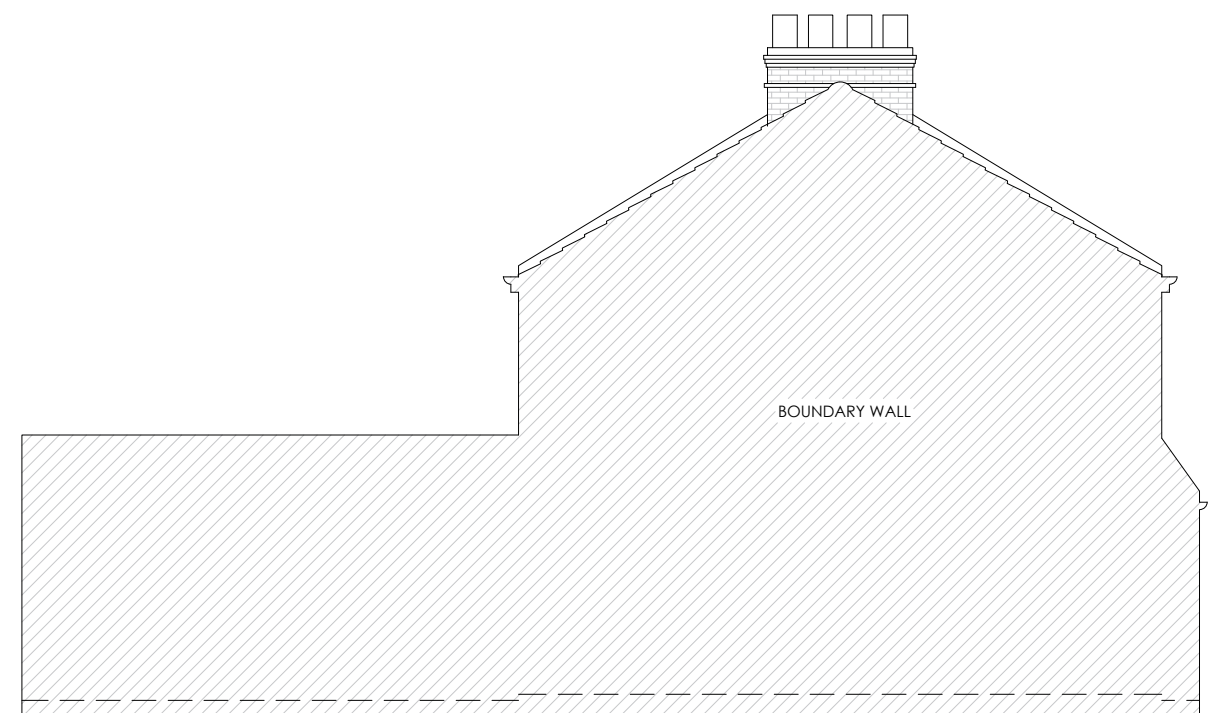
EXISTING GROUND FLOOR PLAN
1:100



EXISTING REAR ELEVATION
1:100



EXISTING SIDE ELEVATION
1:100



EXISTING SIDE ELEVATION
1:100



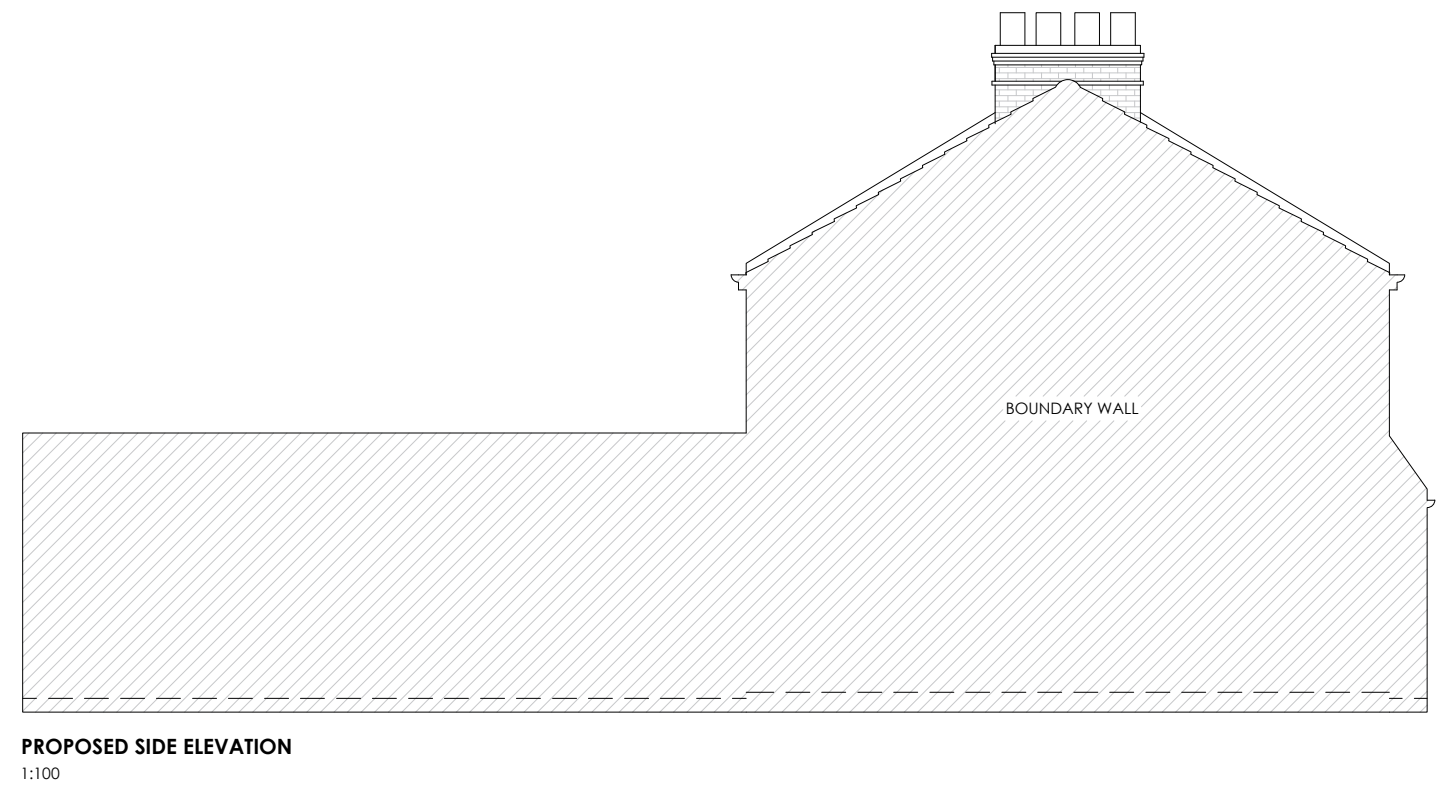
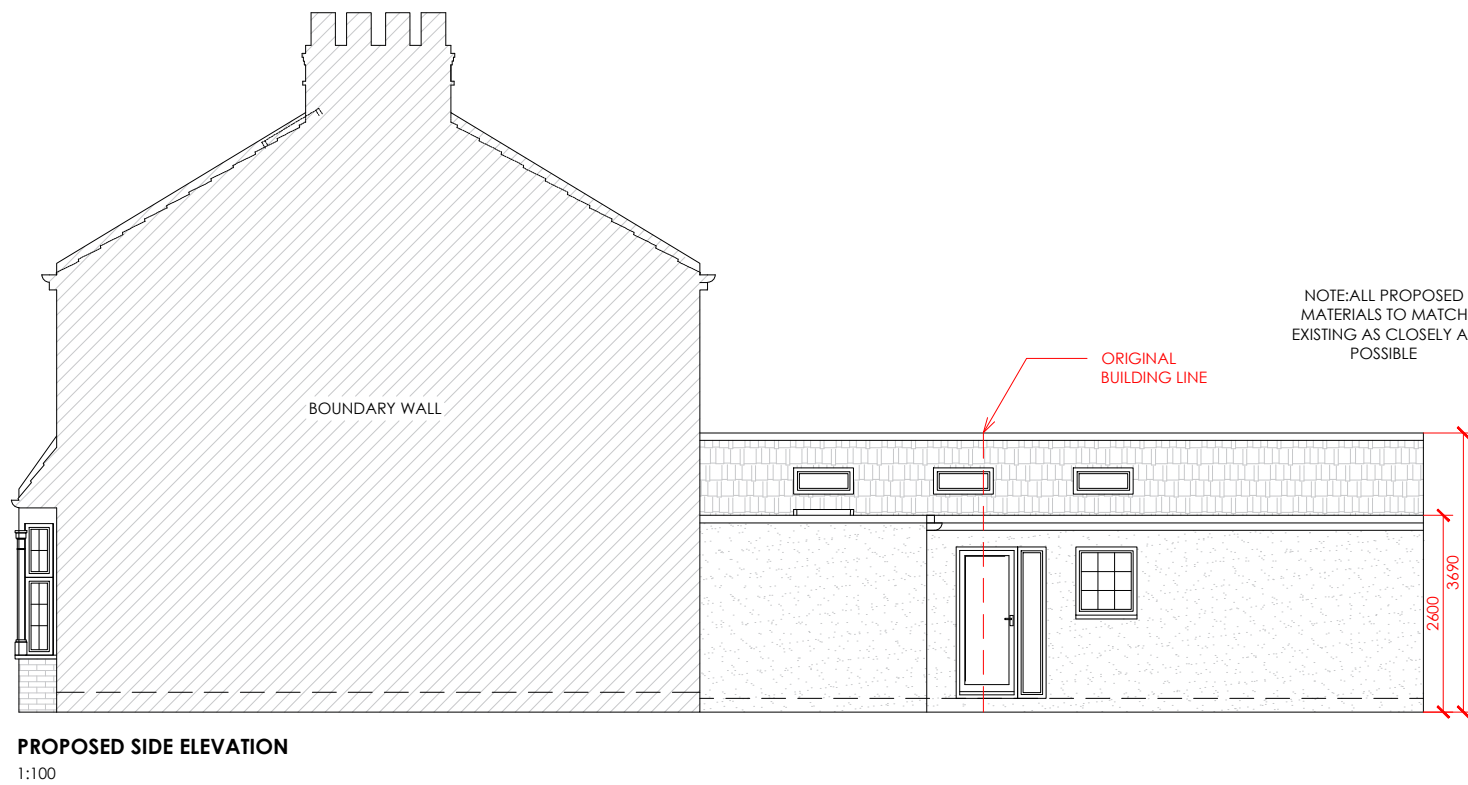
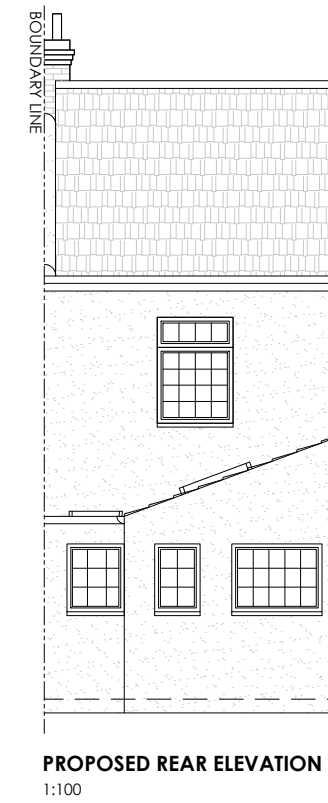
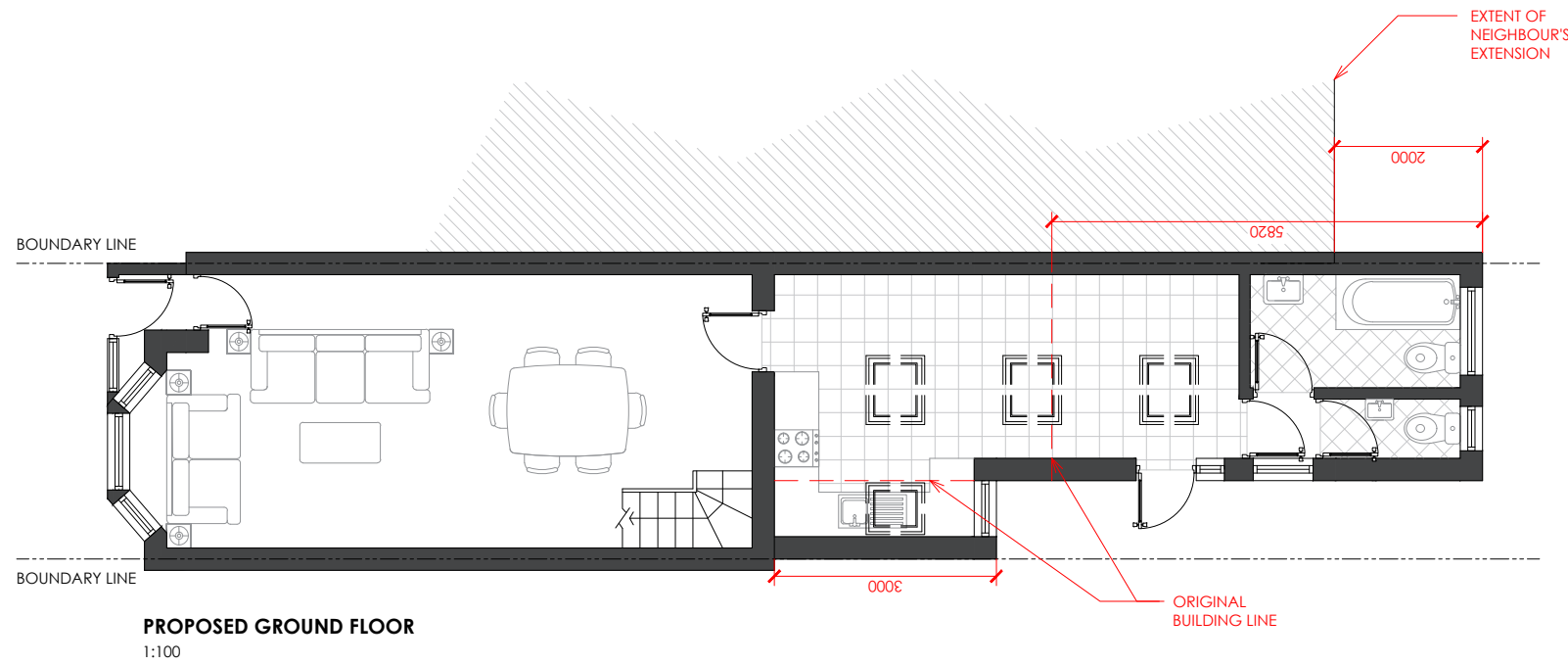
LIABILITY
NO LIABILITY IS ACCEPTED TO ANY THIRD PARTY RELYING ON INFORMATION CONTAINED IN THIS DRAWING.
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK ON SITE OR PREPARING CONSTRUCTION DRAWINGS.

PARTY WALL
WORKS TO A PARTY WALL STRUCTURE OR WITHIN 3 METRES OF THE LINE OF JUNCTION WILL REQUIRE NOTICES SERVED UPON YOUR NEIGHBOUR(S).
WHERE DISPUTES ARISE, A PARTY WALL AWARD MAY NEED TO BE PREPARED PRIOR TO ANY WORKS COMMENCING ON SITE.

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EXISTING PLANS AND ELEVATIONS

SITE LOCATION: 59 SPARSHOLT ROAD
DRAWING NO: 18/159/001 REVISION: -
SCALE: 1:100@A3 DATE: 23 SEP 2019
DRAWN BY: MC CHECKED BY: MA



LIABILITY
NO LIABILITY IS ACCEPTED TO ANY THIRD PARTY RELYING ON INFORMATION CONTAINED IN THIS DRAWING.
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK ON SITE OR PREPARING CONSTRUCTION DRAWINGS.

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PROPOSED ELEVATIONS

SITE LOCATION: 59 SPARSHOLT ROAD
DRAWING NO: 18/159/002 REVISION: -
SCALE: 1:100@A3 DATE: 23 SEP 2019
DRAWN BY: MC CHECKED BY: MA



olt Rd

Sparsholt Rd

Sparsholt Rd

Sparsholt Rd

Spar

Kenney Rd

Forest Mews

6

LBBB Reference: 20/01883/PRIEXT

6 Spencer Way
London
E1 2PN,

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

Dear Sir / Madam,

Application Number: 20/01883/PRIEXT
Address: 59 Sparsholt Road, Barking, Barking And Dagenham, IG11 7YG
Development Description: Prior notification application for the construction of two single storey rear extensions. The first proposed extension will extend beyond the rear wall by 3.00 metres. The maximum height of the proposed extension from the natural ground level is 2.60 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.60 metres. The second proposed extension will extend beyond the rear wall by 5.82 metres. The maximum height of the proposed extension from the natural ground level is 3.69 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.60 metres.

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

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

Yours sincerely,

[Graeme Cooke](#)

Graeme Cooke
Director of Inclusive Growth
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

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

Agent: 6 Spencer Way
London E1 2PN,
Applicant: Hassan Aslam
E1 2PN,

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 20/01883/PRIEXT
Application Type: Prior Approval: Larger Home Extension
Development Description: Prior notification application for the construction of two single storey rear extensions. The first proposed extension will extend beyond the rear wall by 3.00 metres. The maximum height of the proposed extension from the natural ground level is 2.60 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.60 metres. The second proposed extension will extend beyond the rear wall by 5.82 metres. The maximum height of the proposed extension from the natural ground level is 3.69 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.60 metres.
Site Address: 59 Sparsholt Road, Barking, Barking And Dagenham, IG11 7YG
Date Received: 23 September 2020
Date Validated: 23 September 2020

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

1. The proposed rear extension by virtue of its excessive depth and proximity to the boundary of neighbouring property No 57 Sparsholt Avenue, would result in a loss of light, outlook, sense of enclosure and would be detrimental to the amenities of and living standards enjoyed by No 57 Sparsholt Avenue. Furthermore, large rear extension's are not a common form of development on Sparsholt Road, and do not want to set a precedent for Sparsholt Road and the surrounding area. Therefore, it is considered that the proposed development is un-neighbourly and would have a detrimental impact upon the amenity of the adjoining properties. As such, the development is contract to the following policies:

- Policies BP8 and BP11 of the Borough Wide Development Polices DPD and the Residential Extensions and Alterations SPD.

Informative(s):

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

- 02 - Proposed Plans - 23/09/2020

Working with the applicant:

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

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

DATE OF DECISION: 02/11/2020

Yours sincerely,

[Graeme Cooke](#)

Graeme Cooke

Director of Inclusive Growth

London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

Site visit made on 13 April 2021

By Terrence Kemmann-Lane JP DipTP FRTPI MCI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/Z5060/D/20/3265536

59 Sparsholt Road, Barking, IG11 7YG

- 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 Hassan Aslam against the decision of the London Borough of Barking and Dagenham.
 - The application Ref 20/01883/PRIEXT, dated 23 September 2020, was refused by notice dated 2 November 2020.
 - The development proposed is the erection of 2 single-storey rear extensions - extension 1: the extension will extend 3m beyond the rear wall of the original dwellinghouse. It will have a maximum height of 2.6m. The height at the eaves will also be 2.6m. Extension 2: the extension will extend 5.82m beyond the rear wall of the original dwelling house. it will have a maximum height of 3.69m. the height at the eaves will be 2.6m..
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the case is the effect on the living conditions (amenity) of the adjoining neighbours.

Reasons

3. The appeal site is set within a long row of terraced houses, on narrow plots, 4m wide, that back onto the railway line. The degree of outside amenity afforded to occupiers is therefore limited.
4. The proposed rear extension, by my examination of the plans, would be in excess of 9.0m from the rear main elevation of the house, and 5.82m from the rear of the original outrigger. The council's Residential Extensions and Alterations Supplementary Planning Document (SPD) states that rear extensions should not exceed 3.65m to prevent any loss of amenities to neighbouring properties. Clearly this is guidance that must be considered on the basis of each individual circumstance. In the present case there is an outrigger to the attached property at No. 57 that projects beyond the existing rear elevation of the existing outrigger on the appeal property by 0.700m. However, the appeal proposal would extend a further 2m beyond the neighbouring outrigger.

5. In my view, this amounts to excessive depth of the proposed rear extension that would lead to a loss of daylight and sunlight to No 57 Sparsholt Road which is located north-west of the application site. Bearing in mind the limited amount of outdoor space enjoyed by this neighbour, this would be an unacceptable effect that the SPD guidance seeks to avoid.
6. Whilst it may be the case, as the appellant argues, that a 2m rear projection beyond a neighbour's rear wall is considered acceptable in many cases, in view of the particular circumstances of limited outside amenity available to the relevant neighbour, I consider that the degree of loss of that amenity makes the proposed development unacceptable in planning terms. I will dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/D/20/3263769

Appeal Application Description:

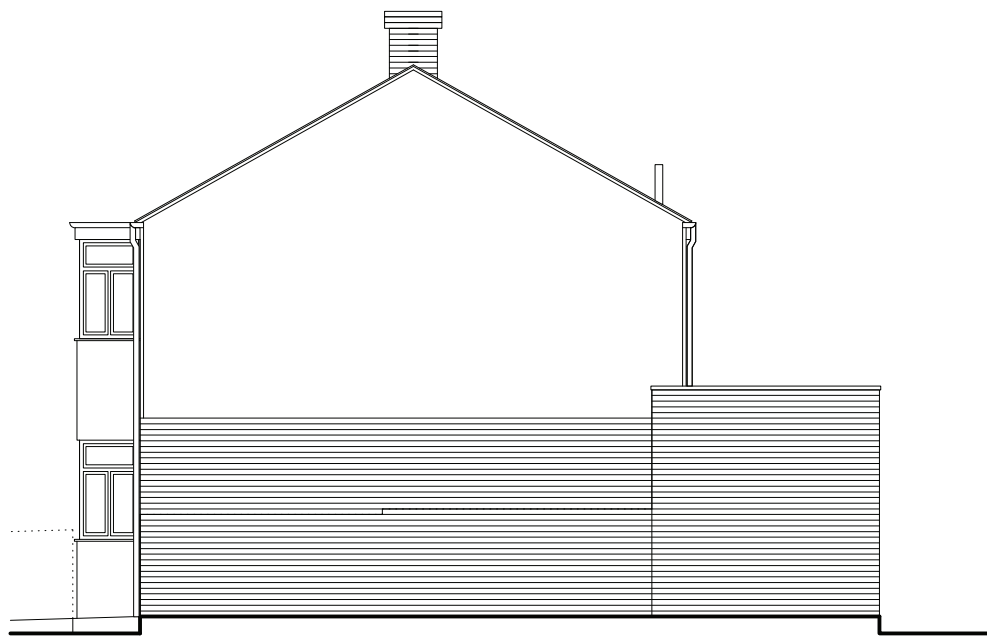
Construction of a two storey side extension.

Decision:

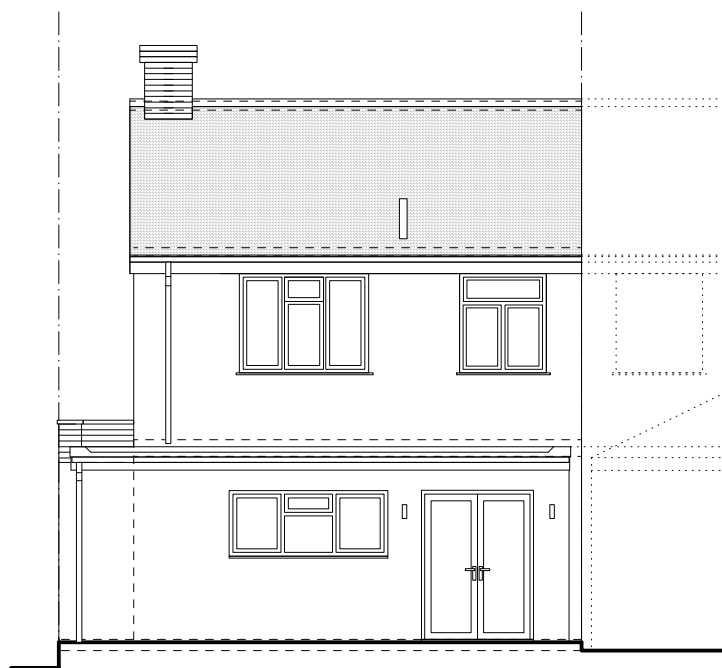
Appeal Dismissed



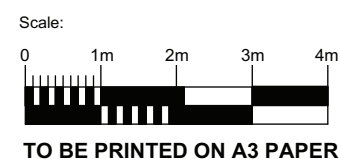
EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION



Rev	Description	Date



Derek Danso
 66 Amberley Road
 Bush Hill Park
 Enfield
 London
 EN1 2QZ
 Tel / Fax : +44 (0)208 447 55 45
 Mobile : +44 (0) 790 015 56 05
 Email : info@cube-architects.co.uk

Project:
PROPOSED SIDE EXTENSION

 109 VALENTINES WAY
 LONDON
 RM7 0YD



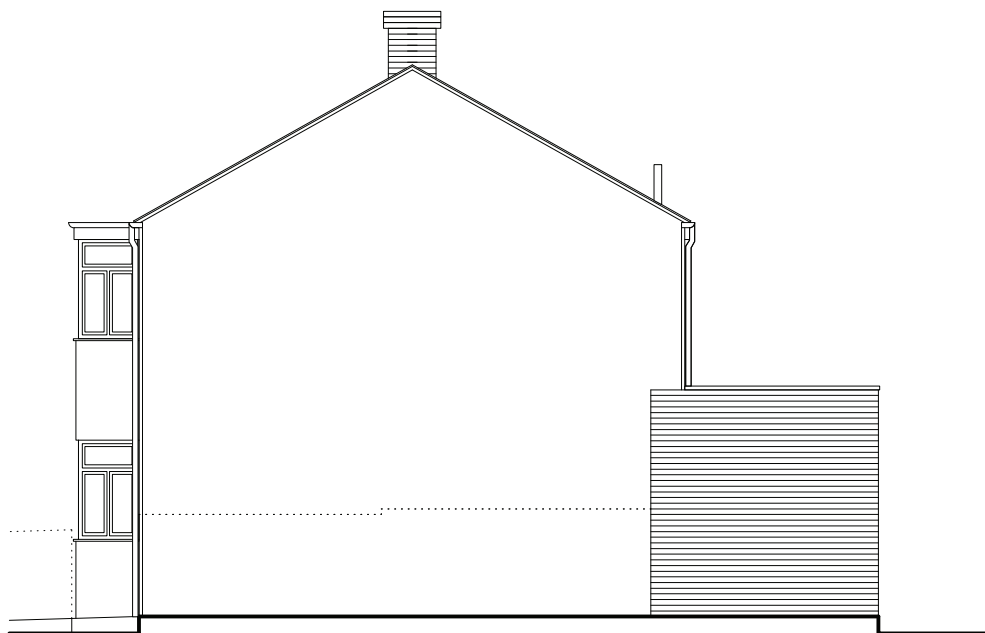
Drawn By: **D Danso** Date: **05-09-20**

Title:
 EXISTING FRONT ELEVATION
 EXISTING SIDE ELEVATION
 EXISTING REAR ELEVATION

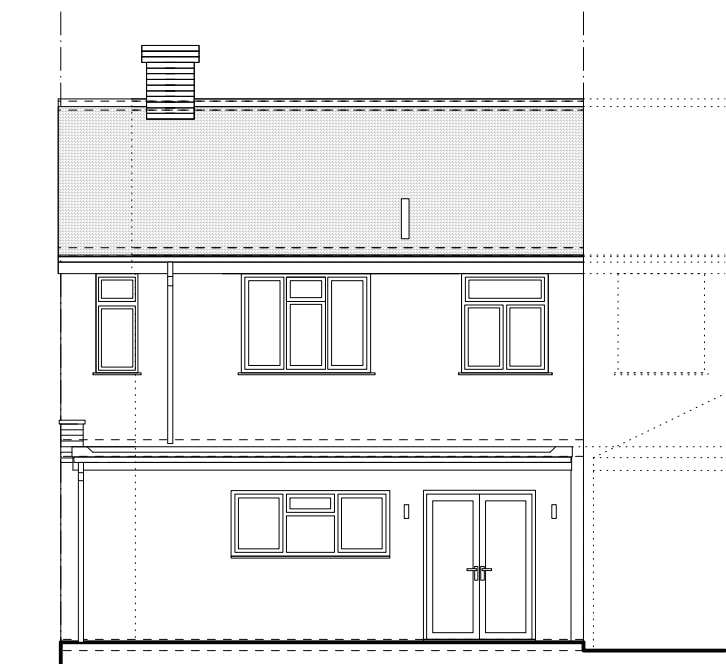
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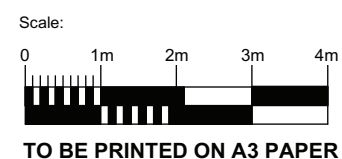
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



Rev	Description	Date



Derek Danso
 66 Amberley Road
 Bush Hill Park
 Enfield
 London
 EN1 2QZ

Tel / Fax : +44 (0)208 447 55 45
 Mobile : +44 (0) 790 015 56 05

Email : info@cube-architects.co.uk

Project:
PROPOSED SIDE EXTENSION

109 VALENTINES WAY
 LONDON
 RM7 0YD



Drawn By: **D Danso** Date: **05-09-20**

Title:
 PROPOSED FRONT ELEVATION
 PROPOSED SIDE ELEVATION
 PROPOSED REAR ELEVATION

Drawing No: **DRG/004/050920** Scale: **1:100**



LBBB Reference: 20/01857/HSE

Derek Danso

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

Dear Sir / Madam,

Application Number: 20/01857/HSE
Address: 109 Valentines Way, Rush Green, Romford, Barking And Dagenham, RM7 0YD
Development Description: Construction of a two storey side extension.

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

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

Yours sincerely,

[Graeme Cooke](#)

Graeme Cooke
Director of Inclusive Growth
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

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

Agent: Derek Danso
Applicant: Dean White
109
Romford

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 20/01857/HSE
Application Type: Householder Planning Permission
Development Description: Construction of a two storey side extension.
Site Address: 109 Valentines Way, Rush Green, Romford, Barking And Dagenham, RM7 0YD
Date Received: 18 September 2020
Date Validated: 22 September 2020

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

1. The proposed development, by reason of its design, scale and sitting fails to respect the established local character and appearance along Valentines Way. Furthermore, the contribution of the development to the enjoyment by occupiers would not be substantial when compared to the detrimental impact upon the street scene and the character of the junction. The proposal is therefore considered contrary to the following policies:-

- National Planning Policy Framework (MHCLG, February 2019);
- Policies 7.4, 7.5 and 7.6 of The London Plan (March 2016);
- Policy D4 and D8 of the Draft London Plan Intended to Publish (December 2019);
- Policies CP2 and CP3 of the LDF Core Strategy (July 2010);
- Policies BP2 and BP11 of the LDF Borough Wide Development Plan Policies DPD (March 2011);
- The Residential Extensions and Alterations Supplementary Planning Document (February 2012);
- Policies SP2, DMD1, DMD4 of the Draft Local Plan (Regulation 19 Consultation version, October 2020)

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

Informative(s):

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

- Block plan of the site - Dated 23.01.2020
- Site & other plans - Dated 23.01.2020
- Existing and Proposed Ground and First Floor Plans and Existing and Proposed Front, Rear and Side Elevation - DRG/001/050920 - Dated 05.09.2020

Working with the applicant:

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

DATE OF DECISION: 12/11/2020

Yours sincerely,

[Graeme Cooke](#)

Graeme Cooke

Director of Inclusive Growth

London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

Site visit made on 26 February 2021

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/Z5060/D/20/3263769

109 Valentines Way, Rush Green, Romford RM7 0YD

- 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 Dean White against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/01857/HSE, dated 18 September 2020, was refused by notice dated 12 November 2020.
 - The development proposed is a two storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 109 Valentines Way, Rush Green, Romford RM7 0YD in accordance with the terms of the application, Ref 20/01857/HSE, dated 18 September 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block plan of the site - Dated 23.01.2020; Site & other plans - Dated 23.01.2020; Existing and Proposed Ground and First Floor Plans and Existing and Proposed Front, Rear and Side Elevation - DRG/001/050920 to DRG/004/050920 - Dated 05.09.2020.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. In March 2021, after the main parties had submitted their statements, the Major published The London Plan 2021. It comprises the spatial development strategy for London and forms part of the development plan. The London Plan replaces all earlier versions. Policies D4 and D8 of the London Plan, which relate to delivery of good design and public realm, are similar to their predecessors, policies 7.4, 7.5 and 7.6. As these policies have not significantly altered through the plan making process, I have proceeded to determine the appeal on the submitted evidence.

Main Issue

3. The main issue is the effect of the proposed extension on the character and appearance of the street scene.

Reasons

4. The appeal dwelling is a two-storey end of terrace house set behind a small driveway. The terrace comprises five dwellings each with a two-storey front bay. Together the terrace has some uniformity, in terms of pattern and form, but the dwellings differ in appearance notably because each has a different window style and the end houses have front porch extensions. Valentines Way is characterised by similar short terraces with only small gaps between. The front elevation of many of the dwellings has been altered and I found no overall cohesion to the appearance of the street scene.
5. The *Residential Extensions and Alterations Supplementary Planning Document* (2012) (SPD) suggests that side extensions to terrace houses should be parallel with the front extension. Consistent with this, the proposed two-storey side extension would align with the main façade of the appeal dwelling, behind the existing two-storey bay and porch. The extension would have a gable end and ridge height to match the existing, sympathetic to the host dwelling and the wider terrace.
6. The extension would extend only around 1.2m to the side, filling the gap between the existing flank elevation and the back edge of the pavement as it returns the corner of Great Cullings. The appeal dwelling has an existing full width single storey kitchen extension to the rear which already meets the back edge of the pavement. The proposed extension would be around 6.8m in depth and would meet this single storey extension to the rear, replacing the existing low side boundary wall.
7. The SPD advises that, by extending an end of terrace house, the gaps separating the house with its neighbours may become closed to the detriment of the street scene. I saw from my site visit that the small gaps between the short rows of terraces on Valentines Way have been largely retained. However, the appeal dwelling is located on the corner of Great Cullings and therefore extending to the side boundary would not cause harm to this pattern of development. Further, the extension is very modest in scale and would largely retain the open appearance of Valentines Way as it turns the corner to Great Culling. I therefore find no conflict with the SPD guidance.
8. Other similar dwellings in the area have already been extended to the side up to the boundary. On the other side of Great Cullings, No.115 Valentines Way has a single storey extension which extends part way along the flank elevation. No.115 Eastbrook Drive (No.115) which is diagonally opposite the appeal dwelling has been extended to the side over two-storeys up to the side boundary. No.115 forms part of a similar terrace of five houses and whilst benefitting from a larger plot than the appeal dwelling it nonetheless forms part of the existing character and appearance of the area.
9. In conclusion, the extension would be a well-designed addition, sympathetic to the terrace and would cause no harm to the character and appearance of the street scene. There would therefore be no conflict with Policy D4 of the London Plan (March 2021) (LP), Policy CP3 of the Council's Core Strategy (2010) (CS)

or Policy BP11 of the Borough Wide Development Policies Development Plan Document (2011) (DPD), or emerging draft policies which have similar objectives. Taken together these require new development to achieve high standards in relation to design and layout such that it protects or enhances the character and amenity of the area, respecting local character.

10. Further, there would be no conflict with LP Policy D8 which, amongst other things, requires development to ensure a mutually supportive relationship between the space, surrounding buildings and their uses. Finally, because it is sympathetic to local character the proposed extension would not conflict with paragraph 127 of the National Planning Policy Framework.
11. CS Policy CP2 and DPD Policy BP2 relate to the protection of the historic environment. As the appeal dwelling is not identified as a heritage asset, these policies are not relevant to the case before me and have been afforded no weight in my consideration.

Conditions

12. In addition to the statutory commencement condition, the Council suggests conditions to ensure that the extension is built in accordance with the approved plans and using external materials that match the existing building. I agree that these are necessary for the avoidance of doubt and to protect the character and appearance of the host dwelling, the terrace and the surrounding area.

Conclusion

13. For the reasons given above, the appeal is allowed.

R. Jones

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

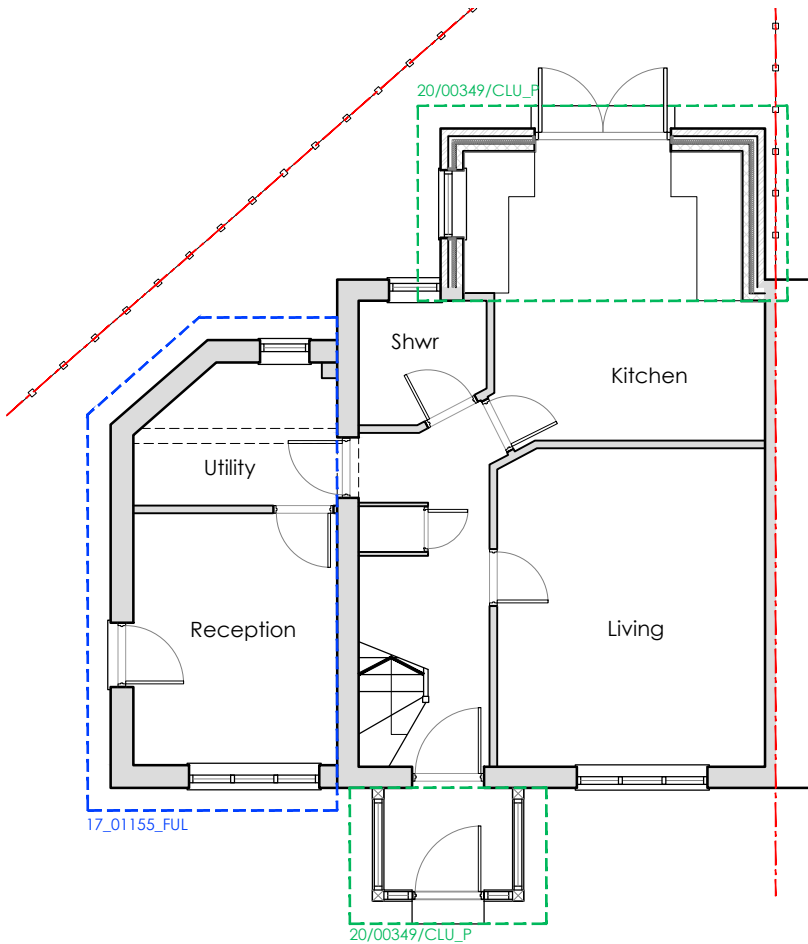
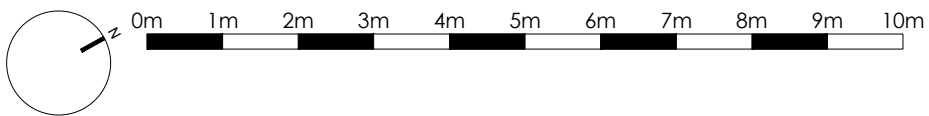
APP/Z5060/W/21/3273906

Appeal Application Description:

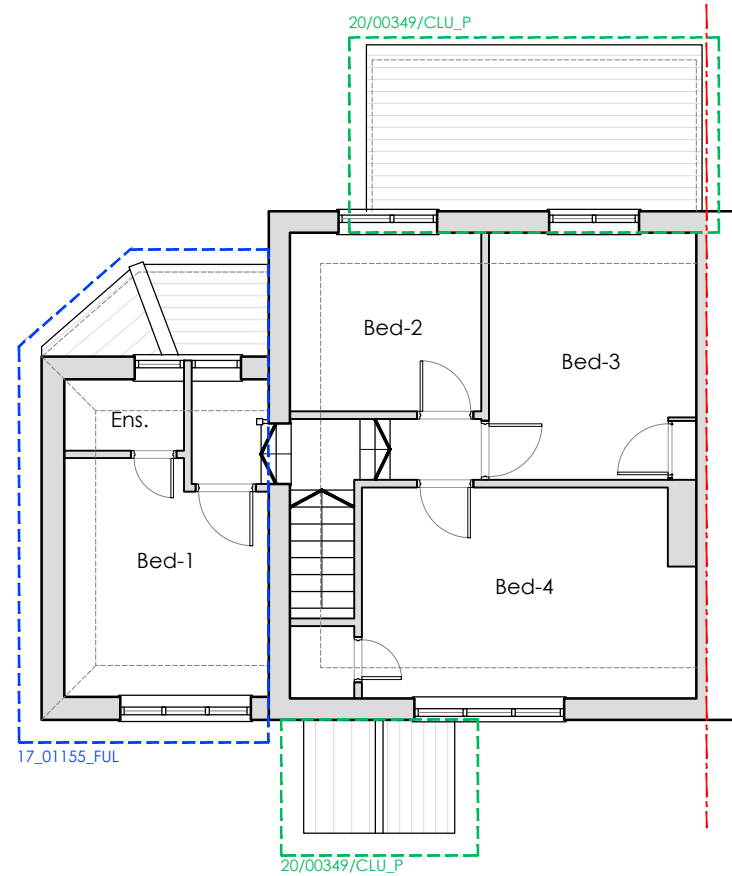
Conversion of existing dwelling house into two 1x bedroom flats.

Decision:

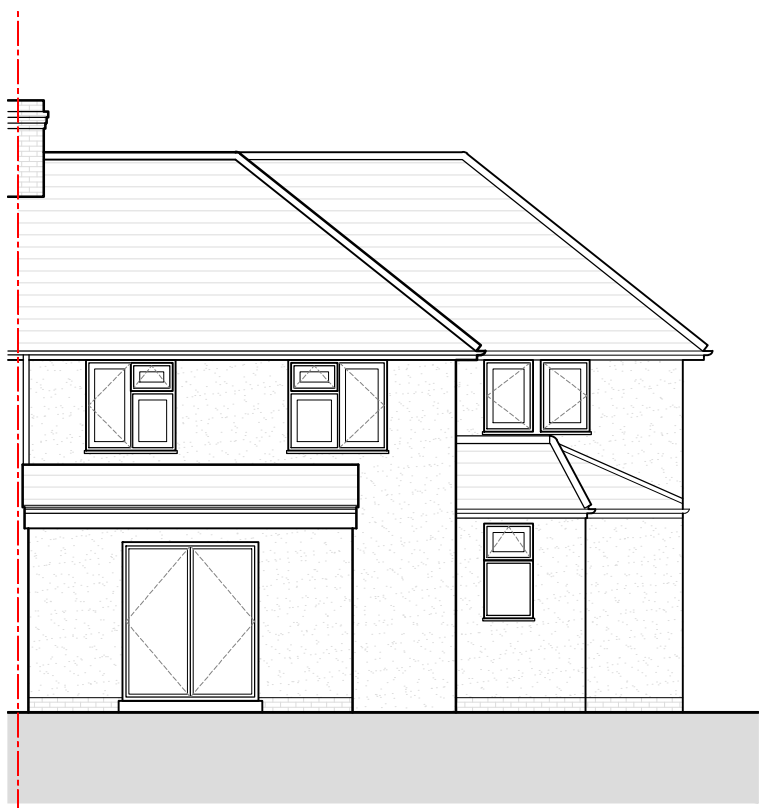
Appeal Dismissed



5 Ground floor plan
Scale: 1:100



6 First floor plan
Scale: 1:100



1 Rear elevation
Scale: 1:100



2 Front elevation
Scale: 1:100

8 Location plan
Scale: 1:1250
0m 10m 20m 30m 40m 50m
K.A.D. Licensed O.S. No. 100047482



7 Block plan
Scale: 1:500



3 Side elevation
Scale: 1:100

Notes:
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This drawings is to be read in conjunction with other professional drawings/details/ documents where applicable such as SE/M&E.
All dimensions to be checked on site prior to works with any discrepancies reported to PD immediately.

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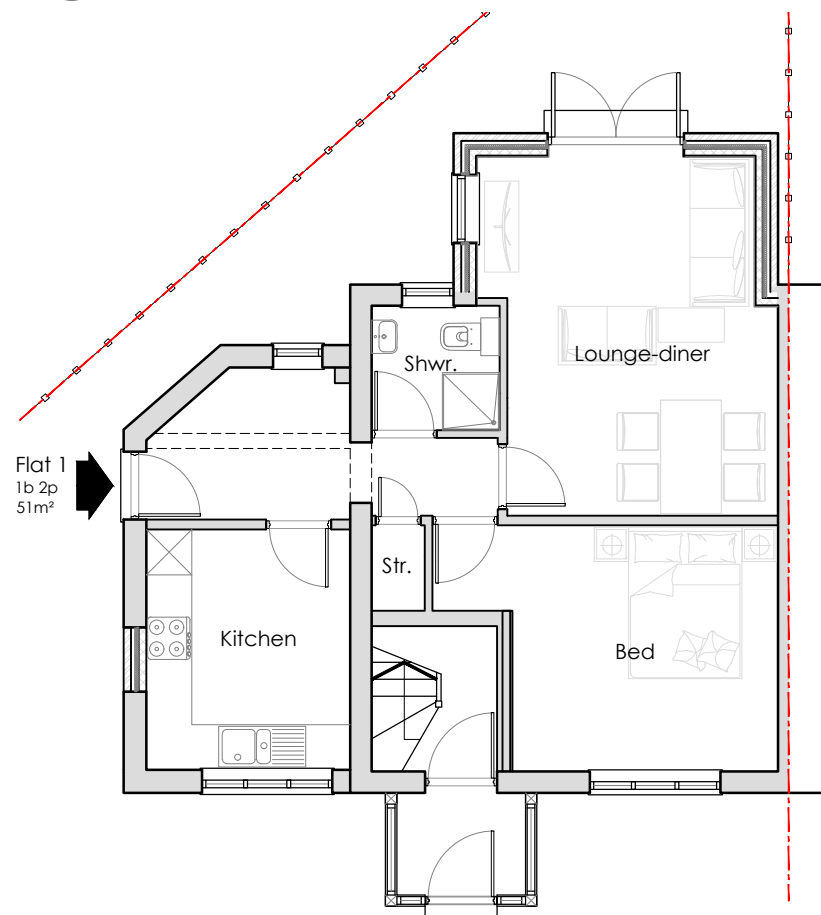
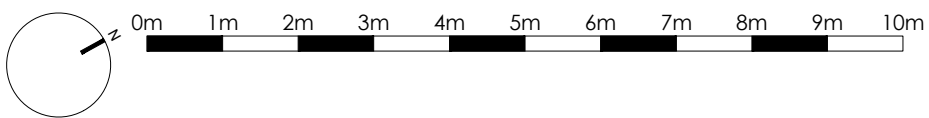


ARCHITECTURE FOR THE BUILT ENVIRONMENT
ATP Design Ltd.
24 Bridgemary Grove
Gosport
Hampshire
PO13 0UG
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www.atpdesignltd.co.uk



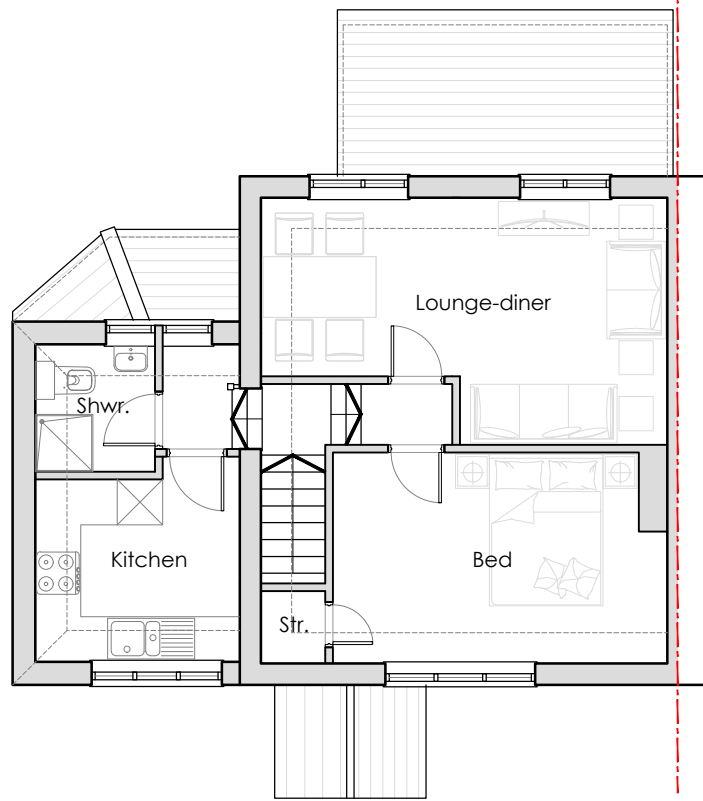
Status:	PLANNING	
Client:	Mohammed Kabir	
Site:	140 Arden Crescent Dagenham RM9 4SA	
Designer:	ATP Design	
Drawing:	Existing plans & elevations	
Scale @ A3:	Date:	Rev:
1:100	28/04/2020	.
Project no.	Drawn:	Checked:
ATP13	T K Peters	T K P
Drawing no.		

EX.FUL1

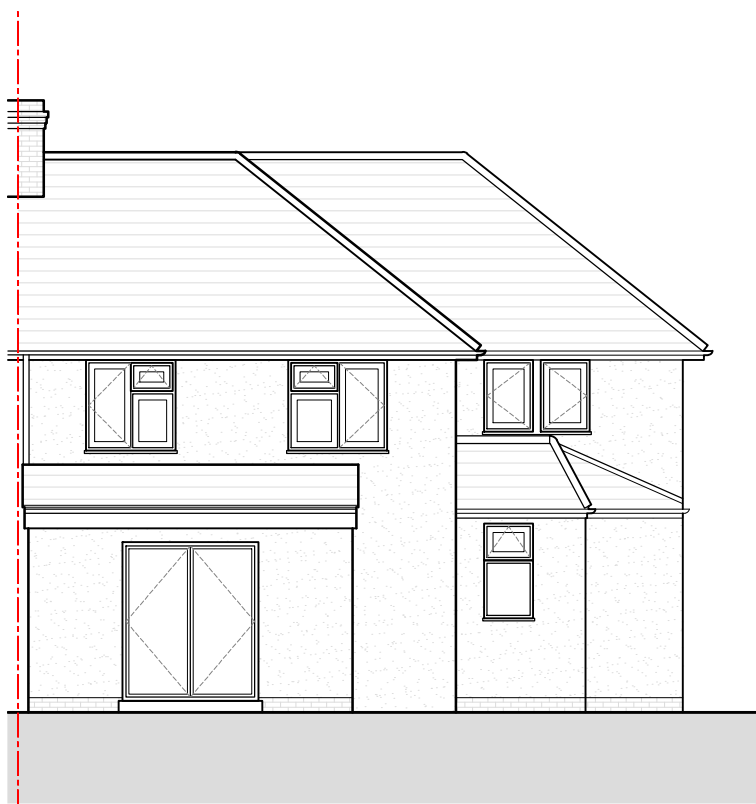


5 Ground floor plan
Scale: 1:100

Flat 2
1b 2p
51.5m²



6 First floor plan
Scale: 1:100

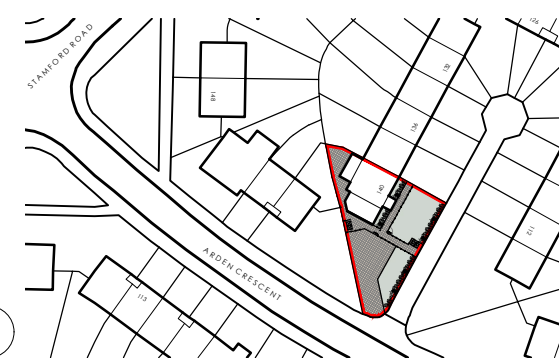


1 Rear elevation
Scale: 1:100



2 Front elevation
Scale: 1:100

8 Location plan
Scale: 1:1250
0m 10m 20m 30m 40m 50m
K.A.D. Licensed O.S. No. 100047482



7 Block plan
Scale: 1:500



3 Side elevation
Scale: 1:100

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All dimensions to be checked on site prior to works with any discrepancies reported to PD immediately.

·	·	TKP	·
·	·	TKP	·
·	·	TKP	·



ARCHITECTURE FOR THE BUILT ENVIRONMENT

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Gosport
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PO13 0UG
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tom@atpdesignltd.co.uk
www.atpdesignltd.co.uk



Status: **PLANNING**

Client: **Mohammed Kabir**

Site: **140 Arden Crescent
Dagenham RM9 4SA**

Designer: **ATP Design**

Drawing: **Proposed plans & elevations**

Scale @ A3: 1:100	Date: 28/04/2020	Rev: .
Project no. ATP13	Drawn: T K Peters	Checked: T K P

PR.FUL1



Stamford

Cres

Arden Cres

Arden Cres

27

148

146

144

140

138

136

105

109

34

132

103

LBBD Reference: 20/01084/FULL

Tom Peters
24 Bridgemary Grove
Gosport
PO13 0UG

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

Dear Sir / Madam,

Application Number: 20/01084/FULL
Address: 140 Arden Crescent, Dagenham, Barking And Dagenham, RM9 4SA
Development Description: Conversion of existing dwelling house into two 1x bedroom flats.

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

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

Yours sincerely,

[Graeme Cooke](#)

Graeme Cooke
Director of Inclusive Growth
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

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

Agent: Tom Peters
24 Bridgemary Grove
Gosport PO13 0UG

Applicant: Mohammed Kabir
140 ARDEN CRESCENT
DAGENHAM PO13 0UG

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 20/01084/FULL
Application Type: Full Planning Permission
Development Description: Conversion of existing dwelling house into two 1x bedroom flats.
Site Address: 140 Arden Crescent, Dagenham, Barking And Dagenham, RM9 4SA
Date Received: 11 May 2020
Date Validated: 02 September 2020

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

1. The proposed conversion of the existing 4 bedroom dwellinghouse into 2 x 1 bedroom flats would result in the loss of a family sized dwellinghouse to the detriment of the stock of larger homes in the Borough, as such, the Council seeks to protect this type of housing from being converted. The principle of development is therefore considered unacceptable contrary to:-

- National Planning Policy Framework (MHCLG, February 2019)
- Policies 3.3, 3.14, 3.5 and 3.8 of The London Plan (March 2016)
- Policies GG4, H8, H9 and H10 of the Draft London Plan Intended to Publish (December 2019)
- Policies SPDG1, DMH 4 and SP3 of the Draft Local Plan Regulation 19 consultation version (October 2020)
- Policies CM1 and CM2 of the Core Strategy DPD (July 2010)
- Policies BC4 and BP10 of the Borough Wide DPD (February 2012)

2. The proposed 2 x 1 bedroom flats fails to provide adequate external amenity space which is private, safe, usable and functional harmful to the standard of living of future residents of this property. The proposal is therefore considered to be unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, February 2019)
- Policy 3.5 of The London Plan (March 2016)
- Policy D6 of the Draft London Plan Intended to Publish (December 2019)
- Policy DMNE1 and DMH 4 of the Draft Local Plan Regulation 19 consultation version (October 2020)
- Policy BP5 of the Borough Wide DPD (February 2012)

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

Informative(s):

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

- PS.FUL1 Proposed Site Plan Dated 28.04.2020
- PS.FUL1 Proposed Plans and Elevations Dated 28.04.2020
- Design and Access Statement

Working with the applicant:

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

DATE OF DECISION: 27.10.2020

Yours sincerely,

[Graeme Cooke](#)**Graeme Cooke**

Director of Inclusive Growth

London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

Site visit made on 15 November 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06/01/2022

Appeal Ref: APP/Z5060/W/21/3273906

140 Arden Crescent, Dagenham RM9 4SA

- 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 Mohammed Kabir against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 20/01084/FULL, dated 30 April 2020, was refused by notice dated 27 October 2020.
 - The development proposed is conversion of existing dwelling house into two 1 x bedroom flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.
3. The existing plans and elevations submitted with the appeal indicate a number of extensions to the dwelling which were not in place at the time of my visit. For the avoidance of doubt, I have determined this appeal on the basis of the proposed plans and elevations as well as other evidence submitted with the appeal.
4. A revised version of the National Planning Policy Framework (the Framework) and a new London Plan 2021 (the London Plan) have been published since the appeal was lodged. Both the Council and the appellant have had the opportunity to comment on these documents.
5. The Council's decision refers to a number of policies of the Draft Local Plan Regulation 19 consultation version. However, I have not been informed of the extent to which there are unresolved objections to relevant policies, and given the stage of preparation of this emerging plan it may be subject to further change. I therefore attach no more than limited weight to these policies, and they are not a decisive matter in my consideration of this appeal.
6. The Council has also stated that the presumption in favour of sustainable development outlined in paragraph 11(d) of the Framework is engaged due to

the 2020 Housing Delivery Test results. I have proceeded to determine this appeal on that basis.

Main Issues

7. The main issues are the effect of the proposal on the:
 - Supply of family housing; and
 - The living conditions of future residents with regards to amenity space.

Reasons

Supply of Family Housing

8. The proposal is to convert the existing house, which is stated as having 4 bedrooms, into two 1 bedroom flats. Policy BC4 of the Borough Wide Development Policies Document 2011 (DPD) sets out that the Council is seeking to preserve and increase the stock of family housing, and will resist proposals which involve the loss of housing with three bedrooms or more. The proposal would conflict with that policy.
9. The appellant submits that the core of the Housing Strategy demonstrates that housing targets for family homes are being met, but has provided no substantive evidence to demonstrate this. They also set out that the number of planning applications seeking alternative uses for family housing in the area of the appeal site is negligible, and that this indicates that the area is not experiencing conversion stress. However, no specific evidence on this matter is provided, and rather than indicating a lack of conversion stress a limited number of applications may simply indicate the effectiveness of development plan policy. Although the DPD is of some age, I have not been provided with compelling evidence to demonstrate that the need for family housing has diminished.
10. I conclude that the proposal would be harmful to the supply of family housing in the area, and would therefore conflict with policy BC4 of the DPD and policy GG4 of the London Plan in respect of meeting identified housing needs. The proposal would also be contrary to the Framework with regards to delivering a sufficient supply of homes and meeting the needs of different groups, including families with children.

Amenity Space

11. Due to the restricted space to the rear of the building, the amenity areas for the two flats would be provided to the front of the site. These amenity areas would be adjacent to a pedestrian access serving a number of dwellings, although a substantial degree of screening was provided at the time of my visit by a hedge on the boundary.
12. However, the amenity area for Flat 1 would be in close proximity to the highway of Arden Crescent. This boundary has a more open aspect, and this amenity area would not provide a degree of privacy that residents of the flat could reasonably expect. This amenity area would also be separated from the flat and dominated by an adjacent area of parking and hard surfacing, which would not provide an attractive area for residents.

13. The appellant refers to potential landscape or boundary treatments which could be secured by condition. However, to provide a suitable degree of privacy this would lead to a degree of enclosure of the site which would be an intrusive feature within the streetscape, which is characterised by open gardens with low walls or hedges. Although a garden opposite the site has a higher fence on the boundary, this served to confirm the obtrusive effect of this form of enclosure. This would also not address my concerns in respect of the relationship of the amenity space of Flat 1 with the parking area.
14. The amenity space for Flat 2 would reflect the arrangement of space provided by the extant dwelling, and on that basis would provide a suitable area for residents. However, this does not negate my conclusions in respect of Flat 1.
15. I conclude that the proposal would not provide suitable amenity space for residents of Flat 1. The proposal would therefore conflict with policy BP5 of the DPD and policy D6 of the London Plan with regards to the provision of appropriate private outside amenity space. The proposal would also be contrary to the Framework in respect of achieving a high standard of amenity for future residents.

Other Matters

16. I am mindful of the benefits of the proposal. It would add to the mix and supply of dwelling in the area, although the contribution arising from a single further dwelling to the supply of housing would be very limited.
17. The appellant refers to policies CM1 and CM2 of the Council's Core Strategy 2010 which support increasing the choice of housing in sustainable locations. Policy BP10 of the DPD also supports making the optimum use of suitable sites. However, in the light of policy BC4 of the DPD and the identified need for family housing, it has not been demonstrated that there is an overriding need for the form of housing proposed or that this is the most sustainable use of the site in this location.

Conclusion

18. Due to the identified harm, I conclude that the proposal would conflict with the development plan.
19. Whilst I have had regard to the benefits of the proposal, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the identified benefits when assessed against the policies of the Framework taken as a whole. Consequently, the proposal would not represent sustainable development and the appeal should be dismissed.

David Cross

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/W/21/3269160

Appeal Application Description:

Erection of new central bin store building to replace the existing bin stores areas within the existing housing development Hewett's Quay.

Decision:

Appeal Dismissed



site plan



Abbey Road

existing refuse area and arbor removed

existing refuse area to be decommissioned

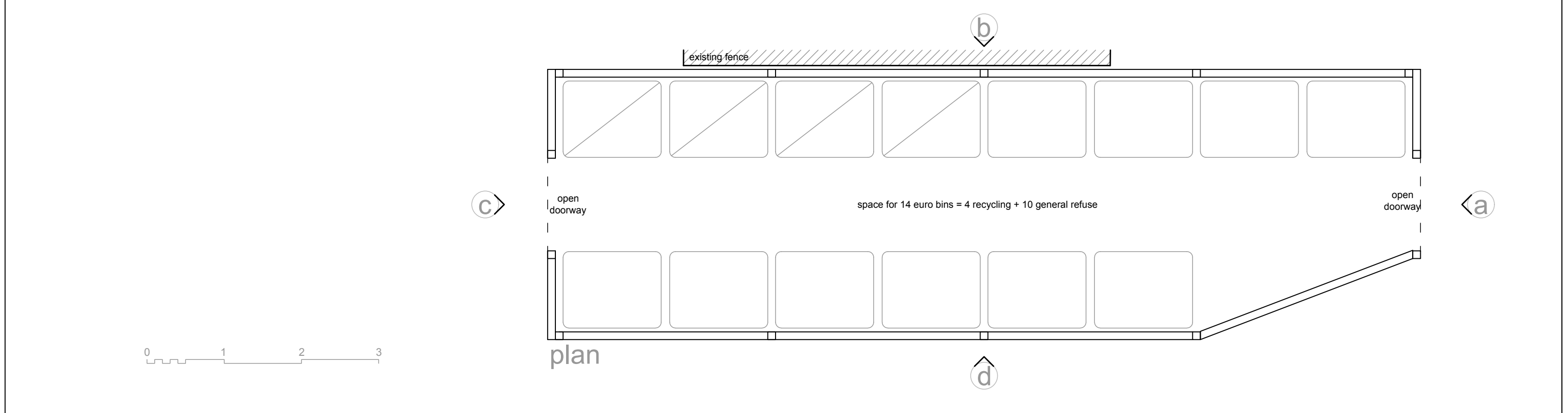
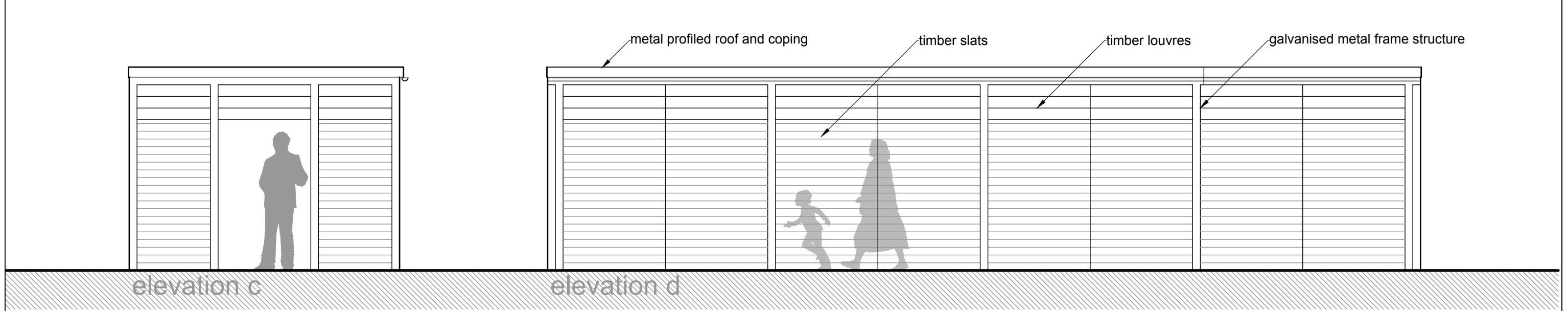
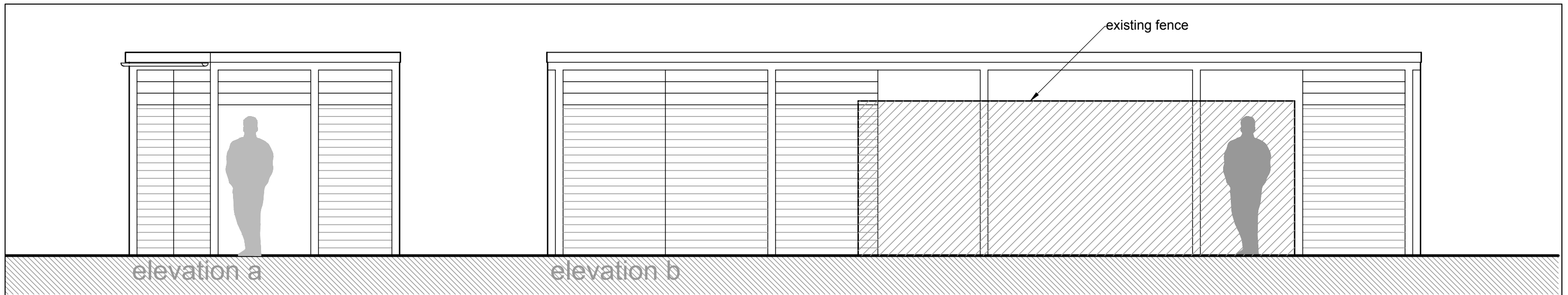
new refuse area

3 no. motorcycle hoops

2 no. relocated car spaces

existing refuse area retained

secure bicycle area plus additional relocated 4 no. hoops





Quayside House

Exclusive Trips

KBM Training & Recruitment

St Pauls Rd

St Pauls Rd

London Borough Of Barking & Dagenham

Fresh Wharf Dry Dock Square

The Teal

Nomie's Kitchen West African

Barking Quay Driving Test Center

Galleon

BITBACK LIMITED

Linsdell Rd

Fleet Rd

Simple Life London Fresh Wharf, Halcyon

Swift House

Sacrist Apartments

TACLONDON

Hardwicke St

Fleet Rd

LBBB Reference: 19/01212/FUL

StudioDNA
159a Old Dover Road, London, London, SE3 8SY, FAO: Mr A Matthews

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

Dear Sir / Madam,

Application Number: 19/01212/FUL
Address: Hewetts Quay, 26 - 32 Abbey Road, Barking, Barking And Dagenham,
Development Description: Erection of new central bin store building to replace the existing bin stores areas within the existing housing development Hewett's Quay.

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

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

Yours sincerely,

[Graeme Cooke](#)

Graeme Cooke
Director of Inclusive Growth
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

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

Agent: StudioDNA
159a Old Dover Road, London, London,
SE3 8SY,FAO: Mr A Matthews

Applicant: Hewett's Quay Management Company Ltd
C/o Agent

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 19/01212/FUL
Application Type: Full Planning Permission
Development Description: Erection of new central bin store building to replace the existing bin stores areas within the existing housing development Hewett's Quay.
Site Address: Hewetts Quay, 26 - 32 Abbey Road, Barking, Barking And Dagenham,
Date Received: 17 July 2019
Date Validated: 18 July 2019

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

1. The proposed centralised bin storage area fails to provide adequate facilities to support 120 dwellings as such the proposal will result in overflowing and unsightly bin storage facilities which will be detrimental to the character and appearance of the application site and the surrounding local area. The proposal is therefore considered to be contrary to:-

- National Planning Policy Framework (MHCLG, February 2019)
- Policies 7.1, 7.4, 7.6 and 3.5 of The London Plan (March 2016)
- Policies D4, D2 and GG4 of the Draft London Plan Intended to Publish (December 2019)
- Policy CP3 of the Core Strategy DPD (July 2010)
- Policy BP11 of the Borough Wide DPD (March 2011)
- Policies SP2, SP4 and DMD1 of the Draft Local Plan Regulation 19 consultation version (October 2020)

2. The proposed development will result in overflowing, unsightly and unhygienic bin storage facilities which will produce more waste, smell and attract more vermin detrimental to the amenity and standard of living of neighbouring resident. The proposal is therefore considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, February 2019)
- Policies 7.1, 7.4, and 7.15 of The London Plan (March 2016)
- Policies GG1, GG3 and D14 of the Draft London Plan Intended to Publish (December 2019)
- Policy BP8 of the Borough Wide DPD (March 2011)
- Policies DMD1 and DMSI3 of the Draft Local Plan Regulation 19 consultation version (October 2020)

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

Informative(s):

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

- sDNA / 293 / 201 rev C Proposed Site Plan [Revision C] Dated 28.07.2015

- sDNA / 293 / DAS 01 rev B Design and Access Statement [Revision B] Dated March 2020
- sDNA / 296 / 100 rev - Location Plan Dated 02.07.2015
- sDNA / 293 / 202 rev - Plans and Elevations Dated 14.04.2015
- sDNA / 293 / 203 rev - Perspective View Dated 30.07.2015

Working with the applicant:

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

DATE OF DECISION: 24.11.2020

Yours sincerely,

Graeme Cooke

Graeme Cooke
Director of Inclusive Growth
London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

Site visit made on 25 October 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2021

Appeal Ref: APP/Z5060/W/21/3269160

Hewett's Quay, 26-32 Abbey Road, Barking, Barking and Dagenham IG11 7BH

- 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 Neil McCrossen of Hewett's Quay Management Company Limited against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/01212/FUL, dated 17 July 2019, was refused by notice dated 24 November 2020.
 - The development proposed is a new central bin store building to replace the existing bin stores areas within the existing housing development.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application site address in the banner heading above is taken from the Council's refusal notice and the appellant's appeal form as this more precisely describes the location of the proposed development.
3. A new London Plan (LP) was published in March 2021. This forms part of the development plan for the area and post-dates the Council's refusal notice. I have had regard to the policies in the LP as part of the determination of this appeal. The National Planning Policy Framework was revised in July 2021 (the Framework) and this post-dates the Council's refusal notice. The main parties were afforded the opportunity to comment on the implications of the Framework from the point of view of determining this appeal and I have also taken it into account.

Main Issues

4. The main issues relate to whether the proposal would make adequate provision for the correct number of outside bins for the occupiers of surrounding apartments and the effect of the development on the living conditions of the occupiers surrounding residential properties in respect of odour and vermin and the character and appearance of the area.

Reasons

5. The appeal site is positioned to the western side of Abbey Road and is part of a gated complex of residential buildings known as Hewitt's Quay. It is proposed

to replace three existing unenclosed bin store areas with one centralised and enclosed bin store constructed with a galvanised metal frame structure with metal profiled roof and coping, timber slats and timber louvres. It would be open ended and would measure about 3.5 metres deep by 11.3 metres wide by 2.6 metres high, would accommodate 14 Euro bins and would be located in an area which currently includes two car parking spaces and bicycle parking spaces all of which would be replaced elsewhere on the wider site. An existing unenclosed bin store area would be retained in the north west corner of the site and would accommodate two Eurobins. In total, the proposal would result in a total of 10 refuse and 6 recycling bins for the 120 apartments at Hewitt's Quay.

6. The Council has previously approved planning permission¹ for a central bin store although this planning permission has now expired and, in any event, the decision to approve planning permission was based on superseded Council advice. Consequently, this planning permission now holds limited weight, as a material planning consideration, as part of the determination of this appeal.
7. The Council's Planning and Advice Note '*Refuse and Recycling Provisions in New and Refurbished Residential Developments*' September 2020 (Advice Note) is relevant to the determination of this appeal. At the bottom of the table on page 11 it states that '*bin capacity is calculated based on 70 litre/bedroom for a 3 bedroom flat and rounded up to upper limit*'. However, this guidance has to be read alongside paragraph 3.10 of the Advice Note which states that the formula the Council uses to determine the number of '*refuse*' Eurobins needed for a development is 70L per bedroom per week. Based on 222 bedrooms at the appeal site, there is a requirement for 15 refuse Eurobins based on a weekly collection.
8. The Advice Note also states, at paragraph 3.11, that '*based on an approximate 50% recycling rate, the Council estimates that the number of recycling Eurobins needed will be half the number of refuse Eurobins*' and '*the formula the Council uses to determine the number of recycling Eurobins for a development is 70L per bedroom per fortnight*'. Therefore, there is a requirement for 8 recycling Eurobins based on a weekly collection.
9. Based on current collection cycles which the Advice Note states is weekly for refuse and fortnightly for recycling, I therefore find that there is a requirement for a total of 23 Eurobins. Therefore, the proposal would result in a deficiency of 7 Eurobins for the 120 apartments. Consequently, the proposal would have the potential to result in refuse being left outside or close to the bin enclosures at certain times thereby causing unacceptable harm to the character and appearance of this residential environment and leading to increased odours and the attraction of vermin in the immediate locality. This harm would be compounded by the fact that the Advice Note also states, at paragraph 3.14, that in respect of recycling glass in the future '*developers of flatted accommodation are strongly advised to make provision in bin compounds for space to accommodate extra 1100 Eurobins*'. The evidence is that space for recycling glass at a future date has not been provided.
10. The appellant has commented that they would pay for two collections per week. I acknowledge that this would have the effect of reducing the number of bins that would need to be provided on the site. However, the Advice Note states, at paragraph 3.12, that '*where additional collection frequency is*

¹ Planning permission ref No 15/01189/FUL

required and has been assessed and approved by the Council, this will be chargeable at the published collection charges subject to annual review'. I have no evidence before me to indicate that such an arrangement would be 'approved' by the Council and, furthermore, the Council states that there is not a charging schedule in place for such an additional collection. Even if the appellant were to make private arrangements for the additional collection of waste, I have not been provided with sufficient details about this matter or indeed an appropriate controlling mechanism to ensure that any such private arrangement would be enduring and enforceable.

11. I acknowledge that the proposal would result in a more centralised and enclosed external bin storage facility for use by most of the residents and that such an arrangement would have the potential to lead to an improvement to the overall character and appearance of the area. However, in overall bin provision terms the evidence is that the proposal would not fully accord with the Advice Note which is a material planning consideration to which I afford significant weight. In the absence of suitable controls and details relating to more regular collections, I conclude that there would not be enough Eurobins on the site and that the proposal would therefore be likely to result, on occasion, in the overspill of waste to the detriment of the character and appearance of this residential environment and harming the living conditions of the occupiers of nearby residents in terms of potential odour and vermin problems. These are matters of overriding concern and outweigh the benefits of locating a more centralised bin store away from the main site entrance.
12. For the reasons outlined above, I therefore conclude that the development would not accord with the character, appearance, health, amenity, infrastructure and refuse/recycling requirements of policies D2, D4, D14, GG1, GG3, GG4 of the LP; policies BP8 and BP11 of the Borough Wide DPD 2011; policy CP3 of the Council's Core Strategy DPD 2010; Chapter 12 of the Framework and the Advice Note. There would also be conflict with policies SP2, SP4, DMD1 and DMS13 of the Council's Draft Local Plan. However, as this development plan has not yet been adopted, I afford the conflict with these emerging policies only limited weight in decision making terms.

Conclusion

13. The proposal would not accord with the development plan for the area when considered as a whole and it would not comply with the Council's Advice Note which is a material planning consideration to which I afford significant weight. While there are some positive material planning considerations relating to the provision of a centralised and enclosed bin store, these considerations do not outweigh the identified conflict with the development plan or the Advice Note. Therefore, I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/Z/21/3280435

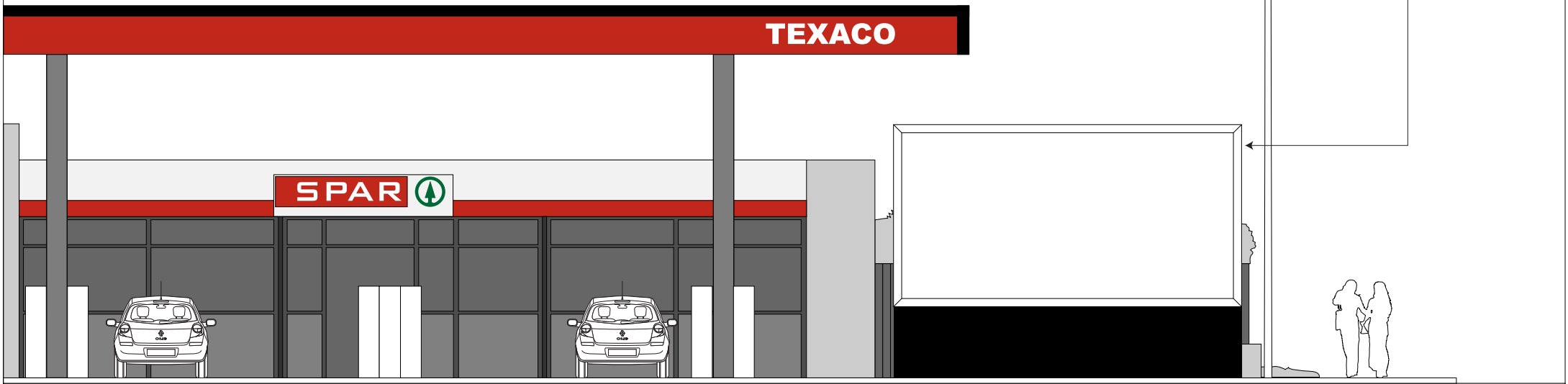
Appeal Application Description:

Replacement of existing poster display with an illuminated (3.165m x 6.207m) Digital Poster display

Decision:

Appeal Dismissed

Petrol Filling Station



Existing 48 Sheet Panel
(to be replaced with
Digital Display with
Vertical Meadow)

RIPPLE ROAD

Site:
Texaco Filling Station, 796 Ripple Road,
Barking, Essex, IG11 0TT

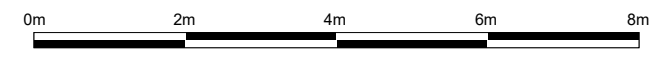
Title:
Existing Elevation

Date:
03/06/2021 47

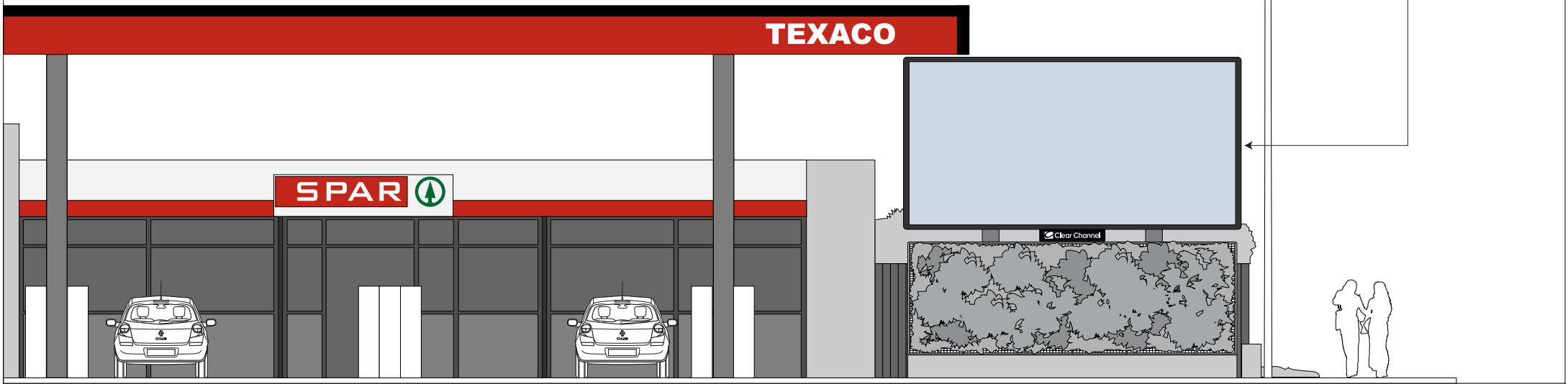
Dwg. No.:
PY4064/003

Rev:

Scale: 1:100@A4



Petrol Filling Station



Proposed Digital 48 Display
(with Vertical Meadow)

RIPPLE ROAD

Site:
Texaco Filling Station, 796 Ripple Road,
Barking, Essex, IG11 0TT

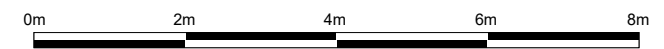
Title:
Proposed Elevation

Date:
03/06/2021 48

Dwg. No:
PY4064/004

Rev:

Scale: 1:100@A4





LBBB Reference: 21/01095/ADVERT

Ben Porte
33 Golden Square
London
W1F 9JT

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

Dear Sir / Madam,

Application Number: 21/01095/ADVERT
Address: Texaco Filling Station, 796 Ripple Road, Barking, Barking And Dagenham, IG11
OTT
Development Description: Replacement of existing poster display with an illuminated (3.165m x 6.207m)
Digital Poster display

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

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

Yours sincerely,

Marilyn Smith

Marilyn Smith
Head of Planning And Insurance
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007**

Agent: **Applicant:** Ben Porte
33 Golden Square
London

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 21/01095/ADVERT
Application Type: Consent to Display an Advertisement(s)
Development Description: Replacement of existing poster display with an illuminated (3.165m x 6.207m) Digital Poster display
Site Address: Texaco Filling Station, 796 Ripple Road, Barking, Barking And Dagenham, IG11 0TT
Date Received: 14 June 2021
Date Validated: 14 June 2021

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

1. The proposed advertisement sign by reason of it's prominent siting, size and illumination, would be incongruous addition within it's surroundings and harmful to the amenity of the area, contrary to:

- The NPPF (2019)
- Policies D1, D4, D8 of the London Plan (2021)
- Policy CP3 of the LDF Core Strategy (2010)
- Policies BP7, BP8 and BP11 of the LFD Borough Wide DPD (2011)
- Draft Policies SP2, DMD7 of the Draft Local Plan Reg 19 (2020).

2. The proposed advertisement, by reason of its prominent siting, size and illumination within the street scene is considered a harmful addition to the area, compromising the safety of persons using the A13. Officers consider the advertisement to distract motorists travelling along the A13 from noticing motorists exiting the Texaco petrol filling station. Therefore contrary to:

- Policy D8 of the London Plan (2021)
- Policy CP3 of the LDF Core Strategy (2010)
- Policy BP7 of the LDF Borough Wide DPD (2011)
- Draft Policies SP2 and DMD7 of the Draft Local Plan Reg 19 (2020)

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

Informative(s):

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

- Proposed View - Dwg. no: PY4064/007 - Dated 03/06/2021
- Proposed Site Plan - Dwg. no: PY4064/002 - Dated 03/06/2021
- Proposed Elevation - Dwg. no: PY4064/004 - Dated 03/06/2021
- Site Location Plan - Dwg. no: PY4064/001 - Dated 03/06/2021
- Proposed Specifications - Dwg. no: PY4064/005 - Dated 03/06/2021
- D-Poster
- Planning Statement - Dated 14/06/2021

Working with the applicant:

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

DATE OF DECISION: 03.08.2021

Yours sincerely,

Marilyn Smith

Marilyn Smith

Head of Planning and Assurance
London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

Site visit made on 7 December 2021 by Thomas Courtney BA(Hons) MA

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022

Appeal Ref: APP/Z5060/Z/21/3280435

796 Ripple Road, Barking IG11 0TT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Ben Porte (Clear Channel UK Ltd) against the decision of the London Borough of Barking & Dagenham Council.
 - The application Ref 21/01095/ADVERT, dated 14 June 2021, was refused by notice dated 3 August 2021.
 - The advertisement proposed is the replacement of existing poster display with an illuminated (3.165m x 6.207m) Digital Poster display.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. In the interest of accuracy and conciseness, the description of the proposal in the header above is based on the decision notice.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 make it clear that advertisements are subject to control only in the interest of amenity and public safety. The Council has drawn my attention to various policies which it considers to be relevant to this appeal. These include policies from the Barking & Dagenham Local Development Framework Core Strategy (the 'Core Strategy'), the Local Development Framework Borough Wide Development Plan Document (the 'Local Plan'), the London Plan (2021), as well as draft policies from the emerging Regulation 19 Draft Local Plan. However, whilst S38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 does not apply to advertisements, I have taken the relevant policies into account where material to this appeal.

Main Issues

5. The main issues are the effect of the advertisement on public safety and the visual amenity of the area.

Reasons for the Recommendation

6. The appeal site is located on the south side of Ripple Road (A13) which is a busy three-lane carriageway with heavy levels of vehicular traffic. The advertisement would be sited at an elevated position adjacent to the exit road for the Texaco petrol filling station.

Public Safety

7. The Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care being more likely to affect public safety. Furthermore, it advises that the main types of advertisement which may cause danger to road users are those that obstruct or impair sight-lines at a junction, or at any point of access to a highway, and those which, because their size or siting, would obstruct or confuse a road-user's view. The PPG also states that externally or internally illuminated advertisements which are subject to frequent changes of the display are likely to distract road users.
7. The elevated siting and illuminated nature of the advertisement at this busy location, directly opposite the petrol station's exit road, would result in a more prominent form of advertising compared to the existing display, and would create a disorderly and distracting feature in this roadside environment.
8. Drivers travelling along this busy 3 lane highway are likely to be distracted by the proposed advertisement and its changing imagery at a point in the highway when high levels of concentration are required, with vehicles slowing down to access the petrol station and those exiting the petrol station onto the A13. Any lapse in concentration caused by the advertisement from either drivers exiting the access or within the carriageway is likely to result in an accident, thereby causing harm to public safety. The time lapse between the advertisement material and level of luminance proposed would not mitigate the harm identified.
9. My attention has been drawn to other internally illuminated 48-sheet digital displays granted consent on Ripple Road (application No. 20/00074/ADV). The specific site characteristics do not appear to be comparable to the proposal before me and the reference to this application does not, therefore, carry any significant weight in favour of the proposal.
10. Given the above, I conclude that the proposed advertisement would negatively impact public safety. I have taken into account Policy BP7 of the Local Plan which seeks to ensure advertisements do not present a safety hazard to traffic and Policy D8 of the London Plan (2021) which seeks to ensure the public realm is well-designed and safe.

Amenity

11. The area surrounding the appeal site is characterised by industrial and commercial uses and I note the presence of numerous advertisement hoardings along this stretch of the A13. In this context the new advertisement would not appear out of place and although it would be prominent on account of its size and design, I do not find it would constitute a discordant or incongruous feature in the streetscene.

12. The Fountain Redeemed Christian Church of God is located to the west of the proposed advertisement. From this property the rear of the advertisement would be visible and would be viewed in the context of the buildings at the petrol filling station, including its tall canopy over the pumps. As a consequence, I am satisfied that the proposal would result in no harm to the amenities currently enjoyed by users of this building.
13. Given the above, the proposal would not be harmful to the visual amenity of the area. I have taken into account Policy BP7 of the Local Plan which seeks to ensure advertisements do not detract from the character and amenity of the area in which they are located.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the appeal should be dismissed.

RC Kirby

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

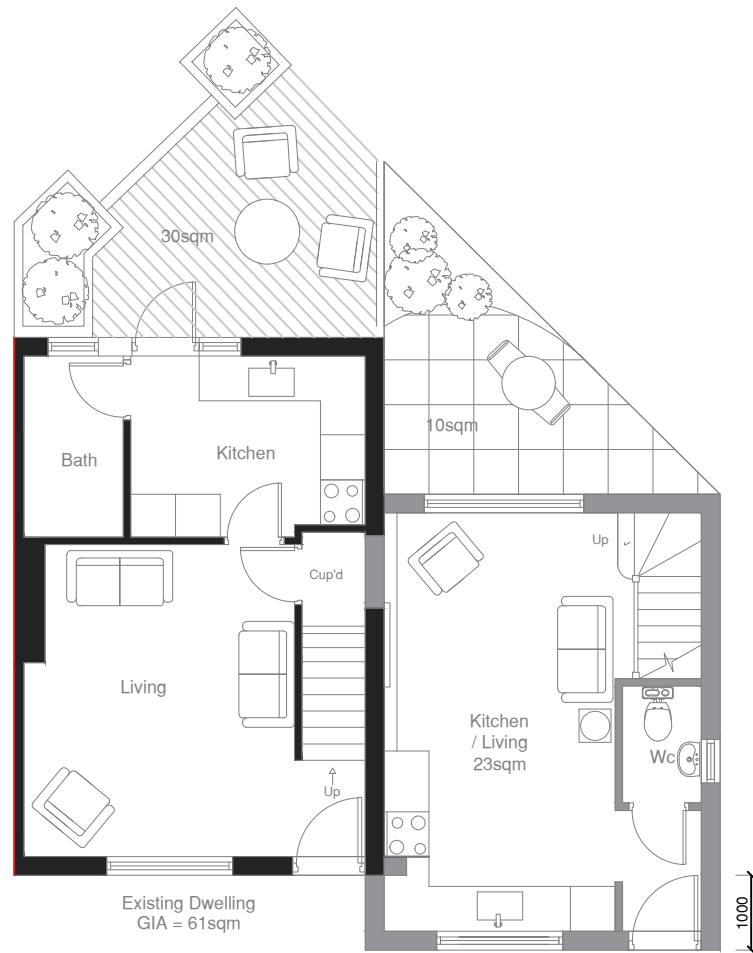
APP/Z5060/W/20/3260545

Appeal Application Description:

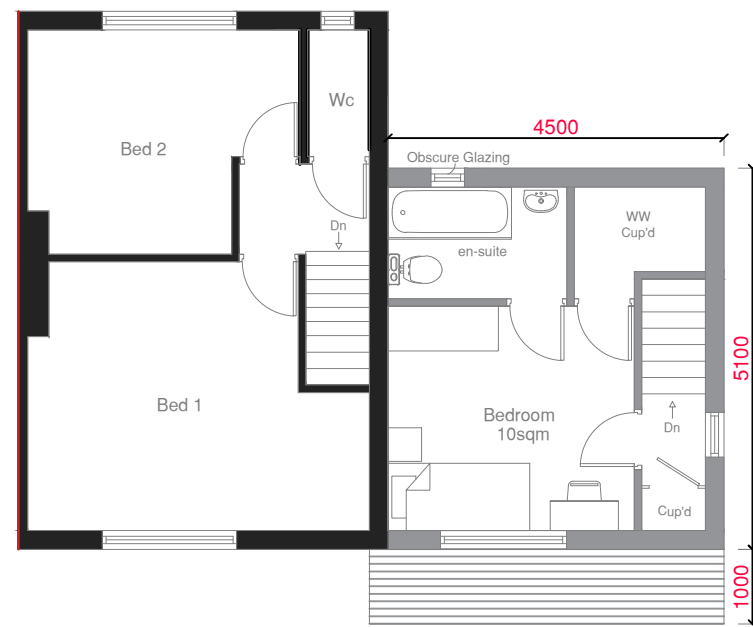
Demolition of existing garage and construction of two storey 1x bedroom dwellinghouse with associate bin and cycle store.

Decision:

Appeal Allowed



GROUND FLOOR PLAN
1:100 / A3



FIRST FLOOR PLAN
1:100 / A3

All Materials to Match Existing



NOTE: THESE DRAWINGS ARE FOR PLANNING PURPOSES ONLY. DO NOT CONSTRUCT FROM THESE DRAWINGS. A MEASURED SURVEY IS REQUIRED ON SITE BEFORE CONSTRUCTION.



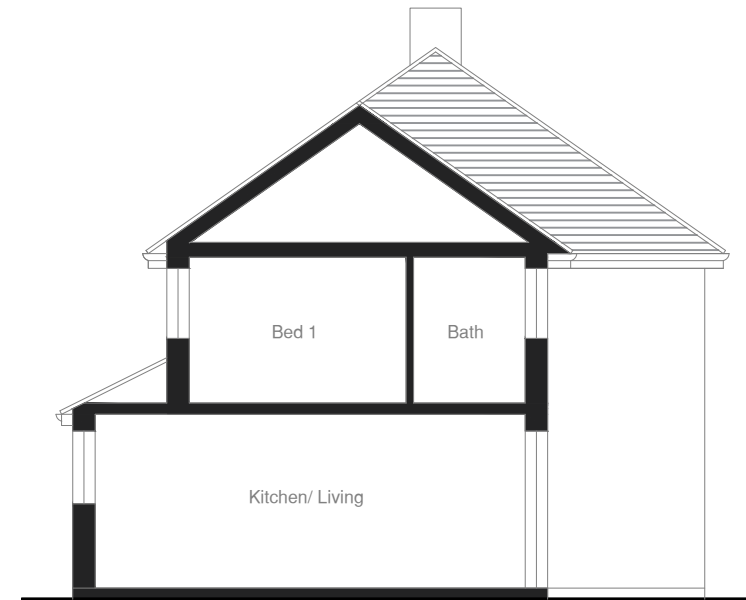
FRONT ELEVATION
1:100 / A3



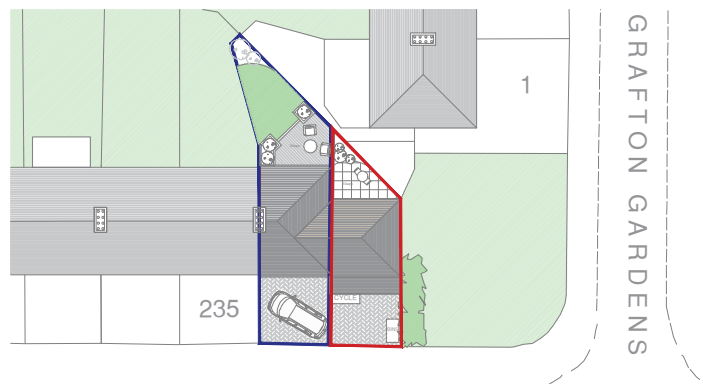
SIDE ELEVATION
1:100 / A3



REAR ELEVATION
1:100 / A3



SECTION
1:100 / A3



LOCATION PLAN
1:1000 / A3

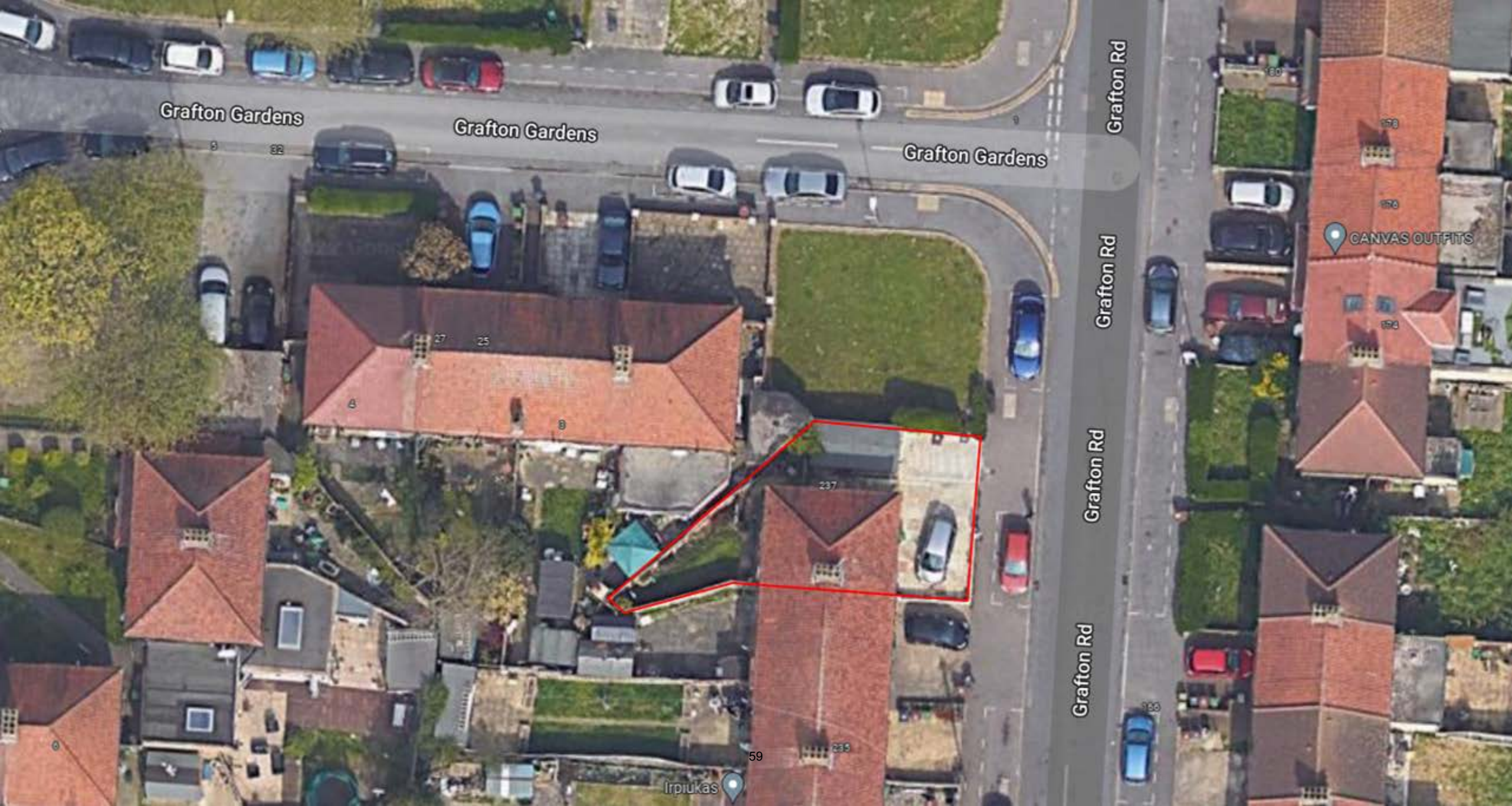


SCHEDULE

1 BED 1 PERSON STUDIO HOME
GIA = 45sqm
REAR AMENITY = 10sqm
TOTAL AMENITY = 27sqm
1 X CYCLE STORE SPACE

Job title 237 GRAFTON ROAD DAGENHAM RM8 1QP			
Drawing title PROPOSED FLOOR PLANS AND ELEVATIONS			
Job No 1999_PL05	Scale @ A3 1:100	Date	Drawn by RJ

r&R
P L A N N I N G
www.randRplanning.co.uk
RobertJon@Live.co.uk
Tel: 07436007718



Grafton Gardens

Grafton Gardens

Grafton Gardens

Grafton Rd

Grafton Rd

Grafton Rd

Grafton Rd

CANVAS OUTFITS

Irpiukas

LBBD Reference: 20/01627/FULL

Robert Fry
40 Parkview House
Hornchurch
RM12 4YW

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

Dear Sir / Madam,

Application Number: 20/01627/FULL
Address: 237 Grafton Road, Dagenham, Barking And Dagenham, RM8 1QP
Development Description: Demolition of existing garage and construction of two storey 1x bedroom dwellinghouse with associate bin and cycle store.

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

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

Yours sincerely,

[Graeme Cooke](#)

Graeme Cooke
Director of Inclusive Growth
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

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

Agent: Robert Fry
40 Parkview House
Hornchurch RM12 4YW

Applicant: BHARADIA
RM12 4YW

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 20/01627/FULL
Application Type: Full Planning Permission
Development Description: Demolition of existing garage and construction of two storey 1x bedroom dwellinghouse with associate bin and cycle store.
Site Address: 237 Grafton Road, Dagenham, Barking And Dagenham, RM8 1QP
Date Received: 11 August 2020
Date Validated: 11 August 2020

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

1. The design of the proposed new dwelling by reason of its design and positioning, being akin to a subservient two storey side extension on a corner plot would not have regard to the form and function of Grafton Avenue and the Becontree Estate with respect to dwellinghouses within their own right. Furthermore, the proposal by reason of size, would result in an unacceptable quality of accomodation detrimental to the standard of living of future occupants. The proposed new dwelling would only provide sufficient space for a single bedroom and does not comply with the minimal internal area outside amenity standard's for a one Bedroom Two storey dwelling. Furthermore, the proposed development does not sufficient private amenity space which is neither private, usable or functional and this would be detrimental to the living standards and amenities enjoyed by potential occupiers of the development

As such, the proposed development is contrary to:

- National Planning Policy Framework (MHCLG, February 2019)
- Policies 3.3, 3.5 and 3.8 of The London Plan (March 2016)
- Policy GG4 of the Draft London Plan Intended to Publish (December 2019)
- Policy CP1 of the LDF Core Strategy (July 2010)
- Policies BP2, BP5, BP8 and BP11 of the LDF Borough Wide Development Plan Policies DPD (March 2011)
- Technical Housing Standard's

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

Informative(s):

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

- 04 - Proposed Block & Roof Plan
- 05 - Proposed Plans
- Block & Location Plan
- Planning Statement

Working with the applicant:

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

DATE OF DECISION: 30/09/2020

Yours sincerely,

Graeme Cooke**Graeme Cooke**

Director of Inclusive Growth

London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

Site visit made on 18 February 2021

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 April 2021.

Appeal Ref: APP/Z5060/W/20/3260545

237 Grafton Road, Dagenham RM8 1QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bharadia against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/01627/FULL, dated 10 August 2020, was refused by notice dated 30 September 2020.
 - The development is a proposed new 1 bed 1 person dwelling set over 2 storeys.
-

Decision

1. The appeal is allowed and planning permission is granted for a proposed new 1 bed 1 person dwelling set over 2 storeys at 237 Grafton Road, Dagenham RM8 1QP in accordance with the terms of the application, Ref: 20/01627/FULL, dated 10 August 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. An application for costs was made by Mr Bharadia against the decision of the Council of the London Borough of Barking and Dagenham. This application is the subject of a separate Decision.
3. I note the reference in the officer's report to policies within the Draft Local Plan (Regulation 18 Consultation Version, November 2019). However, as the Draft Local Plan may be subject to further change, I only attach limited weight to these policies.
4. Policy GG4 of the London Plan 2021 (LP) is unchanged from the Intend to Publish version, and has replaced the policies in the 2016 London Plan, both of which are referred to in the Council's decision.

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of future occupiers of the proposed 1-bed, 1-person dwelling with particular reference to internal floorspace and outdoor amenity space.

Reasons

Character and appearance

6. The appeal site relates to a two-storey, end-terrace property with off-street parking on Grafton Road. The site is bordered to the north by an amenity green at the corner of Grafton Road and Grafton Gardens. The surrounding area is predominantly residential in nature with a parade of shops nearby on Green Lane.
7. My attention has been drawn to a two-storey side extension that has been approved by the Council and remains extant. The Local Authority acknowledges that the appeal proposal would have the same dimensions as the approved extension.
8. The ridge height of the appeal proposal would be lower than the original ridge line of the host property, thus creating subservience. The front elevation at first floor level and the front roofslope would be flush with the existing house, and the single storey front projection would be similar to that on the dwelling at the other end of the terrace. As such the development would visually connect with the overall appearance of the host dwelling and the rest of the terrace, without dominating it, and respond to the original design characteristics. Given this, and bearing in mind the extension that has already been approved, I consider that the introduction of a building of this nature would not be harmful to the character of the area.
9. The Council argues that it is characteristic of Grafton Avenue and the Becontree Estate that there is an even number of houses in a row of terraced houses. However, this is not always the case. For example, I observed at my site visit a row of three houses at 200-204 Grafton Road. The Local Authority also advocates that all terraced houses share a porch, and end of terraced properties have their own front entrance. Yet I saw other dwellings in the streetscene which have their own front doors and do not share a porch, and end terrace properties with an entrance door to the side or front. Such assertions therefore carry limited weight in my reasoning.
10. I conclude that the proposal would not result in harm to the character and appearance of the area. Consequently it would comply with the requirements of policy BP11 of the London Borough of Barking and Dagenham Borough Wide Development Policies Development Plan Document March 2011 (DPD) and policy GG4 of the London Plan 2021, which seek to ensure proposals relate to surrounding development, meet high standards of design and protect the character of an area. The appeal scheme would also be consistent with the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development. Policy CP1 of the London Borough of Barking and Dagenham Core Strategy July 2010 and policy BP2 of the DPD are not relevant to the appeal as they relate to Vibrant Culture and Tourism and Conservation Areas and Listed Buildings respectively.

Living conditions

11. The plans show a two-storey dwelling, and the bedroom therein contains a single bed. I am satisfied that the development would be for a single occupant. There is no specific internal floorspace figure for such accommodation in the Government's Technical housing standards - nationally described space standard (NDSS). Taking a pragmatic approach, I note that the gross internal area of the dwelling, at 45 square metres, would exceed that required for a 1-

person, 1-bed flat (39 square metres). The bedroom size complies with the NDSS requirement. I therefore consider that the internal area of the dwelling would be suitable for its intended purpose and would provide appropriate accommodation for a future occupant.

12. The plans show a patio area of some 10 square metres to the rear of the property, accessed from the downstairs living room. There is no specific external amenity space figure in the Development Plan directly applicable to the appeal proposal. I note that policy BP5 of the DPD requires 20 square metres of external amenity space for a 1 bedroom flat, whereas D6 of the London Plan advocates that a minimum of 5 square metres of private outdoor space should be provided for 1-2 person dwelling.
13. I acknowledge that the patio is small, but it would nevertheless provide an appropriate outdoor amenity space for a future resident. It would broadly meet the criteria of policy BP5, providing a private, safe sitting area that would receive some afternoon sunshine.
14. I therefore conclude that the proposal would not result in harm to the living conditions of future occupiers of the dwelling with particular reference to internal floorspace and outdoor amenity space. The scheme would be compliant with policies BP5 and BP8 of the DPD, which require new development to provide adequate external amenity space and protect residential amenity. The proposal is also consistent with the advice in the Framework which seeks to ensure safe and healthy living conditions.

Other Matters

15. I note the third-party objections to the proposal in relation to parking and utilities. The parking issue has been addressed in the planning officer's report. With regard to utilities, I have not been provided with any compelling evidence to suggest that the formation of the extra household would place local services under stress.
16. Therefore, whilst I can understand the apprehension of local residents, their concerns are not supported by any substantive evidence that would justify the dismissal of the appeal on these grounds.

Conditions

17. No suggested conditions have been submitted by the Council. Nonetheless, I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework.
18. In this respect in addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for the avoidance of doubt and in the interests of proper planning.
19. To ensure a satisfactory appearance I impose a condition requiring external materials to match those on the existing dwelling. Conditions relating to cycle parking and refuse and recycling storage are necessary to ensure provision of such elements on the site.

Conclusion

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

C Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1999_PL01, 1999_PL04, 1999_PL05
- 3) The external finishes of the development hereby permitted shall match in material and colour those of the existing dwelling.
- 4) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 1999_PL04 for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 5) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 1999_PL04 for refuse storage and the space shall be kept available for that use thereafter.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

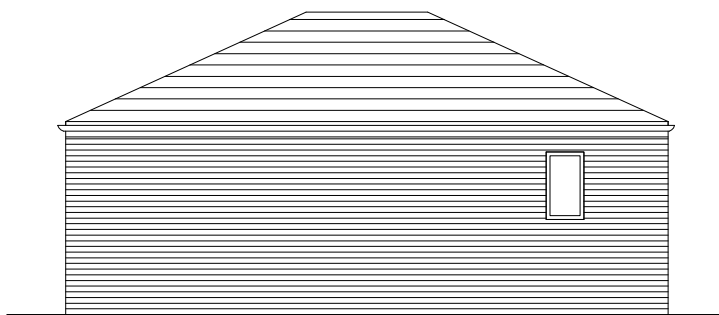
APP/Z5060/D/21/3266973

Appeal Application Description:

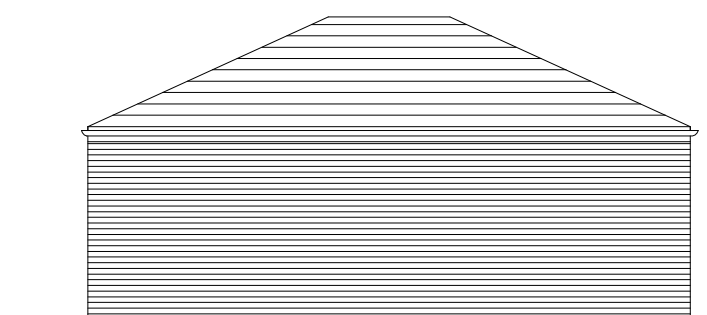
Construction of a single storey granny annexe

Decision:

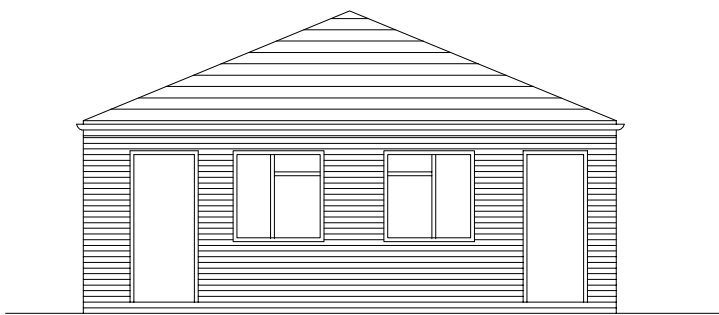
Appeal Dismissed



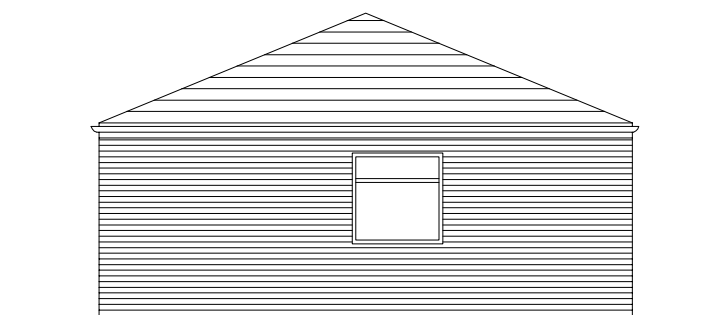
PROPOSED SIDE
ELEVATION C SCALE 1:100



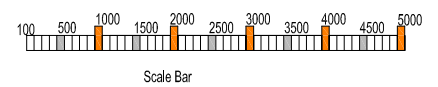
PROPOSED SIDE
ELEVATION D SCALE 1:100



PROPOSED FRONT
ELEVATION A SCALE 1:100



PROPOSED REAR
ELEVATION B SCALE 1:100



Scale Bar

Revision	Description	Date
-	-	-
-	-	-
-	-	-

SD Designs (UK) Ltd
 Design & Architectural Consultant
 38 Fields Park Crescent
 Chadwell Heath, Romford RM6 5AP
 T: 020 8587 7633 M: 077 9240 5219
 E-mail: S.dossery@ntlworld.com
 Web: sdesigns-romford.co.uk

CLIENT	MR NEERAN GUL	DATE	OCTOBER 2020
ADDRESS	11 CRABTREE AVENUE RM6 5EX	SCALE	1:100
TITLE	PROPOSED ELEVATIONS	JOB No	GA 103
		DWG No	- (X)



Crabtree Ave

Crabtree Ave

Kelcom Jewels
Jewellery Store

LBBB Reference: 20/02124/HSE

Simon Dossery
38 Fields Park Crescent
Romford
RM6 5AP

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

Dear Sir / Madam,

Application Number: 20/02124/HSE
Address: 11 Crabtree Avenue, Chadwell Heath, Romford, Barking And Dagenham, RM6 5EX
Development Description: Construction of a single storey granny annexe.

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

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

Yours sincerely,

[Graeme Cooke](#)

Graeme Cooke
Director of Inclusive Growth
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

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

Agent: Simon Dossery
38 Fields Park Crescent
Romford RM6 5AP

Applicant: Neeran Gul
11 CRABTREE AVENUE
ROMFORD RM6 5AP

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 20/02124/HSE
Application Type: Householder Planning Permission
Development Description: Construction of a single storey granny annexe.
Site Address: 11 Crabtree Avenue, Chadwell Heath, Romford, Barking And Dagenham, RM6 5EX
Date Received: 28 October 2020
Date Validated: 28 October 2020

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

1. The significant size of the proposed annexe is not considered conducive or indeed ancillary to what would ordinarily and reasonably be expected for this setting, rather it would be substantially excessive in size and thus leading itself to forming a part of the primary accommodation onsite, rather than merely ancillary use to the dwelling. Officers therefore do not consider this proposed development would reasonably constitute a building incidental to the enjoyment of the dwellinghouse and would harm the character and appearance of the existing property. The proposed development is therefore contrary to:

National Planning Policy Framework (MHCLG, February 2019);

- Policies 7.1, 7.4 and 7.6 of The London Plan (March 2016);
- Policy D4 of the Draft London Plan Intended to Publish (December 2019);
- Policies SP 2, DMD 1 and DMD 6 of the Draft Local Plan (Regulation 19)
- Policy CP3 of the LDF Core Strategy (July 2010);
- Policies BP8 and BP11 of the LDF Borough Wide Development Plan Policies DPD (March 2011);
- The Residential Extensions and Alterations Supplementary Planning Document (February 2012)

2. The mass and bulk of the proposed annexe represents poor quality development and will sit at an elevated level in a prominent position within the rear garden, therefore resulting in an increased sense of overbearingness, overshadowing and a loss of outlook and privacy for neighbouring properties. Therefore constituting an unneighbourly development and contrary to:

- National Planning Policy Framework (MHCLG, February 2019);
- Policies 7.1, 7.4 and 7.6 of The London Plan (March 2016);
- Policy D4 of the Draft London Plan Intended to Publish (December 2019);
- Policy DMD 1 and DMD 6 of the Draft Local Plan (Regulation 19)

- Policy CP3 of the LDF Core Strategy (July 2010);
- Policies BP8 and BP11 of the LDF Borough Wide Development Plan Policies DPD (March 2011);
- The Residential Extensions and Alterations Supplementary Planning Document (February 2012);

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

Informative(s):

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

- Existing and Proposed Floor Plan - DWG: GA101 - Date: October 2020
- Proposed Roof Plan and Site Location Plan - DWG: GA102 - Date: October 2020
- Proposed Front, Rear and Side Elevations and Site Photographs- DWG: GA103 - Date: October 2020
- Proposed and Existing Block Plan - DWG: GA104 - Date: October 2020
- Existing and Proposed Site Plan - DWG: GA105 - Date: October 2020

Working with the applicant:

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

DATE OF DECISION: 09/12/2020

Yours sincerely,

Graeme Cooke

Graeme Cooke

Director of Inclusive Growth
London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

Site visit made on 13 April 2021 by Emma Worby BSc (Hons) MSc MRTPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2021

Appeal Ref: APP/Z5060/D/21/3266973

11 Crabtree Avenue, Romford RM6 5EX

- 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 Neeran Gul against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 20/02124/HSE, dated 27 October 2020, was refused by notice dated 9 December 2020.
 - The development proposed is a single storey granny annexe.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Since the appeal was submitted a new London Plan was published on 2 March 2021 and so policies 7.1, 7.4 and 7.6 in The London Plan (2016) referred to in the decision letter are now superseded by policies D1, D4 and D8. Therefore the appeal will be considered against these policies from the newly published London plan.

Main Issues

4. The main issues in the appeal are:
 - the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area, and
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties in relation to privacy, outlook, noise and disturbance.

Reasons for the Recommendation

Character and Appearance

5. The appeal property is a two-storey end of terrace dwelling, with no previous extensions, located within a suburban residential environment. The rear garden is paved with steps leading up to the rear part of the garden which sits at a

- higher ground level than the dwelling. The proposal would introduce a single storey outbuilding to the rear of the garden to be used as a residential annexe and includes a living/kitchen/dining area, bedroom and bathroom.
6. The appellant has stated that it would be possible to construct the proposed outbuilding under permitted development rights and that planning permission is only required due to the use of the building as an annexe. However this has not been explicitly demonstrated and, as the appellant has acknowledged that the proposed development would require planning permission, this is given minimal weight and I have considered the appeal as submitted.
 7. Due to the location of the proposed annexe to the rear of the appeal property, it would not be visible from Crabtree Avenue. However, it would be visible from rear of the site, where there is a footpath, and surrounding dwellings. The footprint covered by the annexe would be greater than the host dwelling and, although this may be necessary to allow all the accommodation to be on one level, it would not appear as a subservient addition to the property. Although single storey in nature, the proposal's pitched roof would have a significant height and its overall size would result in an over dominant appearance in this rear garden environment to the detriment of the character and appearance of the modest host dwelling and surrounding area.
 8. Other outbuildings are present in the rear gardens along Crabtree Avenue and in the surrounding area, however they are not a prevalent feature and the proposal would be larger in height and floorspace than the majority of these. In particular, the appellant has drawn my attention to a large outbuilding in the rear garden of No.1 Crabtree Avenue, however this is different to the appeal before me, with No.1 being a vastly extended property located in a different setting from the appeal site. Therefore, I do not consider that this sets a precedent.
 9. It is noted that the annexe would be large and has all the necessary facilities to be used as an independent unit, such as a bathroom and kitchen. However the proposed development would not be accessible independently of the main dwelling with access only possible via the garden of the main dwelling. It is therefore reasonable to consider that the proposal would not result in a separate dwelling and would be used ancillary to the host dwelling. The appellant has stated that they would accept a condition to restrict the use of the annexe to ensure that it is not occupied independently of the host dwelling.
 10. Nonetheless, although the outbuilding would be used ancillary to the host dwelling, it has been found that the proposal would harm the character and appearance of the host dwelling and surrounding area. Therefore, it would conflict with Policy CP3 of the Core Strategy (2010), Policies BP8 and BP11 of the Borough Wide Development Policies Development Management Document (2011) and Policy D4 of The London Plan (2021). These policies collectively seek to ensure that development proposals have a high standard of design, having regard to the local character of the area. Policies D1 and D8 of The London Plan (2021) are not directly relevant to this main issue.
 11. Furthermore, the proposal would be contrary to emerging Policies SP2, DMD1 and DMD6 of the Draft Local Plan Regulation 19 Consultation Version (2020) which require new development to have a high quality design, be sympathetic to the design of the host dwelling and make a positive contribution to the character of the surrounding area. It would also be contrary to the Residential

Extensions and Alterations Supplementary Planning Document (2012), which states that for outbuildings, the impact it may have in terms of design must be considered, and the general design objectives of the National Planning Policy Framework ('the Framework').

Living Conditions

12. Due to the ground level on the site, the proposed annexe would be at a higher level than the host dwelling and the terrace in which it sits. It would have two doors and two windows serving the living/kitchen/dining area on the front elevation also facing the host dwelling.
13. The windows on the front elevation of the annexe would also generally face the rear of No.13 Crabtree Avenue and the separation distance between the two would be minimal. As the annexe is at a high ground level, views towards the garden and rear ground floor patio door, windows and conservatory of No.13 would not be screened by the existing low level fence, therefore resulting in a loss of privacy to this neighbouring occupier. Although views into No.13 are possible from the rear garden of the appeal site at present, the provision of accommodation in this location would provide a more permanent view point from the windows of the proposed annexe.
14. The dwelling at No.9 Crabtree Avenue is located at a slightly higher ground level than the appeal site. This, along with the boundary fence and trees between the two properties, would be sufficient to prevent any significant overlooking into the garden or ground floor rear windows of this neighbouring dwelling.
15. Although the proposal would be at a raised height, its single storey nature and location to the rear of the garden would ensure that it would not have a significant impact on the outlook of either neighbouring occupier through overshadowing or loss of light. Furthermore, the accommodation the annexe provides is minimal, with only one bedroom expected to be occupied by the appellant's parents. Therefore, the comings and goings to and from the annexe would not result in a significant increase in movement in the rear garden of the appeal site or in noise and disturbance to the neighbouring occupiers which would be above that already created by use of the garden.
16. It is noted that no neighbouring occupiers have objected to the proposed development. However, the proposal must be considered on the basis of both current and future occupiers of the neighbouring dwellings.
17. Nevertheless, as the proposal would harm the living conditions of the neighbouring occupiers at No.13 through loss of privacy it would conflict with Policies BP8 and BP11 of the Borough Wide Development Policies Development Management Document (2011). These policies ensure new development does not lead to significant overlooking and maintains residential amenity. Policy CP3 of the Core Strategy (2010) and Policies D1, D4 and D8 of The London Plan (2021) are not relevant to this main issue.
18. The proposal would also be contrary to emerging Policies DMD1 and DMD6 of the Draft Local Plan Regulation 19 Consultation Version (2020) which states that proposals must not significantly impact on quality of life of surrounding residents, with the impact on the amenity of neighbouring properties, with regard to significant overlooking, to be considered. It would also be contrary to

the Residential Extensions and Alterations Supplementary Planning Document (2012) which requires outbuildings to be designed and positioned in a manner which restricts its impact upon neighbouring dwellings.

Other Matters

19. In reaching my decision I have had full regard to the personal circumstances that have led to the need for the development. However, whilst I am sympathetic to these circumstances, the permanent harm to the character and appearance of the area and the living conditions of neighbouring occupiers would be significant and would not be outweighed by these factors. I also note the issues that the appellant has raised regarding inaccuracies within the Council's report. However, this does not alter my consideration of the planning merits.
20. It has also been stated that as the Council's current local plan is out of date and therefore its policies carry little weight. However, the policies relevant to the proposal are consistent with the Framework's approach and therefore have been afforded full weight.
21. The proposal would provide some economic benefits for the local area, as outlined by the appellant, such as employment for local builders, a potential increase in Council tax and the reduced need for assisted living accommodation. However, due to the limited scope of the proposal, these benefits are minimal and would not be sufficient enough to outweigh the harm found.

Conclusion and Recommendation

22. Although the proposed outbuilding would be used as ancillary accommodation, it has been found that the proposal would result in harm to the character and appearance of the host dwelling and surrounding area and would cause a loss of privacy to the occupiers of the neighbouring dwelling. Overall, the proposal would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan.
23. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Emma Worby

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/X/20/3260503

Appeal Application Description:

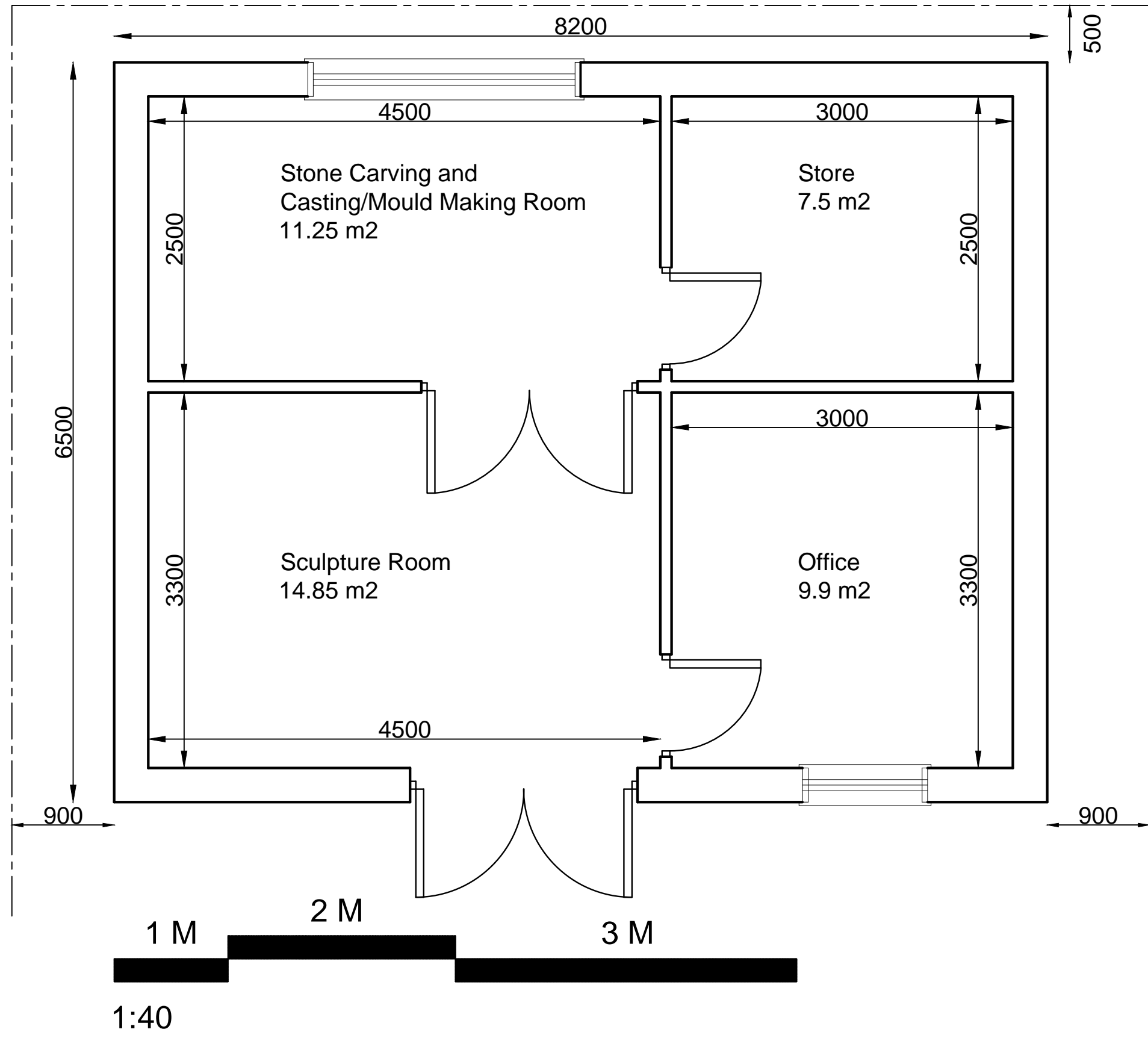
Application for a lawful development certificate (proposed) for the Construction of an outbuilding for a use incidental to the enjoyment of the dwellinghouse.

Decision:

Appeal Allowed

PRODUCED BY AN AUTODESK STUDENT VERSION

PRODUCED BY AN AUTODESK STUDENT VERSION



CERTIFICATE OF LAWFULNESS

Project: Proposed Out Building	Drawing Number: 002	Address: 31 Amesbury Road RM9 6AA
Scale: 1:40 on A3	Date: August 2020	Created By: Garan Davis



LBBB Reference: 20/01699/CLUP

Garan Davis
31 AMESBURY ROAD
DAGENHAM
RM9 6AA

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

Dear Sir / Madam,

Application Number: 20/01699/CLUP
Address: 31 Amesbury Road, Dagenham, Barking And Dagenham, RM9 6AA
Development Description: Application for a lawful development certificate (proposed) for the Construction of an outbuilding for a use incidental to the enjoyment of the dwellinghouse.

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

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

Yours sincerely,

[Graeme Cooke](#)

Graeme Cooke
Director of Inclusive Growth
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

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

Agent: **Applicant:** Garan Davis
31 AMESBURY ROAD
DAGENHAM

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 20/01699/CLUP
Application Type: Lawful Development Certificate (Proposed Use)
FIRST SCHEDULE (Use / Development / Matter): Application for a lawful development certificate (proposed) for the Construction of an outbuilding for a use incidental to the enjoyment of the dwellinghouse.
SECOND SCHEDULE (Site Address): 31 Amesbury Road, Dagenham, Barking And Dagenham, RM9 6AA
Date Received: 24 August 2020
Date Validated: 24 August 2020

PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby certifies that the use / development / matter described in the FIRST SCHEDULE to this certificate in respect of the land specified in the SECOND SCHEDULE and as identified on the plans specified below **WAS NOT LAWFUL ON 24 August 2020** within the meaning of Section 191 of the Town and Country Planning Act 1990 for the following reason(s):

Reason(s):

1. The proposed development fails to comply with Schedule 2, Part 1 E criteria, as the local planning authority are not satisfied that the proposed use would be incidental to the enjoyment of dwellinghouse, however. Therefore, the development is considered to fall outside of the scope of being incidental to the enjoyment of the dwellinghouse and as such, Officers consider that the proposal, the subject of this certification, requires planning permission.

Plan(s) and Informative(s):

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

- DRAWING - SITE LOCATION PLAN - DATED: 13 AUGUST 2020
- DRAWING - PROPOSED SITE PLAN - DATED: 13 AUGUST 2020
- DRAWING - PROPOSED ELEVATIONS - DRAWING NO. 001 - DATED: AUGUST 2020
- DRAWING - PROPOSED FLOOR PLAN - DRAWING NO. 002 - DATED: AUGUST 2020

- DOCUMENT - JUSTIFICATION FOR THE OUTBUILDING AND ITS SIZE

Working with the applicant:

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

satisfactorily address the reasons for refusal attached.

DATE OF DECISION: 02/09/2020

Yours sincerely,

Graeme Cooke

Graeme Cooke

Director of Inclusive Growth

London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

by D Fleming BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2021

Appeal Ref: APP/Z5060/X/20/3260503
31 Amesbury Road, Dagenham RM9 6AA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Garan Davis against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 20/01699/CLUP, dated 24 August 2020, was refused by notice dated 2 September 2020.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is the erection of a single storey outbuilding in the rear garden with a flat roof and a maximum height of 2.5m from the natural ground level.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operation which is considered to be lawful.

Preliminary Matters

2. It has not been necessary to carry out a site visit as, in this particular case, where all the information needed is included with the application and appeal documents, a decision can be reached on the papers.¹

Main Issue

3. The main issue is whether the Council's decision to refuse to grant a certificate of lawful use or development was well-founded.

Reasons

4. The appeal relates to a modest, two storey, end of terrace property occupied by the appellant, his partner and their two children. There is a rear garden that extends well beyond the side of the house which is approximately 240sqm in area.

¹ The Procedural Guide - Certificate of lawful use or development appeals – England, dated November 2020, states at paragraph A.9.4. "Where the appeal concerns a case, which will be decided purely on the basis of technical and/or legal interpretation of the facts, the Inspector may decide the case without a site visit." In addition, Footnote 12 within Appendix F states that a small number of appeals do not require a site visit and can be dealt with on the basis of the appeal documents.

5. The appellant holds a diploma in sculpture which he has practiced in his free time by renting an art studio. The cost of this has escalated recently and so he now wishes to erect an outbuilding at the bottom of his garden so that he can continue his hobby at home. The outbuilding would be 6.5m in depth and 8.2m in width with a height of 2.5m. Inside there would be four rooms: a sculpture room (14.85sqm), a stone carving/casting room (11.25sqm), a home office (9.9sqm) and a storeroom (7.5sqm). The home office would be for his partner as there is no space within the dwelling for an office, other than in the lounge, which is difficult to accommodate with two children. The storeroom would replace the space occupied by an existing dilapidated garden shed and would be used to store bikes, garden furniture and garden equipment.
6. The Council's reason for refusal is that the use of the outbuilding would not be incidental to the enjoyment of the dwelling. As such, it would not accord with Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO).
7. Class E of the GPDO grants planning permission for any building or enclosure, swimming or other pool, within the curtilage of a dwelling for purposes incidental to the enjoyment of the dwelling as such. This is subject to certain conditions and limitations. The parties agree that the proposed outbuilding would not contravene any of the specific physical requirements or limitations set out in Class E and I see no reason to take a different view.
8. The Council are concerned that the proposed use for sculpture/stone carving and casting would not be an incidental use as the appellant used to rent an art studio to carry out these activities. They make no comment about the home office use or the storeroom use. Although not referred to in the Council's decision letter, the officer report on the application sets out conflicting views on the acceptability, or otherwise, of the size of the outbuilding. On the one hand it is stated that as it would occupy only 22% of the rear garden area, this would be acceptable. On the other hand, it states the footprint of the outbuilding would be greater than the footprint of the dwelling, which would make it a significant building.
9. When evaluating whether the development is reasonably required for the enjoyment of the dwelling house as such, matters such as personal preference are not conclusive factors. The matter also does not rest on the unrestrained whim of the householder. A sense of objective reasonableness is required in all the circumstances of the particular case.² The building will not necessarily be reasonably required just because the householder says it is and it is for an appellant to show it is reasonably required and designed with incidental uses in mind, having regard to the circumstances. This is because there is no statutory definition of "incidental" in the GPDO.
10. I find the proposed uses of home office and storeroom would be incidental to the enjoyment of dwelling. The appellant has shown that these uses are reasonably required and the proposed space that would be allocated to these uses would not be excessive. They are examples of incidental uses in typical spaces enjoyed by many householders.
11. The desire for space for a sculpture room and a stone casting/carving room is unusual but the novelty of the use does not necessarily mean it would be

² Emin v SSE & Mid Sussex DC [1989] EGCS 16

unacceptable. The appellant has explained it is his hobby, that he has full time employment elsewhere and his submissions outlined the need for two rooms. This is due to the dust and mess created in the activity and the need to store and use bulky equipment and materials, such as: work benches, vices, stone, clay, plaster and wood. The proposed areas involved would be between the size of a single and double garage. Such spaces are often found within the curtilage of a property and are re-purposed for a variety of uses. Common examples include using the space to store and restoring a classic car, use of the space for model railway layouts as well as the ubiquitous games room with a competition size snooker table. If the Council had concerns over the floor area proposed for the uses, then it is my view they are not clearly made out.

12. As to the idea that where a hobby is practiced effects whether it could be considered to be a hobby, this has not been substantiated by the Council. The examples provided by the appellant of paying for gym membership or installing a gym at home or paying to rent a music studio or practicing with band members at home illustrate that there is very little or no weight in the Council's argument.
13. In conclusion, it is considered that the appellant has demonstrated that the proposed outbuilding is reasonably required, and also designed with incidental uses in mind. As there is no disagreement over whether the physical criteria of Class E are met, I find that the proposed outbuilding would be permitted development.

Conclusion

14. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the erection of a single storey outbuilding in the rear garden with a flat roof and a maximum height of 2.5m from the natural ground level was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

D Fleming

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 24 August 2020 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The construction of the outbuilding constitutes development within the meaning of section 55 of the Act for which planning permission is required. Planning permission is granted by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 since the development falls within Class E of Part 1, Schedule 2 and is thus permitted development.

Signed

D Fleming

Inspector

Date 20 May 2021

Reference: APP/Z5060/X/20/3260503

First Schedule

The erection of a single storey outbuilding in the rear garden with a flat roof and a maximum height of 2.5m from the natural ground level in accordance with drawing numbers: Site location plan – dated 13 August 2020, Proposed site plan – dated 13 August 2020, Proposed elevations – 001, dated August 2020 and Proposed floor plan – 002, dated August 2020.

Second Schedule

Land at 31 Amesbury Road, Dagenham RM9 6AA.

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

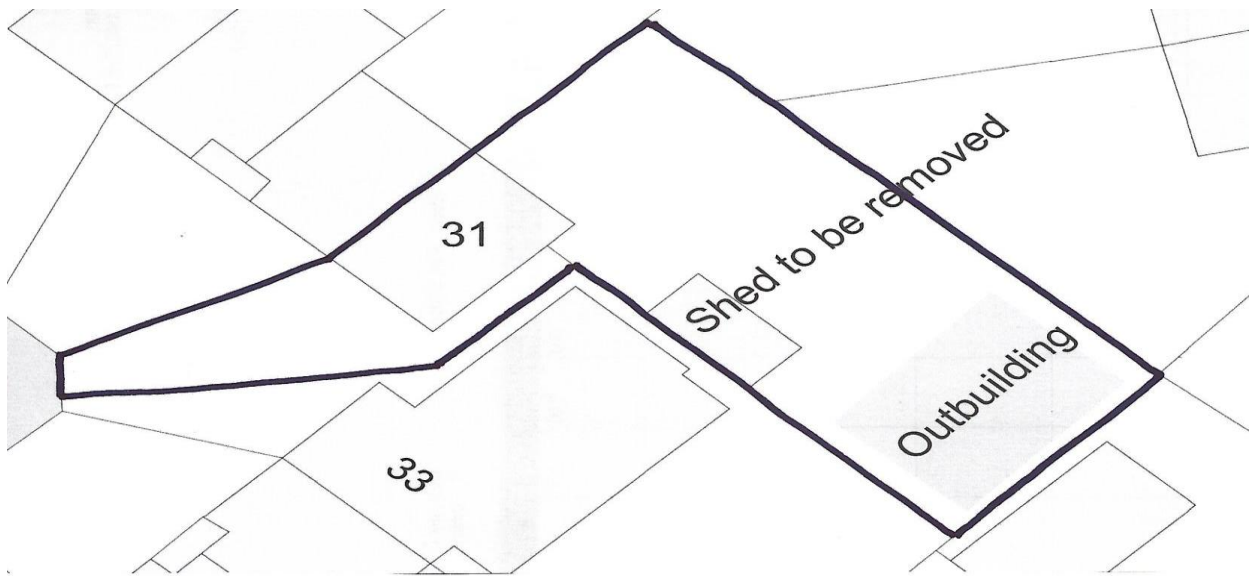
This is the plan referred to in the Lawful Development Certificate dated:

by D Fleming BA (Hons) MRTPI

Land at: 31 Amesbury Road, Dagenham RM9 6AA

Reference: APP/Z5060/X/20/3260503

Scale: not to scale



Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

APP/Z5060/W/20/3265916

Appeal Application Description:

Conversion of existing house into a six-bedroom dwelling and one studio flat at ground floor level. Enlargement of window on side elevation at ground floor level. Provision of secure cycle storage.

Decision:

Appeal Allowed

OXLOW LANE

74

Refuse and recycle bins

Covered and secured cycle storage

Triple sliding gate with numerical key pad lock for access to cycles

72

NORTHFIELD ROAD

GARDEN

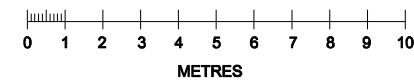
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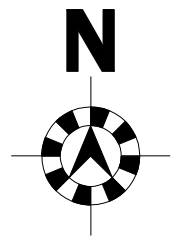
PROPOSED SITE PLAN

SCALE 1:200



NOTES:

All construction to comply with all relevant and current building regulations.
For building regulation compliance please refer building regulation/ structural engineers drawing.
All Dimensions to be measured by contractor on site prior to construction. Not for construction.



REV.	DATE	REASON FOR ISSUE
H	25/08/2020	Planning

Project Address: 74 Oxlow lane

Dagenham

RM9 5XD

Project Number: PSA 1925

Description: Partial conversion of ground floor of dwelling house to a studio flat.

SCALE: 1:200@A3

OXL1014 H



P Resident permit holders only
HW Mon - Sat 8.30 am - 5.30 pm

AF03 LXH

LBBD Reference: 20/02041/FULL

Joe Henry
163 Church Hill Road, East Barnet
Barnet
EN4 8PQ

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

Dear Sir / Madam,

Application Number: 20/02041/FULL
Address: 74 Oxlow Lane, Dagenham, Barking And Dagenham, RM9 5XD
Development Description: Conversion of existing house into a six-bedroom dwelling and one studio flat at ground floor level. Enlargement of window on side elevation at ground floor level. Provision of secure cycle storage.

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

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

Yours sincerely,

[Graeme Cooke](#)

Graeme Cooke
Director of Inclusive Growth
London Borough of Barking and Dagenham

PLANNING DECISION NOTICE

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

Agent: Joe Henry
163 Church Hill Road, East Barnet
Barnet EN4 8PQ

Applicant: T Hutupasu
C/o 163 Church Hill Road, East Barnet
Barnet EN4 8PQ

PART 1 - PARTICULARS OF THE APPLICATION

Application Number: 20/02041/FULL
Application Type: Full Planning Permission
Development Description: Conversion of existing house into a six-bedroom dwelling and one studio flat at ground floor level. Enlargement of window on side elevation at ground floor level. Provision of secure cycle storage.
Site Address: 74 Oxlow Lane, Dagenham, Barking And Dagenham, RM9 5XD
Date Received: 15 October 2020
Date Validated: 15 October 2020

PART 2 - PARTICULARS OF THE DECISION

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

Reason(s):

1. The conversion of the existing dwellinghouse into a 1 x studio flat and 1 x 6 bedroom would result in the loss of a larger sized dwellinghouse which is the type of housing in high demand in the borough, as such, policies seek to retain them. The principle of development is therefore considered to be unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, February 2019)
- Policies 3.3, 3.14, 3.5 and 3.8 of The London Plan (March 2016)
- Policies GG4, H8, H9 and H10 of the Draft London Plan Intended to Publish (December 2019)
- Policies SPDG1, DMH 4 and SP3 of the Draft Local Plan Regulation 19 consultation version (October 2020)
- Policies CM1 and CM2 of the Core Strategy DPD (July 2010)
- Policies BC4 and BP10 of the Borough Wide DPD (February 2012)
- Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017)

2. The proposed dwellinghouse and studio flat fails to provide appropriately located rooms or rooms which are well-lit by daylight or naturally ventilated. Further, the studio flat fails to provide rooms with adequate outlook. As such, the proposal is therefore considered to provide a substandard quality of accommodation detrimental to the standard of living of future residents. The proposal is therefore considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, February 2019)
- Policies 3.5 and 3.8 of The London Plan (March 2016)
- Policies D4, D5 and D6 of the Draft London Plan Intended to Publish (December 2019)
- Policy DMH3 of the Draft Local Plan Regulation 19 consultation version (October 2020)
- DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended)

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

Informative(s):

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

- OXL1015 H Location Plan and Proposed Block Plan Dated 25.09.2020
- OXL1007 H Proposed Loft Plan Dated 25.09.2020
- OXL1008 H Proposed Roof Plan Dated 25.09.2020
- OXL1005 H Proposed Ground Floor Plan Dated 25.09.2020
- OXL1006H Proposed First Floor Plan Dated 25.09.2020
- OXL1014H Proposed Site Plan Dated 25.09.2020
- Planning Statement

Working with the applicant:

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

DATE OF DECISION: 01.12.2020

Yours sincerely,

[Graeme Cooke](#)

Graeme Cooke

Director of Inclusive Growth

London Borough of Barking and Dagenham

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

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

Site Visit made on 12 July 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2021

Appeal Ref: APP/Z5060/W/20/3265916

74 Oxlow Lane, Dagenham RM9 5XD

- 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 T Hutupasu against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/02041/FUL, dated 15 October 2020, was refused by notice dated 1 December 2020.
 - The development proposed is described as 'conversion of existing house into a six-bedroom dwelling and one studio flat at ground floor level. Enlargement of window on side elevation at ground floor level. Provision of secure cycle storage'.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing house into a six-bedroom dwelling and one studio flat at ground floor level. Enlargement of window on side elevation at ground floor level. Provision of secure cycle storage at 74 Oxlow Lane, Dagenham RM9 5XD in accordance with the terms of the application, Ref 20/02041/FUL, dated 15 October 2020, subject to the following conditions set out in the attached schedule.

Applications for Costs

2. An application for costs was made by Mr T Hutupasu against the Council of the London Borough of Barking and Dagenham, which is the subject of a separate decision.

Preliminary Matters

3. On 20 July 2021, a revised version of the National Planning Policy Framework (the Framework) was published. The main parties were given the opportunity to comment on the relevance of this to the appeal. I have had regard to any comments received and the revised Framework in my decision.
4. The London Plan March 2021 (the LP) was published subsequent to the submission of the appeal. The Council were asked to provide copies of the relevant London Plan policies with their appeal documents. The appellant was advised of this request. When the Council provided copies of the policies, they acknowledged the publication of the 2021 iteration. The adopted policies are the same as the intend to publish versions which are listed in the Council's decision notice. The appellant had the opportunity to comment on those as part of their statement. I have proceeded on this basis, accordingly referring to the 2021 London Plan.

5. The reasons for refusal also contain reference to policies within the Draft Local Plan (the DLP). However, as the DLP has not been formally adopted and may be subject to further change, in accordance with paragraph 48 of the Framework, I only attach limited weight to these policies.

Main Issues

6. The main issues are a) whether or not the proposed development would represent the unacceptable loss of a family dwelling; and b) whether the proposed development would provide acceptable living conditions for future occupiers with specific regard to daylight, outlook, privacy and ventilation.

Reasons

Family Dwelling

7. The appeal property is an end terraced dwelling which occupies a corner plot at the junction of Oxlow Lane and Northfield Road within a residential area comprising predominantly terraced properties. The property has been extended under previous planning permissions and it contains six bedrooms arranged over three floors.
8. Policy BC4 of the Local Plan¹ states that the Council seeks to preserve and increase the stock of family housing in the Borough. Proposals which involve the loss of housing with three bedrooms or more will be resisted.
9. The proposal would involve the conversion of the existing single dwelling into two separate dwellings comprising a six bedroom dwelling and a one bedroom ground floor studio flat. I accept that the proposed six bedroom property would be smaller than the existing dwelling. However, it would retain a substantial amount of accommodation over three floors with six good sized bedrooms which would be of sufficient size to enable occupation by a large family. In addition, future occupiers would also have access to an external amenity space to the rear, a driveway with off road parking to the front and secure cycle storage to the side of the building.
10. The proposal would therefore not be harmful to the supply of family housing in the Borough. Accordingly, it would not result in the unacceptable loss of a family dwelling. There would therefore be no conflict with Policies CM1 and CM2 of the Core Strategy², Policies BC4 and BP10 of the Local Plan, Policies GG4, H8, H9 and H10 of the LP, and the Housing Supplementary Planning Guidance (March 2016, Updated August 2017), which, amongst other things, seek to meet community needs, manage housing developments and resist proposals which involve the loss of housing with three bedrooms or more. The proposal would also not conflict with of the Framework which seeks, amongst other things, to ensure that the size, type and tenure of housing needed for different groups in the community is assessed and reflected in planning policies.

Living Conditions

11. The proposed studio flat at ground floor level would have an open plan layout with a triple aspect outlook. The proposed plans indicate a large window to the front elevation serving the bedroom and single windows to the side and rear

¹ London Borough of Barking and Dagenham's Local Development Framework Borough Wide Development Policies Development Plan Document 2011

² London Borough of Barking and Dagenham Core Strategy 2010

elevations serving the kitchen and living/dining areas. It is proposed to increase the size of the window to the side elevation facing towards Northfield Road, which would improve daylight into and outlook from the living space. Given the height of this window above ground level, I consider that passers-by would have only a restricted view into the living space and there would be no harmful effect on privacy.

12. During my site visit I observed that there is a high fence to the side and rear of the building which is within very close proximity of the side and rear windows. However, the windows would be positioned at high level such that the fence would not significantly detract from the outlook or natural light into these windows.
13. I note that the bathroom in the proposed studio flat would not be served by a window. However, I am satisfied that it could be mechanically ventilated and artificially lit.
14. There is a discrepancy in the existing and proposed plans compared to the property as it currently stands in respect of windows. There are currently two ground floor windows to the rear of that part of the building where the studio flat would be located. However, the existing and proposed plans only indicate one window in this area. I have based my decision on the proposed development as shown on the proposed plans and I have reasoned above that the proposed studio flat would be provided with adequate levels of natural light, outlook, privacy and ventilation.
15. The Council is concerned that the dining room within the proposed six bedroom property would not be served by any windows and therefore would not be well lit by daylight or be naturally ventilated. I note that the appellant has suggested that a condition could be imposed requiring Bedroom 1 to become a dining room, in order to obviate the Council's concerns in that respect. However, as works affecting only the interior of a property are not development in planning terms, there appears to be no practical way of securing that via condition (which would in any event conflict with the plans supporting the proposal). That may also have other implications that have not been considered by all parties, being advanced at a late stage during appeal.
16. Although the lack of a window within the dining room would not be ideal, this room would open out into the kitchen and benefit from borrowed daylight from the kitchen window. The other habitable rooms within the dwelling would be well served by windows with adequate outlook and levels of natural light and ventilation. Furthermore, I note that the dining room would be in broadly the same position as shown on the layout approved for a previous application to extend the property³. Although Bedroom 1 would be adjacent to the kitchen and would only be accessible via the dining room, I consider that this would not adversely affect the living conditions of future occupiers given that the property would be used as a single dwelling house.
17. The amount of built-in storage for each unit would not meet the requirements of the Technical Housing Standards – Nationally Described Space Standard, March 2015 (NDSS). However, it is not in dispute that the gross internal area for both units would exceed the minimum requirements for these property

³ Council ref. 19/00169/FUL

types and I therefore find that there would be no fundamental conflict with the NDSS.

18. I conclude that the proposal would not result in harm to the living conditions of future occupiers having regard to daylight, outlook, privacy and ventilation for the reasons I have given. Thus, it would not be contrary to Policies D4, D5 and D6 of the LP and the Framework, where they seek to ensure that development would achieve good design and a high standard of amenity for future occupiers.

Other Matters

19. Third parties have raised a number of concerns including the effect of the appeal scheme on the living conditions of neighbouring occupiers, the appearance of the area, the size of the external amenity space, the position of a boiler outlet pipe, overcrowding in the property, and issues with highway safety and parking. However, these matters do not form part of the Council's reason for refusal and I have no reason to disagree with the Council's conclusions on these matters based on the evidence before me and my own observations on site. An interested party has also raised concerns around land ownership. However, that is a private matter between the involved parties and is not within the remit of my decision.

Conditions

20. In imposing conditions, I have had regard to the suggestions made by the Council and the relevant tests in the Framework, Planning Practice Guidance and of statute. In that context I have modified the wording of some of the conditions in the interests of clarity and enforceability.
21. In addition to the standard time condition, I have imposed a condition specifying the relevant plans as this provides certainty. In the interests of the character and appearance of the area, a condition is required to ensure the use of matching materials. In the interests of the living conditions of future occupants, conditions are required to secure the details and implementation of landscaping and boundary treatments.
22. The Framework advises that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. In this case a condition is necessary to restrict permitted development rights for future extensions and outbuildings in order to protect the living conditions of future and neighbouring occupiers and the character of the area. I have also attached a condition restricting the use of the properties as self-contained residential units only to safeguard the character and amenities of the area.
23. The Council have recommended conditions requiring that the proposed dwellings comply with Building Regulation M4(2) 'accessible and adaptable dwellings' and water efficiency optional requirement of the Building Regulations Approved Document G. However, I have not included these conditions as I have limited evidence to demonstrate why they are necessary. In any event they would duplicate the requirements of the Building Regulations regime.

Conclusion

24. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations,

I conclude that the appeal should be allowed, subject to the conditions set out below.

Mark Ollerenshaw

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OXL1005 H, OXL1006 H, OXL1007 H, OXL1008 H, OXL1009 H, OXL1010 H, OXL1011 H, OXL1012 H, OXL1014 H and OXL1015 H.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development, as well as:
 - i) planting plans with schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate.
 - ii) boundary treatments;
 - iii) hard surfacing materials;
 - iv) an implementation programme;
 - v) a scheme of maintenance.

The boundary treatments and hard surfacing materials element of the landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no extensions, roof extensions or outbuildings shall be erected other than those expressly authorised by this permission.
- 7) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order revoking or re-enacting that Order, the dwellings hereby permitted shall be used solely as dwellings under class C3(a) and for no other purpose.

Working in partnership



**Barking &
Dagenham**

Performance Review Sub-Committee

Appeal Reference:

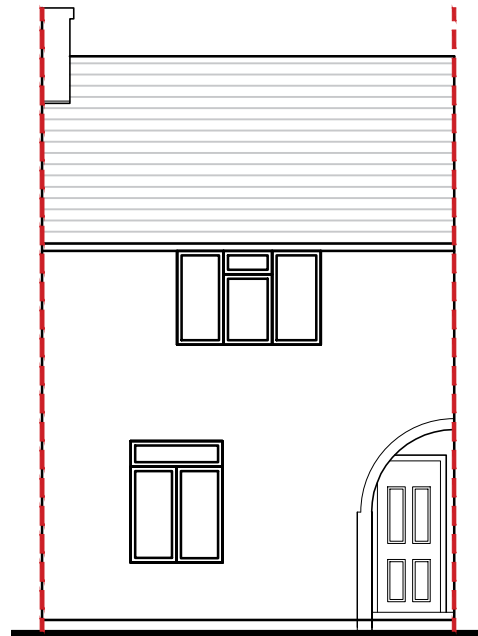
APP/Z5060/W/20/3253291

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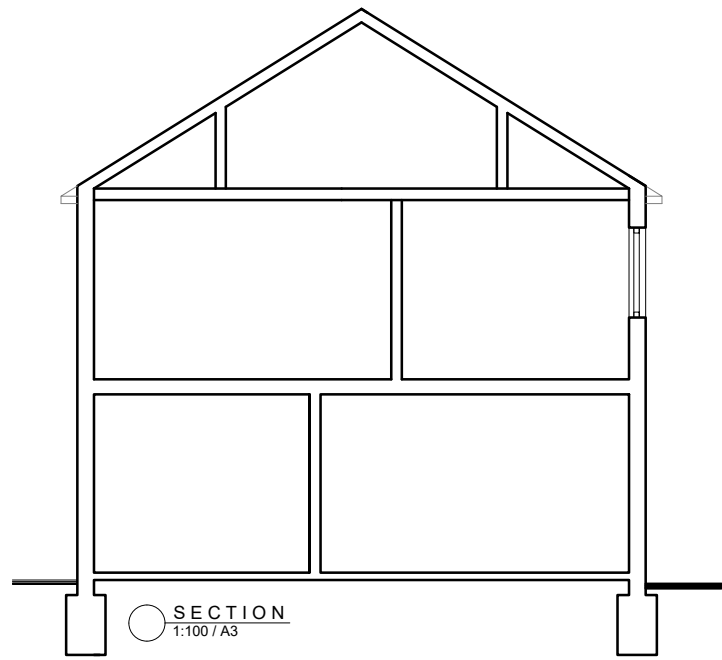
Conversion of existing 2 bed dwelling into 2x 1bed apartments by means of single storey rear extension and loft conversion with rear dormer

Decision:

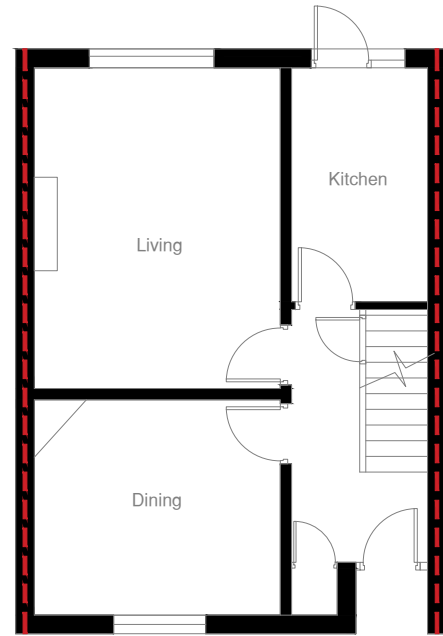
Appeal Allowed



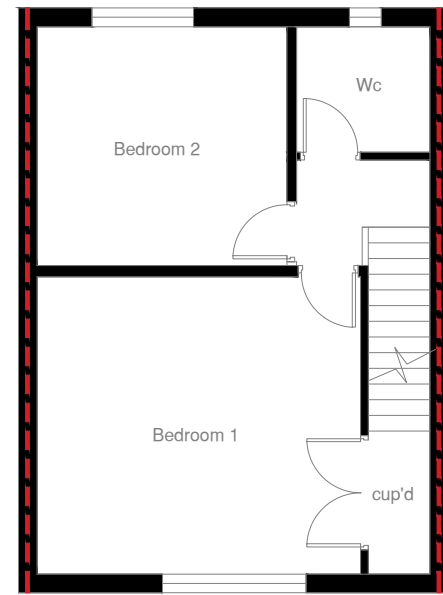
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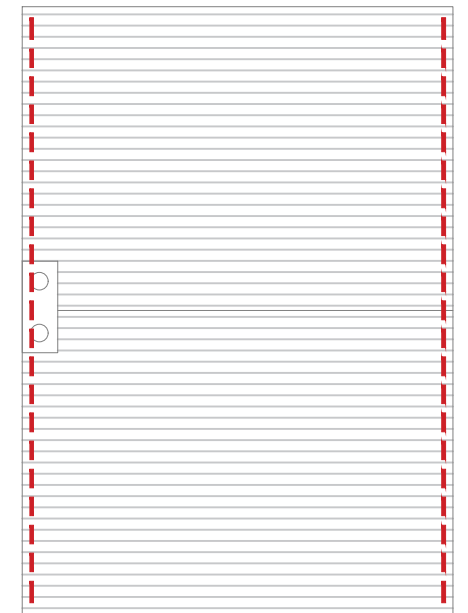
SECTION
1:100 / A3



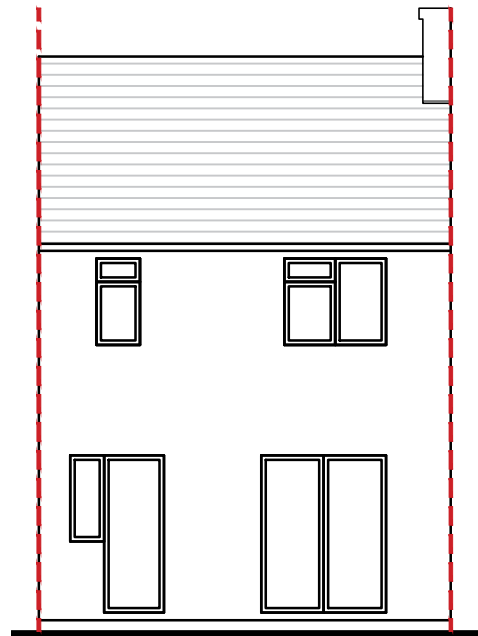
GROUND FLOOR PLAN
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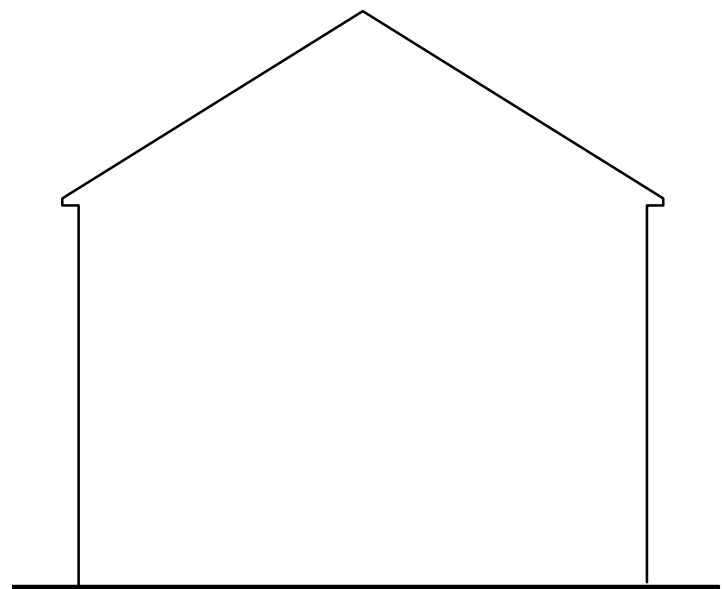
FIRST FLOOR PLAN
1:100 / A3



ROOF PLAN
1:100 / A3



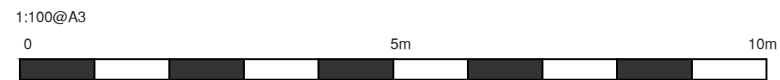
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1:100 / A3



SIDE ELEVATION
1:100 / A3



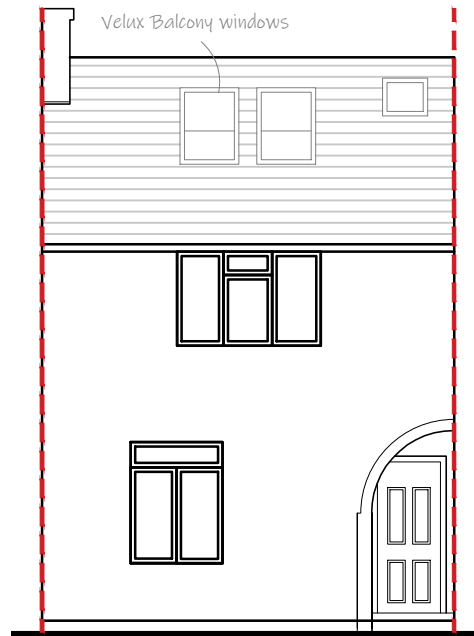
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NOTE: THESE DRAWINGS ARE FOR PLANNING PURPOSES ONLY.
A MEASURED SURVEY IS REQUIRED ON SITE BEFORE CONSTRUCTION.



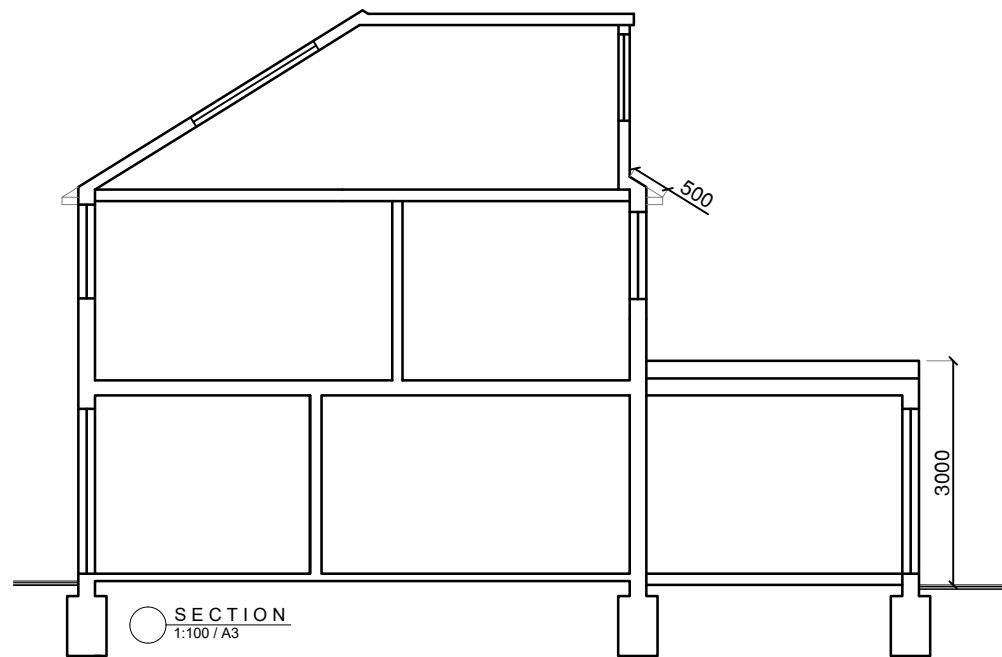
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r&R

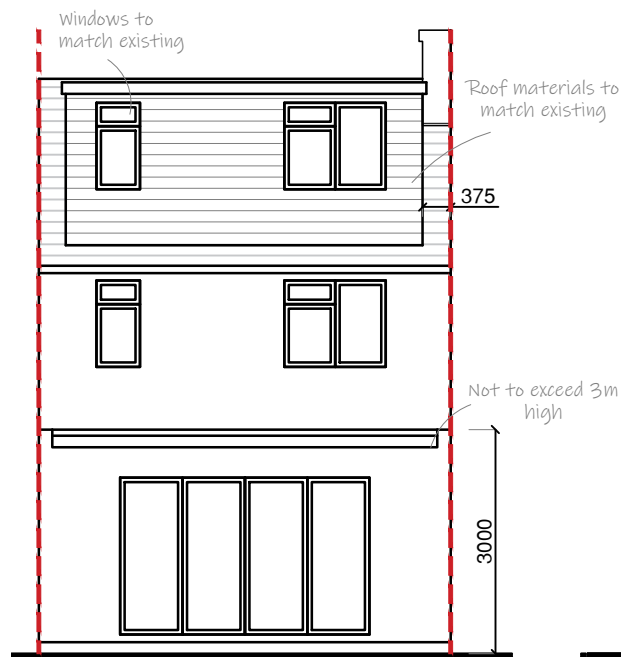
PLANNING
www.randRplanning.co.uk
RobertJon@Live.co.uk
Tel: 07436007718



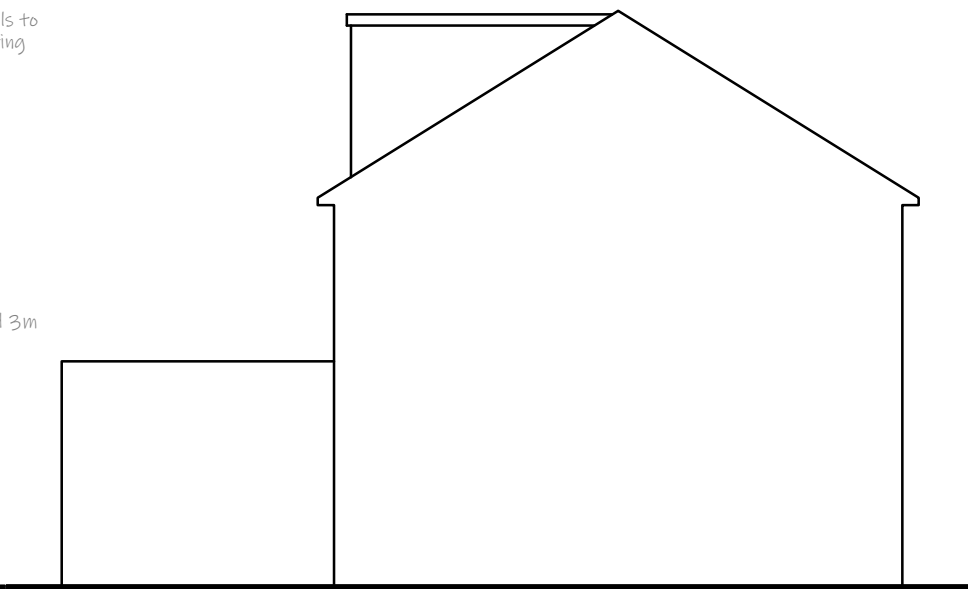
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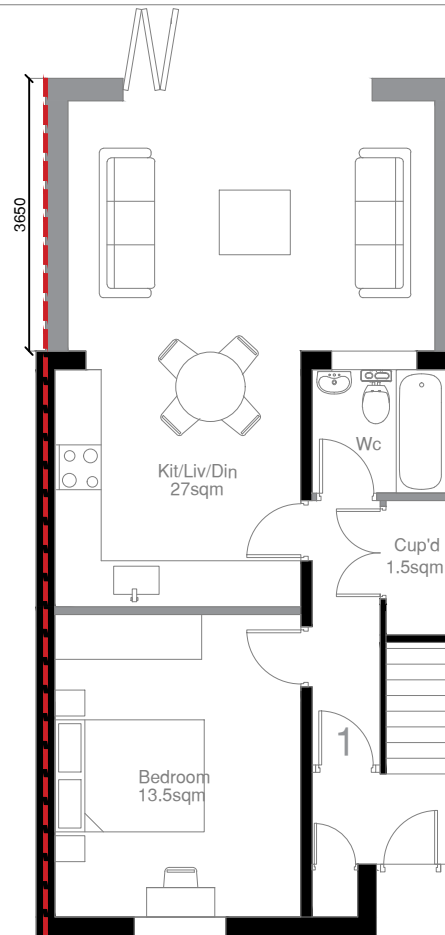
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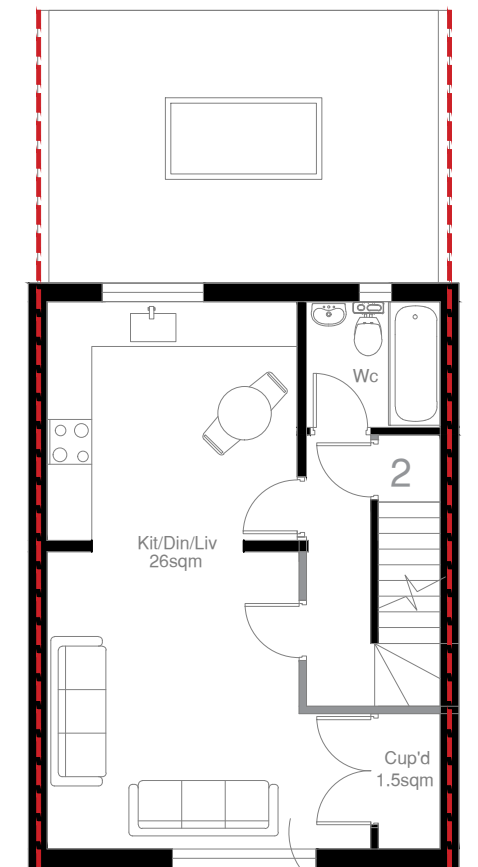
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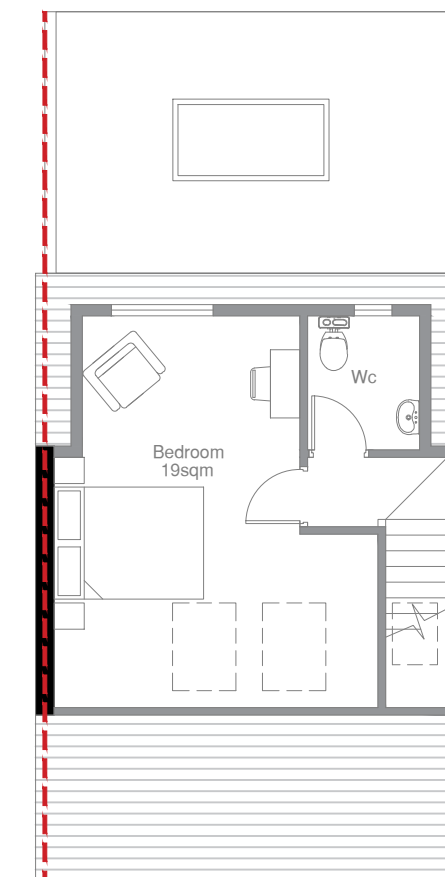
SIDE ELEVATION
1:100 / A3



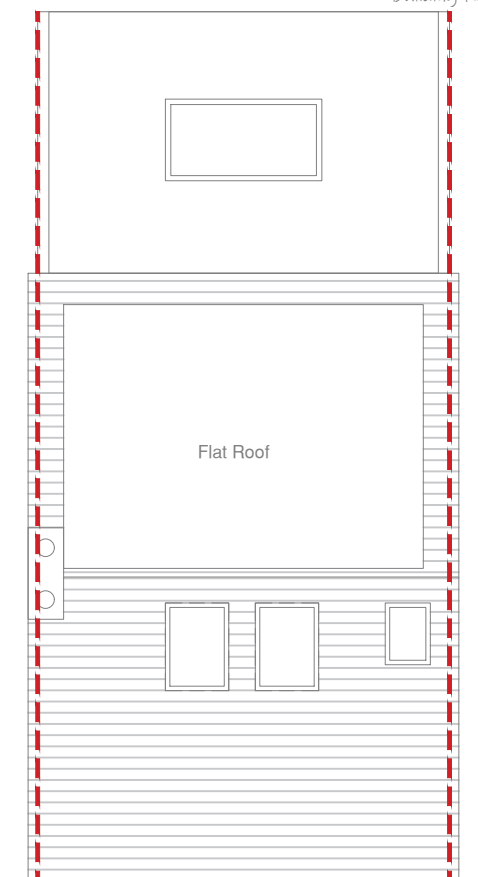
GROUND FLOOR PLAN
1:100 / A3



FIRST FLOOR PLAN
1:100 / A3
Acoustic insulation to be installed to meet with Building Regs



SECOND FLOOR PLAN
1:100 / A3



ROOF PLAN
1:100 / A3



VELUX The Skylight Company

EXAMPLE OF VELUX BALCONY
To be facing out onto the public park opposite

SCHEDULE		GIA
Apartment 1	1B2P	52 sqm
Apartment 2	1B2P	64 sqm
2 Cycle store spaces (1 per Dwelling)		



Job title
171 IVYHOUSE ROAD, DAGENHAM, RM9 5RR

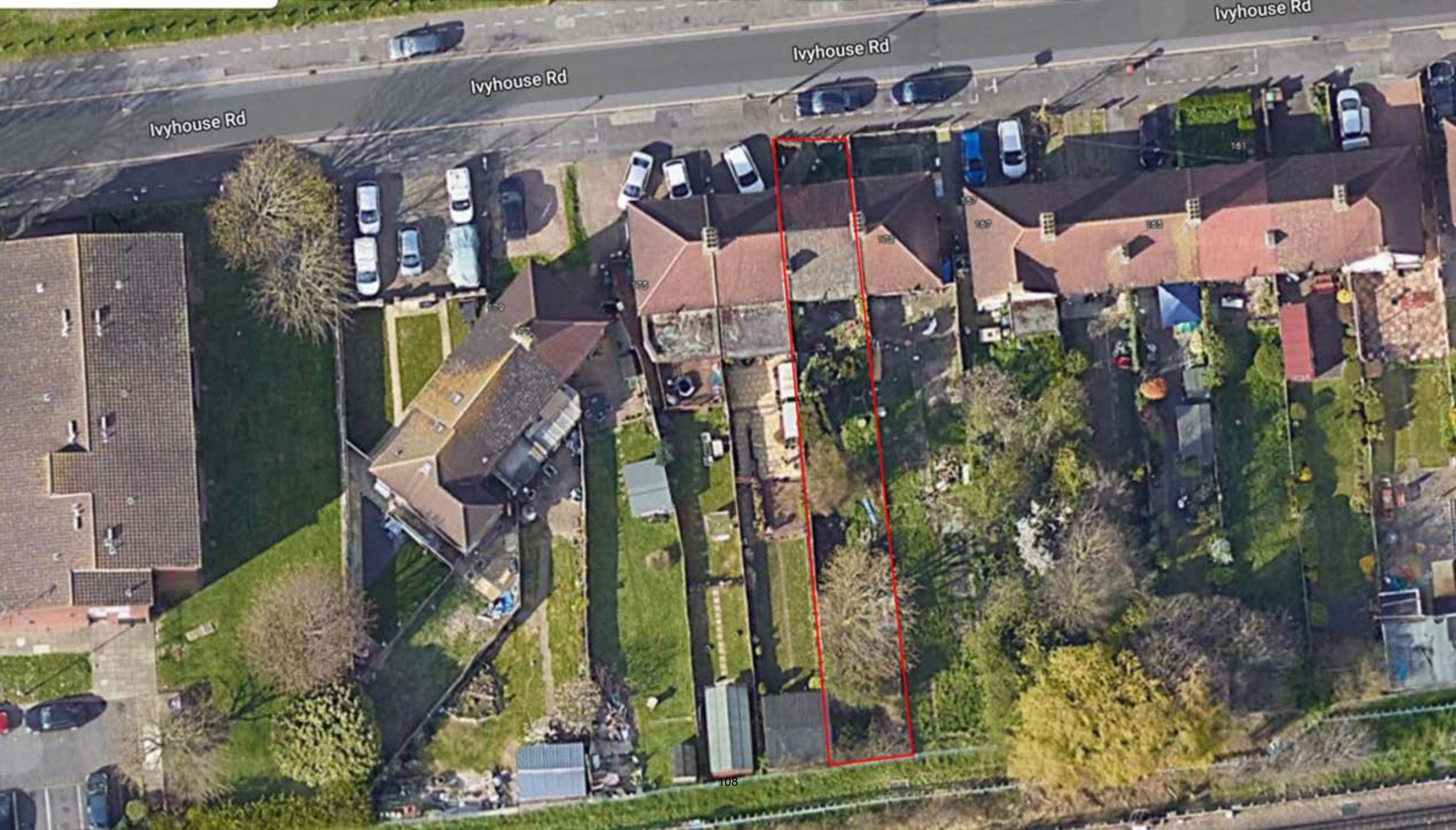
NOTE: THESE DRAWINGS ARE FOR PLANNING PURPOSES ONLY.
A MEASURED SURVEY IS REQUIRED ON SITE BEFORE CONSTRUCTION.

Drawing title
PROPOSED PLANS

Job No: 1940_PL03
Scale @ A3: 1:100
Date:
Drawn by: RJ

r&R

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



Ivyhouse Rd

Ivyhouse Rd

Ivyhouse Rd

Ivyhouse Rd

108

PLANNING DECISION NOTICE**Town and Country Planning Act 1990 as amended
Town and Country Planning (Development Management Procedure) (England) Order
2015 (as amended)**

Agent:	Mr Robert Fry R&R Planning 40 Parkview House Sunrise Avenue Hornchurch RM12 4YW	Applicant:	Mr BHARADIA 327 LONDON ROAD RM7 9NS
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Part 1- Particulars of the Application

Application No:	20/00324/FUL
Site Address:	171 Ivyhouse Road, Dagenham, Essex, RM9 5RR
Development Description:	Conversion of existing 2 bed dwelling into 2x 1bed apartments by means of single storey rear extension and loft conversion with rear dormer
Date of Application:	06/03/2020
Date Validated:	09/03/2020
Application Type:	Full Planning Permission

Part 2 – Particulars of Decision:

The London Borough of Barking and Dagenham as local planning authority in pursuance of its powers under the above mentioned Act and Rules, Orders and Regulations made there under, hereby gives notice that PLANNING PERMISSION has been **REFUSED** for the carrying out of the development referred to in Part I hereof and as described and shown on plan(s) and documents(s) submitted with the application for the following reason(s):

Reason(s):

1. The change of use from a dwellinghouse to 2 flats represents a loss of a dwellinghouse within the borough which is capable for use by a family; a form of housing the Council is seeking to protect from conversion. As such, the proposals principle of development is contrary to:
 - National Planning Policy Framework (MHCLG, February 2019)
 - Policies 3.3, 3.5 and 3.8 of The London Plan (March 2016)
 - Policies GG4, D4, H8, H9, H10 and H12 of the Draft London Plan Intended to Publish (December 2019)
 - Policies CM1 and CM2 of the Core Strategy DPD (July 2010)
 - Policy BC4 of the Borough Wide DPD (March 2011)
 - Policies DM2 and DM3 of the Draft Local Plan Regulation 18 consultation version (November 2019)

2. The proposed skylight balconies would result in an incongruous addition to the existing property and generally harm the built form, visual/neighbouring amenity and character of the local area and wider Becontree Estate setting. As such, the proposals principle of development is contrary to:
- National Planning Policy Framework (MHCLG, February 2019)
 - Policies 7.4 and 7.6 of The London Plan (March 2016)
 - Policies D4 of the Draft London Plan Intended to Publish (December 2019)
 - Policies CP2 and CP3 of the Core Strategy DPD (July 2010)
 - Policy BP11 of the Borough Wide DPD (March 2011)
 - Policies DM11 and DM14 of the Draft Local Plan Regulation 18 consultation version (November 2019)

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

Informative/s:

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

Date of Decision: 1 May 2020

Yours sincerely

Graeme Cooke

Graeme Cooke
Director of Inclusive Growth
London Borough of Barking & Dagenham

TOWN AND COUNTRY PLANNING ACT 1990

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1. Appeals to the Secretary of State

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

2. Subsequent Application Fees

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

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

3. Purchase Notices

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

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

4. Compensation

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



Appeal Decision

Site visit made on 8 June 2021

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/Z5060/W/20/3253291

171 Ivyhouse Road, Dagenham RM9 5RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bharadia against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/00324/FUL dated 6 March 2020, was refused by notice dated 1 May 2020.
 - The development proposed is described as conversion of existing 2 bed dwelling into 2 x 1bed apartments by means of single storey rear extension and loft conversion with rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing 2 bed dwelling into 2 x 1bed apartments by means of single storey rear extension and loft conversion with rear dormer at 171 Ivyhouse Road, Dagenham RM9 5RR in accordance with the terms of the application, Ref 20/00324/FUL, dated 6 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:1940_PL01, 1940_PL04 and 1940_PL03.
 - 3) Notwithstanding condition 2 the rooflights hereby approved shall not be dual opening, nor open into a balcony. Details of the rooflights including opening mechanism shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the proposed development shall be carried out in accordance with the approved details and retained in perpetuity.
 - 4) The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mr Bharadia against the decision of the Council of the London Borough of Barking and Dagenham. This application is the subject of a separate Decision.

Procedural Matter

3. Since the submission of the appeal the London Plan 2021 has been published and the National Planning Policy Framework (2019) has been superseded by the National Planning Policy Framework (2021) (the Framework). The Council's reasons for refusal include policies within superseded documents. The London Plan 2021 does not diverge significantly from the policies referenced, similarly the Framework does not depart widely from the previous version in respect of this appeal proposal. No party has been prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.
4. The Barking and Dagenham Draft Local Plan 2019-2034, (Regulation 18 Consultation Version November 2019) policies referenced in the reasons for refusal have been replaced by the Barking and Dagenham Draft Local Plan 2037 (version September 2020).
5. The Appellant has provided an amended plan which was not considered by the Council during the determination of the original application. I have considered this appeal on the basis of the plans received prior to the determination of the planning application as this is what the Council based its assessment on.

Main Issues

6. The main issues in this appeal are (i) the effect of the proposed development on the balance of family sized housing within the Borough; and (ii) the effect of the skylight balconies on the character and appearance of the area.

Reasons

Family sized housing

7. Policy BC4 of the Planning for the Future of Barking and Dagenham, Borough Wide Development Plan Policies, Development Plan Document (2011) (the DPD), seeks to preserve existing stock of family houses, resisting proposals which involve the loss of housing with 3 bedrooms or more.
8. The existing property is a 2 bedroom property, the proposed development comprises 2 x 1 bedroom apartments. Whilst the proposal includes works to the property which could provide a 3 bedroom+ family home this does not alter the existing use of the property. The proposed development would not result in the loss of a family sized dwelling as identified by Policy BC4 of the DPD.
9. The Council recognise the value conversions to flats can have in terms of catering for smaller households and the role this can play in meeting housing need within the Borough. Policy BC4 of the DPD seeks to ensure that the subdivision of housing into flats is controlled by ensuring that in any road flats should not exceed 10% of the total number of houses, and that no two adjacent properties, apart from dwellings that are separated by a road, should be converted. I have not been provided with substantive evidence to demonstrate that the subdivision of the property into flats would fail to meet this criterion.
10. I conclude that the proposed development would not harm the balance of family sized housing within the Borough. There is no conflict with Policies BC4 of the DPD, Policies CM1 and CM2 of the Planning for the Future of Barking and Dagenham, Core Strategy (2010) (the Core Strategy), the Draft Local Plan and

the London Plan which amongst other things seeks to ensure a balanced housing supply.

11. There is no conflict with the National Planning Policy Framework (2021) (the Framework) which seeks to ensure housing provision reflects local housing need.

Skylight Balconies

12. The Council confirm that the Becontree Estate is a local heritage asset. Substantive evidence has not been provided by the parties with regard to its local, historic or architectural interest. Notwithstanding this the site is within a residential area facing Parsloes Park, the built form in the area is uniformed in terms design and layout.
13. Notwithstanding this during my site visit I observed a number of properties in the immediate vicinity of the appeal site with rooflights/skylights on the front elevation. When closed the proposed skylights would be similar visually to those of nearby properties. The inclusion of rooflights/skylights in the front roof slope would not be an incongruous feature within the streetscene and would not diminish the visual appearance or setting of the property or area in general.
14. The skylights proposed have dual opening and when open take on the appearance of balconies. This feature would be out of keeping to the property and the surrounding area. The Appellant has drawn my attention to a similar skylight system installed at a property on Bonham Road, I have very little detail about this other than a photograph. Nonetheless each development must be considered on its individual merits, and I have reached my conclusion based on the merits of the appeal proposal.
15. The Appellant has submitted a revised plan which was not considered by the Council during the determination of the application which proposes to replace the skylight balconies with standard rooflights. Notwithstanding the submission of this plan I see no justification as to why the details of the skylight/rooflights could not be controlled through the imposition of a planning condition to restrict opening into a balcony.
16. I conclude that the proposed development would not harm the character and appearance of the area. There is no conflict with Policy BP11 of DPD, Policies CP2 and CP3 of the Core Strategy, the Draft Local Plan and the London Plan 2021, which amongst other things seek to ensure developments have regard to the local character, promote high standards of design and positively contribute to an area.
17. There is also no conflict with the Framework which seek to ensure development are of good design.

Other Matters

18. Whilst not a reason for refusal the Council state in the Delegated Report that there is a lack of external amenity space for the first floor flat set out over two floors contrary to BP5 of the DPD. Policy BP5 confirms that when a site adjoins countryside or extensive parkland and the scheme is designed to benefit from the open aspect there maybe scope for a reduction in the provision of amenity space. The site is located directly adjacent Parsloes Park.

19. Policy BP5 of the DPD also highlights that where there is a reduction in amenity space the Council may seek a contribution towards improvements to existing open space. I note that no contribution has been recommended in this instance. The proposal does not include functional external outdoor space for the first floor apartment. Notwithstanding this due to the proximity of the proposed one bedroom apartment to the park I find that the proposed development would not conflict with Policy BP5 of the DPD.

Conclusion and Conditions

- 20. I have imposed a standard condition relating to the commencement of development. I have included a condition specifying the relevant plans as this provides certainty.
- 21. In the interest of safeguarding the character and appearance of the area I have imposed conditions relating to details of the external materials and rooflights.
- 22. For the above reasons I conclude that this appeal should be allowed.

C Pipe

INSPECTOR



Costs Decision

Site visit made on 8 June 2021

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Costs application in relation to Appeal Ref: APP/Z5060/W/20/3253291 171 Ivyhouse Road, Dagenham RM9 5RR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Bharadia for a full award of costs against the Council of the London Borough of Barking and Dagenham.
 - The appeal was against the refusal of planning permission for conversion of existing 2 bed dwelling into 2 x 1bed apartments by means of single storey rear extension and loft conversion with rear dormer.
-

Decision

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

Reasons

2. Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. A full award of costs is sought by the applicant on both procedural and substantive basis.
4. Planning Practice Guidance indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.
5. It will be seen from my decision that there were not sufficient grounds for refusing planning permission relating to the loss of family housing, and that the details of the skylight/rooflight could have been controlled by planning condition.
6. There is a disagreement between parties as to the loss of a family dwelling, reason for refusal No. 1. I agree with the Appellant that there has been no loss of a family house given the existing floor plans demonstrate that the existing property is a 2 bedroom dwelling. Policy BC4 seeks to preserve and increase the stock of family housing, specifically referring to resisting proposals which involve the loss of housing with three bedrooms or more. The appeal site is a 2 bedroom property it is therefore difficult to substantiate the reasons for refusal No. 1.
7. In relation to the skylights outlined in reason for refusal No. 2 the Council have not provided substantive reasoning why this matter could not be controlled by

the imposition of a planning condition. During my site visit I observed that skylights/rooflights are not an alien feature in the area. The opening mechanism is something which could be controlled by the imposition of a planning condition.

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated, in this case having to prepare a case in relation to the reasons for refusal and that a full award of costs is justified.

Costs Order

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

C Pipe

INSPECTOR