



Appeal Decision

Site visit made on 15 November 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06/01/2022

Appeal Ref: APP/Z5060/W/21/3274817

30 Spinney Gardens, Dagenham RM9 5DR

- 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 Mrs Arpana Felix against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 20/02506/FULL, dated 16 December 2020, was refused by notice dated 15 February 2021.
 - The development proposed is conversion of existing single storey side extension into a 1x bedroom dwelling with a new door to the front, amenity space, refuse and cycle stores.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing single storey side extension into a 1x bedroom dwelling with a new door to the front, amenity space, refuse and cycle stores at 30 Spinney Gardens, Dagenham RM9 5DR in accordance with the terms of the application, Ref 20/02506/FULL, dated 16 December 2020, subject to the conditions set out in the Schedule at the end of this decision.

Preliminary Matters

2. The description of the development provided on the planning application form has been subject to a minor amendment on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.
3. A revised version of the National Planning Policy Framework (the Framework) and a new London Plan 2021 (the London Plan) have been published since the appeal was lodged. Both the Council and the appellant have had the opportunity to comment on these documents.
4. The Council's decision refers to a number of policies of the Draft Local Plan Regulation 19 consultation version (the Draft Local Plan). However, I have not been informed of the extent to which there are unresolved objections to relevant policies, and given the stage of preparation of this emerging plan it may be subject to further change. I therefore attach no more than limited weight to these policies.
5. The Council has also stated that the presumption in favour of sustainable development outlined in paragraph 11(d) of the Framework is engaged due to

the 2020 Housing Delivery Test results. I have proceeded to determine this appeal on that basis.

Main Issues

6. The main issues are the effect of the proposal on the:

- Supply of family housing;
- Living conditions of future residents with regards to light and ventilation;
- Character and appearance of the host property and the area; and
- Parking and access.

Reasons

Supply of Family Housing

7. Policy BC4 of the Borough Wide Development Policies Document 2011 (DPD) sets out that the Council is seeking to preserve and increase the stock of family housing, and will resist proposals which involve the loss of housing with three bedrooms or more. The supporting text for this policy refers to a strict approach to preserving family housing and particularly four bedroom homes.
8. The Council submits that, due to a number of extensions, the property has the potential to provide for a larger sized home. However, whilst the supporting text of the DPD refers to an intention to protect four bedroom dwellings, the policy only refers to housing with three bedrooms or more. The proposal would retain a three bedroom dwelling within the site which could provide family accommodation, and on that basis the proposal would not result in the loss of family housing and would comply with policy BC4. Whilst I acknowledge the loss of a larger extent of accommodation, on the basis of the wording of the policy this loss is not of a scale that would warrant the refusal of planning permission.
9. The Council has referred to a recent Appeal Decision¹ which it considers supports its position on this main issue. However, I have not been provided with evidence to demonstrate that the circumstances of that appeal are the same as the one before me, which I have considered on its own merits.
10. I conclude that the proposal would preserve the stock of family housing in the area, and would therefore comply with policies BC4 and BP10 of the DPD, policy CM1 of the Core Strategy 2010, and policy GG4 of the London Plan in respect of housing supply, density and meeting community needs. The proposal would also comply with the Framework with regards to delivering a sufficient supply of homes. I have not been provided with a copy of policy H9 of the London Plan, so I have not had regard to it.
11. The proposal would also not conflict with policies SPDG1 and SP3 of the Draft Local Plan with regards to the contribution to housing targets and to optimise suitable sites. However, due to the stage of preparation of the document I attach no more than limited weight to these policies and this is not a decisive matter in my consideration of the appeal.

¹ Appeal Ref: APP/Z5060/W/20/3265198

12. Whilst the Mayor's Housing Supplementary Planning Guidance 2016 (SPG) refers to demand for larger family homes, it also emphasises the need to address growth in smaller households which this proposal would address. The advice of the SPG is therefore a neutral factor in the consideration of this main issue.

Living Conditions

13. The plans originally submitted with the planning application depicted the living and dining area as being located centrally within the building. Due to the limited natural illumination and ventilation provided by the rear door and window of the extension, this would have led to an unduly dark and oppressive environment for residents.
14. However, the appellant has provided plans which include bifold glazed doors to the rear and a rearrangement of the internal layout so that these doors would serve the living area. This minor amendment would enable a suitable degree of natural light to be provided for residents, and could be controlled through a planning condition requiring amended details. Ventilation of the kitchen and bathroom can also be addressed by a condition requiring further details.
15. I therefore conclude that the proposal would provide suitable living conditions for future residents in respect of light and ventilation. The proposal would therefore not conflict with the amenity and health requirements of policies GG3, D4 and D6 of the London Plan.
16. The proposal would comply with the Technical Housing Standards – Nationally Described Space Standard 2015.
17. I have not been provided with a copy of policy D5 of the London Plan. The Council also refers to policy DMH3 of the Draft Local Plan which relates to specialist housing, although this appeal relates to a proposal for general housing and the Council has not set out why it considers policy DMH3 to be relevant in respect of this main issue.

Character and Appearance

18. The appeal site is in a prominent location adjacent to the head of a cul-de-sac located in the extensive Becontree Estate, which is characterised by terraced rows of a uniform appearance. Although the site is not within a conservation area, policy CP2 of the Core Strategy and BP2 of the DPD emphasise the importance of the Becontree Estate as a symbol of the historic environment of the area.
19. However, the proposal relates to an existing extension to the side and rear of the dwelling. The proposal would not change this built form, other than introducing a front door and potentially folding rear doors and other openings. These are features which could be installed under the property's permitted development rights.
20. I acknowledge that the proposal would result in a further door on the front elevation, and the nature of the proposed dwelling would not reflect the form and scale of dwellings in this area. However, mindful of the fallback of the permitted development rights, that the proposal would be for a residential use, and given the limited scale of the proposed alterations, I consider that the development would not appear as an unduly incongruous feature with regards

to the host property or the streetscape in comparison to the extant site. For the same reasons, the proposal would not materially detract from the historic interest of the Becontree Estate.

21. I conclude that the proposal would not harm the character and appearance of the host property or the area. The proposal would therefore not conflict with the design and historic environment requirements of policies CP2 and CP3 of the Core Strategy, policies BP2 and BP11 of the DPD, and policies D4 and HC1 of the London Plan. The proposal would also not be contrary to the Framework with regards to ensuring well-designed places as well as conserving the historic environment.
22. The proposal would also not conflict with the design and heritage considerations of policies SP2, DMD1 and DMD4 of the Draft Local Plan. I have not been provided with a copy of policy SP4 of the Draft Local Plan. However, for the reasons stated previously, these policies are not a decisive consideration due to the stage of preparation of the emerging plan.

Access

23. The existing property has an area of hard surfacing to the front of the site which provides for parking and access to the dwelling. It is proposed to retain this area and provide off-road parking for 3 vehicles. Whilst this exceeds the maximum residential parking standards of the London Plan for the existing dwelling, the proposal in effect retains the existing amount of parking provision within the site. On that basis I consider that the number of parking spaces is acceptable, and this reflects the conclusions of the Council.
24. The existing and proposed dwelling would share a dropped kerb access from the cul-de-sac. Based on the submitted plans, there is sufficient space within the site to enable the parking of cars for both properties without creating an obstruction to the movement of cars from each dwelling. Whilst vehicles would need to reverse from the site onto the highway, this reflects the current circumstances of the site and other dwellings on this cul-de-sac.
25. The proposed hatched 'no parking zone' would not physically prevent the parking of vehicles, but the retention of access across this area would be a private matter between residents of the dwellings. A bin storage area would be located adjacent to the no parking zone, but even despite the lack of a swept path analysis I consider that this would not prevent access to the car parking spaces.
26. I am mindful that vehicles, pedestrians and cyclists would share the forecourt, and that the creation of a further dwelling could lead to an increase in parking as well as pedestrian and traffic movements. However, due to the scale of the proposal such an increase would be very limited, and given the nature of existing traffic and pedestrian movements I do not consider that the potential increase in the number and nature of movements and the subsequent effect on access would be sufficient to withhold planning permission.
27. I conclude that the proposal would provide safe and convenient parking and access to both the existing and proposed dwellings and would not have an unacceptable impact on the highway. Although the proposal would exceed the maximum parking standards, it would not conflict with the aims of policy BR9 of the DPD, policy T6.1 of the London Plan and the Framework with regards to

liveable neighbourhoods as well as parking and highway safety. Cycle parking provision can be addressed by condition, and the proposal would therefore not conflict with policy T5 of the London Plan or policy DMT3 of the Draft Local Plan.

Conditions

28. The Council and consultees have suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. As a result, I have amended some of the conditions for clarity.
29. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty. This condition refers to the amended plan and elevations submitted by the appellant.
30. A condition in respect of external facing materials is appropriate in the interests of character and appearance. A condition in respect of boundary treatment and landscaping is appropriate in the interests of the character and appearance of the area and the amenity of residents of the proposal. Due to the tight-knit nature of the appeal site and its relationship with the host dwelling, a condition removing permitted development rights is appropriate in the interests of the living conditions of residents.
31. As suggested by the appellant, a condition in respect of the internal layout of the proposal is necessary in the interests of the living conditions of residents. This should include details of windows, doors and means of ventilation. A condition in respect of cycle storage is appropriate in the interests of sustainable transport. A condition in respect of waste storage is appropriate in the interests of character and appearance and the living conditions of residents.
32. I do not consider that it is reasonable or necessary to restrict the occupation of the proposal to Class 3(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) as there is no evidence that this restriction applies to the existing site or nearby properties.
33. A condition in respect of land contamination and remediation is not reasonable or necessary as the proposal is of a limited scale and relates to the conversion of a building which is currently in a residential use.
34. The Transport Development Manager has referred to the control of rainwater on the hardstanding area. However, this extent of hardstanding was in place at the time of my visit and used for the parking of vehicles. It would not be appropriate to require further details for this existing feature in respect of future development.

Conclusion

35. Whilst I have had regard to the presumption in favour of sustainable development, I have concluded that the proposal would not conflict with the development plan and there are no material considerations that indicate the application should be determined other than in accordance with it. For the reasons given above, I therefore conclude that the appeal should be allowed.

David Cross INSPECTOR

Schedule of 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: 20152_103B Proposed Elevation and Photos Dated June 2020; and 20152_101C Proposed Floor Plan Dated June 2020.
- 3) Prior to first occupation, details of all external facing materials shall be submitted to, and approved in writing by the local planning authority.
- 4) Prior to first occupation, details of boundary treatment and hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation of the site and retained for the duration of the development hereby approved.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Classes A, B, C and E in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the Local Planning Authority.
- 6) Prior to first occupation, a waste and recycling scheme shall be submitted to, and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the site and retained for the duration of its use.
- 7) Prior to first occupation, details of cycle storage shall be submitted to, and approved in writing by the local planning authority. The proposed cycle storage shall be designed in accordance with the London Cycle Design Guidance. The approved details shall be implemented prior to the first occupation of the site and retained for the duration of its use.
- 8) Prior to first occupation details of the internal layout of the dwelling including windows, doors and means of ventilation, shall be submitted to, and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the site and retained for the duration of its use.

End of Schedule