

Working in partnership



**Barking &  
Dagenham**

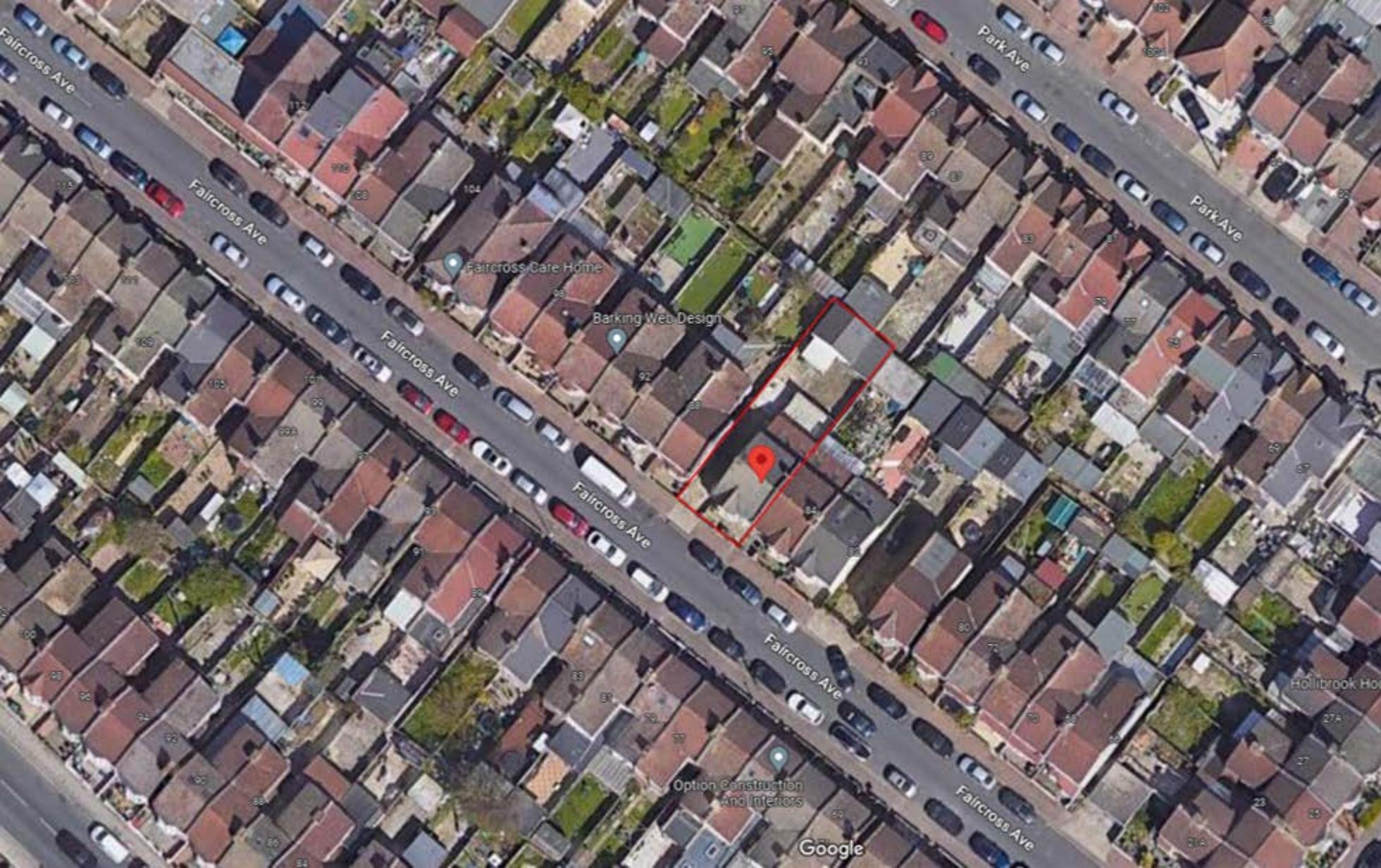
## **Performance Review Sub-Committee**

Application Reference:  
22/00212/FULL

**Application Description:**

Change of Use from residential (residential annexe) to Office use E(c) and E(g)

**Decision:**  
Refused



Faircross Ave

Park Ave

Faircross Ave

Park Ave

Faircross Care Home

Barking Web Design

Faircross Ave

Faircross Ave

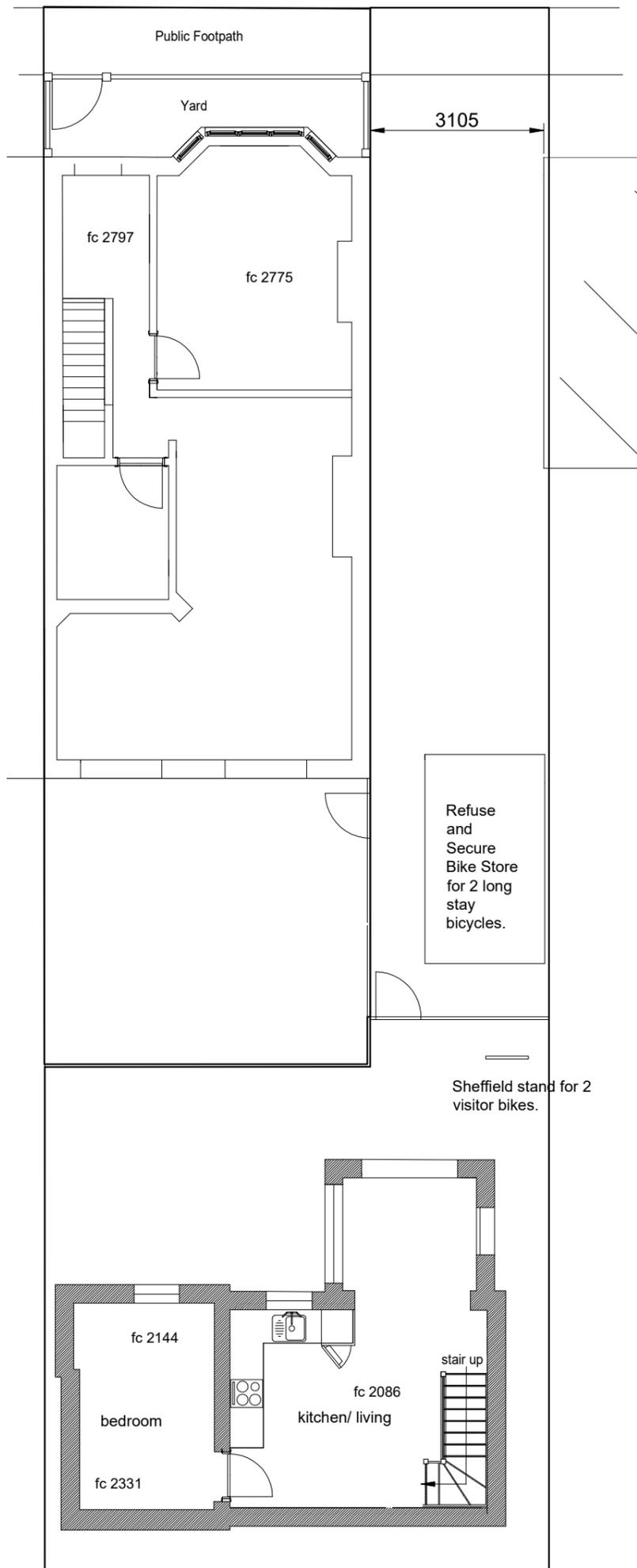
Faircross Ave

Hollbrook Ho

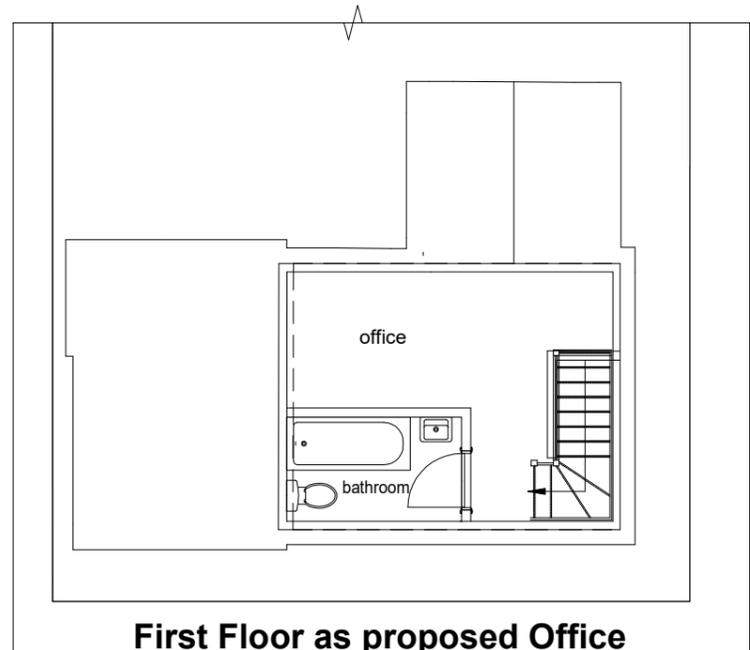
Option Construction  
And Interiors

Google

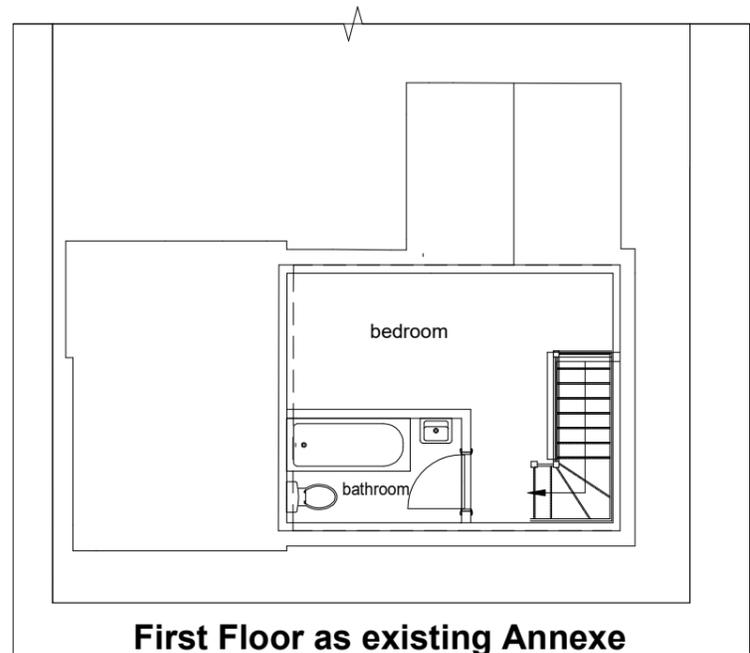
Faircross Ave



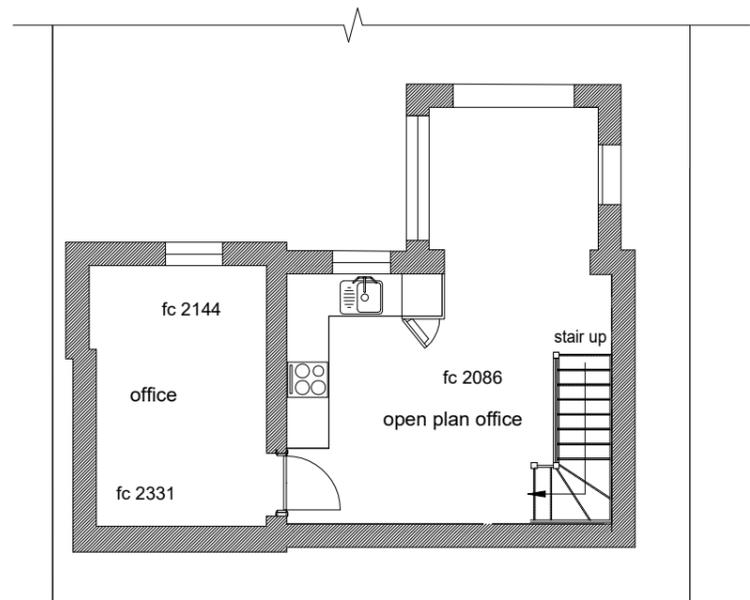
**Ground Floor, showing existing Annexe & parking**



**First Floor as proposed Office**



**First Floor as existing Annexe**



**Ground Floor as proposed Office**



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REV	BRIEF DETAILS	DATE
A	existing bathroom shown	11/03/22
B	Remove Tandem Parking Spaces Add No of bikes	01-04-2022

**P.H.D. ASSOCIATES**  
 BRAEMAR HOUSE  
 WATER LANE  
 STANSTED, ESSEX  
 CM24 8BJ  
 TEL: 01279 817342  
 EMAIL: INFO@PHDASSOCIATES.CO.UK

Project	86 Faircross Avenue Barking
Drawing	Existing Annexe/proposed Office Floor Plans

Date	
Drawn By	
Scale	1:100@A3
Drawing Number	1807/ 202

Delegated Report Application for Planning Permission			
Case Officer:	Anna Jennings	Valid Date:	11 February 2022
Officer Recommendation:	Refused	Expiry Date:	08 April 2022
Application Number:	22/00212/FULL	Recommended Date:	31 March 2022
Address:	86 Faircross Avenue, Barking, Barking And Dagenham, IG11 8QZ		
Proposal:	Change of Use from residential (residential annexe) to Office use E(c) and E(g)		

### Planning Constraints

N/A

### Site, Situation and Relevant Background Information

The application site is a two-storey end-of-terrace dwelling on the north eastern side of Faircross Avenue. There is an outbuilding at the site which is used as a residential annexe.

Officers note that permission was refused for the *Change of use of one bedroom annexe to become a separate residential dwelling* (19/01439/FUL), and a subsequent appeal dismissed (APP/Z5060/W/20/3253208).

The applicant seeks permission to change the use of the annexe from residential use to office use under Use Classes E(c) and E(g).

### Key Issues

- Principle of the Development
- Design and Quality of Materials
- Impacts to Neighbouring Amenity
- Sustainable Transport

### ASSESSMENT

#### Principle of the Development

##### History and Proposed Use

The application site is a two storey, 3 bedroom end-of-terrace dwelling, and the outbuilding to which this application relates is a two storey, one bedroom annexe in the rear of the property. Permission has however been refused for the *Change of use of one bedroom annexe to become a separate residential dwelling* (19/01439/FUL) for the following reasons:

1) *The proposed conversion of the existing annexe into a new separate unit accommodation comprising two bedrooms, occupied independently of the main dwellinghouse, would provide a substandard unit of accommodation by reason of its size, in conflict with the Technical Housing Standards - nationally described space standard (2015), Policy 3.5 of the London Plan (2016), Policy DM6 of the Draft London Plan, Policy CP3 of the Core Strategy Document (2010), Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (2011) and Policies SP4, DM11 and DM13 of the Draft Local Plan (2019).*

2) *The proposed conversion of the existing annexe into a new separate unit accommodation comprising two bedrooms, occupied independently of the main dwellinghouse, would lead to an unacceptable level of noise and disturbance to the detriment of neighbouring properties contrary to Policy 7.15 of the London Plan (2016), Policy D14 of the Draft London Plan, Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (2011) and Policy DM25 of the Draft Local Plan (2019)*

A subsequent appeal made by the applicant was dismissed (APP/Z5060/W/20/3253208). The main issues discussed by the Inspector were;

- *Whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to internal space; and,*
- *The effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance.*

The applicant has stated that *'In light of the difficulties mentioned above and after trying unsuccessfully to find a sustainable residential use for the old stable building, our client would like to apply for the Annexe to have the benefit of office use'*.

Permission for use under the following Use Classes is sought by the applicant:

Class E (Commercial, Business and Service):

*Use, or part use, for all or any of the following purposes—*

*(c) for the provision of the following kinds of services principally to visiting members of the public—*

*(i) financial services,*

*(ii) professional services (other than health or medical services), or*

*(iii) any other services which it is appropriate to provide in a commercial, business or service locality,*

*(g) for—*

*(i) an office to carry out any operational or administrative functions,*

*(ii) the research and development of products or processes, or*

*(iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit*

## **Principle of the Development**

### **Loss of Residential Use**

At a national level, the National Planning Policy Framework (NPPF) at Chapter 5 has specific regard to housing stating that 'to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment... [and] within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly'.

The London Plan Objective GG4 states that to create a housing market that works better for all Londoners, those involved in planning and development must create mixed and inclusive communities, with good quality homes that meet high standards of design and provide for identified needs, including for specialist housing. Policy H1 of the London Plan outlines the Boroughs' 10 year target for net housing completion which highlights the pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks. Likewise, this policy requires that Londoners have a genuine choice of homes that they can afford which meets their requirements for different types of high-quality accommodation. The London Strategic Housing Market Assessment (SHMA) which formed the evidence base for policy H1 reinforces the need to increase the housing supply to promote opportunity and provide real choice for all Londoners. In addition policy H2 supports the use of small sites highlighting that boroughs should support the construction of well-designed dwellings on small sites. The Housing SPG further supports the London Plan on such matters. Further, policy H9 promotes the efficient use of existing housing stock to reduce the number of vacant and underoccupied dwellings.

Policy CM1 and CM2 of the Core Strategy seeks to ensure the borough contributes to meeting its housing targets and supports the delivery of a variety of housing types. Policy CC1 of the Core Strategy DPD further supports this noting developments should provide a range of accommodation types and sizes. In particular development should provide a minimum of 40% family housing. This is the type of housing which is in high demand throughout the borough. Family sized homes are defined by properties which have 3 or more bedrooms. This is further supported by policy BC4 of the Borough Wide DPD which seeks to preserve and increase the stock of family housing in the Borough, as such, the council will resist developments which will result in the loss of family sized home. Policy CM2 of the DPD has specific regard to managing housing growth within the borough. The Council will plan for a minimum annual housing growth of 1,190 additional homes in the ten year period to 2024/25. This equates to at least 17,850 new homes in Barking and Dagenham between 2010/11 and 2024/25. The target will be met through residential development in three key areas which includes Delivering 6000 new homes in Barking Town Centre through redevelopment in line with the Barking Town Centre Area Action Plan. This also includes maximising the density of new developments, taking into account local context and other factors, in line with the guidance set out in the Urban Design Framework SPD, Barking Town Centre Area Action Plan Urban Design Guidelines SPD and the London Plan.

Notwithstanding, the Draft Local Plan Reg 19 is in its final stages of examination as such substantial weight should be apportioned to this document. Policy SPDG1 seeks to ensure developments contribute to meeting the Borough's housing targets and supports the delivery of a suitable variety of housing to meet high levels of identified need within the Borough. Policy SP3 emphasizing the need to optimise suitable sites to help deliver suitable housing for the Borough's high levels of identified housing need. Further, policy DMH 4 seeks to preserve and increase the stock of family housing in the borough as such proposal which seek permission for the conversion or loss of existing family housing with three or more bedrooms will be resisted. The need for more family sized dwellings in the borough is evidence in the SHMA 2019 documents. Therefore, whilst policies set out in the Core Strategy DPD and Borough Wide DPD may be outdated, officers have apportioned substantial weight to the policies found in the Draft Local Plan Reg

19 as these highlight the continued need for more family sized dwellings across the borough based on the most up to date evidence.

On the 19th January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results show that the London Borough of Barking and Dagenham has delivered 57% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) will be engaged. As noted above, policies support developments which seek to increase the provision of housing within the Borough, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

The application site at 86 Faircross Avenue is of existing residential use, which is ancillary to the main dwellinghouse. The proposed development will convert the annexe from residential to office use. Officers note that permission for the annexe to become a separate residential dwelling was refused by the LPA, on the basis of an unacceptable standard of residential accommodation and detrimental impacts to neighbouring amenity (19/01439/FUL). As such, it is recognised that the annexe is not suitable for use as a separate residential dwelling. Whilst the applicant seeks to find an alternative use for the annexe, officers note that the use of the site is residential and the outbuilding is ancillary to the dwelling. Therefore, the case for finding an alternative use is of irrelevance. The use of the site is as a residential dwellinghouse and officers conclude that policy does not support the part-conversion of this use on the residential land.

### **Proposed Office Use (Use Classes E(c) and E(g))**

Policy CE2 of the Core Strategy concerns the location of office developments within the borough. It stipulates the following:

*Proposals for new office accommodation in Barking and Dagenham will be tested against the following sequential approach:*

- 1) Barking Town Centre (in line with policy in the Barking Town Centre Area Action Plan, and with retail and town centre policies).*
- 2) A defined District Centre (in line with retail and town centre policies).*
- 3) A designated employment site that has been allocated for office use in the Site Specific Allocations DPD.*
- 4) Edge-of-centre locations.*
- 5) Out-of-centre sites with high PTAL levels.*
- 6) Other out-of-centre sites.*

Officers would not regard the application site as falling within the first 4 categories. As such, it is not a location within which the development of offices is encouraged, as offices are defined as a town centre use.

Policy BE5 of the Borough-Wide Development Plan states that in out-of-centre locations, new office (B1) developments should not conflict with or adversely affect the predominant existing land use. The reasoned justification states that the LPA will not be prepared to permit schemes which would conflict with or prejudice the primary retail function of the centre or result in a net loss of housing. The application site is of residential use and as such, the local plan does not support the loss or conversion of this use.

### **Conclusion**

The application seeks permission to convert the annexe from residential use to Use Class E. The annexe is of ancillary use to the main dwellinghouse and as such a change of use which conflicts with the with the predominant land use at the site as a residential dwelling shall not be supported. The change of use from ancillary residential to office would result in increased noise and disturbance to neighbouring residential properties. Notwithstanding, proposed office use is not supported by the local plan in out-of-town locations.

### **Design and Quality of Materials**

No external changes are proposed to the annexe outbuilding. As such, no design assessment will be required.

Internally, the annexe has an open-plan living area, 2 bedrooms and an upstairs bathroom. The proposed development will utilize all living and bedroom space as office use, retaining the kitchen fittings.

LBBD's Access Officer commented that there was no WC indicated on the plans. Officers sought revised plans which demonstrate that the existing WC will be retained.

### **Impacts to Neighbouring Amenity**

The NPPF and policies within Chapter 4 of the London Plan all have relevance to the importance of quality development in addressing neighbouring amenity and avoiding any unacceptable impacts. Policy D6 of the London Plan states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

At a local scale, Policy DMD 1 of the Draft Local Plan (Regulation 19) states that all development proposals should consider the impact on the amenity of neighbouring properties with regard to significant overlooking (loss of privacy and immediate outlook) and overshadowing (unacceptable loss of daylight and sunlight), wind and microclimate. Policy DMD 6 of the Draft Local Plan (Regulation 19) notes that householder extensions and alterations will need to be designed in a sensitive and appropriate manner, considering the impact on the amenity of neighbouring properties, avoiding significant overlooking (loss of privacy and immediate outlook) and overshadowing (loss of daylight and sunlight). Policy BP8 and BP11 of the Local Development Framework Borough Wide Development Plan has specific regard to protecting residential amenity.

Given that no external changes are proposed, the impact to neighbouring amenity will rely on the implications of the change of use from residential to office.

The annexe is positioned at the rear of the garden at 86 Faircross Avenue. Residential development is dense in this location. The rear of the garden is bordered by the rear gardens of no.'s 85-89 Park Avenue, and the garden is bordered by no.84 Faircross Avenue to the east and no.88 to the west.

Under (19/01439/FUL), planning permission was refused for the *Change of use of one bedroom annexe to become a separate residential dwelling*, partially for the following reason;

*2)The proposed conversion of the existing annexe into a new separate unit accommodation comprising two bedrooms, occupied independently of the main dwellinghouse, would lead to an unacceptable level of noise and disturbance to the detriment of neighbouring properties contrary to Policy 7.15 of the London Plan (2016), Policy D14 of the Draft London Plan, Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (2011)and Policy DM25 of the Draft Local Plan (2019)*

Officers consider that the proposed use of the annexe as an office would not, however, result in an unacceptable level of noise and disturbance to the detriment of neighbouring properties. Whilst it is understood that use as an office may generate multiple comings-and-goings, officers have reached this conclusion on account of the fact that the proposed office will be occupied during the daytime only, and as such will have a minimal impact on the amenity of surrounding neighbouring dwellings.

## **Sustainable Transport**

The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. It offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development does not give rise to the creation of conflicts between vehicular traffic and pedestrians. However, it also stated that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is echoed by the London Plan (2021) through policies T6.1 and T5 of and further supported by policies DMT 2 and DMT3 of the Draft Local Plan Reg 19 and BR9 of the Borough Wide DPD.

This application seeks permission for the change of Use from residential (residential annexe) to Office use E(c) and E(g).

LBBD's Highways Officer has provided the following comments:

### **Site Access**

*No New access from the public highway is proposed as part of this application.*

### **Car Parking**

*The site is in PTAL 6 meaning it has Excellent access to public transport and it does fall under the FG CPZ area.*

*According to the New London Plan standards, any developments in PTAL location 5 and 6 must be car free development.*

*There is an existing dropped kerb associated with the development and the applicant is proposing to provide 2 off street car parking spaces. The spaces proposed also is also not able to access independently of each other and it will also prevent the access for the refuse and cycle storage. Therefore, highways object to the proposed car parking spaces.*

*Applicant will be expected to pay towards reinstatement of the redundant crossover if the applicant propose not to prove car parking spaces.*

### **Cycle Parking**

*Cycle parking spaces should be provided in line with the new London plan.*

## **Conclusion**

When contacted by officers regarding transport concerns, the applicant provided revised plans removing the proposed parking spaces and identifying space for a 'Secure Bike Store for 2 long stay bicycles', and a 'Sheffield stand for 2 visitor bikes.'

A condition shall be attached to planning permission requiring that cycle parking spaces are instead implemented in line with the London Plan standards.

The cycle parking spaces must be safe and easily accessible.

The cycle parking spaces should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards, this means;

- access for residents only, and with stands/racks allowing both the frame and at least one wheel to be secured
- Well located: close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners
- Covered
- Fully accessible, for parking all types of cycle
- Managed, where possible, in order for access to be administered and to provide ongoing maintenance

## CONCLUSION

Permission is sought for the *Change of Use from residential (residential annexe) to Office use E(c) and E(g)*. As indicated by the planning history of the site, the annexe has been determined as inappropriate for residential use as a separate dwelling in the past. As such, the annexe is of wholly ancillary use to the main dwellinghouse at 86 Faircross Avenue as residential accommodation. Whilst the applicant seeks to find an alternative use for the annexe, given its ancillary status, the case for finding an alternative use is considered to be of irrelevance. Policy does not support this change of use which would conflict with the predominant land use at the site as a residential dwelling. Notwithstanding, office use is not supported by the local plan in out-of-town locations. In conclusion, the principle of the development is not considered to be supported. It is recommended that permission be refused.

## APPENDIX 1

<b>Development Plan Context</b>	
The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:	
National Planning Policy Framework (NPPF) (DLUHC, 2021)	
London Plan (March 2021)	Policy GG4 Delivering the Homes Londoners need Policy GG2 Making the best use of land Policy H1 Increasing housing supply. Policy H2 Small sites Policy D1 London's form character and capacity for growth Policy D4 Delivering good design. Policy D5 Inclusive design Policy D6 Housing quality and standards Policy D8 Public Realm Policy H10 Housing size mix Policy H9 Ensuring the best use of stock. Policy D6 Housing quality and standards Policy GG1 Building strong and inclusive communities Policy GG3 Creating a healthy city Policy D3 Optimising site capacity through design led approach Policy D8 Public realm Policy D14 Noise Policy T6.1 Parking Policy T5 Cycling Policy E1 Offices Policy E2 Providing suitable business space Policy T6.2 Office Parking Table 10.2 - Minimum cycle parking standards
Local Development Framework (LDF) Core Strategy (July 2010)	Policy CM1 General Principles of Development Policy CM2 Managing Housing Growth Policy CP3 High Quality Built Environment Policy CE2 Location of office development
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BP11 Urban Design Policy BP8 Protecting Residential Amenity Policy BR9 Parking Policy BR10 Sustainable Transport Policy BE5 Offices- Design and Change of Use
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.	
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	Policy SPDG1 Delivering growth in Barking and Dagenham. Policy SP3 Delivering homes that meet peoples' needs Policy SP2 Delivering a well-designed, high-quality, and resilient built environment Policy DMD1 Securing high-quality design Policy DMSI3 Nuisance Policy DMT2 Car parking Policy DMT3 Cycling Policy DME 2: Providing flexible, affordable workspace

## APPENDIX 2

<b>Relevant Planning History</b>			
Application Number:	19/01439/FUL	Status:	Refused Linked Appeal (APP/Z5060/W/20/3253208) Dismissed.
Description:	Change of use of one bedroom annexe to become a separate residential dwelling.		
Application Number:	18/00392/FUL	Status:	Refused Linked Appeal (18/00057/REFUSL)

			Dismissed.
Description:	Conversion of existing dwelling into one 1-bedroom and one 2-bedroom self-contained flats and conversion of bed-sit in rear garden to one 1-bedroom self-contained flat.		
Application Number:	04/00251/FUL	Status:	Approved
Description:	Erection of front and side extensions to stables in connection with conversion into bed-sit for parent		
Application Number:	06/00806/FUL	Status:	Approved
Description:	Erection of single storey rear extension		
Application Number:	68/00077/TP		Approved
Description:	Erection of private motor garage		
Enforcement Case:	19/00053/CONDBR	Status:	Case Closed
Alleged breach:	A street numbering request has been received asking for the annexe at the rear of the garden to be given its own address. This would appear to be in conflict with condition 6 of planning permission 04/00251/FUL., N.B. A planning application to carry out this type of development was refused on 6th March 2018 (18/00392/FUL) and the decision upheld on appeal on 21st December 2018 (18/00057/REFUSL)		

### APPENDIX 3

Consultations		
Consultee:	Date Consulted:	Summary of response:
LBBB Highways	14/02/2022	<p><b>Site Access</b></p> <p>No New access from the public highway is proposed as part of this application.</p> <p><b>Car Parking</b></p> <p>The site is in PTAL 6 meaning it has Excellent access to public transport and it does fall under the FG CPZ area.</p> <p>According to the New London Plan standards, any developments in PTAL location 5 and 6 must be car free development.</p> <p>There is an existing dropped kerb associated with the development and the applicant is proposing to provide 2 off street car parking spaces. The spaces proposed also is also not able to access independently of each other and it will also prevent the access for the refuse and cycle storage. Therefore, highways object to the proposed car parking spaces.</p> <p>Applicant will be expected to pay towards reinstatement of the redundant crossover if the applicant propose not to prove car parking spaces.</p> <p><b>Cycle Parking</b></p> <p>Cycle parking spaces should be provided in line with the new London plan.</p>
LBBB Environmental Protection	14/02/2022	N/A
LBBB Access	14/02/2022	My concern is there's no WC shown on the plan.

### APPENDIX 4

Neighbour Notification	
Date Consultation Letter Sent:	14/02/2022
No response received.	

**LBBB Reference:** 22/00212/FULL

Simon Howard-Dobson

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

Dear Sir / Madam,

**Application Number:** 22/00212/FULL  
**Address:** 86 Faircross Avenue, Barking, Barking And Dagenham, IG11 8QZ  
**Development Description:** Change of Use from residential (residential annexe) to Office use E(c) and E(g)

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

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

Yours sincerely,

[Marilyn Smith](#)

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



**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: 06/04/2022**

Yours sincerely,

Marilyn Smith

**Marilyn Smith**

Head of Planning and Assurance  
London Borough of Barking and Dagenham

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

### **1. Appeals to the Secretary of State**

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

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

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

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

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

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

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

### **2. Subsequent Application Fees**

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

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

### **3. Purchase Notices**

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

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

### **4. Compensation**

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

Working in partnership



**Barking &  
Dagenham**

## **Performance Review Sub-Committee**

**Application Reference:**

22/00259/HSE

**Application Description:**

Retrospective application for single storey side extension with proposed amendments to demolish the front wall of toilet, alter size with pitch roof to suite the house and reduction in fence height.

**Decision:**

Refused



Noah's Ark Ballpark

Public House

Wood Ln

A124

Verney Rd

A124

Wood Ln

Beverley Rd

Beverley Rd

132

130

134

146

148

150

152

154

156

158

Verney Rd

Verney Rd

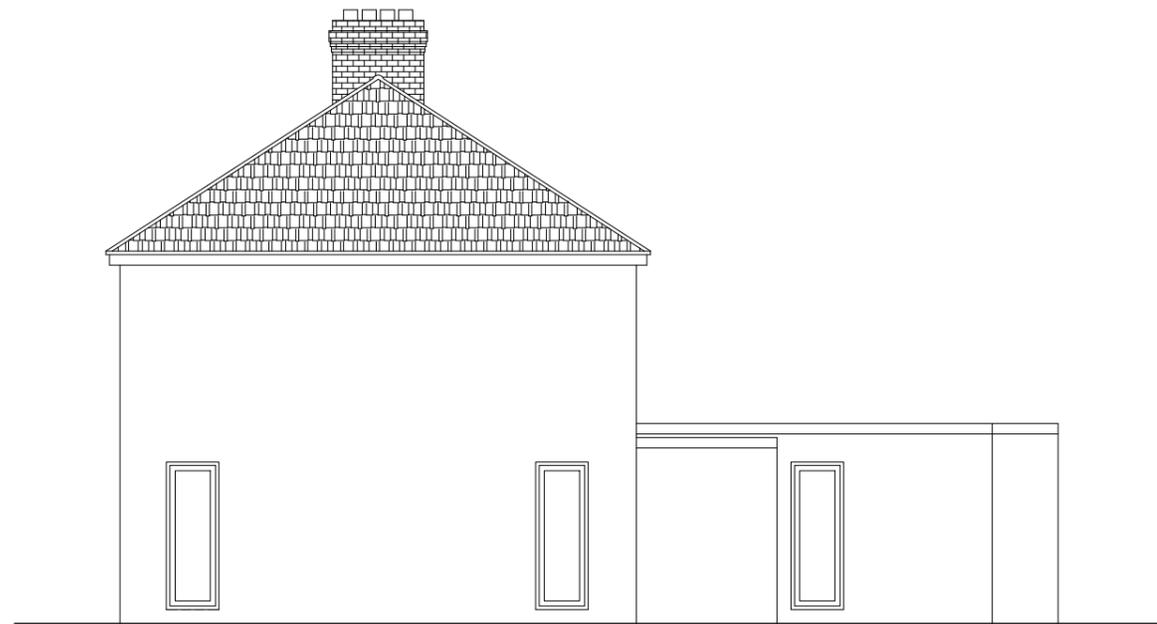
Verney Rd

Rosie Leigh's Patisserie

Google



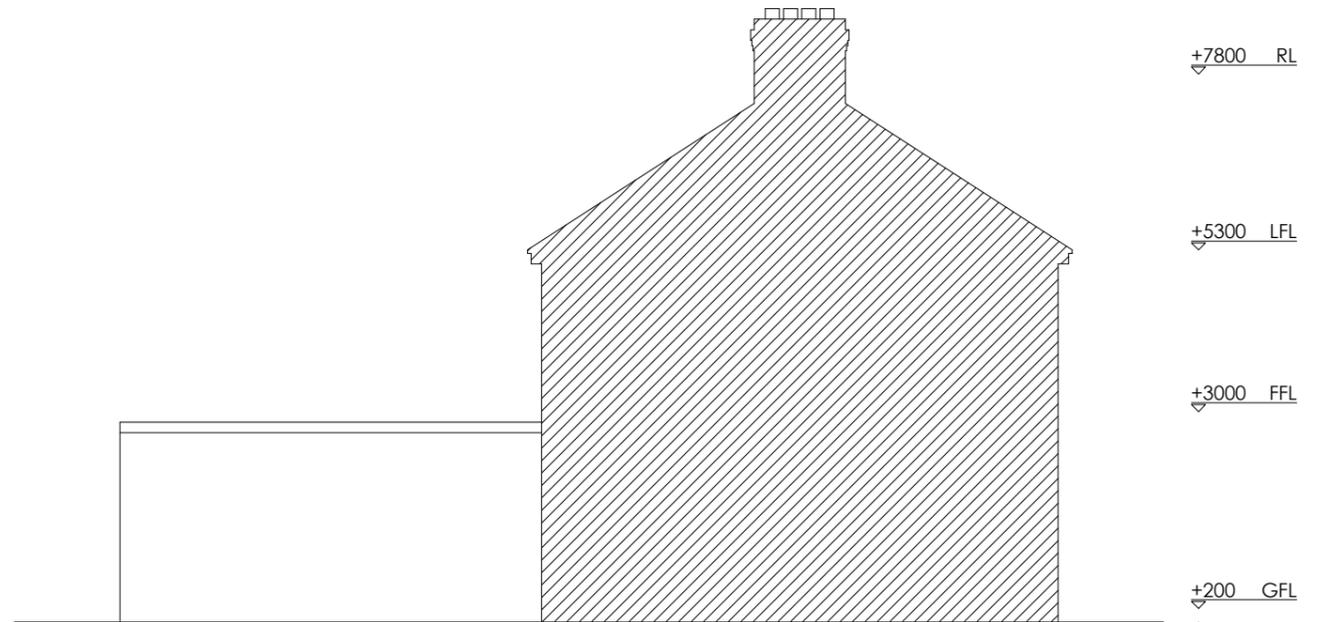
FRONT ELEVATION  
(1:100 @ A3)



SIDE ELEVATION  
(1:100 @ A3)



REAR ELEVATION  
(1:100 @ A3)



SIDE ELEVATION  
(1:100 @ A3)

+7800 RL

+5300 LFL

+3000 FFL

+200 GFL

±0 GL



CODE  
21.052  
2VR

CLIENT VOLODYMYR KENS  
PROJECT EXTENSION  
2, VERNEY ROAD, DAGENHAM, RM9 5LL

NO	A305		TITLE
VER	B	REV	00

PRE-EXISTING ELEVATIONS

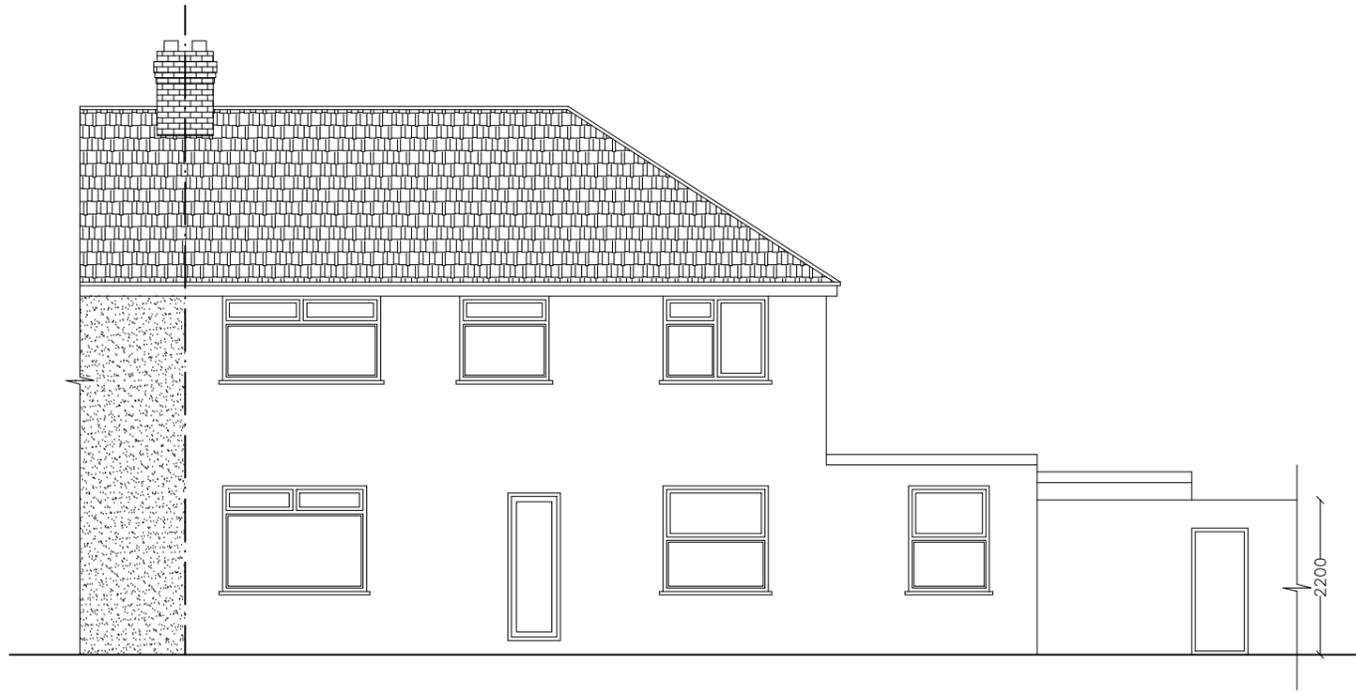
DATE	2022.02.05	
DES	JRS	DRN
		HRI

**ARCICON**  
AN INTEGRATED APPROACH

+44 (0) 7557140325 | mail@arcicon.com  
+44 (0) 2084706165 | arcicon.com

26 St. Olaves Road, Eastham, London E6 2PA





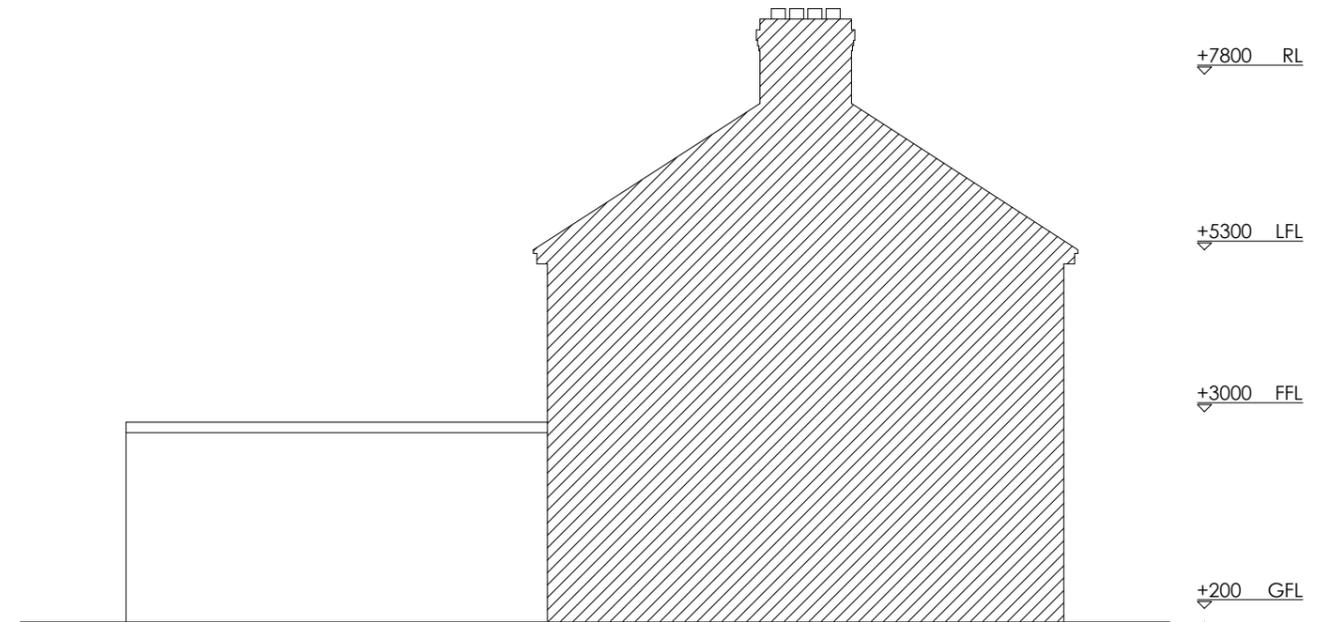
FRONT ELEVATION  
(1:100 @ A3)



SIDE ELEVATION  
(1:100 @ A3)



REAR ELEVATION  
(1:100 @ A3)



SIDE ELEVATION  
(1:100 @ A3)



CODE  
21.052  
2VR

CLIENT VOLODYMYR KENS  
PROJECT EXTENSION  
2, VERNEY ROAD, DAGENHAM, RM9 5LL

NO	A308		TITLE
VER	A	REV	00

EXISTING ELEVATIONS

DATE	2022.02.05	
DES	JRS	DRN
		HRI

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+44 (0) 2084706165 | arcicon.com

26 St. Olaves Road, Eastham, London E6 2PA



## Delegated Report

### Householder Application for Planning Permission for Works or Extension to a Dwelling

<b>Case Officer:</b>	Bethany Robins	<b>Valid Date:</b>	22 February 2022
<b>Officer Recommendation:</b>	<b>Refuse</b>	<b>Expiry Date:</b>	19 April 2022
<b>Application Number:</b>	22/00259/HSE	<b>Recommended Date:</b>	06 April 2022
<b>Address:</b>	2 Verney Road, Dagenham, Barking And Dagenham, RM9 5LL		
<b>Proposal:</b>	Retrospective application for single storey side extension with proposed amendments to demolish the front wall of toilet, alter size with pitch roof to suite the house and reduction in fence height.		

### Planning Constraints

The application site is located within the Becontree Estate.

### Consultations

Consultee:	Date Consulted:	Summary of response:
N/A		

### Neighbour Notification

<b>Date Consultation Letter Sent:</b>	22/02/2022
<b>Number of Neighbours Consulted:</b>	6
<b>Address:</b>	<b>Summary of reponse:</b>
152 Wood Lane, Dagenham, Barking And Dagenham, RM8 3LE	"I am very overlooked, I have no privacy in my entire back garden, I feel very intimidated."

### Relevant Planning History

Application Number:	21/02129/HSE	Status:	Refused
Description:	A retrospective application for the construction of a single storey side extension.		
Application Number:	20/00515/FUL	Status:	Refused
Description:	Conversion of existing garage to a kitchen and erection of single storey side extension to form an additional bathroom (Retrospective)		
Application Number:	19/00577/FUL	Status:	Approved
Description:	Erection of detached garage.		
Application Number:	17/00239/PRE	Status:	No Decision Taken
Description:	Pre-application meeting request: Proposed new end of terrace house adjacent to 2 Verney Road Dagenham		
Application Number:	17/00801/FUL	Status:	Approved
Description:	Erection of two storey side extension.		
Application Number:	17/00808/PRIOR6	Status:	Prior Approval Not Required
Description:	Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 2.85 metres and maximum height: 3.0 metres).		
Enforcement Case:	20/00022/NOPERM	Status:	Notice Issued
Alleged breach:	extension exceeding PP - flats		

### Development Plan Context

The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:

National Planning Policy Framework (NPPF) (DLUHC, 2021)

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

London Plan (March 2021)	Policy D4 - Delivering Good Design Policy D8 - Public Realm Policy HC1 - Heritage Conservation and Growth
Local Development Framework (LDF) Core Strategy (July 2010)	Policy CR2 - Preserving and Enhancing the Natural Environment Policy CP2 - Protecting and Promoting our Historic Environment Policy CP3 - High Quality Built Environment
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BP2 - Conservation Areas and Listed Buildings Policy BP8 - Protecting Residential Amenity Policy BP11 - Urban Design
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.	
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	Policy SP2 - Delivering a well-designed, high quality and resilient built environment Policy SP4 - Delivering quality design in the borough. Policy DMD1 - Securing high quality design Policy DMD4 - Heritage assets and archaeology remains Policy DMD6 - Householder extensions and alterations Policy DMNE3 - Nature conservation and biodiversity
Supplementary Planning Documents	Residential Extensions and Alterations (SPD) (February 2012)

## ASSESSMENT

Principle of the Development	
<i>Is the proposed development acceptable 'in principle'?</i>	<b>YES</b>
<i>Officer Comment:</i>	The overriding objective of the local policies is to deliver high quality development which improves the quality and distinctive identity of places and meets the housing needs of existing and future residents. As such, it is acknowledged that extensions to existing family dwelling houses can facilitate additional and enhanced living space for improved living conditions for occupants. They are therefore considered acceptable in principle subject to ensuring a high-quality, neighbourly design. Such matters are addressed below.

Achieving High Quality of Urban Design	
<i>Does the proposed development respect the character and appearance of the existing dwelling?</i>	<b>NO</b>
<i>Does the proposed development respect and accord to the established local character?</i>	<b>NO</b>
<i>Is the proposed development acceptable within the street scene or when viewed from public vantage points</i>	<b>NO</b>
<i>Is the proposed development acceptable and policy compliant?</i>	<b>NO</b>
	The application site is a two storey end of terrace property on the northern side of Verney Road. This application is located on a corner plot which is shared by no.153 Wood Lane. The site was previous granted permission for the construction of a 6.0 metre deep rear extension (17/00808/PRIOR6), two storey side extension (17/00801/FUL and detached garage (19/00577/FUL). The rear and two storey side extension have been built out according to plans. These extensions were not shown in the proposed drawings for the detached garage (19/00577/FUL). The drawings for application 19/00577/FUL show a detached garage, however, as shown in the existing plans submitted with this application the garage is in fact attached to the two storey side extension. As such, the approved garage has not been constructed to plan. An enforcement case has been submitted in regards to this garage not being built out according to the approved plans (20/00022/NOPERM). An enforcement notice was issued on 10 June 2020 requiring the applicant to remove the unauthorised side extension, cease the use of the side extension as a separate self-contained unit of accommodation, revert the property to a single-family dwelling, remove all alterations and fixtures enabling the change of use to a separate self-contained unit of accommodation and remove all consequent waste material from the land. Officers consulted the Enforcement Officer who confirmed that the notice is at persecution stage. This notice was appealed and dismissed as such the notice is upheld. More recently, seperate applications were submitted for the Conversion of existing garage to a kitchen and erection of single storey side extension to form an additional bathroom (Retrospective) (20/00515/FUL) and the construction of a single storey side extension with proposed amendments to demolish the front wall of toilet, alter size with pitch roof to suite the house and reduction in fence height (Retrospective)(21/02129/HSE). These applications were retrospective and were both refused by officers. This application is a like-for-like application to previously refused application no.21/02129/HSE except for demolishing the front wall of toilet, altering size with pitch roof to suite the

house and reducing the fence height.

### **Policies**

Policy SP 2 of the Draft Local Plan (Regulation 19) reiterates that the Council will promote high-quality design, providing a safe, convenient, accessible and inclusive built environment and interesting public spaces and social infrastructure for all through recognising and celebrating local character and the borough's heritage, adopting a design-led approach to optimising density and site potential by responding positively to local distinctiveness and site context. Policy DMD 1 of the Draft Local Plan states that all development proposals should be creative and innovative, recognising that existing local character and accommodating change is not mutually exclusive, architecture should be responsive, authentic, engaging, and have an enduring appeal. Policy DMD 6 of the Draft Local Plan notes that householder extensions and alterations will need to be designed in a sensitive and appropriate manner, being sympathetic to the design of the original dwelling with regards to scale, form, materials and detailing.

The Becontree Estate, of which this property forms part, was built as Homes for Heroes in the period 1921 to 1934 and at the time was the largest municipal estate in the world. As such, it forms part of the rich local history of the area and is referenced in policy CP2 of the Core Strategy as forming an important symbol of the past. Policy CP2 seeks to respect the local context and reinforce local distinctiveness. It is considered that the proposal would fail to respect the character of the Becontree Estate.

#### *Officer Comment:*

Policy BP2 of the Borough Wide Development Policies DPD also references the heritage value of the Estate and although this dwellinghouse is not situated in a conservation area, this policy recognises the distinctive local character and historical importance of the Becontree Estate. The policy is concerned with preserving heritage areas of their instinctive and historically important features and ensuring developments do not detract from the heritage area's significance.

### **Construction of a single storey side extension**

Regarding the construction of side extensions, The Council's Residential Extensions and Alterations (SPD) (2012) states that the design of your side extension should reflect the type of house and the type of plot. Side extensions have the potential to cause significant impact upon the character of an area. It is essential that you pay particular attention to the manner in which your proposal is designed. All side extensions should be particularly sympathetic in terms of their form, roof treatment, detailing and materials. If you live in a house which is end-of-terrace and you extend your house to the side, the gap separating your property from your neighbours may become closed and have a detrimental effect on the street scene.

This application seeks retrospective permission for the construction of a single storey side extension. The existing single storey side extension this application seeks to regularise adjoins to the northern side of the property and hosts a lounge and bathroom with a total width of 5.30 metres. However, the extension is divided into 2 with the lounge extension being 3.00 metres wide and forming an irregular shape with a depth of 7.35 metres on the side adjoining the original dwellinghouse and 3.05 metres deep on the other side. The bathroom extension, that is behind the fence so is not visible from the street scene, has a width of 2.2 metres and a depth of 2.2 metres. The extension aligns with the front and rear elevations of the existing dwellinghouse and comprises a flat roof with a maximum height of 2.85 metres. The external materials used for the development, including the window, matches those used in the construction of the exterior of the main dwellinghouse.

Verney Road is characterised by terraces whereby each property is symmetrical in design, mass and bulk, which make up the identity of the street. As such it would be expected that developments contribute to maintaining the built form of the existing property so as to retain the character and identity of the street. The width of the original property is 6.17 metres wide, the two storey side extension, single storey side extension have a combined width of 8.15 metres, as such the overall width of the application property will be double its original width. As such, the application property will appear disproportionately large in the street scene and in comparison to the adjoining properties. In addition, the proposal will have a flat roof whereby the roof of the bathroom extension sitting 0.27 metres lower than the ridge of the lounge extension creating a step change. This adds further harm to the impact the proposal will have on the existing dwelling, terrace row and surrounding local area as it breaks from the balance and uniformity of the streets built form. Therefore, for reasons of design, mass, bulk and sitting Officers consider the proposal unacceptable as the proposal fails to reflect the built form of the host property and wider terrace, hence, it will appear disproportionate and out of character in relation to its neighbouring properties. Therefore, the proposal will represent an uncharacteristic and unsympathetic addition to the host property as it will detract from the balance and symmetry of the street scene, detrimental to the character of the local area. This impact is notable given the site's location within the Becontree Estate. Overall, the proposal fails to comply with the development policies.

Delivering Neighbourly Development								
	4 Verney Road	152 Wood Lane	N/A			4 Verney Road	152 Wood Lane	N/A
<b>Outlook:</b>				<b>Overshadowing:</b>				
Loss from habitable rooms?	<b>NO</b>	<b>NO</b>		Shadow cast into rooms?	<b>NO</b>	<b>NO</b>		
Is it unacceptable?				Is it unacceptable?				
				Shadow into garden?	<b>NO</b>	<b>YES</b>		
<b>Loss of Privacy:</b>				Is it unacceptable?		<b>NO</b>		
Overlooking the garden?	<b>NO</b>	<b>YES</b>						
Is it unacceptable?		<b>NO</b>		<b>Overbearing:</b>				
Overlooking into rooms?	<b>NO</b>	<b>NO</b>		Impact on habitable rooms?	<b>NO</b>	<b>NO</b>		
Is it unacceptable?				Is it unacceptable?				
				Impact on gardens?	<b>NO</b>	<b>NO</b>		
<b>Loss of Daylight:</b>				Is it unacceptable?				
Loss into habitable rooms?	<b>NO</b>	<b>NO</b>						
Is it unacceptable?								
<b>Officer Comment:</b>	<p>The application site is a two storey end of terrace property on the northern side of Verney Road and this application is a retrospective application for the construction of a single storey side extension.</p> <p><b>Policies</b></p> <p>Policies BP8 and BP11 of the Borough Wide Development Document have specific regard to protecting residential amenity. Policy BP8 stresses that All developments (including alterations, extensions, conversions and infill developments) are expected to have regard to the local character of the area and help to create a sense of local identity, distinctiveness and place and not lead to significant overlooking (loss of privacy and immediate outlook) or overshadowing (loss of daylight and sunlight).</p> <p>At a local level, policies DMD1 and DMD6 of the Draft Local Plan (2020) also emphasises that householder extensions and alterations must consider the impact on the amenity of neighbouring properties, avoiding significant overlooking (loss of privacy and immediate outlook) and overshadowing (loss of daylight and sunlight). The Altering and Extending your Home SPD (2012) advises of the importance for extensions to properties to be neighbourly, attractive, of high quality and work well for residents and neighbours.</p> <p><b>4 Verney Road</b></p> <p>This property adjoins the application site to the south and is located on the opposite side of the road to the single storey rear extension. Therefore, by virtue of distance and due to the relatively small scale of the side extension, officers consider minimal impact to occur to their neighbouring amenity.</p> <p><b>152 Wood Lane</b></p> <p>The application sits to the south of this property and shares a boundary line. Neighbours from this property raised an objection to the loss of privacy and overlooking that they experience due to the extension. The applicant proposes a large window to the rear of the lounge extension. This elevation is angled along the boundary line with no.152 and is offset by approximately 1.0 metres. Officers consider the separation to mitigate any unacceptable levels of overshadowing or the material loss of daylight or outlook. Notwithstanding, the proposal seeks to retain a large window on the rear wall of the lounge extension. This will face the boundary line with no.152 and sit approximately 1.0 metres away. As a result officers consider this to result in unacceptable levels of overlooking into the neighbouring properties which will result in the loss of privacy detrimental to the standard of living of present and future residents of No. 152. The proposed single storey extension is considered unacceptable as it will result in the loss of neighbouring</p>							

amenity. It is noted that a neighbour has raised concerns with regard to the loss of privacy they are experiencing as a result of this extension. As noted above for reasons of sitting and size officers consider the proposal to result in the unacceptable loss of privacy harmful to the standard of living of current and future residents of this property. The proposal is considered unacceptable and contrary to the development policies.

**Conclusion**

For the reasons above, officers consider the proposed development to have an unacceptable impact on the standard of living of residents of 152 Wood Lane harmful to the standard of living of current and future occupants. The proposal is considered unacceptable and contrary to the NPPF, Policies DMD 1 and DMD 6 of the Draft Local Plan, Policies BP8 and BP11 of the Local Development Framework Borough Wide Development Plan, and the Supplementary Planning Document.

**Delivering Sustainability**

<i>Does the proposed development promote or enhance biodiversity?</i>	<b>NO</b>
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<i>Has established vegetation been preserved or appropriately relocated/mitigated against?</i>	<b>NO</b>
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<i>Officer Comment:</i>	The application has not incorporated any proposed biodiversity enhancement measures and the extension will result in the loss of a portion of grassed area. Whilst there is scope to compensate for such loss and to further improve the biodiversity value of the site, the lack of any compensatory or enhancement measures in this instance would not warrant reason for refusal noting there is still ample garden remaining.
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**Meeting the Needs of Homeowners**

<i>Are all proposed rooms well-lit by daylight and naturally vented through opening windows?</i>	<b>YES</b>
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<i>Are the sizes of all proposed rooms appropriate in size for the purpose they are designed for?</i>	<b>YES</b>
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<i>Officer Comment:</i>	The proposed extension is intended to rationalise and expand the layout of the existing dwelling through the provision of appropriately sized and lit home extensions.
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**Other Material Considerations**

None.

**CONCLUSION**

The retention of the single storey side extension for reasons of design, mass, bulk and sitting will double the width of the original property and appear disproportionately large and at odds at this location detrimental to the balance and symmetry of the property, terrace row and the surrounding local area. This impact is notable given the sites location within the Becontree Estate. Further, the proposed side extension will have a large window to the rear elevation and in close proximity to the boundary line with 152 Wood Lane. Therefore, for reasons of design and sitting the proposal would result in the unacceptable loss of privacy harmful to the standard of living of current and future residents of 152 Wood Lane. Overall, officers consider the harm caused to neighbouring amenity and the character and appearance of the area to outweigh any significant benefits arising from the proposal. Therefore, on balance the proposal is considered unacceptable and contrary to the development policies. It is recommended that planning permission is refused.

**LBBB Reference:** 22/00259/HSE

Raja Sekaran  
42 Brudenell Close  
Amersham  
HP6 6FH

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

Dear Sir / Madam,

**Application Number:** 22/00259/HSE  
**Address:** 2 Verney Road, Dagenham, Barking And Dagenham, RM9 5LL  
**Development Description:** Retrospective application for single storey side extension with proposed amendments to demolish the front wall of toilet, alter size with pitch roof to suite the house and reduction in fence height.

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

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

Yours sincerely,

**Marilyn Smith**

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

## PLANNING DECISION NOTICE

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

**Agent:** Raja Sekaran  
42 Brudenell Close  
Amersham HP6 6FH

**Applicant:** Volodymyr Kens  
2 VERNEY ROAD  
DAGENHAM HP6 6FH

#### PART 1 - PARTICULARS OF THE APPLICATION

**Application Number:** 22/00259/HSE  
**Application Type:** Householder Planning Permission  
**Development Description:** Retrospective application for single storey side extension with proposed amendments to demolish the front wall of toilet, alter size with pitch roof to suite the house and reduction in fence height.  
**Site Address:** 2 Verney Road, Dagenham, Barking And Dagenham, RM9 5LL  
**Date Received:** 18 February 2022  
**Date Validated:** 22 February 2022

#### PART 2 - PARTICULARS OF THE DECISION

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

##### Reason(s):

1. The single storey side extension for reasons of design, mass, bulk and sitting will appear disproportionately large and at odds with the character and appearance of the street scene, property, terrace row and the surrounding local area. This impact is notable given the sites location within the Becontree Estate. The proposal is considered unacceptable and contrary to:-

- National Planning Policy Framework (2021); -
- Policies D1, D4, D8 and HC1 of the London Plan (March 2021); -
- 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, SP4, DMD1, DMD4 and DMD6 the Draft Local Plan (Regulation 19 Consultation version, October 2020).

2. The design and siting of the proposed side extension will result in unacceptable levels of overlooking, detrimental to the privacy of 152 Wood Lane, therefore constituting unneighbourly development and contrary to:-

- National Planning Policy Framework (2021); -
- Policies D1, D4 and D8 of the London Plan (March 2021); -
- Policy BP8 of the LDF Borough Wide Development Plan Policies DPD (March 2011); -
- The Residential Extensions and Alterations Supplementary Planning Document (February 2012); -
- Policies DMD1, DMD6 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](http://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:

- A301 - Location Plan - 2022.02.05
- A302 - Site Plan - 2022.02.05
- A303 - Block Plans - 2022.02.05
- A306 - Existing Floor Plans-1 - 2022.02.05
- A307 - Existing Floor Plans-2 - 2022.02.05
- A308 - Existing Elevations - 2022.02.05
- A309 - Proposed Floor Plans-1 - 2022.02.05
- A310 - Proposed Floor Plans-2 - 2022.02.05

**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: 11/04/2022**

Yours sincerely,

[Marilyn Smith](#)

**Marilyn Smith**

Head of Planning and Assurance  
London Borough of Barking and Dagenham

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

### **1. Appeals to the Secretary of State**

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

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

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

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

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

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

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

### **2. Subsequent Application Fees**

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

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

### **3. Purchase Notices**

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

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

### **4. Compensation**

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

Working in partnership



**Barking &  
Dagenham**

## **Performance Review Sub-Committee**

**Application Reference:**

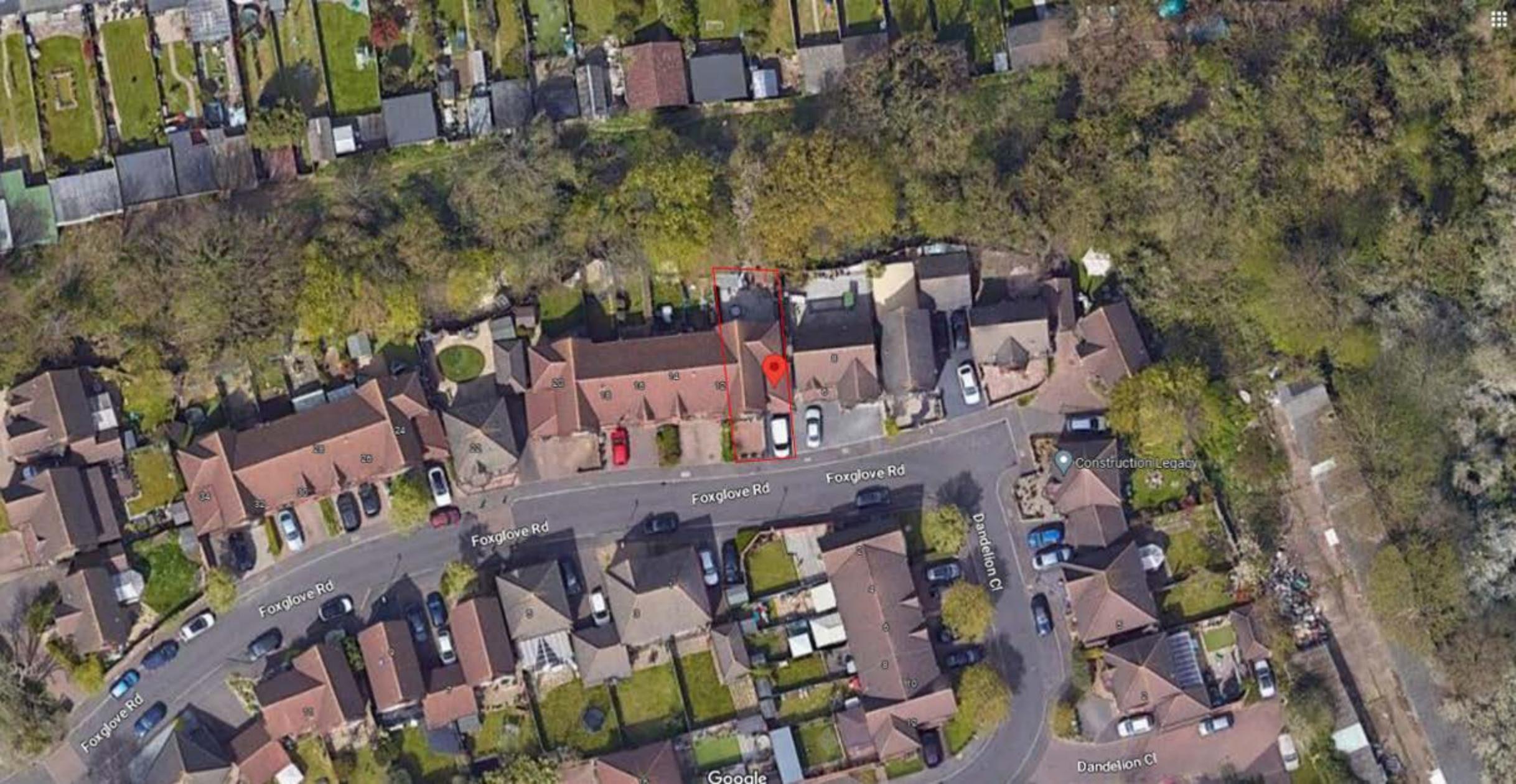
22/00254/HSE

**Application Description:**

Construction of a first floor side extension

**Decision:**

Refused



Foxglove Rd

Foxglove Rd

Foxglove Rd

Foxglove Rd

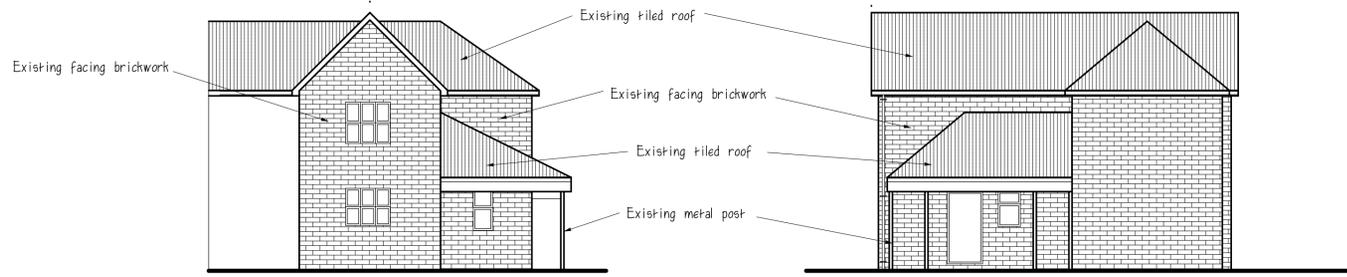
Foxglove Rd

Dandelion Ct

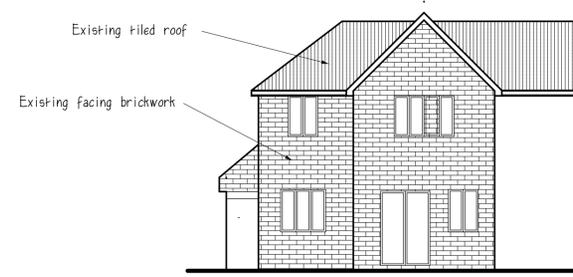
Construction Legacy

Dandelion Ct

Google

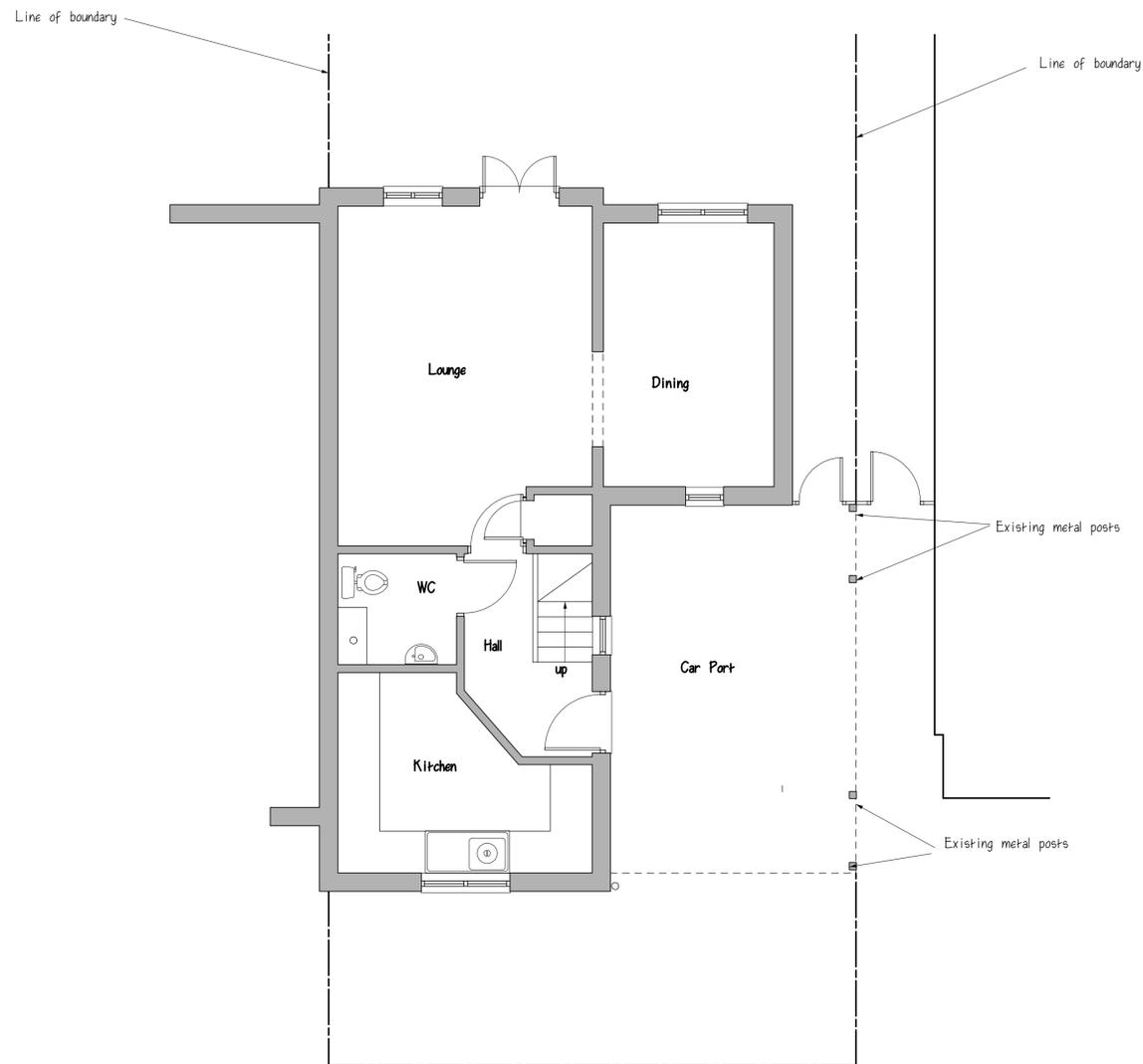


Existing front elevation

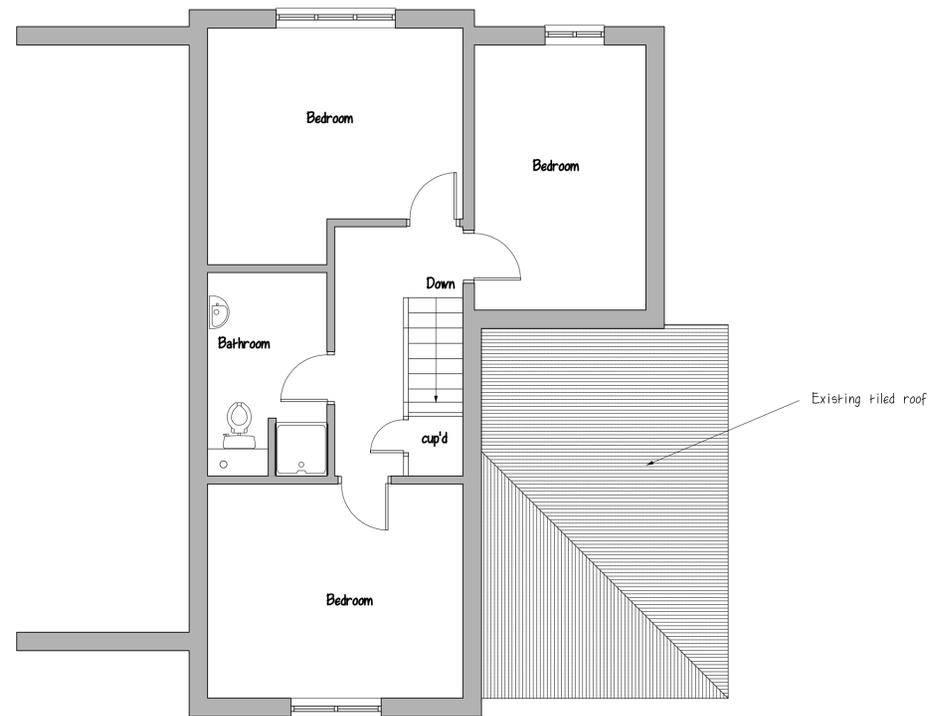


Existing rear elevation

Existing side elevation



Existing ground floor plan



Existing first floor plan



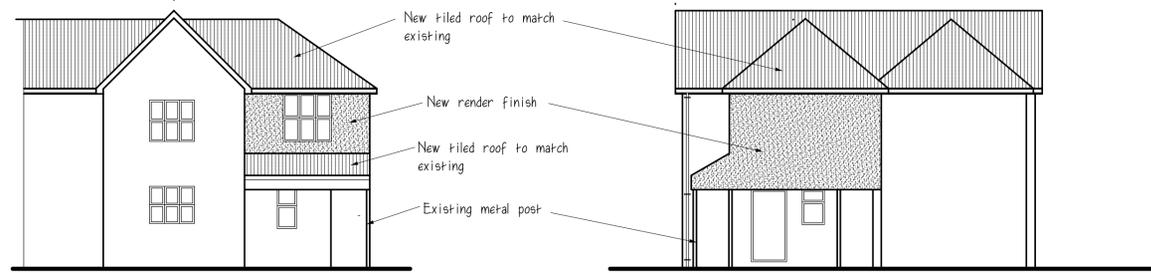
project: Existing Layout  
 address: 10 Foxglove Road  
 Rushgreen  
 client:  
 date: February 2022  
 drg. no.: 7040/1  
 scale: 1:100 & 1:50

revisions	

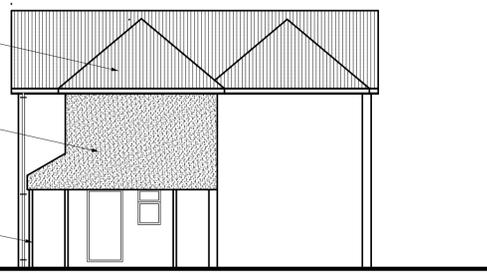


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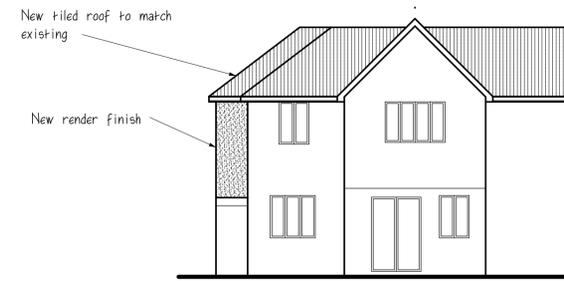
ARCHITECTURAL & SURVEYING  
 CONSULTANTS  
 tel: 01277 - 233041  
 07836 - 277167



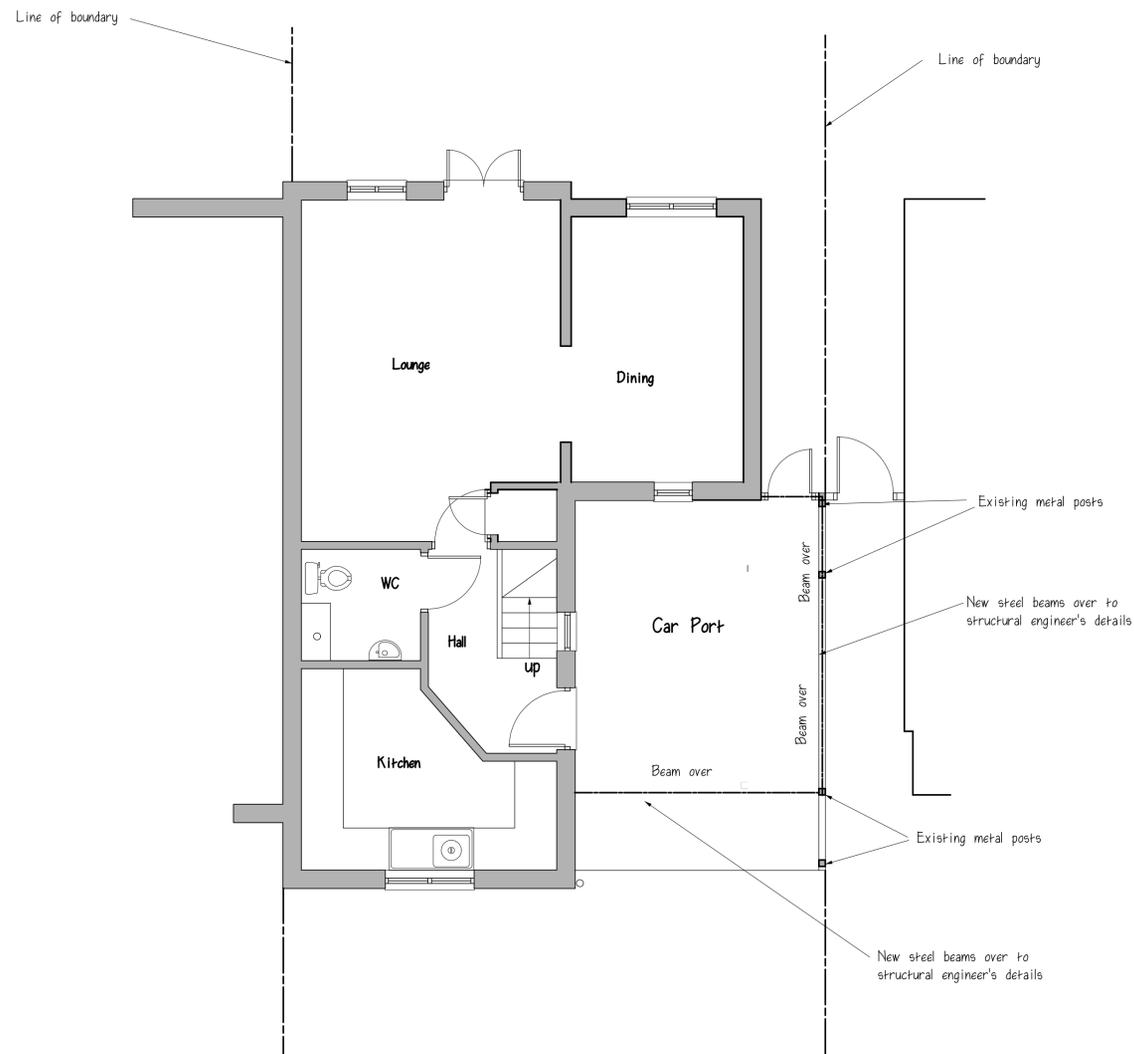
Proposed front elevation



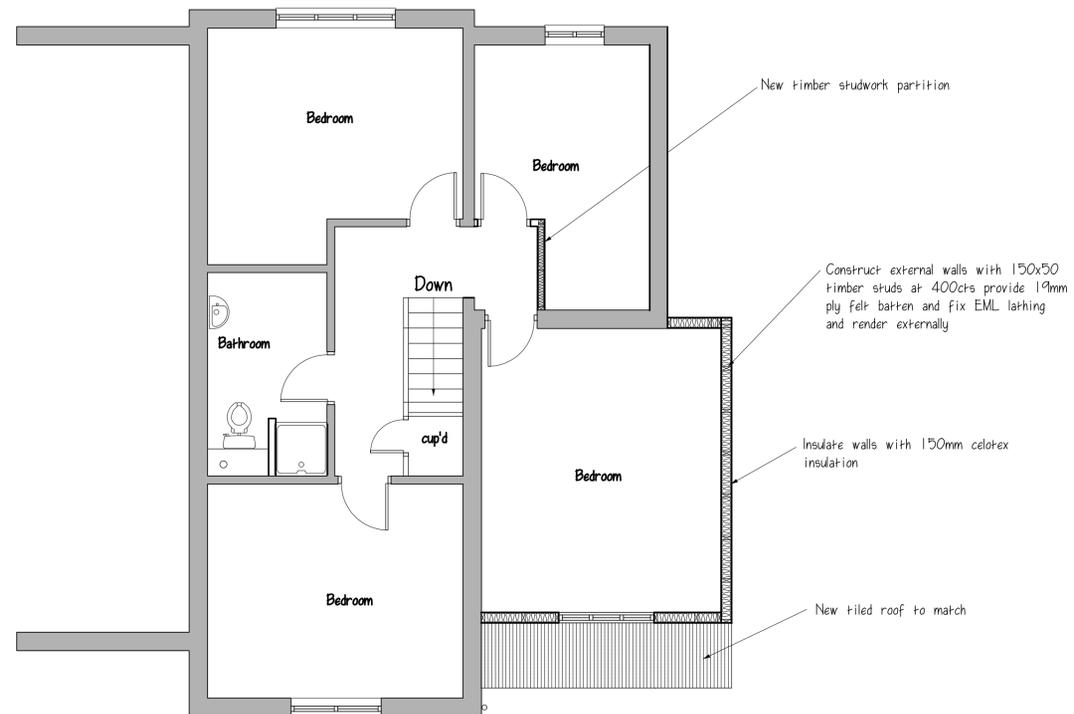
Proposed side elevation



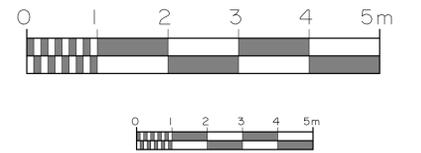
Proposed rear elevation



Proposed ground floor plan



Proposed first floor plan



Planning Drawing

project: Proposed first floor side extension  
 address: 10 Foxglove road Rushgreen  
 client:  
 date: February 2022  
 drg. no.: 7040/2  
 scale: 1:100 & 1:50

revisions	



Hutton Enterprises Ltd

ARCHITECTURAL & SURVEYING  
 CONSULTANTS  
 tel: 01277 - 233041  
 07836 - 277167

Delegated Report Householder Application for Planning Permission for Works or Extension to a Dwelling			
Case Officer:	Anna Jennings	Valid Date:	18 February 2022
Officer Recommendation:	Refused	Expiry Date:	15 April 2022
Application Number:	22/00254/HSE	Recommended Date:	05 April 2022
Address:	10 Foxglove Road, Rush Green, Romford, Barking And Dagenham, RM7 0YQ		
Proposal:	Construction of a first floor side extension		

Planning Constraints
N/A

Neighbour Notification	
Date Consultation Letter Sent:	18/02/2022
Number of Neighbours Consulted:	3
<i>No response received.</i>	

Relevant Planning History			
Application Number:	N/A	Status:	
Description:			

Development Plan Context	
The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:	
National Planning Policy Framework (NPPF) (DLUHC, 2021)	
London Plan (March 2021)	Policy D1 - London's Form, Character and Capacity for Growth Policy D4 - Delivering Good Design Policy D8 - Public Realm
Local Development Framework (LDF) Core Strategy (July 2010)	Policy CR2 - Preserving and Enhancing the Natural Environment Policy CP3 - High Quality Built Environment
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BP8 - Protecting Residential Amenity Policy BP11 - Urban Design
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.	
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	Policy SP2 - Delivering a well-designed, high quality and resilient built environment Policy SP4 - Delivering quality design in the borough. Policy DMD1 - Securing high quality design Policy DMD6 - Householder extensions and alterations Policy DMNE3 - Nature conservation and biodiversity
Supplementary Planning Documents	Residential Extensions and Alterations (SPD) (February 2012)

## ASSESSMENT

Principle of the Development	
Is the proposed development acceptable 'in principle'?	<b>YES</b>
Officer Comment:	The overriding objective of the local policies is to deliver high quality development which improves the quality and distinctive identity of places and meets the housing needs of existing and future residents. As such, it is acknowledged that extensions to existing family dwelling houses can facilitate additional and enhanced living space for improved living conditions for occupants. They are therefore considered

acceptable in principle subject to ensuring a high-quality, neighbourly design. Such matters are addressed below.

### Achieving High Quality of Urban Design

Does the proposed development respect the character and appearance of the existing dwelling?	YES
Does the proposed development respect and accord to the established local character?	NO
Is the proposed development acceptable within the street scene or when viewed from public vantage points	NO
Is the proposed development acceptable and policy compliant?	NO

The application site is an end-of-terrace dwellinghouse within the estate built during the residential redevelopment of the former Rush Green Hospital site (approved under application 95/00266/TP1). Due to its modernity, little development has taken place on Foxglove Road. The applicant however seeks permission for the *Construction of a first floor side extension*.

#### Policy

Paragraph 126 of the NPPF (2021) outlines that the fundamental role of the planning and development process is to facilitate the creation of high quality, beautiful and sustainable buildings and places, highlighting that good design is a key element in achieving sustainable development. Paragraph 130 sets out that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. It is also important that policies and decisions are sympathetic to local character and history, whilst not preventing appropriate innovation or change. Paragraph 134 advises that permission should be refused in cases where development demonstrates poor design, especially where it fails to reflect local design policies and government guidance on design.

It is advised that the buildings and structures should be of the highest architectural quality and comprise details and materials that complement the local architectural character, something further supported by Policy CP3 of the Core Strategy DPD. The London Plan (2021) Policies D1 and D4 discuss the need for good design to be thoroughly scrutinised at application stage, including elements relating to layout, scale, density, landuses, materials, detailing and landscaping.

This is further supported by policy BP11 of the Borough Wide DPD and Policies SP2, DMD1 and DMD6 of the Draft Local Plan (Regulation 19 Consultation version, October 2020) which requires development to recognise and celebrate local character and use local context to inform detail, materials and landscape. Further they support proposed development which makes a positive contribution to the surrounding area with high quality design which is sympathetic to the design of the original dwelling with regards to scale, form, materials and detailing.

#### Construction of a first floor side extension

LBBD's SPD states that the design of your side extension should reflect the type of house and the type of plot. Side extensions have the potential to cause significant impact upon the character of an area. It is essential that you pay particular attention to the manner in which your proposal is designed. All side extensions should be particularly sympathetic in terms of their form, roof treatment, detailing and materials.

If you live in a house which is end-of-terrace and you extend your house to the side, the gap separating your property from your neighbours may become closed and have a detrimental effect on the street scene. Where it is considered that the gaps between buildings contribute positively to the character of the area it will be expected that the first floor of proposed side extensions are set off the side boundary of the site.

The proposed side extension is on the eastern side of the dwellinghouse, on the corner where the front elevation joins the eastern elevation.

At present, the estate within which the dwellinghouse is sited has a strong architectural form and character which has been largely unchanged by development. The terrace upon which the application site is sited has a symmetrical form, with each end dwelling mirroring the other. One notable mirrored feature is the garage/car porch adjoining the side of each end-of-terrace dwelling with a pitched roof sloping off the side elevation of the dwellinghouses.

The proposed development will omit this feature, building on top of the garage/porch. The first floor extension will have a depth of 4m and a width of approximately 3.5m. The proposed side extension will

Officer Comment:

introduce a new pitched roof form to the roofscape of the dwellinghouse. Although this is considered to respect the design of the existing dwellinghouse, it will differentiate the dwellinghouse from the surrounding properties which share a distinctive common character. Additionally, the proposed dwelling will introduce a new pitched, porch-like roof form over the front door of the dwelling.

As such, the front elevation of the dwellinghouse highly visible from street view will change dramatically and most crucially, no longer mirror the dwelling at the other end of the terrace row. More widely, the appearance of the dwelling will no longer reflect the design with which the estate was modeled, rendering the application site an outlier.

On account of the impact to surrounding local character and building symmetry, officers find the proposed development to be unacceptable, failing to comply with requirements laid out in the NPPF, Policies D1 and D4 of the London Plan, Policy CP3 of the Core Strategy, Policies BP8 and BP11 of the Borough Wide Development Plan and Policies SP2, DMD1 and DMD6 of the Draft Local Plan.

**Delivering Neighbourly Development**

	12 Foxglove Road	8 Foxglove Road	N/A			12 Foxglove Road	8 Foxglove Road	N/A
<b>Outlook:</b>				<b>Overshadowing:</b>				
Loss from habitable rooms?	<b>NO</b>	<b>NO</b>		Shadow cast into rooms?	<b>NO</b>	<b>NO</b>		
Is it unacceptable?				Is it unacceptable?				
				Shadow into garden?	<b>NO</b>	<b>NO</b>		
<b>Loss of Privacy:</b>				Is it unacceptable?				
Overlooking the garden?	<b>NO</b>	<b>NO</b>						
Is it unacceptable?				<b>Overbearing:</b>				
Overlooking into rooms?	<b>NO</b>	<b>NO</b>		Impact on habitable rooms?	<b>NO</b>	<b>NO</b>		
Is it unacceptable?				Is it unacceptable?				
				Impact on gardens?	<b>NO</b>	<b>NO</b>		
<b>Loss of Daylight:</b>				Is it unacceptable?				
Loss into habitable rooms?	<b>NO</b>	<b>NO</b>						
Is it unacceptable?								

Policies BP8 and BP11 of the Borough Wide Development Document have specific regard to protecting residential amenity. Policy BP8 stresses that All developments (including alterations, extensions, conversions and infill developments) are expected to have regard to the local character of the area and help to create a sense of local identity, distinctiveness and place and not lead to significant overlooking (loss of privacy and immediate outlook) or overshadowing (loss of daylight and sunlight).

At a local level, policies DMD1 and DMD6 of the Draft Local Plan (2020) also emphasize that householder extensions and alterations must consider the impact on the amenity of neighbouring properties, avoiding significant overlooking (loss of privacy and immediate outlook) and overshadowing (loss of daylight and sunlight). The Altering and Extending your Home SPD (2012) advises of the importance for extensions to properties to be neighbourly, attractive, of high quality and work well for residents and neighbours.

*Officer Comment:*

**12 Foxglove Road**

No.12 adjoins the application site to the west. The proposed development is on the eastern side of the application site. As such, no material impact will occur.

**8 Foxglove Road**

No.8 is situated to the east of the application site. There are no windows on the side elevation of the neighbouring dwellinghouse. Officers do not anticipate any material impact on neighbouring amenity as a result of the proposed development.

#### Delivering Sustainability

*Does the proposed development promote or enhance biodiversity?*

**NO**

*Has established vegetation been preserved or appropriately relocated/mitigated against?*

**YES**

*Officer Comment:*

Although the application has not incorporated any biodiversity enhancement measures, the proposed development would not impinge on the garden space of the property and would therefore have no overall impact on the biodiversity value of the site.

#### Meeting the Needs of Homeowners

*Are all proposed rooms well-lit by daylight and naturally vented through opening windows?*

**YES**

*Are the sizes of all proposed rooms appropriate in size for the purpose they are designed for?*

**YES**

*Officer Comment:*

The proposed extension is intended to rationalise and expand the layout of the existing dwelling through the provision of appropriately sized and lit home extensions.

#### Other Material Considerations

N/A

#### CONCLUSION

The proposed construction of a first floor side extension will have a significant impact on the symmetrical relationship between the two end-of-terrace dwellings along the terrace row. Consequentially, the proposed development fails to respect and accord to the established local character of the modern estate within which it is sited. As such, the proposed development presents a disruption to the surrounding local character, building lines and symmetry. The proposal is therefore considered contrary to the Development Plan policies and guidance specified above, and it is recommended that planning permission be refused.

**LBBB Reference:** 22/00254/HSE

Ivan Jaffa  
5 The Cobbles  
Brentwood  
CM15 8BP

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

Dear Sir / Madam,

**Application Number:** 22/00254/HSE  
**Address:** 10 Foxglove Road, Rush Green, Romford, Barking And Dagenham, RM7 0YQ  
**Development Description:** Construction of a first floor 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,

Marilyn Smith

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

## PLANNING DECISION NOTICE

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

**Agent:** Ivan Jaffa  
5 The Cobbles  
Brentwood CM15 8BP

**Applicant:** E Morina  
10 FOXGLOVE ROAD  
ROMFORD CM15 8BP

#### PART 1 - PARTICULARS OF THE APPLICATION

**Application Number:** 22/00254/HSE  
**Application Type:** Householder Planning Permission  
**Development Description:** Construction of a first floor side extension  
**Site Address:** 10 Foxglove Road, Rush Green, Romford, Barking And Dagenham, RM7 0YQ  
**Date Received:** 18 February 2022  
**Date Validated:** 18 February 2022

#### PART 2 - PARTICULARS OF THE DECISION

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

##### Reason(s):

1. The scale, siting and design of the proposed development will have a significant impact on the symmetrical relationship along the terrace row. Consequentially, the proposed development fails to respect and accord to the established local character of the estate within which it is sited, presenting a disruption to the surrounding form, character and symmetry.. As such, the proposed development is contrary to: - National Planning Policy Framework (DLUHC , 2021); - Policy D4 of the London Plan (March 2021); - Policy CP3 of the LDF Core Strategy (July 2010); - Policies BP8 and BP11 of the LDF Borough Wide Development Plan Policies DPD (March 2011); - Policies SP2, DMD1 and DMD6 of the Draft Local Plan (Regulation 19 Consultation version, September 2020); -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](http://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:

7040/1- Existing Ground and First Floor Plans and Existing Front, Rear and Side Elevations- 02/2022

7040/2- Proposed Ground and First Floor Plans and Proposed Front, Rear and Side Elevations- 02/2022

Block Plan- 16/02/2022

##### Working with the applicant:

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

not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating material amendments such as to satisfactorily address the reasons for refusal attached.

**DATE OF DECISION: 13/04/2022**

Yours sincerely,

Marilyn Smith

**Marilyn Smith**

Head of Planning and Assurance  
London Borough of Barking and Dagenham

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

### **1. Appeals to the Secretary of State**

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

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

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

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

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

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

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

### **2. Subsequent Application Fees**

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

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

### **3. Purchase Notices**

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

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

### **4. Compensation**

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

Working in partnership



**Barking &  
Dagenham**

## **Performance Review Sub-Committee**

**Application Reference:**

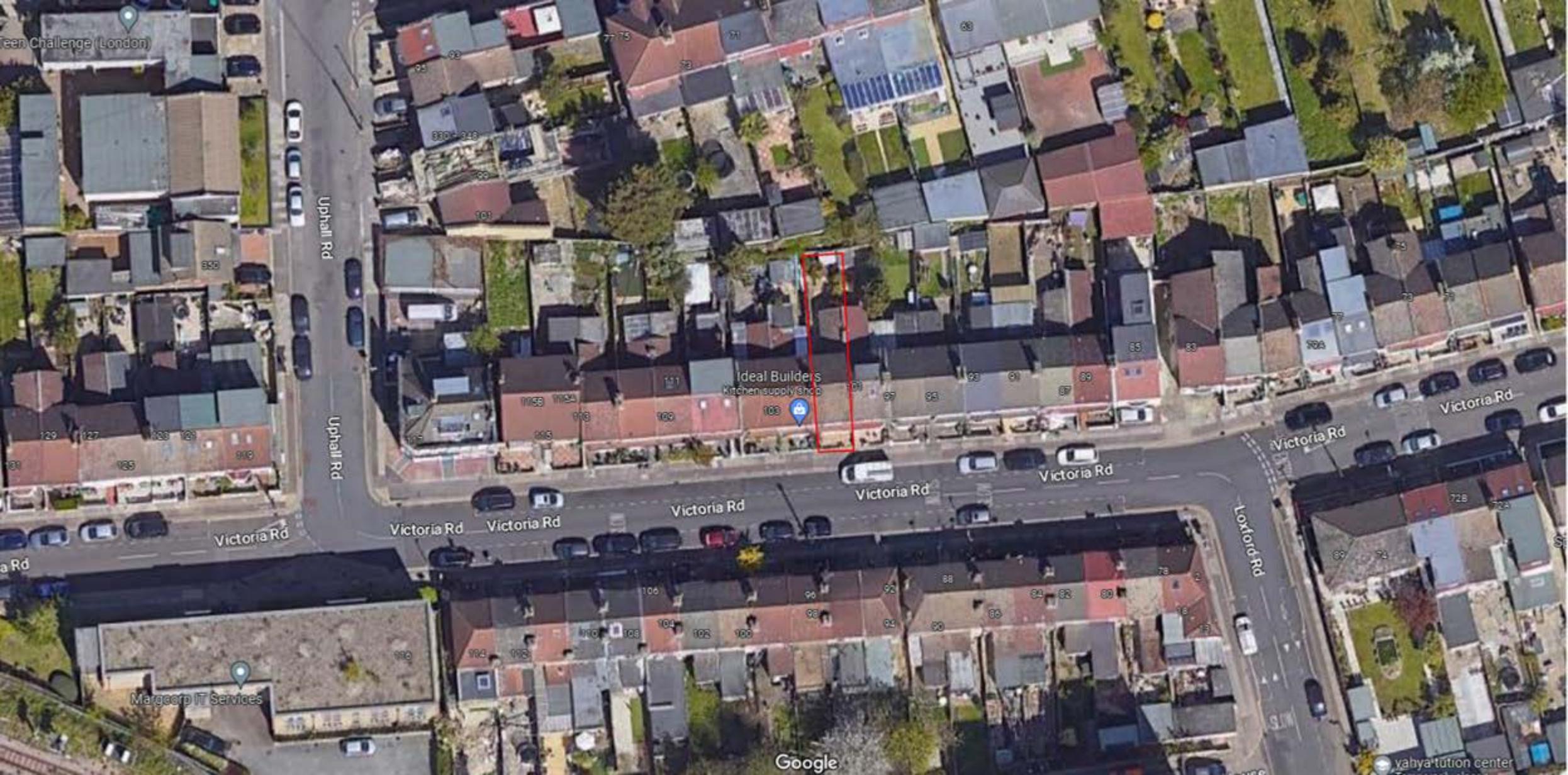
22/00418/PRIEXT

**Application Description:**

Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 3.80 metres. The maximum height of the proposed extension from the natural ground level is 2.12 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.12 metres.

**Decision:**

Prior Approval Not  
Required



Teen Challenge (London)

Uphall Rd

Uphall Rd

Ideal Builders  
Kitchen supply shop

Victoria Rd

Loxford Rd

Margcorp IT Services

Google

yahya tuition center

	A	B	C	D	E	F	G	H	I	J																	
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	A	B	C	D	E	F	G	H	I	J	<p><b>PARTY WALL NOTICES:</b> PLEASE NOTE THAT BEFORE BUILDING WORKS COMMENCES IT IS THE RESPONSIBILITY OF BUILDER OR OWNER TO SERVE PARTY WALL NOTICES TO ALL NEIGHBOURS</p> <p><b>NOTIFICATION OF COMPLETION TO COUNCIL FOR PRIOR APPROVAL:</b> DEVELOPER IS REQUIRED TO NOTIFY LOCAL PLANNING AUTHORITY OF THE COMPLETION OF DEVELOPMENT AS SOON AS REASONABLY PRACTICABLE AFTER COMPLETION. NOTIFICATION SHALL BE IN WRITING AND SHALL INCLUDE NAME OF THE DEVELOPER, THE ADDRESS OR LOCATION OF THE DEVELOPMENT AND THE DATE OF COMPLETION.</p> <p><b>NOTE:</b> DIMENSIONS: ALL DIMENSIONS TO BE CHECKED ON SITE. CONTRACTOR TO CHECK SITE THOROUGHLY BEFORE WORK STARTS &amp; REPORT ANY DISCREPANCIES.</p> <p>THIS DRAWING IS COPYRIGHT AND MUST NOT BE TRACED OR COPIED IN ANY WAY OR FORM.</p> <p>CONTRACTOR TO VERIFY ALL BOUNDARY POSITIONS AND DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORKS, MAKING WORKSHOP DRAWINGS OR OBTAINING ANY MATERIALS.</p> <p>NOTE: NO CHECK DIMENSIONS OF THE SITE HAVE BEEN TAKEN AND ALL INFORMATION AND DETAILS HAVE BEEN PROVIDED BY THE CLIENT.</p> <p>THE DRAWING DOES NOT INDICATE OR IMPLY THE STRUCTURAL CONDITION OF THE EXISTING PROPERTY. THE DRAWINGS HAVE BEEN PREPARED FOR ASSISTANCE IN THE PREPARATION OF DETAILS FOR PLANNING AND BUILDING REGULATIONS PURPOSES ONLY. NO CHECK DIMENSIONS HAVE BEEN TAKEN, ALL DETAILS HAVE BEEN PROVIDED BY THE CLIENT.</p> <p><b>PERMITTED DEVELOPMENT:</b> AFTER CONFIRMATION FROM LOCAL AUTHORITY THAT PRIOR APPROVAL IS NOT REQUIRED, IT MUST BE ENSURED THAT THE PROPOSED EXTENSION COMPLIES WITH ALL OF THE CRITERIA SET OUT WITHIN THE TOWN AND COUNTY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 SCHEDULE 2, PART 1, CLASS A.</p> <p>IT IS STRONGLY RECOMMENDED TO APPLY FOR A CERTIFICATE OF LAWFULNESS FOR A FORMAL CONFIRMATION.</p> <p>ANY DEVELOPMENT WITH OUT A CERTIFICATE OF LAWFULNESS IS SOLELY AT OWNER'S RISK.</p> <p>THE USE OF PERMITTED DEVELOPMENT RIGHT IN PROPERTY IS SUBJECT TO INFORMATION PROVIDED BY OWNER REGARDING THE STATUS OF PROPERTY AS A DWELLING HOUSE AND THE DWELLING NOT BEING IN A CONSERVATION AREA. ANY DEVELOPMENT WITH OUT A CERTIFICATE OF LAWFULNESS OR PLANNING PERMISSION IS SOLELY AT OWNER'S RISK.</p> <p>2 1 0 1 2 3 Metres</p> <table border="1"> <tr> <td>A</td> <td>070322</td> <td>US</td> <td></td> <td>FIRST ISSUE</td> </tr> <tr> <td>ISSUE</td> <td>DATE</td> <td>INITIALS</td> <td>GRID REF</td> <td>DESCRIPTION</td> </tr> </table> <p>15 Yoxley Drive IG2 6PZ [020 8924 1441] PROJECT</p> <p>101 VICTORIA ROAD BARKING IG11 8PZ</p> <p><b>DWG TITLE</b> EXISTING &amp; PROPOSED PLANS</p> <p><b>CLIENT</b> MS. MANJULA KUKADIA</p> <table border="1"> <tr> <td><b>DWG NO:</b> ZAAVIA/101VR/101</td> <td><b>ISSUE</b> A</td> </tr> <tr> <td><b>SCALE</b> 1:100@A3</td> <td><b>DATE</b> 07 MAR</td> </tr> <tr> <td><b>DRAWN BY</b> US</td> <td></td> </tr> </table>	A	070322	US		FIRST ISSUE	ISSUE	DATE	INITIALS	GRID REF	DESCRIPTION	<b>DWG NO:</b> ZAAVIA/101VR/101	<b>ISSUE</b> A	<b>SCALE</b> 1:100@A3	<b>DATE</b> 07 MAR	<b>DRAWN BY</b> US	
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<b>SCALE</b> 1:100@A3	<b>DATE</b> 07 MAR																										
<b>DRAWN BY</b> US																											

# Delegated Report

## Notification for Prior Approval for a Proposed Larger Home Extension

<b>Case Officer:</b>	Bethany Robins	<b>Valid Date:</b>	11 March 2022
<b>Officer Recommendation:</b>	<b>Prior Approval Not Required</b>	<b>Expiry Date:</b>	22 April 2022
<b>Application Number:</b>	22/00418/PRIEXT	<b>Recommended Date:</b>	04 April 2022
<b>Address:</b>	101 Victoria Road, Barking, Barking And Dagenham, IG11 8PZ		
<b>Proposal:</b>	Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 3.80 metres. The maximum height of the proposed extension from the natural ground level is 2.12 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.12 metres.		

### Neighbour Notification

<b>Address:</b>	<b>Summary of response:</b>
99 Victoria Road, Barking, Barking And Dagenham, IG11 8PZ	No response.
103 Victoria Road, Barking, Barking And Dagenham, IG11 8PZ	No response.

### Relevant Legislation

- The Town and Country Planning Act 1990 (as amended)
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class A

### ASSESSMENT

#### A. Dwellinghouse

<i>Is the application site a Dwellinghouse?</i>	<b>YES</b>
---	------------

#### B. Pre-Commencement & Planning Enforcement

<i>Have works commenced on site (all or in part) in relation to that proposed?</i>	<b>NO</b>
<i>Is the application site the subject of a related enforcement case?</i>	<b>NO</b>

#### C. Conservation Area (Article 2(3) land)

<i>Is the application site located within a Conservation Area (Article 2(3) land)?</i>	<b>NO</b>
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#### D. Permitted Development Rights

<i>Have the provisions of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) been removed from YES/NO the application site?</i>	<b>NO</b>
---	-----------

#### E. Application Clarity

<i>Has the developer provided sufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted by Class A</i>	<b>YES</b>
---	------------

#### F. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class A Criteria

<i>Does the proposed development comply with the conditions, limitations or restrictions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class A?</i>	<b>YES</b>
--	------------

**CONCLUSION****Prior Approval Not Required**

Having regard to the proposed development and further to the assessment above, Prior Approval for a 'Proposed Larger Home Extension' is not required.

**LBBB Reference:** 22/00418/PRIEXT

Manjula Kukadia  
101 VICTORIA ROAD  
BARKING  
IG11 8PZ

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

Dear Sir / Madam,

**Application Number:** 22/00418/PRIEXT  
**Address:** 101 Victoria Road, Barking, Barking And Dagenham, IG11 8PZ  
**Development Description:** Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 3.80 metres. The maximum height of the proposed extension from the natural ground level is 2.12 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.12 metres.

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

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

Yours sincerely,

**Marilyn Smith**

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

## PLANNING DECISION NOTICE

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

**Agent:** **Applicant:** Manjula Kukadia  
101 VICTORIA ROAD  
BARKING

#### PART 1 - PARTICULARS OF THE APPLICATION

**Application Number:** 22/00418/PRIEXT  
**Application Type:** Prior Approval: Larger Home Extension  
**Development Description:** Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 3.80 metres. The maximum height of the proposed extension from the natural ground level is 2.12 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.12 metres.  
**Site Address:** 101 Victoria Road, Barking, Barking And Dagenham, IG11 8PZ  
**Date Received:** 11 March 2022  
**Date Validated:** 11 March 2022

#### PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that PRIOR APPROVAL is **NOT REQUIRED** 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, subject to the conditions and reasons listed below.

##### Conditions:

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

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

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

- ZAAVIA/101VR/101 - Existing & Proposed Plans - 07 MAR
- ZAAVIA/101VR/103 - Proposed Elevation - 07 MAR
- ZAAVIA/101VR/105 - Proposed Site Plan - 07 MAR

No other drawings or documents apply.

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

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

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

##### Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has

implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to work with the Applicant in a positive and proactive manner. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

**DATE OF DECISION: 19/04/2022**

Yours sincerely,

**Marilyn Smith**

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

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

### **1. Appeals to the Secretary of State**

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

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

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

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

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

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

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

### **2. Subsequent Application Fees**

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

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

### **3. Purchase Notices**

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

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

### **4. Compensation**

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

Working in partnership



**Barking &  
Dagenham**

## **Performance Review Sub-Committee**

**Application Reference:**

22/00428/HSE

**Application Description:**

Construction of a single storey rear extension and a rear dormer extension.

**Decision:**

Refused



Kanauti Rd

Sylvan Ave

Sylvan Ave

Sylvan Ave

Sylvan Ave

Sylvan Ave

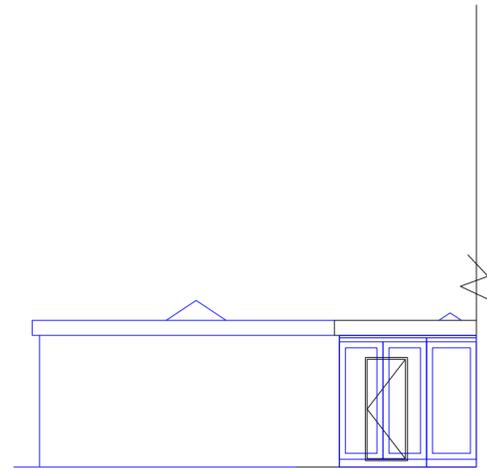
Kings Ave

Kings Ave

Kings Ave

lebone Grove

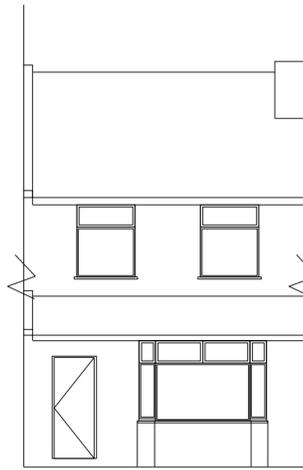




SIDE ELEVATION



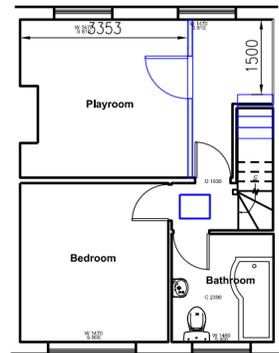
REAR ELEVATION



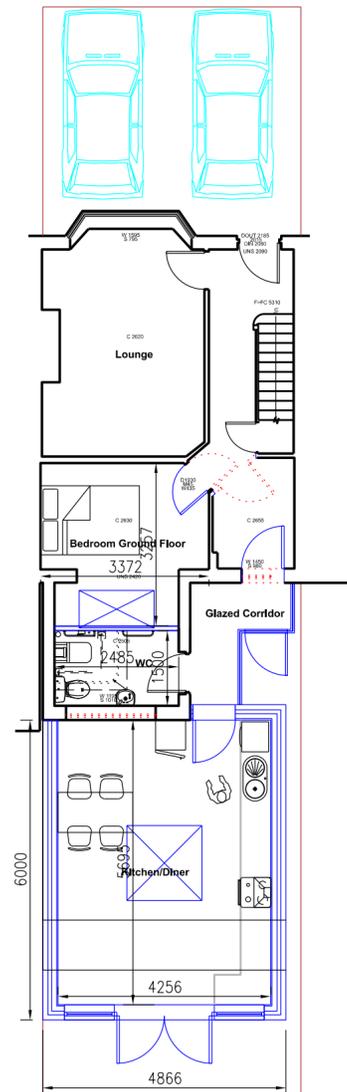
FRONT ELEVATION



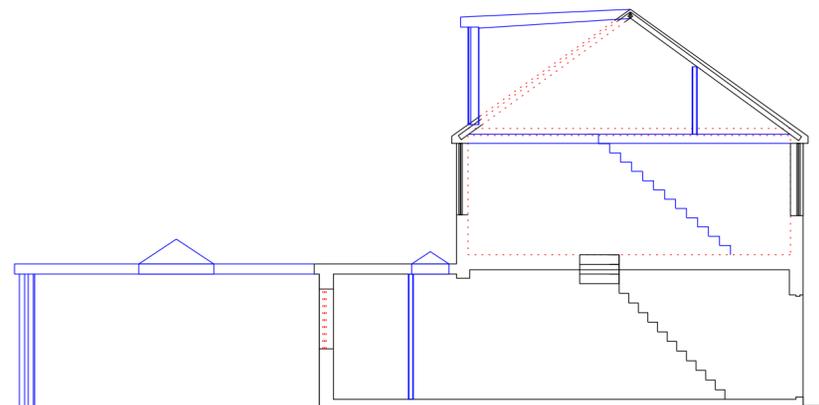
ROOF PLAN



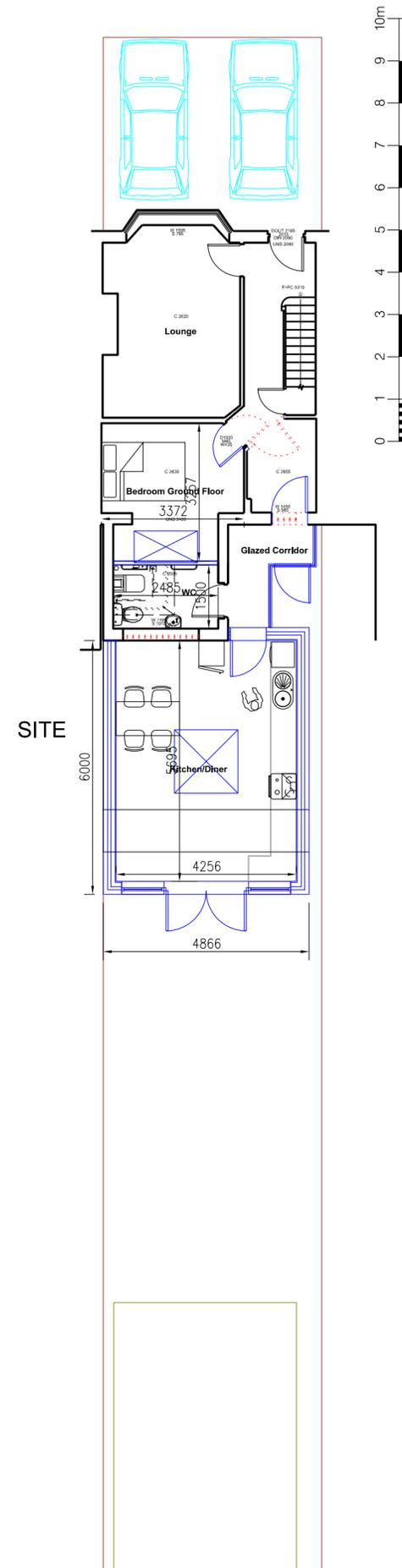
FIRST FLOOR PLAN



GROUND FLOOR



SECTION



Project Number:  
60KAR

Project Address:  
60 KINGS AVE  
ROMFORD RM6 6BB

Description:  
PROPOSED PLANS & ELEVATIONS

Rev	Description	Date
-----	-------------	------

Drawing number	60KRR P
Date	08/03/2022
Drawn by	MS
Checked by	
Scale	1:100@A2 ..... 1:1250@A2

# SIG Design

SIG Design ©  
Oakdene Business Centre  
Cranes Close  
Basildon  
SS14 3JB

T: +44 (0)794 6795314  
E: martin@sigdesign.co.uk  
W: www.sigdesign.co.uk

## Delegated Report

### Householder Application for Planning Permission for Works or Extension to a Dwelling

<b>Case Officer:</b>	Charlotte Codd	<b>Valid Date:</b>	12 March 2022
<b>Officer Recommendation:</b>	<b>Refused</b>	<b>Expiry Date:</b>	07 May 2022
<b>Application Number:</b>	22/00428/HSE	<b>Recommended Date:</b>	07 April 2022
<b>Address:</b>	60 Kings Avenue, Chadwell Heath, Romford, Barking And Dagenham, RM6 6BB		
<b>Proposal:</b>	Construction of a single storey rear extension and a rear dormer extension.		

### Planning Constraints

N/A

### Consultations

N/A

### Neighbour Notification

<b>Date Consultation Letter Sent:</b>	14/3/22
<b>Number of Neighbours Consulted:</b>	3
<b>Address:</b>	<i>Summary of reponse:</i>
62 Kings Avenue, Chadwell Heath, Romford, Barking And Dagenham, RM6 6BB	<p>'I do not fully support the above application for the following reasons:</p> <p><b>RIGHT OF LIGHT</b> The proposed plans will reduce the light levels to the rear of my property; therefore, I trust the Right of Light rules will be observed and adhered to.</p> <p>My back door is situated on the side of my property facing number 60's current kitchen extension. I am concerned that if the proposed new ground floor kitchen extension was extended out towards my property it would cut out the natural light.</p> <p>My bathroom window is also situated on the ground floor next to my back door which will also be affected by lack of light.</p> <p><b>PARTY WALL AGREEMENT:</b> I am concerned that a Party Wall Agreement may not be raised. How do I ensure that a PWA in put in place? If this is not the right forum to submit my concerns, please let me know where/how to do so.'</p> <p>Officers advised the consultee that party wall issues are a civil matter and are not material to the planning assessment.</p>

### Relevant Planning History

<b>Application Number:</b>	79/00709/TP	<b>Status:</b>	Approved
<b>Description:</b>	Erection of single storey rear kitchen and bathrom extension		

### Development Plan Context

The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:

National Planning Policy Framework (NPPF) (DLUHC, 2021)	
London Plan (March 2021)	Policy D1 - London's Form, Character and Capacity for Growth Policy D4 - Delivering Good Design

	Policy D8 - Public Realm
Local Development Framework (LDF) Core Strategy (July 2010)	Policy CR2 - Preserving and Enhancing the Natural Environment Policy CP3 - High Quality Built Environment
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BP8 - Protecting Residential Amenity Policy BP11 - Urban Design
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.	
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	Policy SP2 - Delivering a well-designed, high quality and resilient built environment Policy SP4 - Delivering quality design in the borough. Policy DMD1 - Securing high quality design Policy DMD6 - Householder extensions and alterations Policy DMNE3 - Nature conservation and biodiversity
Supplementary Planning Documents	Residential Extensions and Alterations (SPD) (February 2012)

## ASSESSMENT

Principle of the Development	
<i>Is the proposed development acceptable 'in principle'?</i>	YES
<i>Officer Comment:</i>	The overriding objective of the local policies is to deliver high quality development which improves the quality and distinctive identity of places and meets the housing needs of existing and future residents. As such, it is acknowledged that extensions to existing family dwelling houses can facilitate additional and enhanced living space for improved living conditions for occupants. They are therefore considered acceptable in principle subject to ensuring a high-quality, neighbourly design. Such matters are addressed below.

Achieving High Quality of Urban Design	
<i>Does the proposed development respect the character and appearance of the existing dwelling?</i>	NO
<i>Does the proposed development respect and accord to the established local character?</i>	NO
<i>Is the proposed development acceptable within the street scene or when viewed from public vantage points</i>	NO
<i>Is the proposed development acceptable and policy compliant?</i>	NO
	<p>Paragraph 126 of the NPPF (2021) outlines that the fundamental role of the planning and development process is to facilitate the creation of high quality, beautiful and sustainable buildings and places, highlighting that good design is a key element in achieving sustainable development. Paragraph 130 sets out that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. It is also important that policies and decisions are sympathetic to local character and history, whilst not preventing appropriate innovation or change. Paragraph 134 advises that permission should be refused in cases where development demonstrates poor design, especially where it fails to reflect local design policies and government guidance on design.</p> <p>It is advised that the buildings and structures should be of the highest architectural quality and comprise details and materials that complement the local architectural character, something further supported by Policy CP3 of the Core Strategy DPD. The London Plan (2021) Policies D1 and D4 discuss the need for good design to be thoroughly scrutinised at application stage, including elements relating to layout, scale, density, landuses, materials, detailing and landscaping. This is further supported by policy BP11 of the Borough Wide DPD and Policies SP2, DMD1 and DMD6 of the Draft Local Plan (Regulation 19 Consultation version, October 2020) which requires development to recognise and celebrate local character and use local context to inform detail, materials and landscape. Further they support proposed development which makes a positive contribution to the surrounding area with high quality design which is sympathetic to the design of the original dwelling with regards to scale, form, materials and detailing.</p> <p>The SPD states rear extensions have a much reduced impact upon the street scene. However, a rear extension can have a significant impact on your neighbour's amenity. As such, if the house is terraced or semi-detached, the depth of the extension should not normally exceed 3.65 metres as measured from the original rear wall of the house to ensure that there is no material loss of daylight and outlook to neighbouring properties. In exceptional circumstances, where an extension has a greater depth, that part of the extension which exceeds 3.65 metres must be within a 45 degree angle as measured from the corner of adjacent dwellings. Further, if the extension will have a flat roof then its height should not</p>

**Officer Comment:**

exceed 3 metres.

Regarding dormer windows, the SPD (2012) states Your dormer window should be designed so that it sits entirely within the roof slope and does not unduly dominate the house. No part of the dormer should extend above the ridge and beyond the eaves or flanks of the roof. The front edge of the dormer should be set back from the eaves of the roof to avoid the roof being squared off. The materials used in the construction of the dormer should match those used in the existing house.

Rear Extension

The application site is a two storey mid terraced dwelling house located to the East of Kings Avenue. The dwelling has an existing 2.8m rear extension approved on 79/00709/TP with a width of approx 3m, set off the boundary to the North by 2.2m. It comprises a flat roof design with a eaves of 2.8m.

The proposed 6m rear extension will adjoin the existing rear extension. It has a width of 4.8m and will be set off the boundary to the North by 0.3m. A glazed corridor from the existing rear door of the original dwelling will provide access to the new rear extension, adjacent to the smaller rear extension.

Officers note that both adjacent properties have existing rear extensions. No.58 to the South has an existing 3.2m extension and No.62 to the North has an existing 2.8m extension, which is set off the boundary with the application site by 1.2m. As per guidance in the SPD (2012) the depth of the extension should not normally exceed 3.65 metres. However, the proposal will extend a further 5.6m from the rear elevation of No.58 and 6m from the rear elevation of No.62 - as a result of both of these properties existing rear extensions. Additionally, the part of the proposal that extends beyond 3.65m from the rear elevations of adjacent properties is not set within a 45 degree angle. As such, the design is not considered to protect neighbouring amenity and is therefore unacceptable on account of the size and scale of the proposal.

Rear Dormer

The applicant also seeks permission for a rear dormer extension. The dormer will have a total volume of approx 16.6 SQM and will be set at least 0.2m from the eaves. The proposal should be set down from the roof ridge in order to show it is a clear addition to the roof and avoid it appearing squared off, however this is not a reason for refusal. As such, officers consider this element of the proposal to be acceptable.

**Conclusion**

Overall, as a result of the size and scale of the rear extension officers consider the design of the proposal to be unacceptable and not compliant with the aforementioned policies.

Delivering Neighbourly Development								
	No. 58 Kings Avenue	No.62 Kings Avenue	N/A			No. 58 Kings Avenue	No.62 Kings Avenue	N/A
<b>Outlook:</b>				<b>Overshadowing:</b>				
Loss from habitable rooms?	<b>NO</b>	<b>NO</b>		Shadow cast into rooms?	<b>NO</b>	<b>YES</b>		
Is it unacceptable?				Is it unacceptable?		<b>YES</b>		
				Shadow into garden?	<b>NO</b>	<b>YES</b>		
<b>Loss of Privacy:</b>				Is it unacceptable?		<b>YES</b>		
Overlooking the garden?	<b>NO</b>	<b>NO</b>						
Is it unacceptable?				<b>Overbearing:</b>				
Overlooking into rooms?	<b>NO</b>	<b>NO</b>		Impact on habitable rooms?	<b>YES</b>	<b>YES</b>		
Is it unacceptable?				Is it unacceptable?	<b>YES</b>	<b>YES</b>		
				Impact on gardens?	<b>YES</b>	<b>YES</b>		

<b>Loss of Daylight:</b>	<i>Is it unacceptable?</i>		<b>YES</b>	<b>YES</b>	
Loss into habitable rooms?	<b>YES</b>	<b>YES</b>			
<i>Is it unacceptable?</i>	<b>YES</b>	<b>YES</b>			

<i>Officer Comment:</i>	<p>London Plan policy D6 states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. It notes that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. This is reiterated within policies BP8 and BP11 of the Borough Wide Development Document, which have specific regard to protecting residential amenity. Policy BP8 stresses that all developments (including alterations, extensions, conversions and infill developments) are expected to have regard to the local character of the area and help to create a sense of local identity, distinctiveness and place and not lead to significant overlooking (loss of privacy and immediate outlook) or overshadowing (loss of daylight and sunlight).</p> <p>At a local level, policies DMD1 and DMD6 of the Draft Local Plan (2020) also emphasizes that householder extensions and alterations must consider the impact on the amenity of neighbouring properties, avoiding significant overlooking (loss of privacy and immediate outlook) and overshadowing (loss of daylight and sunlight). The Altering and Extending your Home SPD (2012) advises of the importance for extensions to properties to be neighbourly, attractive, of high quality and work well for residents and neighbours.</p> <p>The SPD states rear extensions have a much reduced impact upon the street scene. However, a rear extension can have a significant impact on your neighbour's amenity. As such, if the house is terraced or semi-detached, the depth of the extension should not normally exceed 3.65 metres as measured from the original rear wall of the house to ensure that there is no material loss of daylight and outlook to neighbouring properties. In exceptional circumstances, where an extension has a greater depth, that part of the extension which exceeds 3.65 metres must be within a 45 degree angle as measured from the corner of adjacent dwellings. Further, if the extension will have a flat roof then its height should not exceed 3 metres</p> <p>The impact to neighbouring amenity will be assessed below:</p> <p><u>No.58 Kings Avenue</u></p> <p>This property sits to the South of the applicaiton site on the same terrace. It has an existing 3.2m rear extension. As the proposal adjoins the existing 2.8m rear extension, it will extend a further 5.6m from the rear elevation of No.58. This is 1.95m more than the guidance advises in the SPD (2012) in order to protect neighbouring amenity. As such, the proposal will have an overbearing impact onto the rear garden and ground floor windows of No.58. It will also cause a loss of daylight into the rear ground floor windows. As such, the proposal does not adequately protect neighbouring amenity.</p> <p><u>No.62 Kings Avenue</u></p> <p>This property sits to the North of the application site on the same terrace and has an existing 2.8m rear extension set off the boundary with the application site. In this gap there is a rear ground floor window. Officers note a consultee comment was recieved from the occupant of this property, raising concerns around loss of light to the ground floor rear windows. As the proposal will extend a further 6m from the rear elevation of No.62, officers consider there will be a material ovebearing impact onto the rear windows and garden of this property. Additionally, there will be a material loss of light and potential overshadowing impact as a result of the proposal sitting to the South of this dwelling.</p> <p>As such, the proposal does not adequately protect neighbouring amenity.</p>
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<b>Delivering Sustainability</b>	
<i>Does the proposed development promote or enhance biodiversity?</i>	<b>NO</b>
<i>Has established vegetation been preserved or appropriately relocated/mitigated against?</i>	<b>NO</b>
<i>Officer Comment:</i>	The application has not incorporated any proposed biodiversity enhancement measures and the extension will result in the loss of a portion of grassed area. Whilst there is scope to compensate for such loss and to further improve the biodiversity value of the site, the lack of any compensatory or enhancement measures in this instance would not warrant reason for refusal noting there is still ample garden remaining.
<b>Meeting the Needs of Homeowners</b>	
<i>Are all proposed rooms well-lit by daylight and naturally vented through opening windows?</i>	<b>YES</b>
<i>Are the sizes of all proposed rooms appropriate in size for the purpose they are designed for?</i>	<b>YES</b>

<i>Officer Comment:</i>	The proposed extension is intended to rationalise and expand the layout of the existing dwelling through the provision of appropriately sized and lit home extensions.
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<b>Other Material Considerations</b>
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N/A
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<b>CONCLUSION</b>
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The proposed development fails to respect the character and appearance of the area and results in an unacceptable impact on the living conditions of neighbouring properties. The proposal is therefore considered contrary to the Development Plan policies and guidance specified above, and it is recommended that planning permission be refused.
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**LBBB Reference:** 22/00428/HSE

Martin Sigournay  
1 Goldlay Avenue  
Chelmsford  
CM2 0TL

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

Dear Sir / Madam,

**Application Number:** 22/00428/HSE  
**Address:** 60 Kings Avenue, Chadwell Heath, Romford, Barking And Dagenham, RM6 6BB  
**Development Description:** Construction of a single storey rear extension and a rear dormer 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,

**Marilyn Smith**

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

## PLANNING DECISION NOTICE

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

**Agent:** Martin Sigournay  
1 Goldlay Avenue  
Chelmsford CM2 0TL

**Applicant:** Mulaj  
CM2 0TL

#### PART 1 - PARTICULARS OF THE APPLICATION

**Application Number:** 22/00428/HSE  
**Application Type:** Householder Planning Permission  
**Development Description:** Construction of a single storey rear extension and a rear dormer extension.  
**Site Address:** 60 Kings Avenue, Chadwell Heath, Romford, Barking And Dagenham, RM6 6BB  
**Date Received:** 12 March 2022  
**Date Validated:** 12 March 2022

#### PART 2 - PARTICULARS OF THE DECISION

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

##### Reason(s):

1. The scale, siting and design of the proposed development would result in an increased sense of overbearingness and a harmful loss of outlook and daylight to neighbouring occupiers, therefore constituting unneighbourly development and contrary to: - National Planning Policy Framework National Planning Policy Framework (NPPF) (DLUHC, 2021) - Policy D4 of the London Plan (March 2021); - Policy CP3 of Local Development Framework (LDF) Core Strategy (July 2010) - Policies BP8 and BP11 of the Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011) - The Residential Extensions and Alterations Supplementary Planning Document (February 2012); - Policies SP2, DMD1 and DMD6 of The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)

The above policies can be viewed on the Council's website: [www.lbbd.gov.uk/planning](http://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 Plans and Elevations, 60KRRP, 08/02/22
- OS Location Plan, 60KAR OS, 20/7/22
- Block Plan, 60 KAR BP, 04/03/22

##### Working with the applicant:

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

satisfactorily address the reasons for refusal attached.

**DATE OF DECISION: 20/4/22**

Yours sincerely,

**Marilyn Smith**

**Marilyn Smith**

Head of Planning and Assurance

London Borough of Barking and Dagenham

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

### **1. Appeals to the Secretary of State**

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

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

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Working in partnership



**Barking &  
Dagenham**

## **Performance Review Sub-Committee**

**Application Reference:**

22/00370/HSE

**Application Description:**

Construction of a single storey outbuilding within the rear garden to create a granny annexe

**Decision:**

Refused



Langhorne Rd

Manning Rd

Manning Rd

Manning Rd

Manning Rd

Manning Rd

Ford Rd

Ford Rd

Ford Rd

Moss Rd

Transforming Lives Company

Manning Road Allotment Site

Diamond plastering

Google

Sheet

Dwg No.

15

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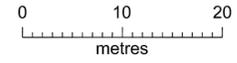
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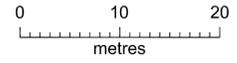
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EXISTING BLOCK PLAN  
scale 1:100



PROPOSED BLOCK PLAN  
scale 1:100



This drawing is not for CONSTRUCTION purposes. If no dimension is given, we take no responsibility for any dimension obtained by measuring or scaling from this drawing. This drawing is the property of Maplin Engineering Limited. It is copyright protected and is not to be reproduced, disclosed or copied without written permission.

Reference drawings						
Drawing No.	Rev	Drawing title				
1						
0	EXISTING & PROPOSED BLOCK PLAN	DC	OM	TA	08/03/2022	
Rev	Description	Drawn by	Checked by	Appd by	Date	Scale
						A2
Please check scale bar before scaling this drawing						Scale
scale 1:100						1:100
Project GRANNY ANNEXE						
Location 60 LANGHORNE ROAD, RM10 9RB						
Title EXISTING & PROPOSED BLOCK PLAN						
<p>F21 Expressway London 1 Dock road, London E16 1AG Tel. +44(0)203 4755544 projects@maplinworld.com</p>						
Dwg No.	Phase:	Sheet			Rev.	
18911	PLANNING	1 of 1			0	

# Delegated Report

## Householder Application for Planning Permission for Works or Extension to a Dwelling

<b>Case Officer:</b>	Charlotte Codd	<b>Valid Date:</b>	08 March 2022
<b>Officer Recommendation:</b>	<b>Refused</b>	<b>Expiry Date:</b>	03 May 2022
<b>Application Number:</b>	22/00370/HSE	<b>Recommended Date:</b>	06 April 2022
<b>Address:</b>	60 Langhorne Road, Dagenham, Barking And Dagenham, RM10 9RB		
<b>Proposal:</b>	Construction of a single storey outbuilding within the rear garden to create a granny annexe		

### Planning Constraints

N/A

### Consultations

Consultee:	Date Consulted:	Summary of response:
LBBB Access Officer	8/3/22	Bathroom door must open outwards or change to a sliding or bi-fold door.

### Neighbour Notification

**Date Consultation Letter Sent:** 8/3/22

*No response received.*

### Relevant Planning History

Application Number:	22/00471/CLUP	Status:	Decision Not Yet Taken
Description:	Application for a lawful development certificate (proposed) for the construction of a side dormer extension to facilitate conversion of roof space to habitable accommodation.		
Application Number:	22/00229/CLUP	Status:	Not Lawful (Certificate)
Description:	Application for a lawful development certificate (proposed) for the construction Hip-to-gable roof extension to accommodate a side dormer extension including a Juliette balcony to facilitate conversion of roof space into habitable accommodation.		

### Development Plan Context

The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:

National Planning Policy Framework (NPPF) (DLUHC, 2021)

London Plan (March 2021)	Policy D1 - London's Form, Character and Capacity for Growth Policy D4 - Delivering Good Design Policy D8 - Public Realm
Local Development Framework (LDF) Core Strategy (July 2010)	Policy CR2 - Preserving and Enhancing the Natural Environment Policy CP3 - High Quality Built Environment
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BP8 - Protecting Residential Amenity Policy BP11 - Urban Design

The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.

The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	Policy SP2 - Delivering a well-designed, high quality and resilient built environment Policy SP4 - Delivering quality design in the borough. Policy DMD1 - Securing high quality design Policy DMD6 - Householder extensions and alterations
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	Policy DMNE3 - Nature conservation and biodiversity
Supplementary Planning Documents	Residential Extensions and Alterations (SPD) (February 2012)

<b>ASSESSMENT</b>
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<b>Principle of the Development</b>
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<i>Is the proposed development acceptable 'in principle'?</i>	<b>YES</b>
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<i>Officer Comment:</i>	The overriding objective of the local policies is to deliver high quality development which improves the quality and distinctive identity of places and meets the housing needs of existing and future residents. As such, it is acknowledged that extensions to existing family dwelling houses can facilitate additional and enhanced living space for improved living conditions for occupants. They are therefore considered acceptable in principle subject to ensuring a high-quality, neighbourly design. Such matters are addressed below.
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<b>Achieving High Quality of Urban Design</b>
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<i>Does the proposed development respect the character and appearance of the existing dwelling?</i>	<b>NO</b>
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<i>Does the proposed development respect and accord to the established local character?</i>	<b>NO</b>
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<i>Is the proposed development acceptable within the street scene or when viewed from public vantage points</i>	<b>NO</b>
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<i>Is the proposed development acceptable and policy compliant?</i>	<b>NO</b>
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<i>Officer Comment:</i>	<p>Paragraph 126 of the NPPF (2021) outlines that the fundamental role of the planning and development process is to facilitate the creation of high quality, beautiful and sustainable buildings and places, highlighting that good design is a key element in achieving sustainable development. Paragraph 130 sets out that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. It is also important that policies and decisions are sympathetic to local character and history, whilst not preventing appropriate innovation or change. Paragraph 134 advises that permission should be refused in cases where development demonstrates poor design, especially where it fails to reflect local design policies and government guidance on design.</p> <p>It is advised that the buildings and structures should be of the highest architectural quality and comprise details and materials that complement the local architectural character, something further supported by Policy CP3 of the Core Strategy DPD. The London Plan (2021) Policies D1 and D4 discuss the need for good design to be thoroughly scrutinised at application stage, including elements relating to layout, scale, density, landuses, materials, detailing and landscaping. This is further supported by policy BP11 of the Borough Wide DPD and Policies SP2, DMD1 and DMD6 of the Draft Local Plan (Regulation 19 Consultation version, October 2020) which requires development to recognise and celebrate local character and use local context to inform detail, materials and landscape. Further they support proposed development which makes a positive contribution to the surrounding area with high quality design which is sympathetic to the design of the original dwelling with regards to scale, form, materials and detailing.</p> <p>Regarding outbuildings, the SPD (2012) states You will require planning permission for an outbuilding if it can function as an entirely separate dwelling. Its use must be ancillary or related to the use of your property as a dwelling. Any unrelated use will normally be refused. Your outbuilding should be designed and positioned in a manner which restricts its impact upon neighbouring dwellings. Any outbuilding which results in a material loss of light or outlook with respect to neighbouring dwellings will be considered unacceptable.</p> <p><b><u>Assessment</u></b></p> <p>The application site is a two storey end of terrace dwellinghouse located to the South of Langhorne Road. The applicant seeks permission for the construction of a single storey outbuilding within the rear garden to create a granny annexe. The proposal has a total area of 23.11 SQM. It has a depth of 4m along the west boundary and 4.7m along the east boundary and a width of 6.5m. The outbuilding comprises a flat green roof at a maximum height of 2.5m. The proposal will be accessed via the rear garden of the main dwellinghouse only. It will provide a bedroom, lounge and shower room.</p> <p>Officers consider the size and scale of the proposal to be appropriate to the main dwellinghouse. However, the proposal would introduce residential use to the rear garden setting. The design and access statement refers to the need for the outbuilding to provide space and privacy for an elderly resident. It is noted that kitchen facilities are not provided and the occupant would use the facilities in the main dwellinghouse. Whilst this does go some way to ensure the development is ancillary to the main dwellinghouse, it does not overcome the use of the building as a primary residential unit in a garden</p>
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setting, which is not supported,

Whilst outbuildings are common amongst neighbouring properties, the use of such as a residential unit is not supported. This has the potential to disrupt the break between existing residential buildings provided by the gardens, which is needed for privacy and noise reduction between dwellings. The introduction of a new residential unit to the rear of the dwelling would disrupt this established built pattern. The proposal presents an arrangement where an individual will be permanently living in the rear garden which is not a location suitable for primary residential use. This would present a discordant use of the garden setting and as such the proposal is found to be unacceptable in terms of design.

**Delivering Neighbourly Development**

	No.58 Langhorne Road	No.60 Langhorne Road	No.51 Manning Road		No.58 Langhorne Road	No.60 Langhorne Road	No.51 Manning Road
<b>Outlook:</b>				<b>Overshadowing:</b>			
Loss from habitable rooms?	<b>NO</b>	<b>NO</b>	<b>NO</b>	Shadow cast into rooms?	<b>NO</b>	<b>NO</b>	<b>NO</b>
<i>Is it unacceptable?</i>				<i>Is it unacceptable?</i>			
				Shadow into garden?	<b>NO</b>	<b>NO</b>	<b>NO</b>
<b>Loss of Privacy:</b>				<i>Is it unacceptable?</i>			
Overlooking the garden?	<b>NO</b>	<b>NO</b>	<b>NO</b>				
<i>Is it unacceptable?</i>				<b>Overbearing:</b>			
Overlooking into rooms?	<b>NO</b>	<b>NO</b>	<b>NO</b>	Impact on habitable rooms?	<b>NO</b>	<b>NO</b>	<b>NO</b>
<i>Is it unacceptable?</i>				<i>Is it unacceptable?</i>			
				Impact on gardens?	<b>NO</b>	<b>NO</b>	<b>NO</b>
<b>Loss of Daylight:</b>				<i>Is it unacceptable?</i>			
Loss into habitable rooms?	<b>NO</b>	<b>NO</b>	<b>NO</b>				
<i>Is it unacceptable?</i>							

London Plan policy D6 states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. It notes that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. This is reiterated within policies BP8 and BP11 of the Borough Wide Development Document, which have specific regard to protecting residential amenity. Policy BP8 stresses that all developments (including alterations, extensions, conversions and infill developments) are expected to have regard to the local character of the area and help to create a sense of local identity, distinctiveness and place and not lead to significant overlooking (loss of privacy and immediate outlook) or overshadowing (loss of daylight and sunlight).

At a local level, policies DMD1 and DMD6 of the Draft Local Plan (2020) also emphasizes that householder extensions and alterations must consider the impact on the amenity of neighbouring properties, avoiding significant overlooking (loss of privacy and immediate outlook) and overshadowing (loss of daylight and sunlight). The Altering and Extending your Home SPD (2012) advises of the importance for extensions to properties to be neighbourly, attractive, of high quality and work well for residents and neighbours.

The impact to neighbouring amenity will be assessed below:

No. 58 Langhorne Road

*Officer Comment:*

This property sits to the West of the application site. The proposal will abut the boundary at the rear garden of this property and extend along a depth of 4m. Due to the appropriate size and scale of the proposal officers consider it will have an acceptable impact on neighbouring amenity. Officers note that No.58 has a small rear outbuilding that will mitigate the impact of the proposal onto the rear garden.

No.60 Langhorne Road

This property sits to the East of the applicaiton site. The proposal will abut the boundary with this dwelling and extend along it at a depth of 4.7m. Officers note No.60 has two smaller outbuildings/sheds located in the rear garden. Due to the proposal location it will have no impact on the dwellinghouse. Whilst the depth of the proposal is slightly larger than on the East boundary, it is considered to have an acceptable impact on neighbouring amenity due to the impact being focused on a small area of the rear garden. As such it is considered acceptable.

No.51 Manning Road

This property sits to the South of the application site and shares a rear boundary. The proposal will extend along the boundary by 6.5m. As any impact will be focused on the rear garden of No.51 officers find it to be acceptable.

**Delivering Sustainability**

<i>Does the proposed development promote or enhance biodiversity?</i>	<b>NO</b>
<i>Has established vegetation been preserved or appropriately relocated/mitigated against?</i>	<b>NO</b>
<i>Officer Comment:</i>	The application has not incorporated any proposed biodiversity enhancement measures and the extension will result in the loss of a portion of grassed area. Whilst there is scope to compensate for such loss and to further improve the biodiversity value of the site, the lack of any compensatory or enhancement measures in this instance would not warrant reason for refusal noting there is still ample garden remaining.

**Meeting the Needs of Homeowners**

<i>Are all proposed rooms well-lit by daylight and naturally vented through opening windows?</i>	<b>YES</b>
<i>Are the sizes of all proposed rooms appropriate in size for the purpose they are designed for?</i>	<b>YES</b>
<i>Officer Comment:</i>	The proposed extension is intended to rationalise and expand the layout of the existing dwelling through the provision of appropriately sized and lit home extensions.

**Other Material Considerations**

N/a

**CONCLUSION**

Whilst the proposed development has an acceptable impact on neighbouring amenity and is of an appropriate size and scale, the introduction of residential accomodation in the rear garden setting is not appropriate or supported. Officers consider that the introduction of primary residential use will disrupt the privacy and lack of noise currently afforded to the rear gardens. This would present a disconcordant use of the garden setting and as such the proposal is not supported.

**LBBB Reference:** 22/00370/HSE

Olesea Morozan

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

Dear Sir / Madam,

**Application Number:** 22/00370/HSE  
**Address:** 60 Langhorne Road, Dagenham, Barking And Dagenham, RM10 9RB  
**Development Description:** Construction of a single storey outbuilding within the rear garden to create a 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,

[Marilyn Smith](#)

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

## PLANNING DECISION NOTICE

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

**Agent:** Olesea Morozan  
**Applicant:** T Zaremba  
60 LANGHORNE ROAD  
DAGENHAM

#### PART 1 - PARTICULARS OF THE APPLICATION

**Application Number:** 22/00370/HSE  
**Application Type:** Householder Planning Permission  
**Development Description:** Construction of a single storey outbuilding within the rear garden to create a granny annexe  
**Site Address:** 60 Langhorne Road, Dagenham, Barking And Dagenham, RM10 9RB  
**Date Received:** 07 March 2022  
**Date Validated:** 08 March 2022

#### PART 2 - PARTICULARS OF THE DECISION

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

##### Reason(s):

1. The siting and design of the proposed development are considered harmful to the rear garden setting. The use of the outbuilding as a residential unit would harm the privacy currently afforded to the rear garden. Additionally, the proposed residential unit presents a discordant feature in the rear garden setting. As such, the proposed development is contrary to:

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

The above policies can be viewed on the Council's website: [www.lbbd.gov.uk/planning](http://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 Plans and Elevations, 18910, 8/3/22
- Existing and Proposed Block Plan, 18911, 8/3/22

##### Working with the applicant:

In dealing with this application, Be First, working in partnership with the London Borough of Barking and Dagenham, has

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

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Yours sincerely,

**Marilyn Smith**

**Marilyn Smith**

Head of Planning and Assurance  
London Borough of Barking and Dagenham

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Working in partnership



**Barking &  
Dagenham**

## **Performance Review Sub-Committee**

**Application Reference:**

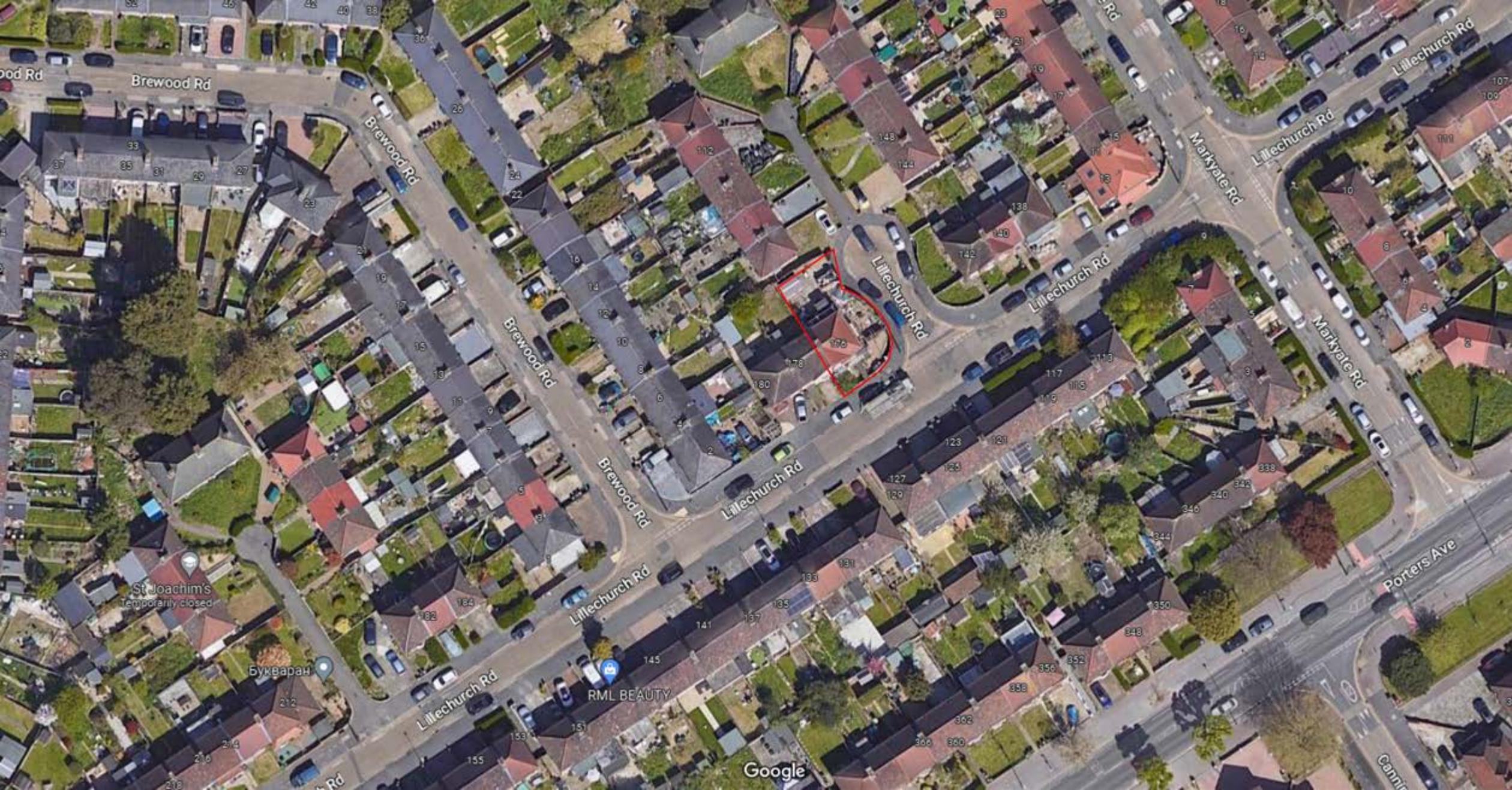
22/00345/HSE

**Application Description:**

Construction of a two storey side extension

**Decision:**

Refused



Brewood Rd

Brewood Rd

Brewood Rd

Brewood Rd

Lillechurch Rd

Lillechurch Rd

Lillechurch Rd

Markyate Rd

Lillechurch Rd

Lillechurch Rd

Markyate Rd

Porters Ave

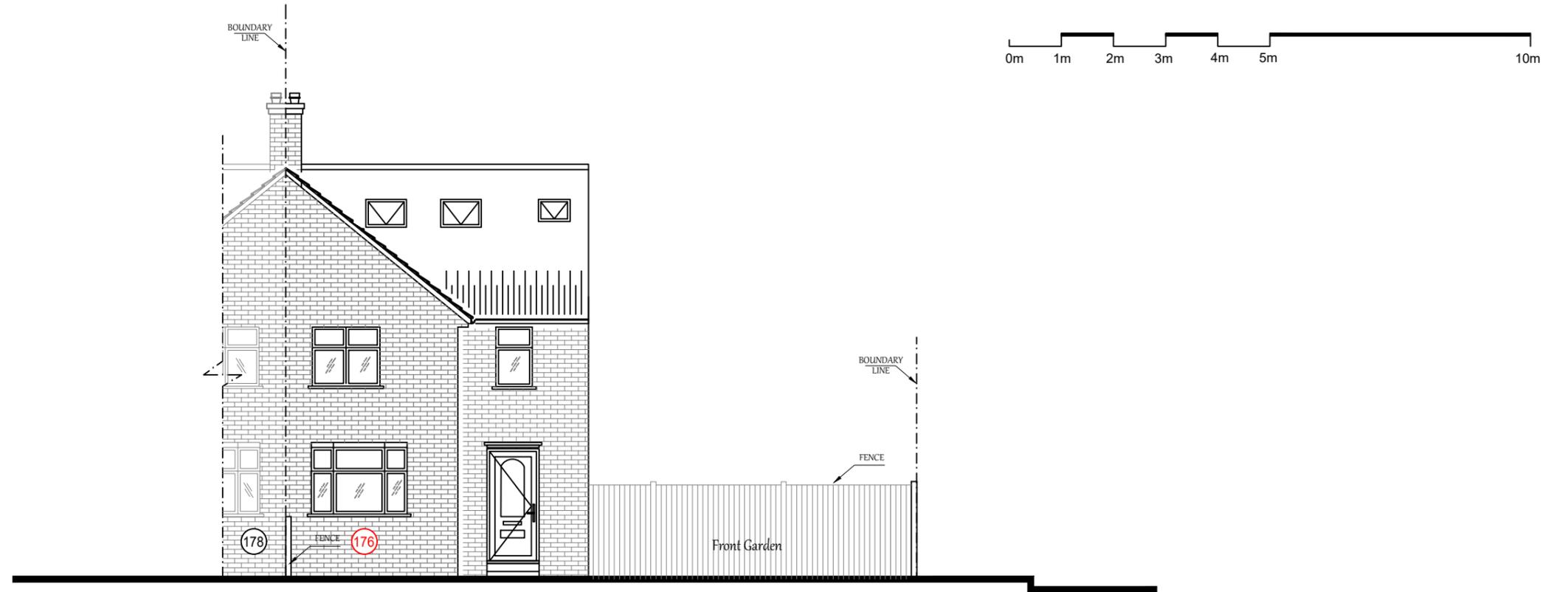
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St Joachim's  
Temporarily closed

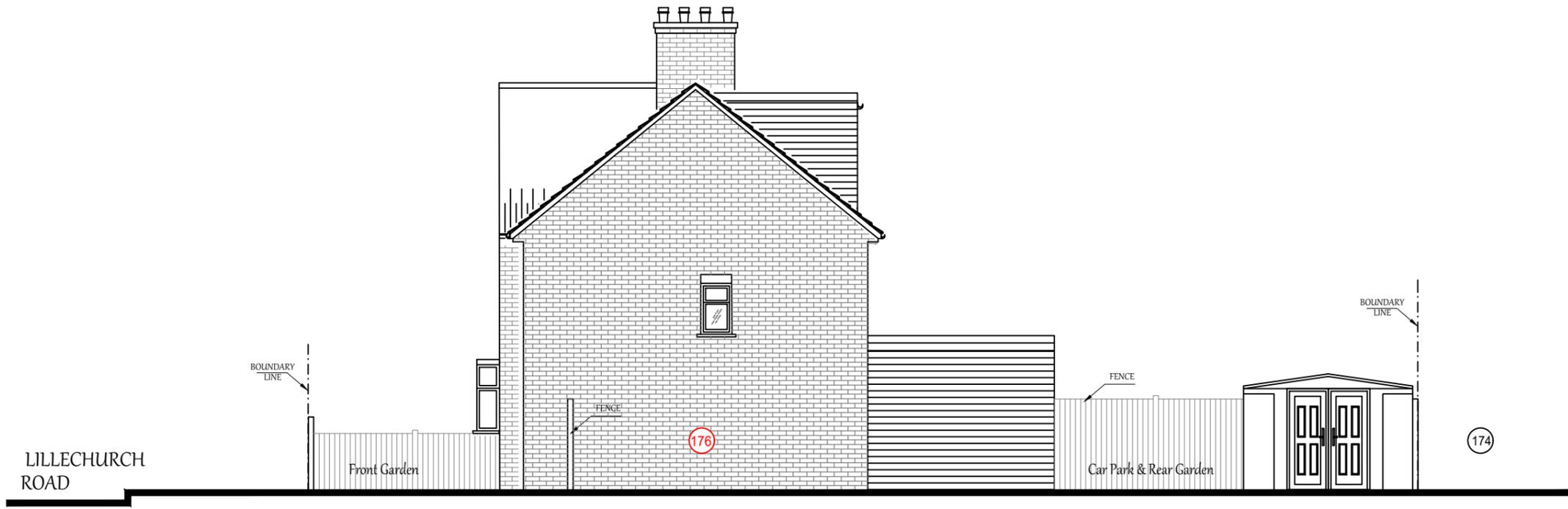
Букваран

RML BEAUTY

Google



EXISTING FRONT ELEVATION  
SCALE: 1/100 @A3



EXISTING SIDE ELEVATION  
SCALE: 1/100 @A3

  
**Delta Tech Ltd**  
Architecture & Construction

86-90 PAUL STREET LONDON EC2A 4NE  
info@deltatechLtd.com  
www.deltatechLtd.com

176 LILLECHURCH ROAD  
DAGENHAM  
LONDON  
RM8 2BZ

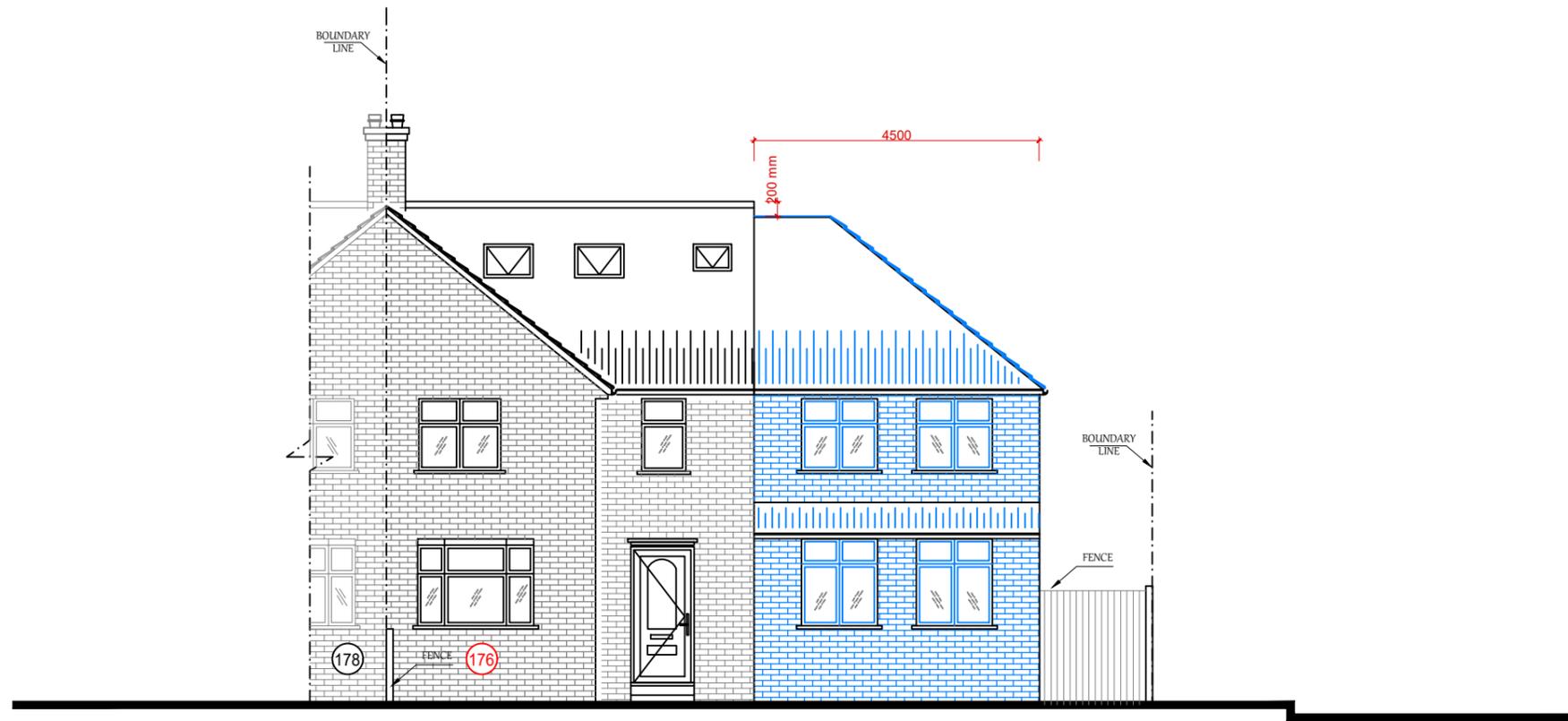
EXISTING  
-FRONT ELEVATION  
-SIDE ELEVATION

SCALE: 1/100 @A3

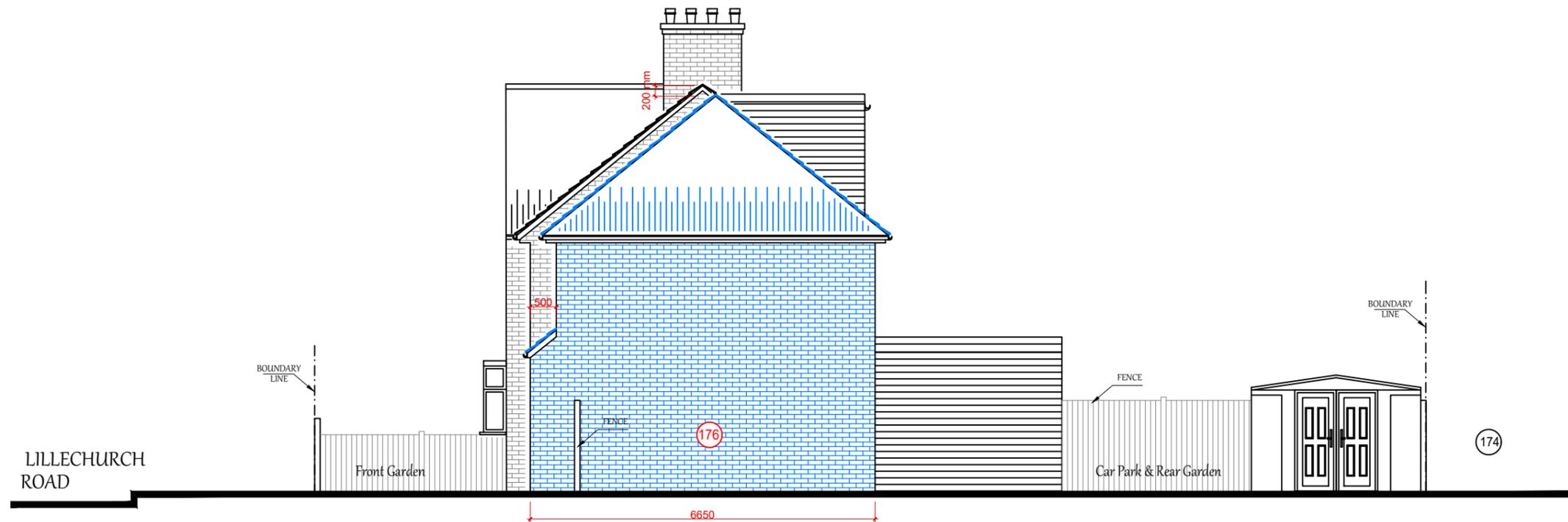
REF. NO :LCR176/22/03

DATE: FEB. 2022

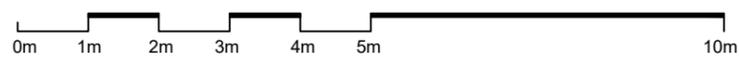
DRG BY: B.OZDEMIR



PROPOSED FRONT ELEVATION  
SCALE: 1/100 @A3



PROPOSED SIDE ELEVATION  
SCALE: 1/100 @A3





**Delta Tech Ltd**  
Architecture & Construction

86-90 PAUL STREET LONDON EC2A 4NE  
info@deltatechltd.com  
www.deltatechltd.com

**176 LILLECHURCH ROAD  
DAGENHAM  
LONDON  
RM8 2BZ**

PROPOSED  
-FRONT ELEVATION  
-SIDE ELEVATION

SCALE: 1/100 @A3	REF. NO :LCR176/22/08
DATE: FEB. 2022	DRG BY: B.OZDEMIR

Delegated Report Householder Application for Planning Permission for Works or Extension to a Dwelling			
Case Officer:	Anna Jennings	Valid Date:	01 March 2022
Officer Recommendation:	Refused	Expiry Date:	26 April 2022
Application Number:	22/00345/HSE	Recommended Date:	19 April 2022
Address:	176 Lillechurch Road, Dagenham, Barking And Dagenham, RM8 2BZ		
Proposal:	Construction of a two storey side extension		

Planning Constraints
The application site is located within the Becontree Estate.

Neighbour Notification	
Date Consultation Letter Sent:	02/03/2022
Number of Neighbours Consulted:	5
<i>No response received.</i>	

Relevant Planning History			
Application Number:	21/00907/HSE	Status:	Refused Related Appeal- APP/Z5060/D/21/3279626 (Appeal Dismissed)
Description:	CONSTRUCTION OF TWO STOREY SIDE EXTENSION		
Application Number:	17/00240/PRE	Status:	Closed
Description:	Pre application meeting request: Erection of two storey 2 bedroom dwelling and erection of single storey rear extension to existing house.		
Application Number:	16/01400/FUL	Status:	Withdrawn
Description:	Demolition of rear addition and erection of part single/part two storey side and rear extension.		

Development Plan Context
The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:

National Planning Policy Framework (NPPF) (DLUHC, 2021)	
London Plan (March 2021)	Policy D1 - London's Form, Character and Capacity for Growth Policy D4 - Delivering Good Design Policy D8 - Public Realm Policy HC1 - Heritage Conservation and Growth
Local Development Framework (LDF) Core Strategy (July 2010)	Policy CR2 - Preserving and Enhancing the Natural Environment Policy CP2 - Protecting and Promoting our Historic Environment Policy CP3 - High Quality Built Environment
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BP2 - Conservation Areas and Listed Buildings Policy BP8 - Protecting Residential Amenity Policy BP11 - Urban Design

The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.

The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	Policy SP2 - Delivering a well-designed, high quality and resilient built environment Policy SP4 - Delivering quality design in the borough. Policy DMD1 - Securing high quality design Policy DMD4 - Heritage assets and archaeology remains
--	--

**ASSESSMENT**

**Principle of the Development**

*Is the proposed development acceptable 'in principle'?*

**YES**

*Officer Comment:*

The overriding objective of the local policies is to deliver high quality development which improves the quality and distinctive identity of places and meets the housing needs of existing and future residents. As such, it is acknowledged that extensions to existing family dwelling houses can facilitate additional and enhanced living space for improved living conditions for occupants. They are therefore considered acceptable in principle subject to ensuring a high-quality, neighbourly design. Such matters are addressed below.

**Achieving High Quality of Urban Design**

*Does the proposed development respect the character and appearance of the existing dwelling?*

**YES**

*Does the proposed development respect and accord to the established local character?*

**NO**

*Is the proposed development acceptable within the street scene or when viewed from public vantage points*

**NO**

*Is the proposed development acceptable and policy compliant?*

**NO**

The application site is located on the northern side of Lillechurch Road, within the Becontree Estate. The property is located on a corner plot, on the western side of the entrance to a banjo off Lillechurch Road. The dwellinghouse is a two-storey end-of-terrace property, with a garden that wraps around the front, side and rear of the dwellinghouse. The existing property has a small rear extension on the ground floor, as do the other two properties on the terrace. A rear dormer loft conversion is also shown on the existing plans submitted with this application.

A previous application for the *Construction of a two storey side extension*(21/00907/HSE) was refused by officers for the following reason:

*'The scale, siting and design of the proposed development are considered harmful to the appearance of the house, built form of the terrace and character of the area, notably given the location of the application site on a corner plot at the entrance of a well-preserved banjo within the Becontree Estate.'*

A subsequent appeal was then dismissed by the Planning Inspectorate (APP/Z5060/D/21/3279626).

**Policy**

Paragraphs 127 and 128 of the NPPF (2019) outline that planning policies and decisions should aim to ensure that developments function well and add to the overall quality of an area not just for the short term, but over the lifetime of the development. Paragraph 130 advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

It is advised that the buildings and structures should be of the highest architectural quality and comprise details and materials that complement the local architectural character, something further supported by Policy CP3 of the Core Strategy DPD. The London Plan (2021) Policies D1 and D4 discuss the need for good design to be thoroughly scrutinised at application stage, including elements relating to layout, scale, density, landuses, materials, detailing and landscaping.

This is further supported by policy BP11 of the Borough Wide DPD and Policies SP2, DMD1 and DMD6 of the Draft Local Plan (Regulation 19 Consultation version, October 2020) which requires development to recognise and celebrate local character and use local context to inform detail, materials and landscape. Further they support proposed development which makes a positive contribution to the surrounding area with high quality design which is sympathetic to the design of the original dwelling with regards to scale, form, materials and detailing.

The Becontree Estate, of which this property forms part, was built as Homes for Heroes in the period 1921 to 1934 and at the time was the largest municipal estate in the world. As such, it forms part of the rich local history of the area and is referenced in policy HC1 of the London Plan, policy CP2 of the Core Strategy

DPD, policy BP2 of the Borough Wide DPD and policy DMD4 of the draft local plan reg 19 as forming an important symbol of the past. Further this policy references the heritage value of the Estate and although this dwellinghouse is not situated in a conservation area, this policy recognises the distinctive local character and historical importance of the Becontree Estate. The policy is concerned with preserving heritage areas of their instinctive and historically important features and ensuring developments do not detract from the heritage area's significance.

### **Construction of two-storey side extension**

On the development of side extensions, LBBD's SPD states that "The design of your side extension should reflect the type of house and the type of plot. Side extensions have the potential to cause significant impact upon the character of an area. It is essential that you pay particular attention to the manner in which your proposal is designed. All side extensions should be particularly sympathetic in terms of their form, roof treatment, detailing and materials." The SPD expresses particular concern over corner plots, highlighting that "Corner plots are particularly prominent parts of the street scene. In many localities they help to reduce the sense of enclosure that would exist if they were otherwise built upon and are vital to an area's character as a result. Particular care needs to be taken where the house is located at the corner of a cul-de-sac or banjo" which derive a good deal of their character from open corner spaces. An extension that compromises the openness of the plot could have a detrimental impact on the street scene and be considered unacceptable. Particular attention should therefore be given to minimising the bulk of the extension."

Officer Comment:

The double storey side extension previously proposed under 21/00907/HSE featured 'a width of 5m and a depth of 6.64m. The proposed works would constitute a significant enlargement of the area of both floors, increasing each floor by at least 1.6x the existing floor area. The proposed roof would align with the existing, with an eaves height of 5.52m, and a roof height of 8.13m.'

The following reason was provided for refusal:

*'The scale, siting and design of the proposed development are considered harmful to the appearance of the house, built form of the terrace and character of the area, notably given the location of the application site on a corner plot at the entrance of a well-preserved banjo within the Becontree Estate.'*

Officers had serious concerns regarding the scale and position of the proposed side extension. It was considered that *'The particular banjo within which the applicant property is sited has retained its original layout and features exceptionally well. At present, the two corner plots at the entrance of the banjo are symmetrically aligned, and when looking into the banjo from the main road, their positioning creates an effect of openness that was intentionally designed into the estate. Notably, the gaps either side of the corner plots also allow an open view from the properties within the banjo. Officers note that the flank elevations on both end dwellinghouses align with those within the banjo when looking in from the main Lillechurch Road. This is a distinctive feature of the estate and one that Officers consider crucial to protect, especially given the well preserved state of this particular banjo. The proposed development would bring the flank elevation further out to the entrance of the banjo, interrupting the existing symmetry and cutting off the open view both within and outside of the banjo.'*

The subsequent appeal (APP/Z5060/D/21/3279626) following the refusal (21/00907/HSE) was dismissed. The Planning Inspector determined that the proposal would 'weaken the specific design of the host property in relation to the wider area. It would also extend significantly beyond the front elevation of the properties within the banjo behind. This would narrow the physical gap within the building line along Lillechurch Road and reduce openness and views out of the banjo, thus harming the character of the street scene. The harm identified above would also have a detrimental impact on the historic character of the appeal site's surroundings. This is due to the negative impact on the form of the banjo as part of the Becontree Estate's layout.' As such, the Inspector reinforced the judgement made by LPA officers.

It was recognised by both officers and the Inspector that although side extensions of a similar scale could be identified in the surrounding area, given the site's position at the entrance of the banjo, the circumstances do not echo those of the proposed development and therefore do not outweigh the harm found.

The resubmission under the present application features some amendments to the previously refused proposal (21/00907/HSE). The width of the extension has been reduced from 5m to 4.5m. The depth at ground floor level remains at 6.65m, whilst the proposed first floor side extension has been set back 0.5m from the front elevation to a depth of 6.15m. Significantly, the roof form has been amended to a hipped form with a ridge height 0.2m lower than that of the original roof. A pitched roof with a width of 4.5m and ridge height of 3.15m is proposed on the front elevation to cover the area where the first floor is set back 0.5m from the front elevation of the ground floor extension.

Officers consider that the revisions made by the applicant present an improved proposal with a design that appears more subservient to the original dwellinghouse and better reflects its character on account of maintaining the character of the terrace row's roofscape. However, the terrace upon which the dwelling is sited will be unbalanced as a result of the proposed development.

Notwithstanding, the improvement to the design of the proposed two storey side extension fails to overcome the impact of the development on the character of the streetscene and characteristic built form of the banjo within the Becontree Estate. The fact remains that the siting, bulk and massing of the proposed development will have the visual impact of closing the openness of the banjo's corner.

To conclude, the proposed development would harm the character and appearance of the area. Officers find the proposed development to be unacceptable, failing to comply with requirements laid out in the NPPF, Policies D1 and D4 of the London Plan, Policy CP3 of the Core Strategy, Policies BP8 and BP11 of the Borough Wide Development Plan and Policies SP2, DMD1 and DMD6 of the Draft Local Plan.

Delivering Neighbourly Development								
	178 Lillechurch Road	174 Lillechurch Road	N/A			178 Lillechurch Road	174 Lillechurch Road	N/A
<b>Outlook:</b>				<b>Overshadowing:</b>				
Loss from habitable rooms?	NO	YES		Shadow cast into rooms?	NO	NO		
Is it unacceptable?		NO		Is it unacceptable?				
				Shadow into garden?	NO	NO		
<b>Loss of Privacy:</b>				Is it unacceptable?				
Overlooking the garden?	NO	NO						
Is it unacceptable?				<b>Overbearing:</b>				
Overlooking into rooms?	NO	NO		Impact on habitable rooms?	NO	NO		
Is it unacceptable?				Is it unacceptable?				
				Impact on gardens?	NO	NO		
<b>Loss of Daylight:</b>				Is it unacceptable?				
Loss into habitable rooms?	NO	NO						
Is it unacceptable?								
<i>Officer Comment:</i>	<b>178 Lillechurch Road</b>							
	This property adjoins the application site to the south west. The proposed double storey extension is on the other side of the dwellinghouse at no. 176, which eliminates the potential for adverse impacts such as overshadowing or overlooking. Officers do not consider that the proposed development would impact neighboring amenity at this property.							
<i>Officer Comment:</i>	<b>174 Lillechurch Road</b>							
	No. 174 is situated to the rear of 176 Lillechurch Road, within the banjo itself. Given the distance of the neighbouring property, this property would not experience unacceptable loss of daylight, sunlight, or be overlooked. The proposed development of a double storey side extension will however interrupt the view to the main road from properties within the banjo. Whilst no. 174 does not face into the main road, there are windows on the side elevation from which a sense of enclosure may be felt as result of the proposed works. Officers consider this potential loss of outlook to be a result of the points of objection that officers have towards the development, discussed above.							

<b>Delivering Sustainability</b>	
<i>Does the proposed development promote or enhance biodiversity?</i>	<b>NO</b>
<i>Has established vegetation been preserved or appropriately relocated/mitigated against?</i>	<b>NO</b>
<i>Officer Comment:</i>	The application has not incorporated any proposed biodiversity enhancement measures and the extension will result in the loss of a portion of grassed area. Whilst there is scope to compensate for such loss and to further improve the biodiversity value of the site, the lack of any compensatory or enhancement measures in this instance would not warrant reason for refusal noting there is still ample garden remaining.

<b>Meeting the Needs of Homeowners</b>	
<i>Are all proposed rooms well-lit by daylight and naturally vented through opening windows?</i>	<b>YES</b>
<i>Are the sizes of all proposed rooms appropriate in size for the purpose they are designed for?</i>	<b>YES</b>
<i>Officer Comment:</i>	The proposed extension is intended to rationalise and expand the layout of the existing dwelling through the provision of appropriately sized and lit home extensions.

<b>Other Material Considerations</b>
N/A

<b>CONCLUSION</b>
<p>The proposed development fails to respect the character and appearance of the area, disrupting the built form of the terrace and surrounding area. The development is considered particularly harmful given the siting of the application site on a corner plot at the entrance of a well-preserved banjo within the Becontree Estate. The reasons provided for refusal by the LPA under the previous submission 21/00907/HSE, and by the Planning Inspector under appeal APP/Z5060/D/21/3279626 are not considered to have been overcome.</p> <p>Banjos are a unique and valuable feature of the Becontree estate, and in places where these have been well preserved, Officers seek to maintain the symmetry and sense of openness that they create. The proposal is therefore considered contrary to the Development Plan policies and guidance specified above, and it is recommended that planning permission be refused.</p>

**LBBB Reference:** 22/00345/HSE

T AY  
86-90 Paul Street,  
London  
EC2A 4NE

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

Dear Sir / Madam,

**Application Number:** 22/00345/HSE  
**Address:** 176 Lillechurch Road, Dagenham, Barking And Dagenham, RM8 2BZ  
**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,

Marilyn Smith

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

## PLANNING DECISION NOTICE

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

**Agent:** T AY  
86-90 Paul Street,  
London EC2A 4NE

**Applicant:** Gramoz Kastrati  
EC2A 4NE

#### PART 1 - PARTICULARS OF THE APPLICATION

**Application Number:** 22/00345/HSE  
**Application Type:** Householder Planning Permission  
**Development Description:** Construction of a two storey side extension  
**Site Address:** 176 Lillechurch Road, Dagenham, Barking And Dagenham, RM8 2BZ  
**Date Received:** 01 March 2022  
**Date Validated:** 01 March 2022

#### PART 2 - PARTICULARS OF THE DECISION

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

##### Reason(s):

1. The scale, siting and design of the proposed development are considered harmful to the built form of the terrace and character of the area, notably given the location of the application site on a corner plot at the entrance of a well-preserved banjo within the Becontree Estate. The impact to the built form of the area is considered to be unacceptable. As such, the proposed development is contrary to:

- National Planning Policy Framework (DLUHC , 2021);
- Policy D1 and D4 of the London Plan (March 2021);
- Policy CP2 and CP3 of the LDF Core Strategy (July 2010);
- Policies BP8 and BP11 of the LDF Borough Wide Development Plan Policies DPD (March 2011);
- Policies SP2, DMD1, DMD4 and DMD6 of the Draft Local Plan (Regulation 19 Consultation version, September 2020);
- 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](http://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:

- 06- Proposed Ground Floor and Block Plan- 02/2022
- 07- Proposed First Floor and Roof Plan- 02/2022
- 08- Proposed Front and Side Elevations- 02/2022
- 09- Proposed Rear and Side Elevations- 02/2022
- 05- Site Location Plan- 02/2022
- 04- Existing Rear and Side Elevations- 02/2022
- 03- Existing Front and Side Elevations- 02/2022

- 02- Existing First Floor and Roof Plan- 02/2022
- 01- Existing Floor and Block Plan- 02/2022

**Working with the applicant:**

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

**DATE OF DECISION: 20/04/2022**

Yours sincerely,

Marilyn Smith

**Marilyn Smith**

Head of Planning and Assurance  
London Borough of Barking and Dagenham

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

### **1. Appeals to the Secretary of State**

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

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

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

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

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

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

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

### **2. Subsequent Application Fees**

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

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

### **3. Purchase Notices**

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

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

### **4. Compensation**

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

Working in partnership



**Barking &  
Dagenham**

## **Performance Review Sub-Committee**

**Application Reference:**

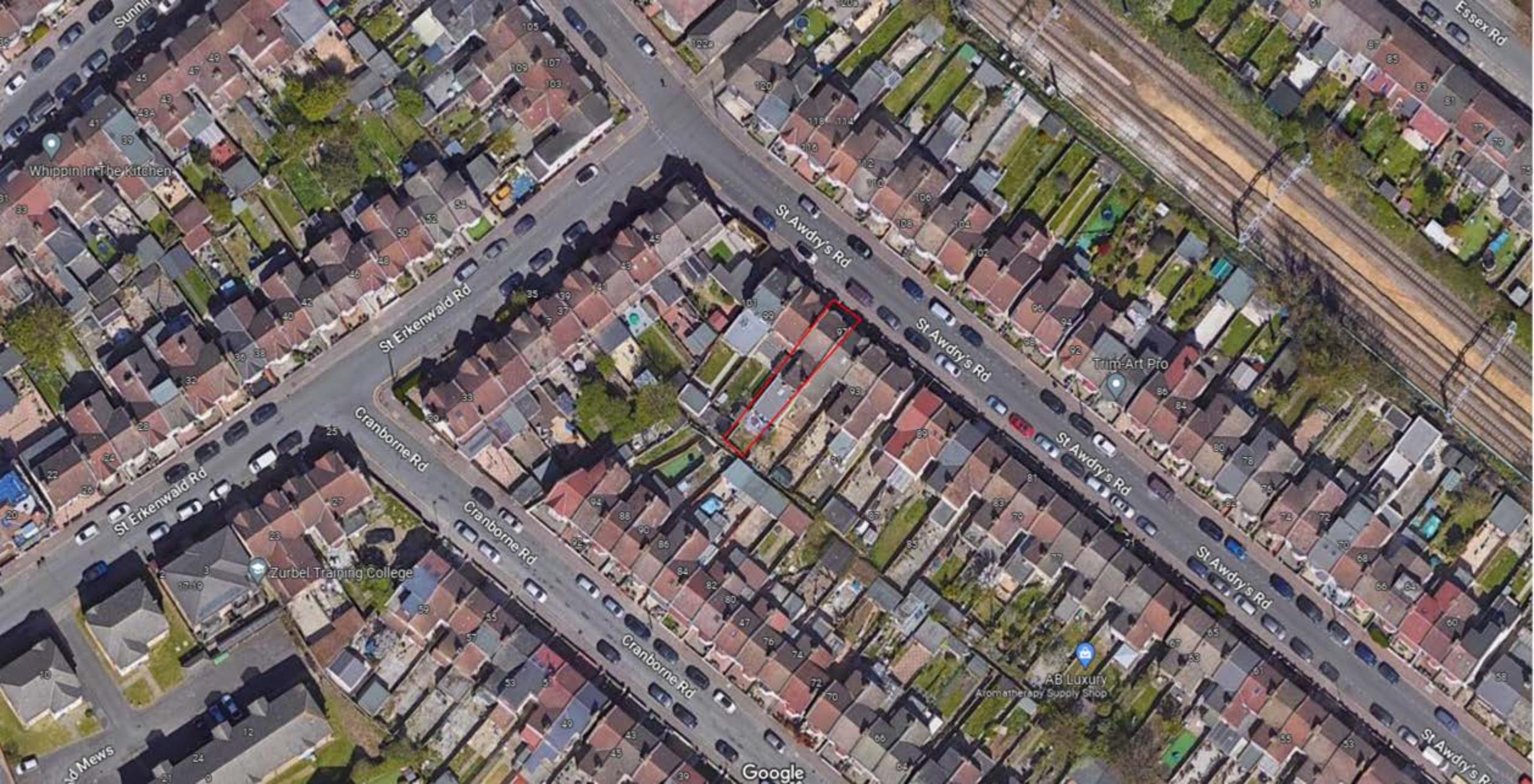
22/00285/FULL

**Application Description:**

Retrospective planning application for the retention of two 2x bedroom flats and one studio flat (2 new dwellings).

**Decision:**

Refused



Whippin In The Kitchen

St Erkenwald Rd

St Awdry's Rd

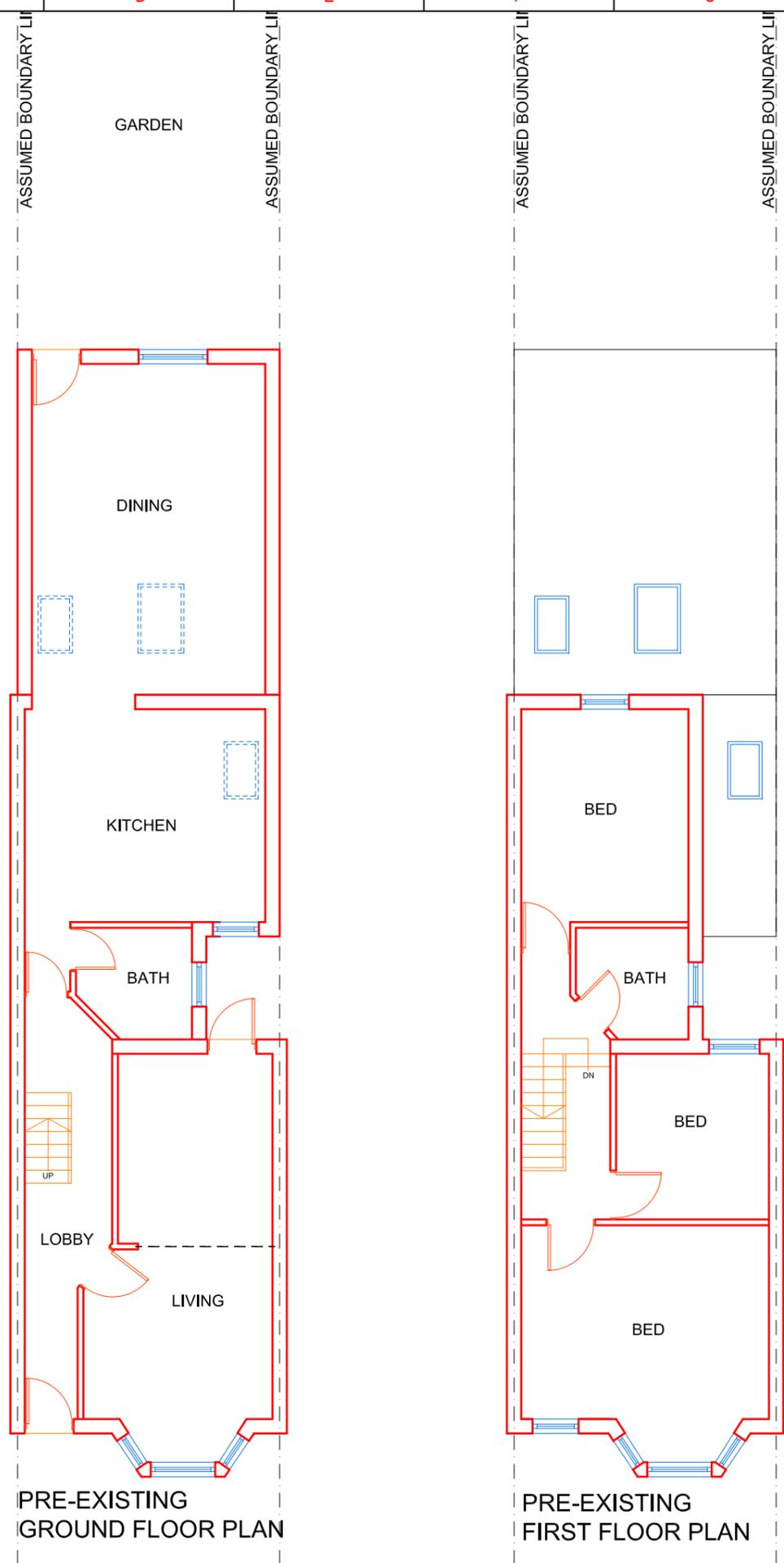
Essex Rd

Trim-Art Pro

Zurbel Training College

AB Luxury  
Aromatherapy Supply Shop

Google



**PARTY WALL NOTICES:**  
 PLEASE NOTE THAT BEFORE BUILDING WORKS COMMENCES IT IS THE RESPONSIBILITY OF BUILDER OR OWNER TO SERVE PARTY WALL NOTICES TO ALL NEIGHBOURS

**NOTE:**  
 DIMENSIONS: ALL DIMENSIONS TO BE CHECKED ON SITE. CONTRACTOR TO CHECK SITE THOROUGHLY BEFORE WORK STARTS & REPORT ANY DISCREPANCIES.

THIS DRAWING IS COPYRIGHT AND MUST NOT BE TRACED OR COPIED IN ANY WAY OR FORM IN PART OR WHOLE BY ANY MEANS WHATSOEVER WITHOUT PRIOR WRITTEN CONSENT AND MAY ONLY BE USED BY THE PRESENT OWNER IN RELATION TO THE PROPERTY AS REFERRED TO ON THE DRAWING. THIS DRAWING MAY BE COPIED BY AN AUTHORISED OFFICER OF THE LOCAL AUTHORITY WITH THE SOLE PURPOSE TO ASSIST IN THE DETERMINATION OF A PLANNING OR BUILDING REGULATIONS APPLICATION AND MAY NOT BE USED FOR ANY OTHER PURPOSE UNLESS OTHERWISE AGREED IN WRITING.

DIMENSIONS STATED ARE FOR GUIDANCE ONLY. CONTRACTOR TO VERIFY ALL BOUNDARY POSITIONS AND DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORKS. MAKING WORKSHOP DRAWINGS OR OBTAINING ANY MATERIALS.

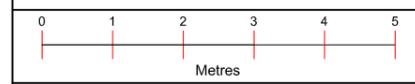
NOTE: NO CHECK DIMENSIONS OF THE SITE HAVE BEEN TAKEN AND ALL INFORMATION AND DETAILS HAVE BEEN PROVIDED BY THE CLIENT.

NO SITE SUPERVISION IS IMPLIED OR UNDERTAKEN UNLESS OTHERWISE SEPARATELY ARRANGED. THE DRAWING DOES NOT INDICATE THE EXTENT OF ANY EXCAVATION WORKS AND THE CONTRACTOR IS TO DETERMINE THIS PRIOR TO SUBMITTING A QUOTATION FOR THE WORKS OR COMMENCING ANY WORKS.

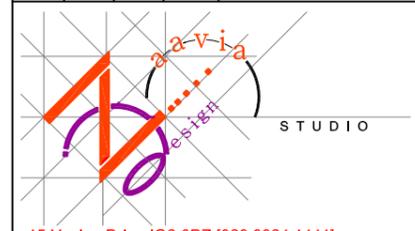
THE DRAWING DOES NOT INDICATE OR IMPLY THE STRUCTURAL CONDITION OF THE EXISTING PROPERTY. THE DRAWINGS HAVE BEEN PREPARED FOR ASSISTANCE IN THE PREPARATION OF DETAILS FOR PLANNING AND BUILDING REGULATIONS PURPOSES ONLY. NO CHECK DIMENSIONS HAVE BEEN TAKEN, ALL DETAILS HAVE BEEN PROVIDED BY THE CLIENT.

THE USE OF PERMITTED DEVELOPMENT RIGHT IN PROPERTY IS SUBJECT TO INFORMATION PROVIDED BY OWNER REGARDING THE STATUS OF PROPERTY AS A DWELLING HOUSE AND THE DWELLING NOT BEING IN A CONSERVATION AREA. ANY DEVELOPMENT WITHOUT A CERTIFICATE OF LAWFULNESS OR PLANNING PERMISSION IS SOLELY AT OWNER'S RISK.

- LEGEND**
- Ⓢ = SMOKE DETECTOR WITH SOUNDER
  - Ⓛ = EMERGENCY LIGHTING TO BS5266: Part 1 1988
  - Ⓜ = HEAT DETECTOR
  - FD30 = 30 MINUTE FIRE RESISTING DOOR AND FRAME



A	180122	AR	FIRST ISSUE
ISSUE	DATE	INITIALS	GRID REF
			DESCRIPTION



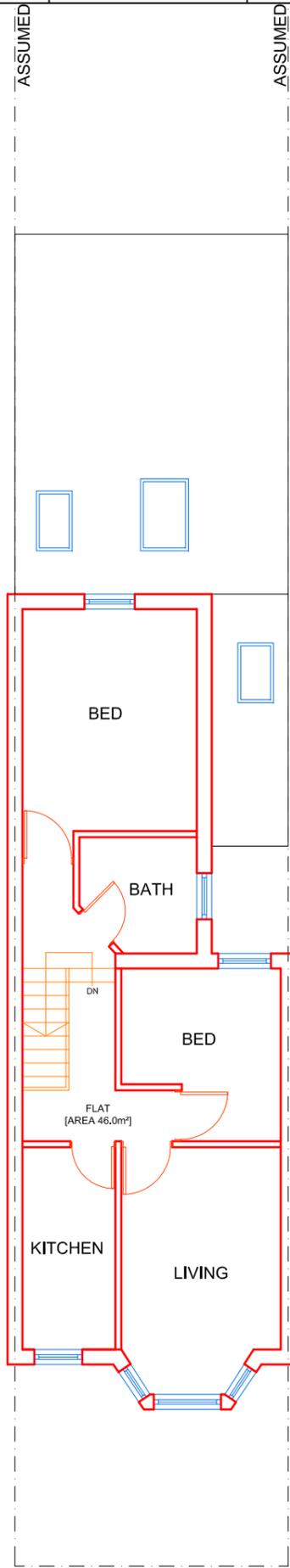
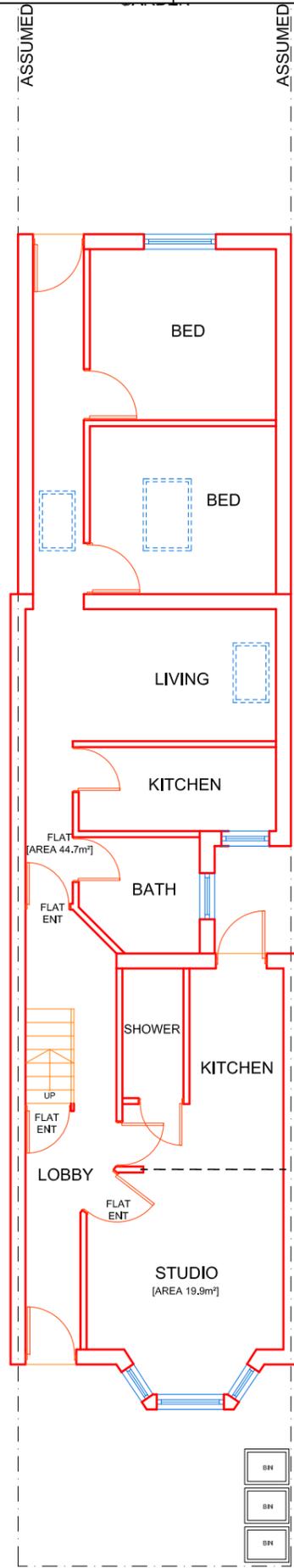
**PROJECT**  
 97 ST AWDREYS ROAD  
 BARKING  
 IG11 7QB

**DWG TITLE**  
 PRE-EXISTING PLANS

**CLIENT**  
 AMCO PROPERTIES LIMITED

**DWG NO:** ZAAVIA/97SR/205  
**ISSUE:** A

**SCALE:** 1:100@A3  
**DATE:** 18 JAN  
**DRAWN BY:** AR



**PARTY WALL NOTICES:**  
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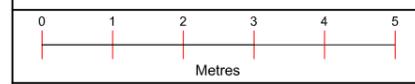
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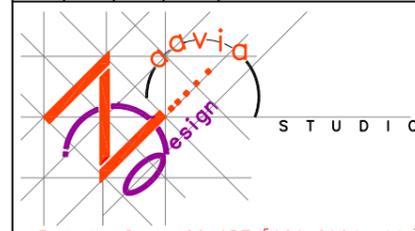
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- LEGEND**
- ⊙ = SMOKE DETECTOR WITH SOUNDER
  - ⊕ = EMERGENCY LIGHTING TO BS5266: Part 1 1988
  - ⊕ = HEAT DETECTOR
  - FD30 = 30 MINUTE FIRE RESISTING DOOR AND FRAME



ISSUE	DATE	INITIALS	GRID REF	DESCRIPTION
A	180122	AR		FIRST ISSUE



**PROJECT**  
97 ST AWDREYS ROAD  
BARKING  
IG11 7QB

**DWG TITLE**  
PLANS

**CLIENT**  
AMCO PROPERTIES LIMITED

**DWG NO:** ZAAVIA/97SR/201  
**ISSUE:** A

**SCALE:** 1:100@A3  
**DATE:** 18 JAN  
**DRAWN BY:** AR

# Delegated Report

## Application for Planning Permission

<b>Case Officer:</b>	Bethany Robins	<b>Valid Date:</b>	24 February 2022
<b>Officer Recommendation:</b>	<b>Refuse</b>	<b>Expiry Date:</b>	21 April 2022
<b>Application Number:</b>	22/00285/FULL	<b>Recommended Date:</b>	06 April 2022
<b>Address:</b>	97 St Awdrys Road, Barking, Barking And Dagenham, IG11 7QB		
<b>Proposal:</b>	Retrospective planning application for the retention of two 2x bedroom flats and one studio flat (2 new dwellings).		

### Planning Constraints

None.

### Site, Situation and Relevant Background Information

The application site is a two storey dwellinghouse that is situated at the centre of St Awdrys Road in Barking. This application seeks retrospective planning permission for the retention of two 2x bedroom flats and one studio flat (2 new dwellings). The proposed development presents the conversion of a single family dwelling into a 2 bedroom flat with a living room, kitchen and bathroom and studio flat with a kitchen and shower room on the ground floor and another 2 bedroom flat with a living room, kitchen and bathroom on the first floor. The dwelling also incorporates a small rear garden and bin storage at the front. Officers note that the application site is subject to enforcement case no.21/00420/ENF regarding the rear extension that is currently pending consideration.

### Key Issues

- Principle of the Development
- Dwelling Mix and Quality of Accommodation
- Design and Quality of Materials
- Impacts to Neighbouring Amenity
- Sustainable Transport
- Accessibility and Inclusion

### ASSESSMENT

#### Principle of the Development

##### The Law

Section 38(6) of the Planning and Compulsory Purchase Act 2004, lays down the legal principle that the decision on a planning application is to be governed by the development plan, read as a whole, unless other material considerations indicate otherwise.

##### The National Planning Policy Framework (NPPF, July 2019)

Paragraph 11(d) of the NPPF provides that the presumption in favour of sustainable development (also known as the 'tilted balance') is engaged where (a) there are no relevant development planning policies, or (b) the policies which are most important for determining the application are out-of-date. The lack of either (a) a five-year supply of housing land or (b) where the Housing Delivery Test (HDT) indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous three years, triggers this.

When the presumption in favour of sustainable development (also known as the 'tilted balance') is engaged, the balance is tilted in favour of the grant of permission, except where (a) the application site is within the protect area (such as designated heritage asset and other heritage assets of archaeological interest, Green Belt, Area of Outstanding Natural Beauty, and others), or (b) the benefits are 'significantly and demonstrably' outweighed by the adverse harm, or (c) where 'specific policies' indicated otherwise.

In this instance, the London Borough of Barking and Dagenham (LBBD) cannot demonstrate five-year housing land supply, and we have delivered 1,902 out of a required 3,708 houses over the last three years, meaning that we failed to meet our HDT. The presumption in favour of sustainable development is therefore engaged in the decision taking.

The presumption being part of the NPPF is an important 'material consideration'. It does not however, replace the legal responsibility set by s38(6) of the PCPA 2004, to take account relevant development plan policies (see Gladman v SSHCLG [2020] EWHS 518

(Admin)). When engaged the presumption changes the balancing exercise from a neutral balance where if the harms outweigh the benefits planning permission is usually refused, to a tilted balance where the harms need to outweigh the benefits significantly and demonstrably for permission to be refused.

### **Development Plan**

The London Plan (March 2021) H10 (Housing size mix) requires developments to determine the appropriate mix of units in relation to the number of bedrooms for a scheme. Whilst this policy is better suited for larger development rather than small conversions, this policy highlights that there is a need to provide and retain family housing that is of good quality.

The Core Strategy Policy (June 2010) Policy CC1 (Family housing) seeks to ensure that there is an appropriate mix of housing in new development. Whilst the policy itself refers to the new build development, the supporting text provides an explanation and reasons for this policy which are useful in assessing application for conversions of larger family homes (4-bedrooms +). The supporting text at paragraph 6.1.2 states that the Borough is not currently succeeding in providing sufficient new family housing, particularly for larger households (4-bedrooms +). This is evidenced in the past Annual Monitoring Reports. Paragraph 6.1.3 mentioned that the Borough is rapidly losing larger family houses and accommodation through housing conversion, demolition, and redevelopment schemes that do not replace the lost family sized units.

The Borough Wide Development Policies Development Plan Document (March 2011) Policy BC4 (Residential Conservation and Houses in Multiple Occupation) seeks to preserve and increase the stock of family housing in the Borough.

The draft Local Plan (Regulation 19(2)) Policy SP 3 (Delivering homes that meet peoples' needs), at Point 2 (b) states that the Council will ensure that development do not undermine the supply of self-contained housing, in particular family housing. The family housing is defined in the glossary as "a dwelling that by virtue of its size, layout and design is suitable for a family to live in and generally has three, four, five, or more bedrooms." Policy DMH 4 of the Draft Local Plan notes that the Council is seeking to preserve and increase the stock of family housing in the borough. Proposals for conversions or loss of existing family housing with three bedrooms or more will be resisted.

### **Evidence base documents**

The adopted Development Plan Documents and the emerging draft Local Plan are underpinned by a sound evidence base. The Strategic Housing Market Assessment (SHMA) published in February 2020, represents the latest, most up-to-date evidence base. Paragraph 4.18 states that in 2011, at the time of the Census, only 6% of the housing stock in the borough was 4-bedroom or more. Paragraphs 6.63-6.55 (inclusive) provide justification for the existing and projected dwelling size requirement. The evidence sets out that there is high demand for family houses, specifically for dwellings of four bedrooms or more.

The Annual Monitoring Reports tells us that whilst new homes are being built on strategic site allocations and other smaller sites, the development that is coming forwards mainly meets the identified need for smaller units (1 or 2 bedrooms). It's rare for developers to provide flats or houses that are 3-bedroom+ (larger family houses).

The Housing Delivery Test Action Plan 2020 demonstrated that 'the Council is making significant progress to improve the delivery of homes through the increase in planning permissions.'

### **Assessment**

To ensure that the Borough develops to have diverse, strong, and secure neighbourhoods that promote equal life chances for all. It is important to protect family housing and in particular larger family dwellings (3-bedroom +). The adopted and emerging planning policies emphasise the importance of delivery and retention of this type of housing. The policies are supported by a sound evidence base that is consistent with national policy and in accordance with the London Plan. Given that less family housing is coming forward on the ground, this gives even greater importance to the retention of existing family housing stock.

Any benefits that the change of use of family dwelling to flats will deliver is weighed against the need to protect and increase the supply of family housing. Policy BC4 of the Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011), in essence, serves to help address the loss of family homes and aims to ensure that what is described in the policy's reasoned justification as a current deficit of such is not worsened by further flat conversions. Although the conversions of the flat can provide a valuable source of housing, and meet a related need for smaller households, this is weighed against the need to protect and increase the supply of 3+ bedroom family sized dwellings, of which the existing property is one. As such, Officers support the preservation of the existing family-sized dwelling as opposed to the conversion of the dwelling into two self-contained flats.

### **Conclusion**

There is a clear motive in the planning policies listed above to preserve family dwellings, particularly those of 3+ bedrooms. The proposed change of use of a 3+ bedroom family dwelling to 1x studio and 2x 2 bedroom flats would not be supported and against the objectives of the NPPF, Policy H9 of the London Plan, Policy SP 3 and DMH 4 of the Draft Local Plan, Policy CM1 of the Core Strategy DPD, and Policy BP10 and BC4 of the Borough Wide DPD.

## **Dwelling Mix and Quality of Accommodation**

At national level, the 'Technical housing standards – nationally described space standard' deals with internal space within new

dwellings and dwelling conversions. It is suitable for application across all tenures. It sets out requirements for the gross internal area of new dwellings at a defined level of occupancy, as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. London Plan Policy D6 sets out the importance for homes across London to be designed to a high quality – 'New homes should have adequately-sized rooms and convenient and efficient room layouts which are functional, fit for purpose and meet the changing needs of Londoners over their lifetimes. Particular account should be taken of the needs of children, disabled and older people' in line with those set at national level.

The technical housing standards states that in order to provide one bedspace, a single bedroom must have a floor area of at least 7.5m<sup>2</sup> and is at least 2.15m wide. In order to provide two bedspaces, a double (or twin bedroom) must have a floor area of at least 11.5m<sup>2</sup>, with one double (or twin bedroom) being at least 2.75m wide and every other double (or twin) bedroom being at least 2.55m wide. Policy BP6 of the Borough Wide Development Plan states that for a two bedroom dwellinghouse, at least one of the bedroom's should be that of a double bedroom. The technical housing standards also requires the gross internal floor space for a one-bedroom, one person, one-storey dwelling to be at least 37 sqm and have 1 sqm of built-in storage and a two-bedroom, three person, one-storey dwelling to be at least 61 sqm and have 2 sqm of built-in storage.

The proposed developments internal space is listed below:

#### **Flat 1**

**Gross Internal Floor Space:** 19.9 sqm (Does not comply with one-storey, one bedroom, one person dwelling)

**Bedroom 1:** 10.7 sqm (Complies with a single bedroom)

**Storage:** 0 sqm (Does not comply with space standards)

#### **Flat 2**

**Gross Internal Floor Space:** 44.7 sqm (Does not comply with one-storey, two bedroom, three person dwelling)

**Bedroom 1:** 8.74 sqm (Does not comply with a double bedroom)

**Bedroom 2:** 8.56 sqm (Complies with a single bedroom)

**Storage:** 0 sqm (Does not comply with space standards)

#### **Flat 3**

**Gross Internal Floor Space:** 46 sqm (Does not comply with one-storey, two bedroom, three person dwelling)

**Bedroom 1:** 10.45 sqm (Does not comply with a double bedroom)

**Bedroom 2:** 7.52 sqm (Complies with a single bedroom)

**Storage:** 0 sqm (Does not comply with space standards)

As such, all 3 flats within the proposed development fail to comply with the minimum internal area standard's substantially, as stated in the Technical Housing Standard's. Specifically, Flats 2 and 3 fails to provide a bedroom with sufficient space for a double bedroom which is required for a two bedroom dwelling, as Bedroom 1 in both Flats 2 and 3 fail to comply with the gross internal floor space required for a double bedroom. Therefore, the proposed development fails to comply with the Technical Housing Standard's. With regards to Flat 1, although the proposal complies in terms of space standards for a single bedroom, the flat fails to comply with the minimum gross internal space standards for a property of this size including the built-in storage space. As such, all 3 flats are not considered to provide a good quality of life for current and future residents of this property.

Policy BP6 of the Borough Wide Development Plan seeks to ensure that new dwellings provide adequate internal space. It sets out that a 3 person bedspace should provide a minimum 24 sqm of cooking, eating and living space and a 2 person dwelling should provide 22 sqm. Flat 1 provides 5.5 sqm which does not comply with a 2 person dwelling, Flat 2 provides 15.12 sqm and Flat 3 provides 14.87 sqm, neither of which comply with a 2 person dwelling therefore, it does not accord with policies and could be detrimental to ensuring good quality of accommodation being provided for the residents.

In regard to outdoor amenity spaces Chapter 8 of the NPPF seeks to promote healthy and safe communities by ensuring planning decisions achieve healthy, inclusive and safe places which enable and support healthy lifestyles and wellbeing needs. Policy BP5 of the Borough Wide Development Plan Document states that new developments must provide adequate external private and/ or communal amenity space to meet the need generated by development. Amenity space should be private, useable, functional and safe. Policy BP5 of the Borough Wide Development Plan sets out that a 2 bedroom dwelling is expected to provide 40 sqm of outdoor amenity space and a 1 bedroom dwelling is expected to provide 20 sqm. Officers acknowledge that all 3 flats share a communal external amenity space of only 17.5 sqm which fails to comply with the requirements of the Borough Wide Development Plan, substantially impacting the quality of life for current and future residents of this property.

All 3 flats of the proposed development to meet the minimal space standards for one and two bedroom dwellings, as well as failing to meet the space standards for a double bedroom in both of the two bedroom flats, as stated in the Technical Housing Standard's, and failing to comply with the minimum external amenity space standards set out in the Borough Wide Development Plan Document. Therefore, Officers do not consider the quality of accommodation to be acceptable as it fails to comply with Policies D4, D5 and D6 and D7 of the London Plan and Policies BC2, BP5 and BP6 of the Borough Wide DPD and the Technical housing standards - nationally described space standard. Therefore, the proposed development does not ensure a satisfactory lifestyle is achieved and hence it is recommended for refusal.

### **Design and Quality of Materials**

The NPPF (2019), specifically paragraphs 127 and 128, outline that planning policies and decisions should aim to ensure that development functions well and adds to the overall quality of an area for both the short term and over the lifetime of the development. Paragraph 130 advises that permission should be refused for proposed developments of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On a more localised level, Policy SP 2 of the Draft Local Plan (Regulation 19) reiterates that the Council will promote high-quality design, providing a safe, convenient, accessible and inclusive built environment and interesting public spaces and social infrastructure for all through recognising and celebrating local character and the borough's heritage, adopting a design-led approach to optimising density and site potential by responding positively to local distinctiveness and site context. Policy DMD 1 of the Draft Local Plan states that all development proposals should be creative and innovative, recognising that existing local character and accommodating change is not mutually exclusive, architecture should be responsive, authentic, engaging, and have an enduring appeal.

The proposed development presents no alterations to the external appearance of the dwellinghouse. Therefore, officers consider the proposed development to be appropriate in design and in accordance with the objectives of the NPPF, London Plan Policy D4, Policies SP 2 and DMD 1 of the Draft Local Plan, and Policy BP8 and BP11 of the Local Development Framework Borough Wide Development Plan.

### **Impacts to Neighbouring Amenity**

The NPPF and London Plan Policies both have relevance to the importance of quality development in addressing neighbouring amenity and avoiding unacceptable impacts. Policy DMD 1 of the Draft Local Plan (Regulation 19) states that all development proposals should consider the impact on the amenity of neighbouring properties with regard to significant overlooking (loss of privacy and immediate outlook) and overshadowing (unacceptable loss of daylight and sunlight), wind and microclimate. Policy BP8 and BP11 of the Local Development Framework Borough Wide Development Plan has specific regard to protecting residential amenity.

Noise and general disturbance are also discussed in planning policy in regard to protecting residential amenity. Policy DMD 1 of the Draft Local Plan states that all development proposals should mitigate the impact of air, noise and environmental pollution. Policy SP 7 of the Draft Local Plan ensures that all development manages nuisance during both construction and operation through appropriate mitigation. Policy BP8 of the Local Development Framework Borough Wide Development Plan expects all development to ensure existing and proposed occupiers are not exposed to unacceptable levels of pollution or general disturbance that may arise from the development. This can include noise, smoke, fumes, refuse and/or lighting, and activities as traffic movements, during construction and occupation. Policy DMSI 3 of the Draft Local Plan states that development proposals which generate unacceptable levels of nuisance, either individually or cumulatively, will generally be resisted.

The proposed development will cause no alteration to the external design of the property. Therefore, minimal overlooking or overshadowing will occur to neighbouring properties. However, there will be additional residents living at the application site. This will result in a greater concentration of irregular comings and goings in relation to the surrounding residential units. Officers believe this proposal will generate more waste, noise and general disturbance than a single dwelling, negatively impacting neighbouring amenity and in turn the standard of living of neighbouring residents.

The proposed 3x flat conversions have the potential to increase activity level and coming and goings to and from the site leading to additional levels of noise and disturbance at the property. This is considered to have a negative impact on neighbouring amenity and in turn the health and wellbeing of neighbouring residents. As such the proposal is contrary to the Policies DMD 1, SP 7 and DMSI 3 of the Draft Local Plan, and Policies BP8 and BP11 of the Local Development Framework Borough Wide Development Plan.

### **Sustainable Transport**

The Council's Transport Planning Officer was consulted regarding this application and made the following comments:

#### **Car Parking**

"The site is in PTAL 6a meaning it has excellent access to public transport and it does fall under the CPZ area.

There is no off-street parking associated with the proposal or the existing development.

We must ensure that the proposal does not negatively impact the existing residents and users of the surrounding area by adding additional vehicles on to the street. Therefore, to be in line with the New London Plan 2021 policy, the additional units proposed must be made car permit free and this must be conditioned prior to the occupation of the units. This means the occupiers of the 2 units should not be made eligible to apply for on street parking permits.

## Cycle Parking

According to the Local Plan POLICY DMT 3 and The London plan 2021, this development requires a minimum of 5 cycle parking spaces. The cycle parking space must be safe and easily accessible. The cycle parking spaces should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards, this means; access for residents only, and with stands/racks allowing both the frame and at least one wheel to be secured

Well located: close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners

Covered

Fully accessible, for parking all types of cycle

Managed, where possible, in order for access to be administered and to provide ongoing maintenance

Prior to the approval of the application, applicant must identify 5 appropriate cycle parking provision within the development site.

No part of the property shall be occupied or used until the cycle storage arrangements have been implemented in accordance with the approved details. The cycle storage arrangements shall thereafter be retained. This must be conditioned.

In order to promote alternative, sustainable forms of transport, in accordance with The Local Plan POLICY DMT 3 and The London Plan 2021 policy T5.

## Refuse

Refuse storage arrangements is proposed in the front garden area, this must be liaised with the LBBB refuse team for their input regarding the minimum space needed per unit."

## Accessibility and Inclusion

The Council's Access Officer was consulted regarding this application and made the following comments:

"I have concerns that there's not enough natural light to parts of ground floor. As there's no planning permission originally sought, I'm concerned that this has not been inspected by Building Control. If the extension passes planning and building regulations, then I see no issue with change of use from an access point of view."

## CONCLUSION

Considering the planning policy, evidence base, and material considerations outlined above the benefits of providing additional housing in the Borough does not outweigh the significant and demonstrable harm that would result from losing larger family housing. Furthermore, all 3 flats of the proposed development fail to provide the minimum external amenity space that is required, fail to provide the minimal space standards for one and two bedroom dwellings, as well as failing to meet the space standards for a double bedroom in both the two bedroom flats and therefore would not provide an acceptable quality of accommodation to provide a satisfactory lifestyle for future residents. Additionally, the 3 flats have the potential to increase activity level and coming and goings to and from the site leading to additional levels of noise and disturbance at the property. This is considered to have a negative impact on neighbouring amenity and in turn the health and wellbeing of neighbouring residents. For these reasons, the negatives arising from the proposal are considered to outweigh any significant benefits as such having regard to the presumption in favour of sustainable development on balance the principle of development is considered unacceptable and planning permission is to be refused.

## APPENDIX 1

<b>Development Plan Context</b>	
The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:	
National Planning Policy Framework (NPPF) (DLUHC, 2021)	
London Plan (March 2021)	<p>Policy D1 - London's Form, Character, and Capacity for Growth</p> <p>Policy D6 - Housing Quality and Standards</p> <p>Policy H9 - Ensuring the Best Use of Stock</p> <p>Policy H10 - Housing Size Mix</p>
Local Development Framework (LDF) Core Strategy (July 2010)	<p>Policy CM1 - General Principles for Development</p> <p>Policy CC1 - Family Housing</p>
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	<p>Policy BC4 - Residential Conversions and Houses in Multiple Occupation</p> <p>Policy BP5 - External Amenity Space</p> <p>Policy BP6 - Internal Space Standards</p> <p>Policy BP10 - Housing Density</p> <p>Policy BP8 - Protecting Residential Amenity</p> <p>Policy BP11 - Urban Design</p>
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.	
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	<p>Policy SP3 - Delivering homes that meet people's needs</p> <p>Policy DMH4 - Purpose-built shared housing and houses in multiple occupations (HMOs)</p> <p>Policy SP2 - Delivering a well-designed, high-quality and resilient built environment</p> <p>Policy DMD 1 - Securing high-quality design</p> <p>Policy SP 7 - Securing a clean, green and sustainable borough</p> <p>Policy DMSI 3 - Nuisance</p>
Supplementary Planning Documents	<p>DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended) Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017)</p> <p>the London Borough of Barking &amp; Dagenham 'Interim Habitats Funding Statement' (Date TBC)</p>

## APPENDIX 2

<b>Relevant Planning History</b>			
Application Number:	22/00248/FULL	Status:	None Selected
Description:	<i>Retrospective application for the construction of a rear single storey extension.</i>		
Enforcement Case:	21/00420/ENF	Status:	Pending Consideration
Alleged breach:	Rear extension		
Enforcement Case:	17/00338/NOPERM	Status:	Case Closed
Alleged breach:	HMO		
Enforcement Case:	20/00053/NOPERM	Status:	Case Closed
Alleged breach:	extension		

**APPENDIX 3**

<b>Consultations</b>		
<i>Consultee:</i>	<i>Date Consulted:</i>	<i>Summary of response:</i>
Transport Planning Officer	25/02/2022	<p><b>CONSIDERATION</b></p> <p><b>Introduction</b></p> <p>This is an application for the Retrospective planning application for the retention of two 2x bedroom flats and one studio flat (2 new dwellings). Site Access No new access to the development is proposed from the public highway.</p> <p><b>Car Parking</b></p> <p>The site is in PTAL 6a meaning it has excellent access to public transport and it does fall under the CPZ area.</p> <p>There is no off-street parking associated with the proposal or the existing development.</p> <p>We must ensure that the proposal does not negatively impact the existing residents and users of the surrounding area by adding additional vehicles on to the street. Therefore, to be in line with the New London Plan 2021 policy, the additional units proposed must be made car permit free and this must be conditioned prior to the occupation of the units. This means the occupiers of the 2 units should not be made eligible to apply for on street parking permits.</p> <p><b>Cycle Parking</b></p> <p>According to the Local Plan POLICY DMT 3 and The London plan 2021, this development requires a minimum of 5 cycle parking spaces. The cycle parking space must be safe and easily accessible. The cycle parking spaces should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards, this means; access for residents only, and with stands/racks allowing both the frame and at least one wheel to be secured</p> <p style="text-align: right;">Well located: close</p> <p>to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners</p> <p>Covered</p> <p style="text-align: center;">Fully accessible, for parking all types of cycle</p> <p style="text-align: center;">Managed, where possible, in order for access to be administered and to provide ongoing maintenance</p> <p>Prior to the approval of the application, applicant must identify 5 appropriate cycle parking provision within the development site.</p> <p>No part of the property shall be occupied or used until the cycle storage arrangements have been implemented in accordance with the approved details. The cycle storage arrangements shall thereafter be retained. This must be conditioned.</p> <p>In order to promote alternative, sustainable forms of transport, in accordance with The Local Plan POLICY DMT 3 and The London Plan 2021 policy T5.</p> <p><b>Refuse</b></p> <p>Refuse storage arrangements is proposed in the front garden area, this must be liaised with the LBBDD refuse team for their input regarding the minimum space needed per unit.</p>
Access Officer	25/02/2022	<p>I have concerns that there's not enough natural light to parts of ground floor. As there's no planning permission originally sought, I'm concerned that this has not been inspected by Building Control. If the extension passes planning and building regulations, then I see no issue with change of use from an access point of view.</p>

**APPENDIX 4**

<b>Neighbour Notification</b>	
<b>Date Consultation Letter Sent:</b>	25/02/2022
<i>No response received.</i>	

**LBBB Reference:** 22/00285/FULL

AMCO PROPERTIES LIMITED

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

Dear Sir / Madam,

**Application Number:** 22/00285/FULL  
**Address:** 97 St Awdrys Road, Barking, Barking And Dagenham, IG11 7QB  
**Development Description:** Retrospective planning application for the retention of two 2x bedroom flats and one studio flat (2 new dwellings).

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

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

Yours sincerely,

[Marilyn Smith](#)

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

## PLANNING DECISION NOTICE

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

**Agent:** **Applicant:** AMCO PROPERTIES LIMITED

#### PART 1 - PARTICULARS OF THE APPLICATION

**Application Number:** 22/00285/FULL  
**Application Type:** Full Planning Permission  
**Development Description:** Retrospective planning application for the retention of two 2x bedroom flats and one studio flat (2 new dwellings).  
**Site Address:** 97 St Awdrys Road, Barking, Barking And Dagenham, IG11 7QB  
**Date Received:** 17 February 2022  
**Date Validated:** 24 February 2022

#### PART 2 - PARTICULARS OF THE DECISION

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

##### Reason(s):

1. The proposed conversion of the dwellinghouse into three self-contained flats has potential to increase activity level and coming and goings to and from the site leading to additional levels of noise and disturbance at the property. This is considered to have a negative impact on neighbouring amenity and in turn the health and wellbeing of neighbouring residents. As such the proposal is contrary to:

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

2. The proposed development would fail to provide sufficient internal and external amenity space and CEL area's for a one bedroom, one person bedroom, one storey dwellinghouse (Flat 1) and two bedroom, three person, one storey dwellinghouse (Flats 2&3) as well as failing to provide bedroom space for at least one double bedroom (Flats 2&3) The proposal would therefore provide a substandard quality of accommodation detrimental to the standard of living of future residents. Therefore, the proposal fails to comply with:

- National Planning Policy Framework (MHCLG, February 2019)
- Policy D6 of the London Plan (March 2021)
- Policies BP5 and BP6 of the LDF Borough Wide Development Plan Policies DPD (March 2011) Technical Housing Standards

3. The proposal will result in the loss of a 3 bedroom family sized dwellinghouse which is the type of housing in high demand within the Borough. Therefore the negatives arising from the proposal are considered to outweigh any significant benefits as such having regard to the presumption in favour of sustainable development on balance the principle of development is

considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, February 2019)
- Policies GG4, H1, H2 and H9 of the London Plan (March 2021)
- Policies CM1, CM2 and CC1 of the Core Strategy DPD (July 2010)
- Policy BC4 of the Borough Wide DPD (March 2011)
- Policies SPDG1, SP3 and DMH4 of the Draft Local Plan Regulation 19 consultation version (October 2020)
- Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017)
- London Borough of Barking and Dagenham Housing Delivery Test Action Plan 2020

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

**Informative(s):**

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

- Site Location Plan
- ZAAVIA/97SR/201 - Plans - 18 JAN
- ZAAVIA/97SR/202 - Elevations - 18 JAN
- ZAAVIA/97SR/203 - Site Plan - 18 JAN

**Working with the applicant:**

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

**DATE OF DECISION: 20/04/2022**

Yours sincerely,

**Marilyn Smith**

**Marilyn Smith**

Head of Planning and Assurance  
London Borough of Barking and Dagenham

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

### **1. Appeals to the Secretary of State**

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

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

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

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

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

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

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

### **2. Subsequent Application Fees**

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

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

### **3. Purchase Notices**

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

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

### **4. Compensation**

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

Working in partnership



**Barking &  
Dagenham**

## **Performance Review Sub-Committee**

**Application Reference:**

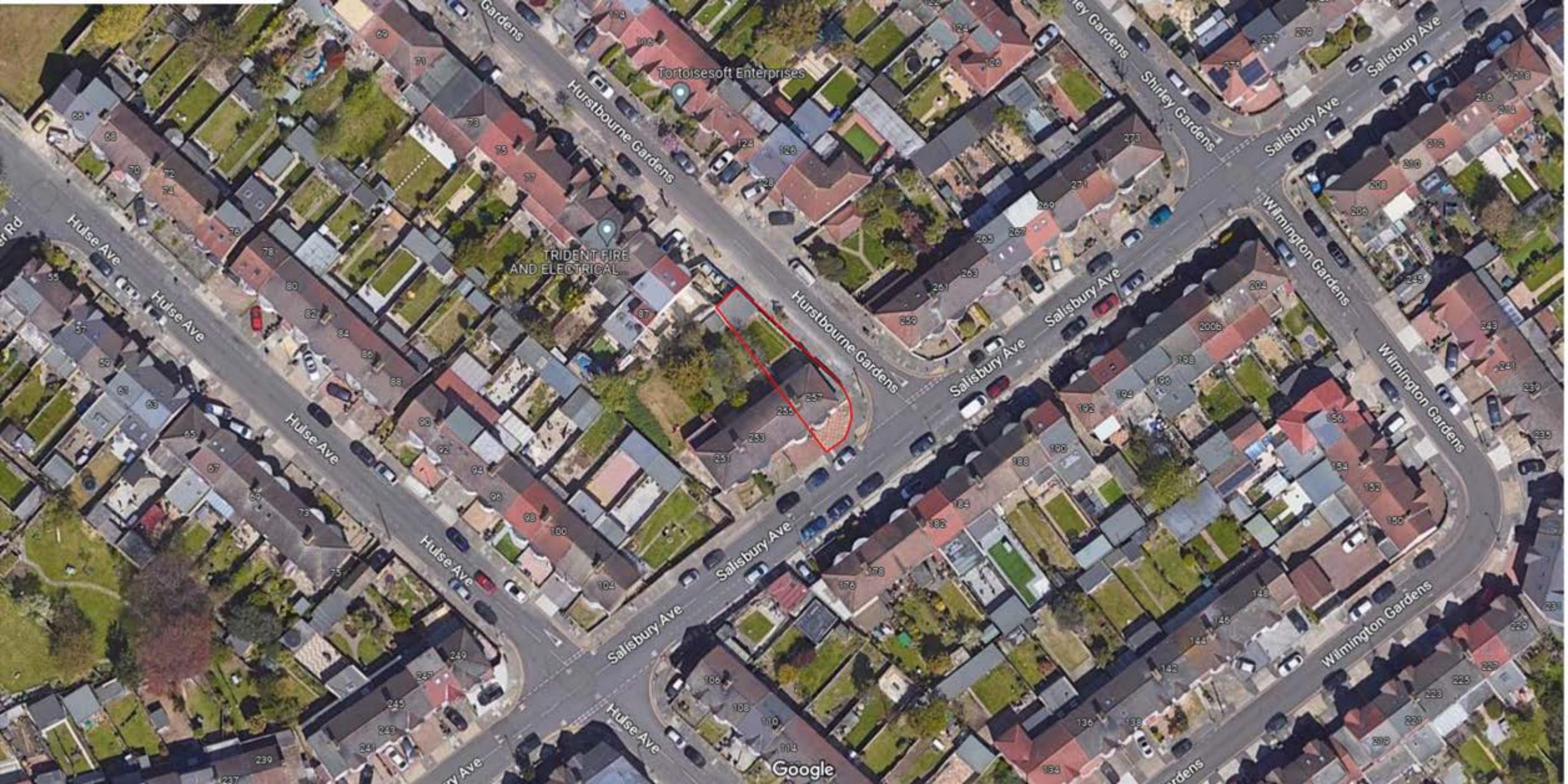
22/00520/PRIEXT

**Application Description:**

Prior notification application for the construction of a single storey rear extension: The proposed extension will extend beyond the rear wall by 6.0m, the maximum height of the proposed extension from the natural ground level is 4.0m, the height at eaves level of the proposed extension measured from the natural ground level is 3.0m

**Decision:**

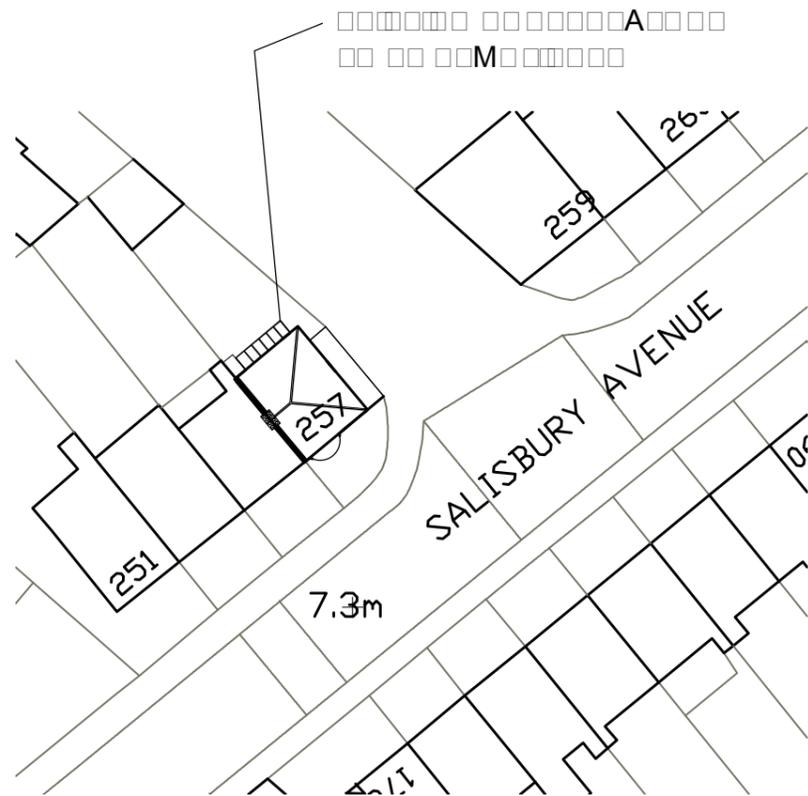
Prior Approval Not  
Required



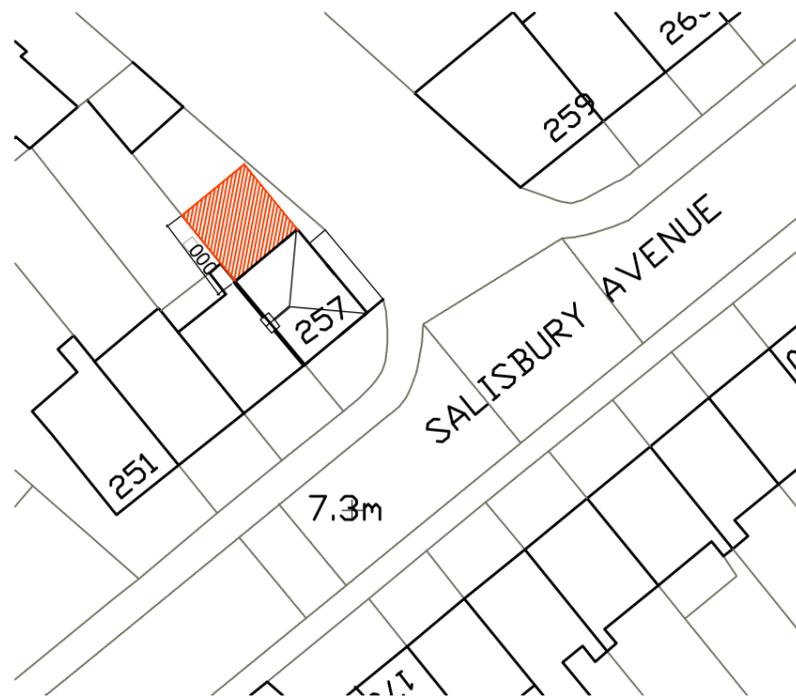
Tortoisesoft Enterprises

TRIDENT FIRE AND ELECTRICAL

Google

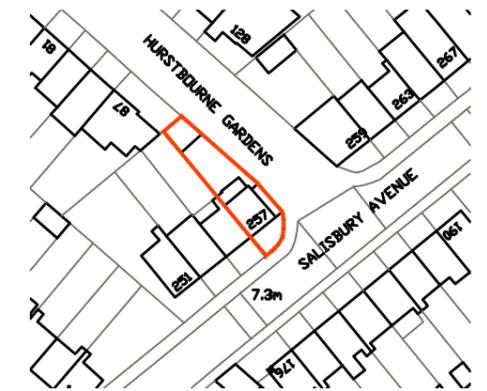


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 □□ A 1 : 500



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 □□ A 1 : 500

NOTE;  
 THE MATERIALS USED IN ANY  
 EXTERIOR WORK SHALL BE OF  
 SIMILAR APPEARANCE TO THOSE  
 USED IN THE CONSTRUCTION OF  
 THE EXTERIOR OF THE EXISTING  
 DWELLINGHOUSE



□□ A □□□ □□ A □ 1 : 1 □ 50



**FOR PRIOR APPROVAL**

REFERENCE DRAWINGS

NOTES  
 ALL WORKS TO BE COMPLETED STRICTLY IN ACCORDANCE WITH THE PLANNING APPROVED PLANS (PLANNING APPROVAL).  
 ANY OMISSION TO BE REPORTED TO AND CLARIFIED WITH CLIENT PRIOR TO COMMENCEMENT.  
 VERIFY DIMENSIONS, LEVELS AND EXISTING STRUCTURE, ETC ON SITE PRIOR TO COMMENCEMENT.  
 DRAWING TO BE READ IN CONJUNCTION WITH SPECIALIST DESIGN & CALCULATIONS.  
 ALL WORKS TO COMPLY WITH CURRENT REGULATIONS, BRITISH STANDARDS & LEGISLATION.  
 MATERIALS, FIXTURES AND FITTINGS TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS & GUIDANCE.  
 PLEASE NOTE THAT BEFORE BUILDING WORKS COMMENCES IT IS THE RESPONSIBILITY OF THE BUILDER OR OWNER TO  
 SERVE PARTYWALL NOTICES TO ALL NEIGHBORS UNDER THE PARTYWALL ACT 1996.



**MK DESIGN & BUILD LTD**  
 ARCHITECTURAL SERVICES, PARTYWALL  
 SURVEYORS & BUILDING CONSTRUCTION  
 125 WOODLANDS ROAD, ILFORD, IG1 1JP. Tel/Fax: 0044-208-432-2929  
 m.khan@mkdnb.co.uk, info@mkdnb.co.uk, www.mkdnb.co.uk

DRAWN  
MNR  
CHECKED  
MK

CLIENT/PROJECT  
**257 SALISBURY AVENUE  
IG11 9XX**  
TITLE  
**EXISTING / PROPOSED BLOCK  
SITE PLAN AND REAR PHOTO**

DRAWING No.  
**20100\_103**  
SCALE:  
1: 500 ,1250  
DATE:  
JULY 2021

# Delegated Report

## Notification for Prior Approval for a Proposed Larger Home Extension

<b>Case Officer:</b>	Anna Jennings	<b>Valid Date:</b>	25 March 2022
<b>Officer Recommendation:</b>	<b>Prior Approval Not Required</b>	<b>Expiry Date:</b>	06 May 2022
<b>Application Number:</b>	22/00520/PRIEXT	<b>Recommended Date:</b>	19 April 2022
<b>Address:</b>	257 Salisbury Avenue, Barking, Barking And Dagenham, IG11 9XX		
<b>Proposal:</b>	Prior notification application for the construction of a single storey rear extension: The proposed extension will extend beyond the rear wall by 6.0m, the maximum height of the proposed extension from the natural ground level is 4.0m, the height at eaves level of the proposed extension measured from the natural ground level is 3.0m		

### Neighbour Notification

<b>Address:</b>	<b>Summary of response:</b>
255 Salisbury Avenue, Barking, Barking And Dagenham, IG11 9XX	No response.
87 Hurstbourne Gardens, Barking, Barking And Dagenham, IG11 9UU	No response.

### Relevant Legislation

- The Town and Country Planning Act 1990 (as amended)
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class A

### ASSESSMENT

#### A. Dwellinghouse

<i>Is the application site a Dwellinghouse?</i>	<b>YES</b>
---	------------

#### B. Pre-Commencement & Planning Enforcement

<i>Have works commenced on site (all or in part) in relation to that proposed?</i>	<b>NO</b>
<i>Is the application site the subject of a related enforcement case?</i>	<b>NO</b>

#### C. Conservation Area (Article 2(3) land)

<i>Is the application site located within a Conservation Area (Article 2(3) land)?</i>	<b>NO</b>
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#### D. Permitted Development Rights

<i>Have the provisions of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) been removed from YES/NO the application site?</i>	<b>NO</b>
---	-----------

#### E. Application Clarity

<i>Has the developer provided sufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted by Class A</i>	<b>YES</b>
---	------------

#### F. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class A Criteria

<i>Does the proposed development comply with the conditions, limitations or restrictions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class A?</i>	<b>YES</b>
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**CONCLUSION****Prior Approval Not Required**

Having regard to the proposed development and further to the assessment above, Prior Approval for a 'Proposed Larger Home Extension' is not required.

**LBBB Reference:** 22/00520/PRIEXT

Muhammad Khan  
125 Woodlands Road  
Ilford  
IG11 1JP

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

Dear Sir / Madam,

**Application Number:** 22/00520/PRIEXT  
**Address:** 257 Salisbury Avenue, Barking, Barking And Dagenham, IG11 9XX  
**Development Description:** Prior notification application for the construction of a single storey rear extension:  
The proposed extension will extend beyond the rear wall by 6.0m, the maximum height of the proposed extension from the natural ground level is 4.0m, the height at eaves level of the proposed extension measured from the natural ground level is 3.0m

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

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

Yours sincerely,

Marilyn Smith

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

## PLANNING DECISION NOTICE

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

<b>Agent:</b>	Muhammad Khan 125 Woodlands Road Ilford IG11 1JP	<b>Applicant:</b>	Kashif Iqbal 257 SALISBURY AVENUE BARKING IG11 1JP
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#### PART 1 - PARTICULARS OF THE APPLICATION

**Application Number:** 22/00520/PRIEXT  
**Application Type:** Prior Approval: Larger Home Extension  
**Development Description:** Prior notification application for the construction of a single storey rear extension: The proposed extension will extend beyond the rear wall by 6.0m, the maximum height of the proposed extension from the natural ground level is 4.0m, the height at eaves level of the proposed extension measured from the natural ground level is 3.0m  
**Site Address:** 257 Salisbury Avenue, Barking, Barking And Dagenham, IG11 9XX  
**Date Received:** 25 March 2022  
**Date Validated:** 25 March 2022

#### PART 2 - PARTICULARS OF THE DECISION

The London Borough of Barking and Dagenham, as Local Planning Authority, in pursuance of its powers under the above mentioned Act, Rules, Orders and Regulations made thereunder, hereby gives notice that **PRIOR APPROVAL** is **NOT REQUIRED** 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, subject to the conditions and reasons listed below.

##### Conditions:

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

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

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

20100\_103- Location map, Existing Block Plan and Proposed Block Plan- 07/2021

No other drawings or documents apply.

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

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

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

##### Working with the applicant:

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

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

**DATE OF DECISION: 03/05/2022**

Yours sincerely,

Marilyn Smith

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

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

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Working in partnership



**Barking &  
Dagenham**

## **Performance Review Sub-Committee**

**Application Reference:**

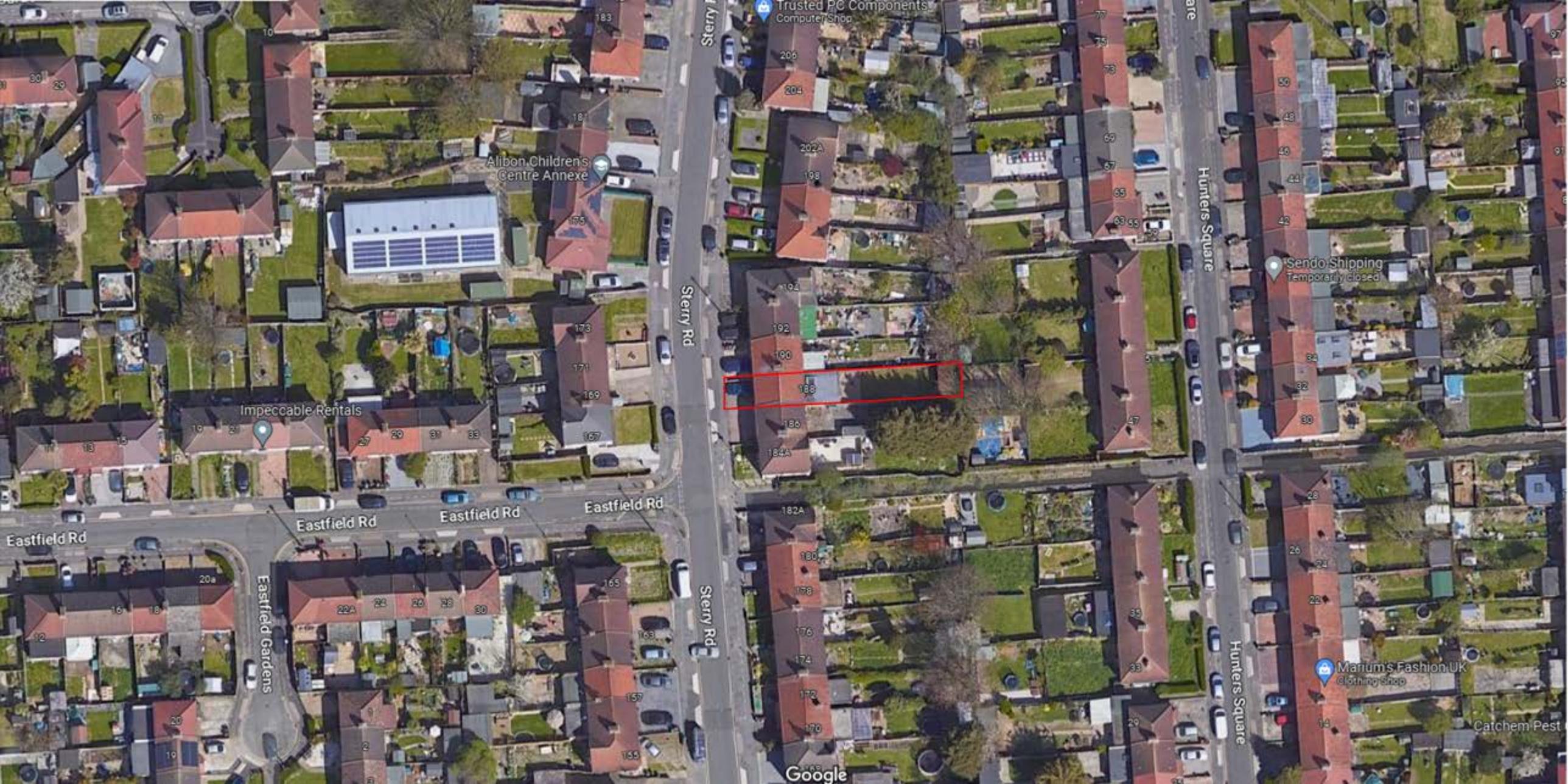
22/00585/FULL

**Application Description:**

A retrospective application for the change of use from a dwellinghouse (C3) to a House of multiple occupation (C4)

**Decision:**

Refused



Trusted PC Components  
Computer Shop

Alibon Children's  
Centre Annexe

Impeccable Rentals

Sendo Shipping  
Temporarily closed

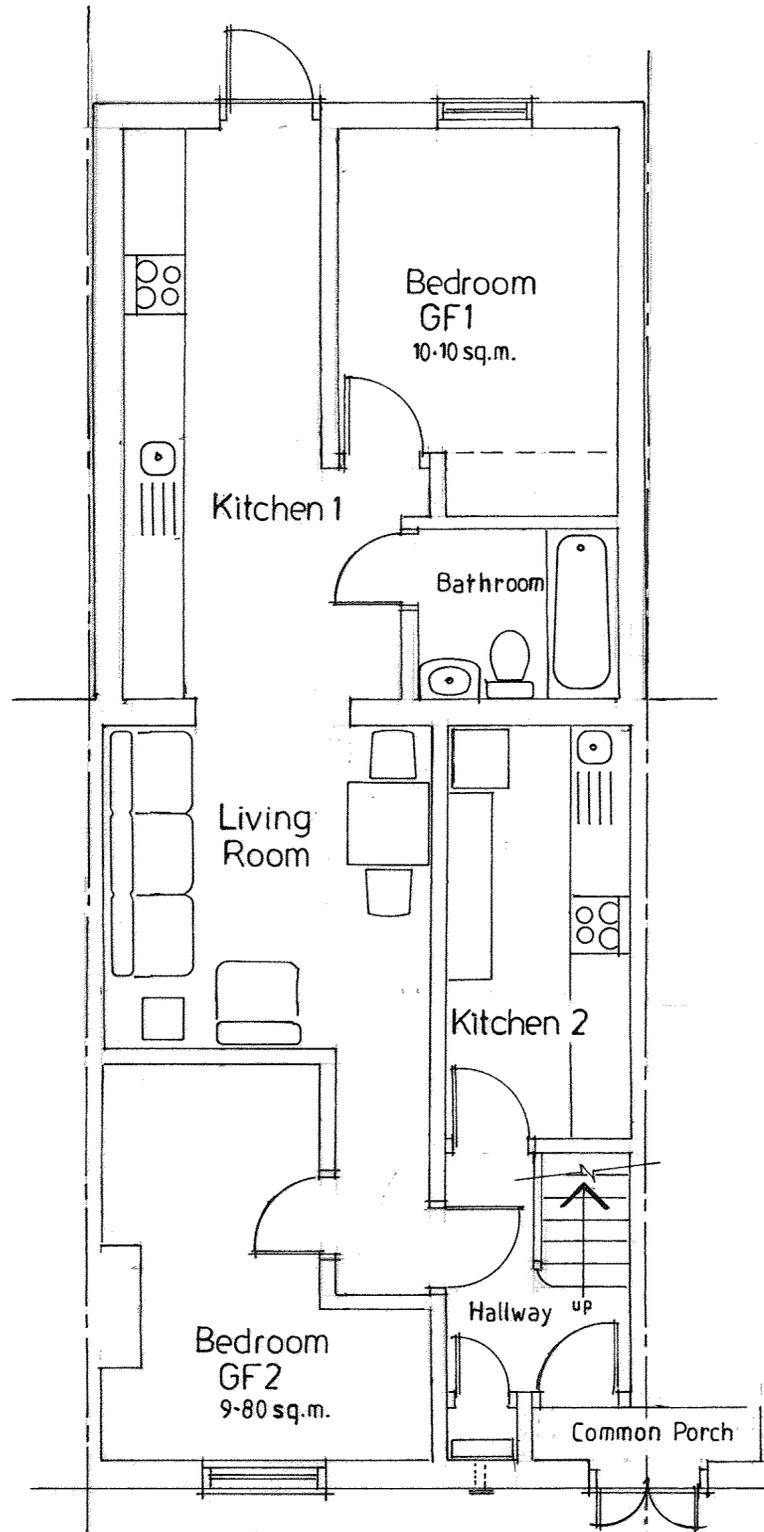
Marius's Fashion UK  
Clothing Shop

Catchem Pest

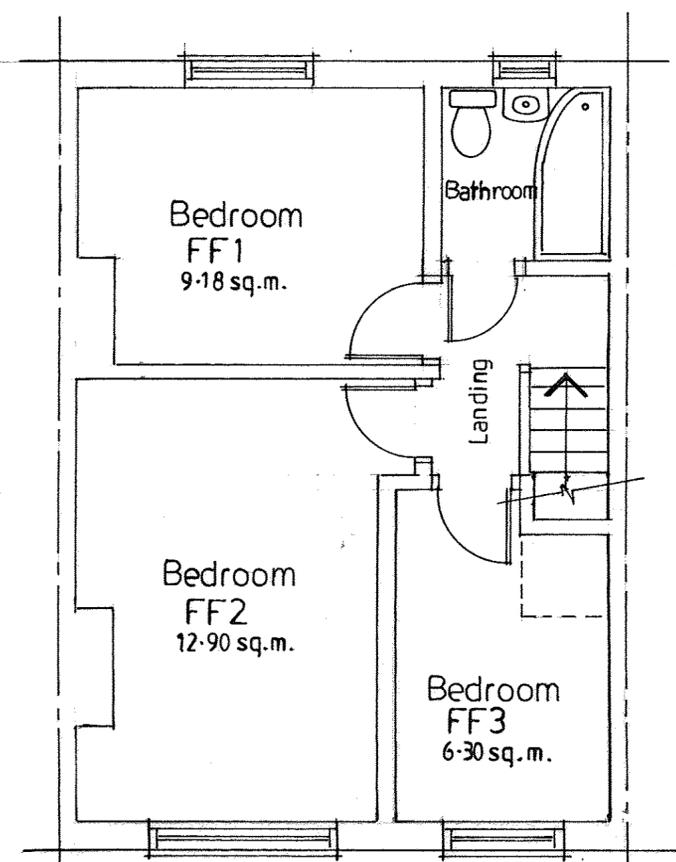
Google



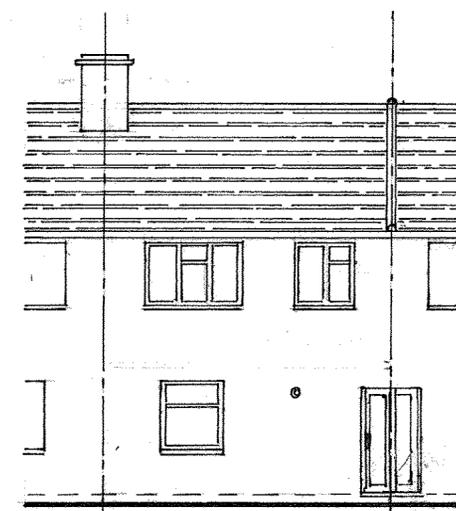
DRG. No.



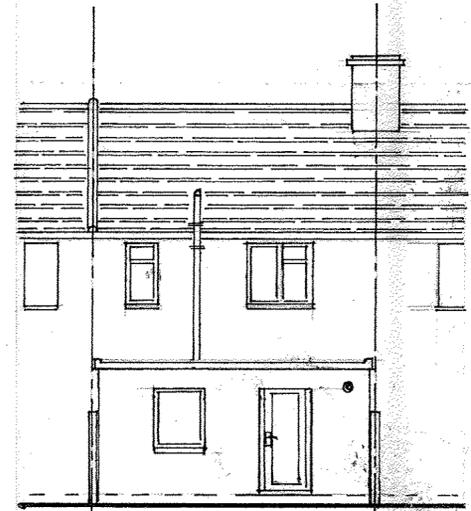
**EXISTING  
GROUND FLOOR**  
1:50



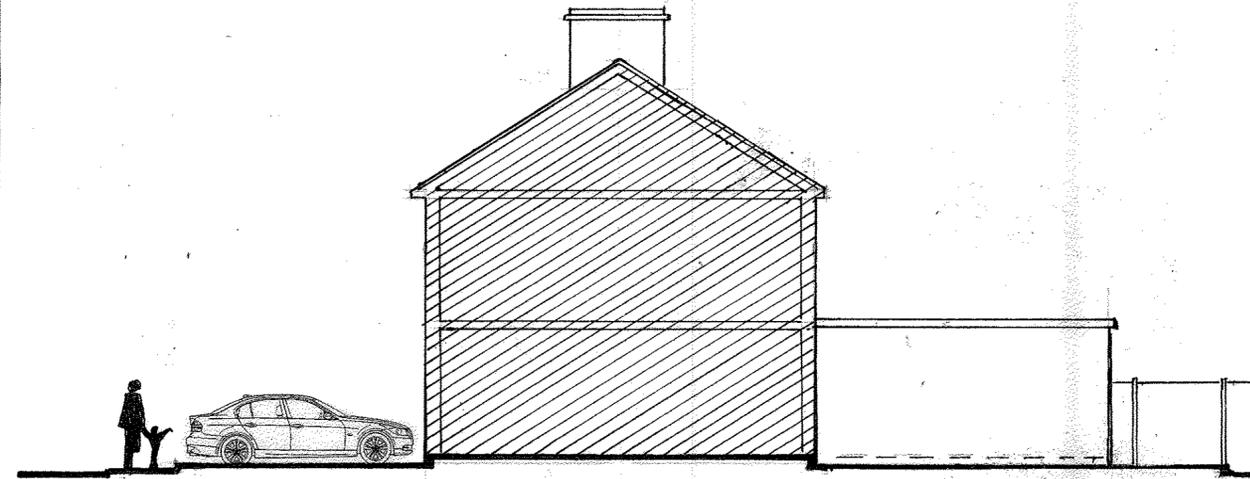
**EXISTING  
FIRST FLOOR**  
1:50



**FRONT  
ELEVATION**  
1:100



**REAR  
ELEVATION**  
1:100



**SIDE  
ELEVATION**  
1:100

No.	DESCRIPTION	CHK'D	APP'D	DATE
REVISIONS				

Mr. Budvydas Brazas  
188 Sterry Road  
Dagenham  
RM10 8PT

**EXISTING  
FLOOR PLANS and ELEVATIONS**

1:50 1:100

DRAWN S.A.	TRACED	CHECKED	APPROVED	DATE April 2022	SCALE 1:50 1:100
<b>DRAWING No. 1922 - 01, Rev. A</b>					

# Delegated Report

## Application for Planning Permission

<b>Case Officer:</b>	Bethany Robins	<b>Valid Date:</b>	07 April 2022
<b>Officer Recommendation:</b>	<b>Refuse</b>	<b>Expiry Date:</b>	02 June 2022
<b>Application Number:</b>	22/00585/FULL	<b>Recommended Date:</b>	23 May 2022
<b>Address:</b>	188 Sterry Road, Dagenham, Barking And Dagenham, RM10 8PT		
<b>Proposal:</b>	A retrospective application for the change of use from a dwellinghouse (C3) to a House of multiple occupation (C4)		

### Planning Constraints

None.

### Site, Situation and Relevant Background Information

The application site is a two-storey mid-terrace victorian dwellinghouse that is located on the easters side of Sterry Road in Dagenham. This is a retrospective application for the change of use from a dwellinghouse (C3) to a House of multiple occupation (C4). The Ground Floor consists of a two-bed self-contained unit with the benefit of a rear single storey extension and the use of the rear garden. This is let out to a young family. The First Floor consists of three separate bedrooms, each let out separately as university student accommodation. There is a shared bathroom on the First Floor and a shared kitchen on the Ground Floor. The development also includes a rear garden that is shared between all the occupants of the HMO.

### Key Issues

- Environmental (EIA)
- Principle of the Development
- Dwelling Mix and Quality of Accommodation
- Design and Quality of Materials
- Impacts to Neighbouring Amenity
- Sustainable Transport

### ASSESSMENT

#### Principle of the Development

##### The Law

Section 38(6) of the Planning and Compulsory Purchase Act 2004, lays down the legal principle that the decision on a planning application is to be governed by the development plan, read as a whole, unless other material considerations indicate otherwise.

##### The National Planning Policy Framework (NPPF, July 2019)

Paragraph 11(d) of the NPPF provides that the presumption in favour of sustainable development (also known as the 'tilted balance') is engaged where (a) there are no relevant development planning policies, or (b) the policies which are most important for determining the application are out-of-date. The lack of either (a) a five-year supply of housing land or (b) where the Housing Delivery Test (HDT) indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous three years, triggers this.

When the presumption in favour of sustainable development (also known as the 'tilted balance') is engaged, the balance is tilted in favour of the grant of permission, except where (a) the application site is within the protect area (such as designated heritage asset and other heritage assets of archaeological interest, Green Belt, Area of Outstanding Natural Beauty, and others), or (b) the benefits are 'significantly and demonstrably' outweighed by the adverse harm, or (c) where 'specific policies' indicated otherwise.

In this instance, the London Borough of Barking and Dagenham (LBBD) cannot demonstrate five-year housing land supply, and we have delivered 1,902 out of a required 3,708 houses over the last three years, meaning that we failed to meet our HDT. The presumption in favour of sustainable development is therefore engaged in the decision taking.

The presumption being part of the NPPF is an important 'material consideration'. It does not however, replace the legal responsibility set by s38(6) of the PCPA 2004, to take account relevant development plan policies (see Gladman v SSHCLG [2020] EWHS 518

(Admin)). When engaged the presumption changes the balancing exercise from a neutral balance where if the harms outweigh the benefits planning permission is usually refused, to a tilted balance where the harms need to outweigh the benefits significantly and demonstrably for permission to be refused.

### **Development Plan**

The London Plan (March 2021) H10 (Housing size mix) requires developments to determine the appropriate mix of units in relation to the number of bedrooms for a scheme. Whilst this policy is better suited for larger development rather than small conversions, this policy highlights that there is a need to provide and retain family housing that is of good quality.

The Core Strategy Policy (June 2010) Policy CC1 (Family housing) seeks to ensure that there is an appropriate mix of housing in new development. Whilst the policy itself refers to the new build development, the supporting text provides an explanation and reasons for this policy which are useful in assessing application for conversions of larger family homes (4-bedrooms +). The supporting text at paragraph 6.1.2 states that the Borough is not currently succeeding in providing sufficient new family housing, particularly for larger households (4-bedrooms +). This is evidenced in the past Annual Monitoring Reports. Paragraph 6.1.3 mentioned that the Borough is rapidly losing larger family houses and accommodation through housing conversion, demolition, and redevelopment schemes that do not replace the lost family sized units.

The Borough Wide Development Policies Development Plan Document (March 2011) Policy BC4 (Residential Conservation and Houses in Multiple Occupation) seeks to preserve and increase the stock of family housing in the Borough.

The draft Local Plan (Regulation 19(2)) Policy SP 3 (Delivering homes that meet peoples' needs), at Point 2 (b) states that the Council will ensure that development do not undermine the supply of self-contained housing, in particular family housing. The family housing is defined in the glossary as "a dwelling that by virtue of its size, layout and design is suitable for a family to live in and generally has three, four, five, or more bedrooms." Policy DMH 4 of the Draft Local Plan notes that the Council is seeking to preserve and increase the stock of family housing in the borough. Proposals for conversions or loss of existing family housing with three bedrooms or more will be resisted.

### **Evidence base documents**

The adopted Development Plan Documents and the emerging draft Local Plan are underpinned by a sound evidence base. The Strategic Housing Market Assessment (SHMA) published in February 2020, represents the latest, most up-to-date evidence base. Paragraph 4.18 states that in 2011, at the time of the Census, only 6% of the housing stock in the borough was 4-bedroom or more. Paragraphs 6.63-6.55 (inclusive) provide justification for the existing and projected dwelling size requirement. The evidence sets out that there is high demand for family houses, specifically for dwellings of four bedrooms or more.

The Annual Monitoring Reports tells us that whilst new homes are being built on strategic site allocations and other smaller sites, the development that is coming forwards mainly meets the identified need for smaller units (1 or 2 bedrooms). It's rare for developers to provide flats or houses that are 3-bedroom+ (larger family houses).

The Housing Delivery Test Action Plan 2020 demonstrated that 'the Council is making significant progress to improve the delivery of homes through the increase in planning permissions.'

### **Assessment**

To ensure that the Borough develops to have diverse, strong, and secure neighbourhoods that promote equal life chances for all. It is important to protect family housing and in particular larger family dwellings (3-bedroom +). The adopted and emerging planning policies emphasise the importance of delivery and retention of this type of housing. The policies are supported by a sound evidence base that is consistent with national policy and in accordance with the London Plan. Given that less family housing is coming forward on the ground, this gives even greater importance to the retention of existing family housing stock.

Any benefits that the change of use of flat from C3 to C4 will deliver is weighed against the need to protect and increase the supply of family housing. Policy BC4 of the Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011), in essence, serves to help address the loss of family homes and aims to ensure that what is described in the policy's reasoned justification as a current deficit of such is not worsened by further flat conversions. Although the conversion of the dwellinghouse into a HMO can provide a valuable source of housing, and meet a related need for smaller households, this is weighed against the need to protect and increase the supply of 3+ bedroom family sized dwellings, of which the pre-existing dwellinghouse was one. As such, Officers support the preservation of the pre-existing family-sized dwelling as opposed to the conversion of the dwelling to an HMO.

### **Conclusion**

There is a clear motive in the planning policies listed above to preserve family dwellings. The proposed change of use of a family dwelling to a dwelling in Multiple Occupation, would not be supported and against the objectives of the NPPF, Policy H9 of the London Plan, Policy SP 3 and DMH 4 of the Draft Local Plan, Policy CM1 of the Core Strategy DPD, and Policy BP10 and BC4 of the Borough Wide DPD.

## **Dwelling Mix and Quality of Accommodation**

### **Policies**

At national level, the 'Technical housing standards – nationally described space standard' deals with internal space within new dwellings and dwelling conversions. It is suitable for application across all tenures. It sets out requirements for the gross internal area of new dwellings at a defined level of occupancy, as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. London Plan Policy D6 sets out the importance for homes across London to be designed to a high quality – 'New homes should have adequately-sized rooms and convenient and efficient room layouts which are functional, fit for purpose and meet the changing needs of Londoners over their lifetimes. Particular account should be taken of the needs of children, disabled and older people' in line with those set at national level.

### Assessment

The technical housing standards states that in order to provide one bedspace, a single bedroom must have a floor area of at least 7.5m<sup>2</sup> and is at least 2.15m wide. In order to provide two bedspaces, a double (or twin bedroom) must have a floor area of at least 11.5m<sup>2</sup>, with one double (or twin bedroom) being at least 2.75m wide and every other double (or twin) bedroom being at least 2.55m wide. Policy BP6 of the Borough Wide Development Plan states that for a two bedroom dwelling, at least one of the bedrooms should be that of a double bedroom. The technical housing standards also requires the gross internal floor space for a two-bedroom, single storey dwelling to be at least 61 sqm and have 2 sqm storage and a three-bedroom, one-storey dwelling to be at least 74 sqm. The proposed developments internal space is listed below:

#### Flat 1

**Gross Internal Floor Space:** 68.6 sqm (Complies with one-storey, two bedroom dwelling)

**Storage:** 0 sqm (Does not comply with the space standards)

**Bedroom 1:** 10.10 sqm (Complies with a

single bedroom)

**Bedroom 2:**

9.80 sqm (Complies with a single bedroom)

#### Flat 2

**Gross Internal Floor Space:** 49 sqm (Does not comply with a one-storey, three bedroom dwelling)

**Storage:** 0 sqm (Does not comply with the space standards)

**Bedroom 3:** 6.3 sqm (Does not comply with a

single bedroom)

**Bedroom 4:** 12.9

sqm (Complies with a double bedroom)

**Bedroom 5:** 9.18 sqm (Complies with a single bedroom)

As such, both flats fail to provide sufficient space standards as Flat 1 fails to comply with Policy BP6 of the Borough Wide Development Plan as the one-storey, self-contained dwelling fails to provide a bedroom with sufficient space for a double bedroom and in Flat 2, bedroom 3 fails to comply with the gross internal floor space required for a single or double bedroom. Furthermore, no storage space is provided for either of the 2 flats. Therefore, the proposed development fails to comply with the Technical Housing Standard's.

Policy BP6 of the Borough Wide Development Plan seeks to ensure that new dwellings provide adequate internal space. It sets out that a 2 person bedspace should provide a minimum 24 sqm of cooking, eating and living space and a 3 person dwelling should provide 30 sqm. Flat 1 provides 24 sqm which complies with a 2 person dwelling but not a 3 person dwelling and Flat 2 provides 7.84 sqm which does not comply with a 2 person dwelling therefore, it does not accord with policies and could be detrimental to ensuring good quality of accommodation being provided for the residents.

In regard to outdoor amenity spaces Chapter 8 of the NPPF seeks to promote healthy and safe communities by ensuring planning decisions achieve healthy, inclusive and safe places which enable and support healthy lifestyles and wellbeing needs. Policy BP5 of the Borough Wide Development Plan Document states that new developments must provide adequate external private and/ or communal amenity space to meet the need generated by development. Amenity space should be private, useable, functional and safe. Policy BP5 of the Borough Wide Development Plan sets out that a 2+ bedroom dwelling is expected to provide 40 sqm of outdoor amenity space. Officers acknowledge that the rear garden, with an area of approximately 45 sqm, belongs to the self-contained Flat 1. Therefore, Flat 1 includes the required external space standards however, Flat 2 does not include any external space standards therefore, it fails to comply.

### Conclusion

Whilst Flat 1 provides sufficient gross internal space, Flat 2 does not. Furthermore, Flat 1 fails to comply with Policy BP6 of the Borough Wide Development Plan as the one-storey, self-contained dwelling fails to provide a bedroom with sufficient space for a double bedroom and in Flat 2, bedroom 3 fails to comply with the gross internal floor space required for a single or double bedroom. Additionally, no storage space is provided for either of the 2 flats. Therefore, Officers do not consider the quality of accommodation to be acceptable as it fails to comply with Policies D4, D5 and D6 and D7 of the London Plan and Policies BC2, BP5 and BP6 of the Borough Wide DPD and the Technical housing standards - nationally described space standard. Therefore, the proposed development does not ensure a satisfactory lifestyle is achieved and hence it is recommended for refusal.

## Design and Quality of Materials

### Policies

The NPPF (2019), specifically paragraphs 127 and 128, outline that planning policies and decisions should aim to ensure that development functions well and adds to the overall quality of an area for both the short term and over the lifetime of the development. Paragraph 130 advises that permission should be refused for proposed developments of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On a more localised level, Policy SP 2 of the Draft Local Plan (Regulation 19) reiterates that the Council will promote high-quality design, providing a safe, convenient, accessible and inclusive built environment and interesting public spaces and social infrastructure for all through recognising and celebrating local character and the borough's heritage, adopting a design-led approach to optimising density and site potential by responding positively to local distinctiveness and site context. Policy DMD 1 of the Draft Local Plan states that all development proposals should be creative and innovative, recognising that existing local character and accommodating change is not mutually exclusive, architecture should be responsive, authentic, engaging, and have an enduring appeal.

### **Assessment**

The proposed development presents no alterations to the external appearance of the dwellinghouse. Therefore, officers consider the proposed development to be appropriate in design and in accordance with the objectives of the NPPF, London Plan Policy D4, Policies SP 2 and DMD 1 of the Draft Local Plan, and Policy BP8 and BP11 of the Local Development Framework Borough Wide Development Plan.

## **Impacts to Neighbouring Amenity**

### **Policies**

The NPPF and London Plan Policies both have relevance to the importance of quality development in addressing neighbouring amenity and avoiding unacceptable impacts. Policy DMD 1 of the Draft Local Plan (Regulation 19) states that all development proposals should consider the impact on the amenity of neighbouring properties with regard to significant overlooking (loss of privacy and immediate outlook) and overshadowing (unacceptable loss of daylight and sunlight), wind and microclimate. Policy BP8 and BP11 of the Local Development Framework Borough Wide Development Plan has specific regard to protecting residential amenity.

Noise and general disturbance are also discussed in planning policy in regard to protecting residential amenity. Policy DMD 1 of the Draft Local Plan states that all development proposals should mitigate the impact of air, noise and environmental pollution. Policy SP 7 of the Draft Local Plan ensures that all development manages nuisance during both construction and operation through appropriate mitigation. Policy BP8 of the Local Development Framework Borough Wide Development Plan expects all development to ensure existing and proposed occupiers are not exposed to unacceptable levels of pollution or general disturbance that may arise from the development. This can include noise, smoke, fumes, refuse and/or lighting, and activities as traffic movements, during construction and occupation. Policy DMSI 3 of the Draft Local Plan states that development proposals which generate unacceptable levels of nuisance, either individually or cumulatively, will generally be resisted.

### **Assessment**

The proposed development will cause no alteration to the external design of the property. Therefore, minimal overlooking or overshadowing will occur to neighbouring properties. However, there will be additional residents living at the application site. This will result in a greater concentration of irregular comings and goings in relation to the surrounding residential units. Officers believe this proposal will generate more waste, noise and general disturbance than a single dwelling, negatively impacting neighbouring amenity and in turn the standard of living of neighbouring residents.

The proposed HMO has the potential to increase activity level and coming and goings to and from the site leading to additional levels of noise and disturbance at the property. This is considered to have a negative impact on neighbouring amenity and in turn the health and wellbeing of neighbouring residents. Officers acknowledge that an objection was received from a resident of an adjoining property who was concerned with the extra comings and goings that are occurring at the application site as a result of it being converted to a HMO. As such the proposal is contrary to the Policies DMD 1, SP 7 and DMSI 3 of the Draft Local Plan, and Policies BP8 and BP11 of the Local Development Framework Borough Wide Development Plan.

## **Sustainable Transport**

The Transport Planning Officer was consulted regarding this application and made the following comments:

### **CONSIDERATION**

#### **Introduction**

This is an application for a retrospective application for the change of use from a dwellinghouse (C3) to a House of multiple occupation (C4)

#### **Car Parking**

The site is in PTAL 2 meaning it has poor access to public transport. However, it does fall under HW CPZ area.

There is one existing off street parking space available specifically for the development. The application does not specify how this space will be managed when the development will be used as HMO with multiple people occupying the development who may require

separate car access.

We must ensure that the proposal does not negatively impact the existing residents and users of the surrounding area. Hence, there should be appropriate off-street car parking provision included with the proposal or the applicant must demonstrate that there is enough capacity on-street to accommodate any additional vehicles which would come as part of the proposed development.

Since the development is in a controlled Parking Zone, we recommend making this unit car permit free and this must be conditioned. This must be agreed, and adequate arrangements should be made with LBBB parking department to ensure the property is car permit free.

Confirmation of the parking status should be sent to LBBB parking department prior to the discharge of the relevant condition.

[ped@lbbd.gov.uk](mailto:ped@lbbd.gov.uk), [parking@lbbd.gov.uk](mailto:parking@lbbd.gov.uk),

As this is a retrospective application, there could be active parking permits associated with the development, applicant should provide information regarding any on-street permits applied for from this development.

### **Cycle Parking**

Adequate cycle parking provision for all the occupiers of the development should be provided.

The cycle parking space must be safe and easily accessible.

The cycle parking spaces should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards, this means;

- access for residents only, and with stands/racks allowing both the frame and at least one wheel to be secured
- Well located: close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners
- Covered
- Fully accessible, for parking all types of cycle
- Managed, where possible, in order for access to be administered and to provide ongoing maintenance

Applicant must identify cycle parking provision prior to the approval of this application.

In order to promote alternative, sustainable forms of transport, in accordance with The Local Plan POLICY DMT 3 and The London Plan 2021 policy T5.

### **Refuse**

Adequate refuse storage facility must be identified, this must be off the public highway and no refuse shall be kept on the public highway other than the designated collection days.

## **Environmental Considerations**

The Environmental Enforcement Officer was consulted regarding this application and made the following comments:

### **Recommendations**

**Change of use retrospective:** dwellinghouse (C3) to a House of multiple occupation (C4) - refusal **recommended**.

### **Reasons:**

The building regulations Approved Document E, Resistance to the passage of sound (England and Wales only) sets out the soundproofing standards for new homes and those undergoing refurbishment or **conversion from a different use**.

Once buildings or conversions are completed the developer must provide building control and/or planning with proof of meeting part E building regulation or the building will not be pass building regulation – most especially adequate sound insulation provision in and between dwellings.

**No document (sound insulation test certificate etc) has been submitted to demonstrate that adequate sound insulation has been provided in and between the rooms etc.**

## **CONCLUSION**

Considering the planning policy, evidence base, and material considerations outlined above the benefits of providing additional housing in the Borough does not outweigh the significant and demonstrable harm that would result from losing larger family housing. Furthermore, the proposal fails to meet the minimal space standards as Flat 2 does not provide sufficient gross internal floor space, and therefore would not provide an acceptable quality of accommodation to provide a satisfactory lifestyle for future residents, Flat 1 fails to comply with Policy BP6 of the Borough Wide Development Plan as the one-storey, self-contained dwelling fails to provide a

bedroom with sufficient space for a double bedroom and in Flat 2, bedroom 3 fails to comply with the gross internal floor space required for a single or double bedroom. Also, no storage space is provided for either of the 2 flats. Additionally, the HMO has the potential to increase activity level and coming and goings to and from the site leading to additional levels of noise and disturbance at the property. This is considered to have a negative impact on neighbouring amenity and in turn the health and wellbeing of neighbouring residents. For these reasons, the negatives arising from the proposal are considered to outweigh any significant benefits as such having regard to the presumption in favour of sustainable development on balance the principle of development is considered unacceptable and planning permission is to be refused.

## APPENDIX 1

Development Plan Context	
The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:	
National Planning Policy Framework (NPPF) (DLUHC, 2021)	
London Plan (March 2021)	Policy D1 - London's Form, Character, and Capacity for Growth Policy D6 - Housing Quality and Standards Policy H9 - Ensuring the Best Use of Stock Policy H10 - Housing Size Mix
Local Development Framework (LDF) Core Strategy (July 2010)	Policy CM1 - General Principles for Development Policy CC1 - Family Housing
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BC4 - Residential Conversions and Houses in Multiple Occupation Policy BP5 - External Amenity Space Policy BP6 - Internal Space Policy BP10 - Standards Policy BP8 - Protecting Residential Amenity Policy BP11 - Urban Design Housing Density
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an "advanced" stage of preparation. Having regard to NPPF paragraph 48 the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.	
The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Submission Version, December 2021)	Policy SP3 - Delivering homes that meet people's needs Policy DMH4 - Purpose-built shared housing and houses in multiple occupations (HMOs) Policy SP2 - Delivering a well-designed, high-quality and resilient built environment Policy DMD 1 - Securing high-quality design Policy SP 7 - Securing a clean, green and sustainable borough Policy DMSI 3 - Nuisance
Supplementary Planning Documents	DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended) Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017) the London Borough of Barking & Dagenham 'Interim Habitats Funding Statement' (Date TBC)

## APPENDIX 2

Relevant Planning History			
Application Number:	16/01671/PRIOR6	Status:	Prior Approval Not Required
Description:	<i>Application for prior approval of proposed single storey rear extension (depth: 6.0 metres; height to eaves: 2.8 metres and maximum height: 3.05 metres).</i>		
Enforcement Case:	22/00044/ENF	Status:	Pending Consideration
Alleged breach:	HMO		

## APPENDIX 3

Consultations		
Consultee:	Date Consulted:	Summary of response:
Environmental Enforcement Officer	07/04/2022	<p><b>Recommendations</b></p> <p><b>Change of use retrospective:</b> dwellinghouse (C3) to a House of multiple occupation (C4) - refusal <b>recommended</b>.</p> <p><b>Reasons:</b></p> <p>The building regulations Approved Document E, Resistance to the passage of sound (England and Wales only) sets out the soundproofing standards for new homes and those undergoing refurbishment or <b>conversion from a different use</b>.</p>

Once buildings or conversions are completed the developer must provide building control and/or planning with proof of meeting part E building regulation or the building will not be pass building regulation – most especially adequate sound insulation provision in and between dwellings.

**No document (sound insulation test certificate etc) has been submitted to demonstrate that adequate sound insulation has been provided in and between the rooms etc.**

## CONSIDERATION

### Introduction

This is an application for a retrospective application for the change of use from a dwellinghouse (C3) to a House of multiple occupation (C4)

### Car Parking

The site is in PTAL 2 meaning it has poor access to public transport. However, it does fall under HW CPZ area.

There is one existing off street parking space available specifically for the development. The application does not specify how this space will be managed when the development will be used as HMO with multiple people occupying the development who may require separate car access.

We must ensure that the proposal does not negatively impact the existing residents and users of the surrounding area. Hence, there should be appropriate off-street car parking provision included with the proposal or the applicant must demonstrate that there is enough capacity on-street to accommodate any additional vehicles which would come as part of the proposed development.

Since the development is in a controlled Parking Zone, we recommend making this unit car permit free and this must be conditioned. This must be agreed, and adequate arrangements should be made with LBBB parking department to ensure the property is car permit free.

Confirmation of the parking status should be sent to LBBB parking department prior to the discharge of the relevant condition.

[ped@lbbd.gov.uk](mailto:ped@lbbd.gov.uk), [parking@lbbd.gov.uk](mailto:parking@lbbd.gov.uk),

As this is a retrospective application, there could be active parking permits associated with the development, applicant should provide information regarding any on-street permits applied for from this development.

### Cycle Parking

Adequate cycle parking provision for all the occupiers of the development should be provided.

The cycle parking space must be safe and easily accessible.

The cycle parking spaces should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards, this means;

- access for residents only, and with stands/racks allowing both the frame and at least one wheel to be secured
- Well located: close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners
- Covered
- Fully accessible, for parking all types of cycle
- Managed, where possible, in order for access to be administered and to provide ongoing maintenance

Applicant must identify cycle parking provision prior to the approval of this application.

In order to promote alternative, sustainable forms of transport, in accordance with The Local Plan POLICY DMT 3 and The London Plan 2021 policy T5.

Transport Planning Officer

07/04/2022

**Refuse**

Adequate refuse storage facility must be identified, this must be off the public highway and no refuse shall be kept on the public highway other than the designated collection days.

**APPENDIX 4**

<b>Neighbour Notification</b>	
<b>Date Consultation Letter Sent:</b>	07/04/2022
<b>Address:</b>	<i>Summary of response:</i>
186 Sterry Road, Dagenham, Barking And Dagenham, RM10 8PT	An objection was received from a resident at this event who was concerned with the extra comings and goings that are occurring at the application site as a result of it being converted to a HMO.

**LBBB Reference:** 22/00585/FULL

Siraz Aswat

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

Dear Sir / Madam,

**Application Number:** 22/00585/FULL  
**Address:** 188 Sterry Road, Dagenham, Barking And Dagenham, RM10 8PT  
**Development Description:** A retrospective application for the change of use from a dwellinghouse (C3) to a House of multiple occupation (C4)

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

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

Yours sincerely,

[Marilyn Smith](#)

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

## PLANNING DECISION NOTICE

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

**Agent:** Siraz Aswat

**Applicant:** Budvydas Brazas

#### PART 1 - PARTICULARS OF THE APPLICATION

**Application Number:** 22/00585/FULL

**Application Type:** Full Planning Permission

**Development Description:** A retrospective application for the change of use from a dwellinghouse (C3) to a House of multiple occupation (C4)

**Site Address:** 188 Sterry Road, Dagenham, Barking And Dagenham, RM10 8PT

**Date Received:** 04 April 2022

**Date Validated:** 07 April 2022

#### PART 2 - PARTICULARS OF THE DECISION

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

##### Reason(s):

1. The proposal results in the loss of a 3+ bedroom family sized dwelling which is the type of housing in high demand within the Borough. Therefore the negatives arising from the proposal are considered to outweigh any significant benefits as such having regard to the presumption in favour of sustainable development on balance the principle of development is considered unacceptable and contrary to:-

- National Planning Policy Framework (MHCLG, February 2019)
- Policies GG4, H1, H2 and H9 of the London Plan (March 2021)
- Policies CM1, CM2 and CC1 of the Core Strategy DPD (July 2010)
- Policy BC4 of the Borough Wide DPD (March 2011)
- Policies SPDG1, SP3 and DMH4 of the Draft Local Plan Regulation 19 consultation version (October 2020)
- Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017)
- London Borough of Barking and Dagenham Housing Delivery Test Action Plan 2020

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

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

3. The retrospective development fails to provide sufficient internal and external amenity space and CEL area's for a three bedroom, one-storey dwelling in Flat 2 and Flat 1 fails to provide at least one double bedroom in a two bedroom dwelling. The proposal would therefore provide a substandard quality of accommodation detrimental to the standard of living of future residents. Therefore, the proposal fails to comply with:

- National Planning Policy Framework (MHCLG, February 2019);
- Policy D6 of the London Plan (March 2021)
- Policies BP5 and BP6 of the LDF Borough Wide Development Plan Policies DPD (March 2011) Technical Housing Standards

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

- 1922-01, Rev A - Existing Floor Plans & Elevations - April 2022
- 1922-02 - Location Plan - March 2022
- 1922-03 - Existing Photos Front & Rear - March 2022
- 1922-04 - Block Plan - March 2022
- 1922-05 - Design & Access Statement - April 2022

**Working with the applicant:**

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

**DATE OF DECISION: 24/05/2022**

Yours sincerely,

**Marilyn Smith**

**Marilyn Smith**

Head of Planning and Assurance  
London Borough of Barking and Dagenham

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

### **1. Appeals to the Secretary of State**

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

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

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

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

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from [www.planning-inspectorate.gov.uk](http://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.