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## Appeal Decision

Site visit made on 24 February 2020

**by Andre Pinto BA MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 April 2020**

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**Appeal Ref: APP/Z5060/W/19/3242258**

**451 Workshop at Rear of Porters Avenue, Dagenham RM9 4ND**

- 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 Mervyn Mandell against the decision of the Council of the London Borough of Barking & Dagenham.
  - The application Ref 19/01420/FUL, dated 02 September 2019, was refused by notice dated 22 November 2019.
  - The development proposed is extension and conversion of workshop to form 2 no self-contained flats of use class C3.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on:
  - The character and appearance of the area;
  - The living conditions of future occupiers of the development, particularly in regard to outlook, provision of external amenity space and creation of a safe and secure environment.

### Reasons

#### *Character and appearance*

3. The appeal site is located in Porters Avenue and it forms part of a mixed-use terrace with retail on the ground floor and residential above. To the back of the site is Kilsby Walk, which provides access to the back gardens and garages of properties fronting onto Porters Avenue. A number of workshops and other types of non-residential developments have established themselves at the rear of the units fronting onto Porters Avenue and can be accessed via Kilsby Way, which appears to be able to be closed off as there are gates on either end of the street.
4. The development proposal is for the extension and conversion of a workshop at the rear of 451 Porters Avenue to form 2 additional self-contained flats fronting onto Kilsby Way. The proposed units are designed to be self-contained flats and, as such, these would not maintain a functional link with the host property. This would represent a significant change in the established pattern of development in the area, as development along Kilsby Way tends to be auxiliary to the host building.

5. The proposed development would significantly extend the existing workshop building on both ground and first floors, which would significantly increase the overall density of the urban form within the plot.
6. Due to its design, the existing terrace and the proposed open space on the first floor would create a visual break between the existing terrace building and the proposed new development. This break would be clearly visible from street level and more prominent by being located on the first floor.
7. Due to its size, design and height, the proposed extension would therefore be visually detached from the host building and have a significant detrimental influence on the street scene of Kilsby Walk, particularly bearing in mind that views into the site are reasonably open given the low-rise nature of the development on this side of the street.
8. The proposed development would therefore constitute an overdevelopment of the plot and, by virtue of its design, layout and architectural treatment, fail to protect the character and amenity of the local area. Therefore, the proposal would be contrary to Policy CP3 of the Core Strategy (2010) which aims to promote high quality standards in relation to the design and layout of new buildings and spaces and Policies BP8 which protects residential amenity and BP11 on high quality urban design of the Borough Wide Development Policies Development Plan Document (2011).

#### *Living conditions*

9. The site is heavily constricted by its shape, being long and narrow and adjoined, on both sides, by either walls or fences to separate it from the neighbouring properties.
10. Although the bedroom in Flat C would have a window to allow for daylight and ventilation, the window would face directly onto a significantly high privacy screen, with only a small gap between the two. This would not offer suitable levels of outlook from the room. Also, considering the height of the privacy screen and the overall size and layout of the proposed outdoor space, the levels of daylight exposure in the bedroom would be likely to be very limited. The proposed design would also provide marginally less storage space than that required by guidance referred to in the Council's evidence, but the appellant has confirmed that potentially extra storage space could be provided.
11. An area of outdoor space is proposed for this unit, adjacent to the living, kitchen dining area, However, considering its overall design and its proximity to the proposed new car parking spaces, the proposed space would be of poor quality and impractical to use.
12. Privacy in the living, kitchen and dining area of Flat D would be protected by a proposed significantly high screen. Although the screen would prevent the room from being significantly overlooked by the occupants of the dwellings opposite, it would also significantly reduce outlook from the room. Considering the size, design and layout of the outdoor space, the outlook provided would not create acceptable living conditions for future occupiers.
13. As per the amended ground floor drawing (P001A), in addition to access from Kilsby Walk, the proposal would also allow for pedestrian access from Porters Avenue. The proposed access arrangements would not, therefore, necessarily result in reduction of the number of pedestrians using Porters Avenue or lead

to a poorer quality environment, as by increasing the number of residential units, the proposal would only potentially increase the number of pedestrians using Porters Avenue.

14. Although the proposal would not necessarily create a poor environment by virtue of the street access to the new residential units, the proposed car parking provision does not meet accessible parking space standards and the connecting footway to the new entrance would be very narrow. The proposed access would thereby create an access corridor lacking in natural surveillance, cramped between the development and the boundary of the site, which could lead to an increase in crime or fear of crime.
15. I therefore conclude that the proposed development would have a harmful impact on the living conditions of future occupiers of the development, particularly in terms of outlook, provision of external amenity space and the creation of a safe and secure environment. Consequently, it would be contrary to Policies BP5 on external amenity space, BP11 on high quality urban design and BR10 on sustainable transport of the Borough Wide Development Policies Development Plan Document (2011), Policy 3.5 of the London Plan (2016) and the Technical Housing Standards – Nationally Described Space Standards (2015).

### **Other Matters**

16. The appellant claims that the Council has failed to inspect the property prior to issuing their decision and that the Council's communication with the appellant has not been all that it could have been. However, such matters are not for my consideration as I must reach my own views on the effects of the proposal and determine the appeal on its substantive planning merits.

### **Conclusion**

17. For the reasons given above, I conclude that the appeal should be dismissed.

*Andre Pinto*

INSPECTOR