



Appeal Decision

Site Visit made on 11 October 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2021

Appeal Ref: APP/Z5060/W/21/3272123

16 Marston Avenue, Dagenham, RM10 7JX

- 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 M Irfan against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 19/01149/FUL, dated 21 May 2019, was refused by notice dated 3 December 2020.
 - The development proposed is described as "erection of new one bedroom house at land adjacent to 16 Marston Avenue".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised London Plan was published in March 2021 and the Government released a revised National Planning Policy Framework in July 2021. The main parties were invited to comment on the revised documents, and their comments have been considered in determining this appeal.
3. The Council has referred to its draft Local Plan in submissions. From the evidence before me this has not been submitted for public examination. Its policies therefore carry very limited weight in my determination of this appeal.
4. The Council's delegated report refers to a proposal including a dormer window. I am satisfied that this reference is to an earlier application on this site, rather than the application the subject of this appeal.
5. I have used the description of the development given on the appeal form as it is a clear and concise description of the appeal proposal.

Main Issues

6. The main issues are:
 - Whether it would provide acceptable living conditions for occupiers of the existing dwellinghouse; and,
 - Whether the proposed development would provide adequate off-street parking.

Reasons

Living conditions

7. Policy BP5 of the Borough Wide Development Policies Development Plan Document (the DPD) states that two-bedroom houses will normally be

expected to provide at least 50 square metres of external private amenity space. The existing two-bedroom house would retain the area of garden immediately to its rear, with the remainder transferred to the proposed house. The retained garden would be small, and it appears that it would provide less than the 50 square metres sought. The garden would be shallow and would provide limited amenity value to occupiers of the existing dwellinghouse once separated from the site of the proposed house and garden.

8. The appellant has not provided precise dimensions for the rear garden but has drawn my attention to the minimum provision of 5 square metres sought for small dwellings in the London Plan (the LP). However, Policy D6 of the LP states that this figure is only applicable where there are no higher local standards, which is not the case here.
9. The appellant has suggested that the provision of internal floorspace above the minimum sought by the Council would offset any shortfall in external space. Nevertheless, as there is no information regarding the extent of shortfall it is not possible to say whether the overprovision of floorspace would be sufficient.
10. The appellant has also suggested that the rear extension to the existing house could be demolished to provide a larger garden, but no plans showing this have been submitted. It therefore falls outside of my authority to consider.
11. On the balance of the submitted evidence, therefore, the appeal proposal would fail to provide acceptable living conditions for occupiers of the existing dwellinghouse. It would consequently conflict with Policies BP5 of the DPD and D6 of the LP, the relevant criteria of which are set out above.

Parking

12. Parking for the proposed house would be provided on the forecourt, parallel to the front wall. During my site visit I saw that forecourt parking was common in Marston Avenue, but in each case the cars were parked end on to the front wall. In some cases this resulted in cars overhanging the edge of the pavement due to the relative shallowness of these parking spaces.
13. The proposed house would have a projecting front porch matching the existing house. Together with the proposed cycle parking, this would result in a parking area that would not be wide enough to accommodate the two parking spaces proposed. The forecourt would also be relatively narrow at 5.1 metres in width, leaving little room to manoeuvre a car into parallel alignment on the forecourt without obstructing the pavement or overhanging the forecourt of the existing house and potentially blocking its front door.
14. My attention has been drawn to a previous appeal decision at this property where the Inspector found that the parking arrangement proposed were acceptable. I do not have the details of that proposal and any parking arrangements it proposed before me, so can only give my colleague's findings limited weight in determining this appeal. In any event, each appeal must be determined on its own merits.
15. The appellant has suggested that a section 106 agreement could be employed to secure a car free development. However, no such mechanism is before me, and therefore I cannot give this possibility any weight in determining this appeal.

16. The appeal proposal therefore fails to provide adequate off-street parking, contrary to the requirements of Policies T6.1 of the LP and BR9 of the DPD. These policies collectively require, amongst other criteria, that parking at new development take into consideration access and amenity impacts.

Planning Balance

17. The development would result in the creation of one new dwelling, supporting the Government's objective of significantly boosting the supply of homes. The house would broadly mirror the appearance of the existing, and so would be in keeping with the local character and appearance. The new house would be built to a high standard of sustainability and would comply with Lifetime Homes standards, as well as meeting the internal space standards for a one-bedroom house. The development would make use of a currently disused space to the side of the existing house. The development and upgrading of the existing house would involve significant investment on the appellant's part, which would deliver a short-term economic benefit. These considerations collectively attract modest weight in favour of the proposal, as the development would create a single one-bedroom house.
18. Set against this would be the harm arising from the shortfall in external amenity space resulting in poor living conditions for future occupiers of the existing house, and the lack of adequate off-street parking. In this case, the collective harm would outweigh the benefits arising from the proposed development. There are therefore no material considerations to lead me to conclude that the appeal should be determined other than in accordance with the development plan.

Other Matters

19. While I recognise the appellant's frustration at the time taken to receive a decision from the Council on their application, this is not a consideration to which I can give any weight in my determination of the appeal.
20. The Council found no harm to the amenities of neighbouring occupiers from the appeal proposal, and I see no reason to disagree with this conclusion. However, the absence of harm is a neutral consideration in the determination of this appeal.

Conclusion

21. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR