



Appeal Decision

Site visit made on 18 July 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2022

Appeal Ref: APP/Z5060/W/21/3282517

68 High Road, Chadwell Heath RM6 6PP

- 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 Femi Speedo against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/00841/FULL, dated 6 May 2021, was refused by notice dated on 5 July 2021.
 - The development proposed is conversion of the rear ground floor storage / extension into 1 (1x 1 bedroom), together with amenities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted appeal form indicates that the appellant is not the applicant however, it has since been confirmed that this was a clerical issue, and it has been confirmed that the appellant is indeed the applicant. I am proceeding with the appeal on this basis.

Main Issues

3. The main issues are;
 - Whether the proposed development would provide adequate living conditions for future occupiers in terms of private and usable outdoor space and sense of place and arrival, and;
 - Whether the proposed development would provide sufficient space for car parking.

Reasons

Whether the proposed development would provide adequate living conditions for future occupiers in terms of private and usable outdoor space

4. The appeal site comprises an existing two storey mid-terraced property on High Road, a mixed residential and commercial area. To the rear of the property is an existing concrete rear yard area, accessed via Back Lane, that currently provides parking for the existing commercial business.
5. In terms of outdoor space, an area is indicated on the proposed plans within the existing yard as a separate garden area, however no precise dimensions for this area have been provided. Having regards to the submitted plans and visual

comparison to the size of the internal living space within the proposed development, the size of which is not in dispute, I consider that the size of the proposed garden space is likely to be approximate to the Council's stated size of around 12sq.m.

6. The evidence indicates that a single car parking space would be made available within the existing rear yard for the use of the proposed development, however no indication is provided as to whether such a space would be demarcated. It appears to me that in practice, this would likely result in future occupiers of the proposed development making use of informal shared parking provision with the operation of the commercial business. Therefore, the contribution that such a space could make to the level of private and useable outdoor space available to future occupiers of the proposed development is limited.
7. The size of demarcated outdoor space that would be available to the occupiers of the proposed development at around 12sq.m, would be such that it would restrict the level of possible use that it would have in terms of daily recreational and practical purposes. This would be to the detriment of the living conditions of the future occupiers of the property, and would fall below the 20sq.m of outdoor space that is required by Barking and Dagenham Development Policies DPD¹ (BDDP) Policy BP5.
8. Whilst London Plan (LP) Policy D6 requires only a minimum of 5sq.m of outdoor space be provided for a single occupancy flat, this is only applicable where there is no higher local standard, which in this instance is incorporated within BDDP Policy BP5.
9. I acknowledge that boundary treatment details for the proposed outdoor space could be adequately controlled by means of condition, however this would not mitigate the harm that would occur as a result of the level of space provided.
10. The evidence indicates that the proposed development would be accessible from High Road by the existing front entrance to the appeal site, adjacent to the existing main shop entrance. The submitted plans indicate that at present this entrance provides a separate access to the floors above the commercial premises.
11. The proposed development would see the ground floor corridor associated with this entrance remodelled, to allow passage through the property to the rear yard, and access to the proposed flat at the rear. Whilst the route would not be direct, it would be navigable and accessible and would provide an adequate sense of arrival from High Road. Furthermore, additional access to the proposed development would be available from the rear yard of the existing property, which can be accessed from Back Lane.
12. At the time of my site visit, Back Lane appeared well-used as a pedestrian thoroughfare, with only a low level of vehicular traffic evident. I also noted lighting columns and pole-mounted CCTV situated at intervals along the lane. Back Lane includes access to service yards of commercial properties, however there are also residential properties that utilise the lane as a main means of access, and in some cases present a front elevation to it. Therefore, it does not wholly have the character of a rear service road, instead having a mixed sense of place, and the proposed development would add to this mixed character.

¹ London Borough of Barking and Dagenham Boroughwide Development Policies Development Plan Document 2011

13. In this context, the development would provide an adequate sense of arrival when approached from Back Lane, and from my experience, the level of use of this thoroughfare, the street lighting columns and CCTV equipment, and the good general visibility means that it would not be unacceptable in terms of safety and security.
14. The access alley between High Road and Back Lane, situated to the west of the site is not as well-lit and has a more enclosed feel, and I acknowledge that it may not be attractive for all potential users, particularly at night. However, with the proposed development offering direct access from both High Road and Back Lane, it would not be necessary to regularly use this route to access the proposed flat.
15. I find therefore, that the proposed development would not result in an unacceptable sense of place or arrival for future occupiers and would therefore be in accordance with BDDP Policies BP8 and BP11, as well as London Plan (LP) Policies D4 and D6, and Policy DMD1 of the emerging Draft Local Plan² which seek to ensure that new development help create a sense of place, are accessible and inclusive, and provide safe environments.
16. However, the proposed development would fail to provide adequate private and useable outdoor space. It would therefore be contrary to BDDP Policy BP5 and LP Policy D6, and no evidence has been provided that would justify a reduction of the expected level of outdoor space on the basis of the location of the property.

Whether the proposed development would provide sufficient space for car parking

17. The appeal site currently incorporates a rear service yard area of concrete construction, which is advertised for use for customer parking. Refuse bins are also stored in this area.
18. The service yard, it is indicated by the appellant, can provide off-road parking for up to four vehicles at present. It is proposed that one of these spaces would be retained for use by the commercial premises.
19. I note that the Council's Transport Officer raised concerns that no detail of the proposed parking arrangements had been included within the plans. Whilst this is the case, I am nevertheless satisfied that the rear yard area, overall, is of sufficient size to accommodate vehicles associated with both the existing business and the proposed flat without resulting in unacceptable impacts upon highway safety.
20. Accordingly, the proposal would provide sufficient space for car parking, and would accord with paragraphs 104 and 108 of the National Planning Policy Framework ('the Framework') which seek to prevent the oversupply of parking, whilst acknowledging that patterns of movement and parking are integral to the design of proposed development.

Other Matters

21. I acknowledge that the level of internal space that would be provided within the proposed development is not a matter of dispute. Similarly, neither is the provision of cycle and bin storage, nor the location of the appeal site in relation

² London Borough of Barking and Dagenham Draft Local Plan 2037, Regulation 19 Consultation Version (Sept 2020)

to access to public transport. However, even if I were to agree that the proposed development would be acceptable in these regards, these would be neutral factors, and would not weigh in favour of the scheme.

22. The Council confirm that the Housing Delivery Test indicates that the delivery of housing in the Borough was substantially below the housing requirement over the previous three years. As such, the most important policies for determining the proposal are out of date and therefore paragraph 11 d) ii) of the Framework is engaged.
23. I have found that the proposed development would give rise to unacceptable living conditions for future occupiers. It would be contrary to the aims of the Framework which recognise that new development should provide high quality places within which to live and work. I ascribe this harm substantial weight.
24. The provision of a single additional dwelling would make a positive, albeit very modest, contribution towards boosting housing supply. This would, in turn, provide employment during construction, albeit this would be time limited. The appeal site also has good links to public transport. I therefore afford the benefits of the proposed development limited weight.
25. With this in mind, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development for which the presumption in favour applies.

Conclusion

26. The proposed development would conflict with the development plan and there are no material considerations, including the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

C Harding

INSPECTOR