

Appeal Decision

Site visit made on 18 May 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 26 May 2017

Appeal Ref: APP/Z5060/W/16/3165476

Annex to 1 Gay Gardens, Dagenham RM10 7TT

- 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 & Mrs F A Adeya against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 16/01306/FUL, dated 17 August 2016, was refused by notice dated 13 October 2016.
 - The development is conversion of existing outbuilding into two bedroom bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the development on the character and appearance of the surrounding area; the effect of the development on the living conditions of occupants, with particular regard to the provision of adequate internal space, and; the effect of the development on parking provision and highway safety in the area.

Reasons

Character and appearance

3. The appeal site is located within the rear garden associated with the dwelling at 1 Gay Gardens. No 1 is an end-of terrace dwelling with a footpath running to the south. On the southern boundary of the property is a tall concrete panelled wall which hides from view the majority of the appeal building, except for its low roof. To that extent, the visual impact of the development on the public realm is limited.
 4. The Council's first reason for refusal refers to the siting and design of the building as being harmful and out of keeping. However, it appears that the appeal building had already been constructed as an outbuilding under planning permission Ref 12/01004/FUL. The details of that scheme are not before me, and so I am unable to determine the extent to which the appeal scheme differs from the siting and design of the approved development, if at all.
 5. Nonetheless, the prevailing pattern of development in the area is of terraced dwellings whose principle elevations face the road. They have small front garden areas, and larger private ancillary garden spaces to the rear. By dividing the rear plot of No 1 and forming a separate dwelling unit, with access
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from the side lane rather than the street, the appeal scheme is significantly at odds with the prevailing pattern of residential development within Gay Gardens. The residential use has undoubtedly intensified the use of the outbuilding, which no longer functions as an ancillary structure to the house. This change may be seen from the rear of No 1, and is likely to be perceptible from neighbouring properties in the close vicinity of the site. As a result, the development is uncharacteristic, incongruous, and out of keeping with its surroundings.

6. The appellant has drawn my attention to a number of other outbuildings in the vicinity of the appeal site. However, the details of these cases are not before me, and it is not clear if they are directly comparable. Moreover, there is no evidence to show that backland residences such as the appeal scheme are characteristic of the area. I can therefore afford little weight to this matter, and in any event, each case must be decided on its own merits.
7. I therefore conclude that the development is unacceptably harmful to the character and appearance of the surrounding area. It thus conflicts with Policy BP11 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document (DPD, March 2011) which amongst other things, requires that new development should protect or enhance the character and amenity of the area. It also conflicts with the National Planning Policy Framework (NPPF), which seeks to avoid the inappropriate development of residential gardens.

Living conditions

8. The Council has assessed the development on the basis that it is a two bedroom three person (2b3p) single storey unit. For such a development, Policy 3.5 of the London Plan (LP, March 2016) requires a minimum Gross Internal Area (GIA) of 61sqm. The appeal building provides a GIA of 59sqm, and so falls short of the minimum standard. It also lacks the 2sqm of built-in storage space required by the LP.
9. In addition, the Technical House Standards - Nationally Described Space Standard (NDSS, March 2015) requires that a dwelling with two or more bedspaces should have at least one double (or twin) bedroom, which should have a floor area of at least 11.5sqm. However, neither of the two bedrooms within the development meet this requirement.
10. In falling short of these standards, the development fails to provide adequate internal space, thus unacceptably harming the living conditions of its occupants. I therefore conclude that it conflicts with DPD Policy BP11, insofar as it seeks to maintain residential amenity, and fails to accord with the relevant provisions of the LP and the NDSS.

Provision of parking space

11. Due to the constraints of the site, no off-street parking is provided for the new dwelling. It is therefore likely that occupants with cars will park their vehicles on the street on Gay Gardens, where parking appears to be unrestricted.
12. I accept that the development may lead to some increase, however modest, in the volume of cars parking on the street. However, it seems to me from my observations during my visit that the flow of traffic on the road is not particularly heavy. Also, it is likely that vehicles will be travelling at low speeds

as they approach the southern end of Gay Gardens, where there is no through route.

13. I am mindful of the provisions of the NPPF, which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. I therefore find that whilst there may be some effect on parking conditions, there is no evidence to show that the overall effect on highway safety is so harmful as to warrant the withholding of permission. The proposal therefore accords with DPD Policy BR9, which amongst other things, sets out requirements to manage the impact of street parking. There is no conflict with DPD Policy BR10, which seeks to encourage sustainable transport.

Other Matters

14. I have had regard to the revised plans submitted by the appellant, which propose internal alterations to the dwelling to make it into a one bedroom unit. I accept that such a change would bring the GIA of the dwelling within the requirements of the LP. I note that no internal storage space is shown on the plans. Nonetheless, the revisions to the scheme would not overcome or outweigh the harm I have identified above.
15. The appellant argues that the main property at No 1 is in use as a small-scale HMO, and that the appeal scheme is therefore in keeping with the character of the main house. There is no evidence before me relating to the tenure of No 1, and in any case, this circumstance would not justify the harm I have identified. Furthermore, the aim of making efficient use of the land would not strike an acceptable balance with that harm.

Conclusion

16. Whilst I have found no evidence to show that the development compromises highway safety, I have concluded that it unacceptably harms the character and appearance of the area, and the living conditions of its occupants. For those reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR