
Appeal Decision

Site visit made on 29 November 2016

by David Hogger BA MSc MRTPI MCIHT

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

Decision date: 09th December 2016

Appeal Ref: APP/Z5060/W/16/3158216
2 St Erkenwald Road, Barking IG11 7XA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Hussain against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 16/00431/FUL, dated 21 March 2016, was refused by notice dated 17 May 2016.
 - The development proposed is to divide the existing dwelling by separating the existing annex to form an independent dwelling house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the provision of amenity space for the two dwellings.

Reasons

3. There is no objection to the principle of the development or to the design and layout of the proposed internal sub-division of the property. However, according to the Council the proposed three bedroom house would have only approximately 25 sqm of private amenity space and the two bedroom dwelling would have about 8 sqm. Policy BP5 of the Borough Wide Development Policies DPD states that, as a minimum, a three bedroom house should have 60 sqm of amenity space and a 2 bedroom house should have 50 sqm. The appellant refers to 'a front balcony' but this is currently enclosed and could not reasonably be classified as making a significant contribution towards the provision of amenity space. Similarly there is space to the side of the property but this is not identified as contributing to the amenity space.
4. I have attached weight to the fact that the property is located in a relatively sustainable position, close to Barking town centre. However, although the appellant refers, for example, to the Barking Abbey open space and Greatfields Park, they are some distance away and therefore I only attach little weight to the contribution that they could make in terms of providing 'alternatives' to on-site amenity space provision.
5. I saw on my visit that there is a window in the ground floor dining area of the proposed 2 bedroom dwelling immediately adjacent to the proposed private amenity space of the 3 bedroom property. Although obscure glass in this

window could be retained by the imposition of an appropriate condition, there is the risk of noise and nuisance emanating from the larger area of amenity space which could be detrimental to the living conditions of the occupiers of the two bedroom dwelling. This is not a matter on which my decision has turned but it adds weight to my overall conclusion.

6. A number of examples were cited of development that has been undertaken nearby, where no (or very little) amenity space has been provided. However, I do not have the details of all those developments and in any event I am required to determine this appeal on its own merits.
7. The National Planning Policy Framework confirms that great importance should be attached to achieving high quality design, including in relation to private spaces (paragraph 57). This approach is reflected in policy BP5 of the Borough Wide Development Policies DPD (2011) which requires a minimum standard of external amenity space to be provided in relation to new dwellings. This proposal falls significantly short of what is expected and does not meet the aforementioned requirements. I have taken into account the circumstances of the current occupiers of the property but they do not over-ride the need to provide suitable amenity space.
8. For the above reasons the appeal should be dismissed.

David Hogger

Inspector