



Appeal Decision

Site visit made on 4 February 2020

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 6 March 2020

Appeal Ref: APP/Z5060/D/19/3240580

8 Harris Road, Dagenham RM9 5DT

- 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 L Gyurov against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/00625/FUL, dated 5 April 2019, was refused by notice dated 16 August 2019.
 - The development proposed is proposed rear outbuilding to act as annex with ancillary use to main building.
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Decision

1. The appeal is allowed and planning permission is granted for rear outbuilding to act as annex with ancillary use to main building at 8 Harris Road, Dagenham RM9 5DT in accordance with the terms of the application, Ref 19/00625/FUL, dated 5 April 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site plans 1:500 & 1:1250 (Drwg No: harris sp); proposed plan and elevations; existing plans (Drwg No: HR(EX)100; and Existing elevations and sections (Drwg No: HR(EX)200.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 8 Harris Road, Dagenham RM9 5DT.
 - 5) Prior to the bringing into use of the hereby approved outbuilding, details of the pathway access to outbuilding from the main house shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the agreed details, which shall be provided in accordance with those details prior to the bringing into use of the approved outbuilding.

Main Issue

2. The main issue is whether or not the proposed outbuilding would comprise an appropriate form of annex development ancillary to the use of the main house.

Reasons

3. Redbridge Local Plan (RLP) policy BP8 sets out the Council's approach to protecting residential amenity, stating that all developments are expected to, amongst other things, have regard to the local character of the area and not lead to significant overlooking or overshadowing. RLP policy BP8 sets out a range of principles with which development should comply, including that proposals should protect or enhance the character and amenity of the area, maintain residential amenity and provide attractive and accessible forms of development.
4. The Council's 'Residential Extensions and Alterations' Supplementary Planning Document (SPD) provides further guidance¹ with regard to outbuildings. It recognises that outbuildings used for residential purposes must be ancillary to the use of the property as a dwelling and that any unrelated use will normally be refused. It goes on to state that the outbuilding should be designed and positioned in a manner which restricts its impact upon neighbouring dwellings. Where the outbuilding would result in a material loss of light or outlook with respect to neighbouring dwellings, it will be considered to be unacceptable.
5. The proposed flat-roofed outbuilding would be located at the bottom of the appeal property's rear garden, immediately adjacent to the garden's rear, and two side, boundaries. Internally, it would provide some storage space accessed externally and separately to a utility room, w.c. and a bedroom. The intention for the building is, the appellant has clarified, to provide ancillary living accommodation for the appellant's elderly parents who, whilst currently residing at the appeal property, do so in the context of a large family in overcrowded living conditions.
6. Although the building would be detached, with no physical link to the dwelling at No. 8, it would clearly lie within the rear garden curtilage of No. 8 and would only be accessible from within its rear garden area, not separately from any other areas. Thus access to the annex, whilst not needing to be taken through the existing dwelling itself, could only be taken through the appeal site itself via the driveway and side access to the rear garden.
7. The appellant has clearly stated that the proposal would be used as ancillary accommodation to the main dwelling to provide additional space for a large and ageing family. Whilst it would create accommodation capable of independent occupation, the siting of the annex, and particularly the garden land around it and its relationship to the dwelling would be such that it could only practicably be occupied in association with the use of the dwelling and would not lend itself to separate occupation of the proposed annex. In the context of a domestic rear garden such as that at the appeal site, I do not consider the relatively short distance between the main house and the proposed outbuilding to be prohibitive or restrictive for movement between the two. In any event, suitably worded conditions would ensure that appropriate path access between the two could be provided and that occupation of the building for purposes ancillary to that of the main house would remain the case.
8. With regard to its positioning within the garden plot, the proposed building would be typical of many garden outbuildings seen in countless suburban areas such as Harris Road. Its proposed use in this instance would not materially

¹ Paragraph 5.7.3 (a) and (b)

alter any assessment of its physical appearance and so it would be largely indistinguishable from a domestic garage, storage outbuilding, home office or, as in this instance, living accommodation ancillary to occupation of No. 8 as a dwelling. In this respect, I do not consider the proposed outbuilding to be incongruous, whilst its position at the foot of a reasonably generous rear garden, and surrounded by equally generously proportioned rear gardens would be neither out of the ordinary nor likely to result in material harm to occupiers of neighbouring dwellings in terms of loss of light or overlooking.

9. For the reasons I have set out above, I do not regard the appeal building as being tantamount to a separate dwelling or that it would appear to be a separate unit of accommodation. The proposed outbuilding would not be an incongruous feature in the context of suburban rear gardens and would not cause material harm in terms of loss of light or overlooking to occupiers of neighbouring properties. For the reasons I have set out I do not find harm in these respects and I conclude that the proposal would accord with RLP policies B8 and BP11, having regard to the guidance set out within the Council's SPD.

Conditions

10. The Council's suggested conditions are set out in their appeal questionnaire and I have considered them in the context of the National Planning Policy Framework and Planning Practice Guidance. I agree that time limit, approved plans and materials conditions are necessary in order to provide certainty and, in the case of the latter, the interests of character and appearance.
11. Although discounted by the Council, I consider that a condition to ensure that the building is occupied only for purposes ancillary to the residential use of No. 8 is reasonable and necessary. This is to ensure that the accommodation provided within the outbuilding is not used as a separate unit of accommodation, in the interests of residential amenity and to prevent residential plot sub-division. A condition to ensure appropriate access to, and between, the existing house and proposed building, is also necessary in the interests of living conditions.

Conclusion

12. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR