



Appeal Decision

Site visit made on 9 December 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2022

Appeal Ref: APP/Z5060/D/22/3308606
180 Longbridge Road, Barking, IG11 8ST

- 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 Rustem Geca against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 22/01251/HSE dated 20 July 2022, was refused by notice dated 30 August 2022.
 - The development proposed is construction of an outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for construction of an outbuilding at 180 Longbridge Road, Barking, IG11 8ST in accordance with the terms of the application Ref 22/01251/HSE dated 20 July 2022 and in accordance with the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision;
 - 2) 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;
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg No: 1; Drg No: 2; Drg No: 3; and Drg No: 4.
 - 4) The outbuilding hereby approved may only be used for purposes incidental to the enjoyment of the dwellinghouse as such. It may not be used for purposes conflicting with the use of the property as a single dwellinghouse and in particular, it may not be used as a separate unit of accommodation.

Procedural Matters

2. The description of the development proposed is taken from the Council's decision notice, which is clear. The application form describes the development proposed as "an Outbuilding Summer house, Gym, Games room, home office Building, Utility Room/kitchen."
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3. The appeal property benefits from planning permission¹ for development including a rear dormer extension and a single storey rear extension. Works relating to this existing permission appeared to be advanced at the time of my site visit.
4. The Council states that the proposed development would not result in any harm to the amenity of neighbouring occupiers.
5. The Council, in its reason for refusal, considers the proposal to be overly large and inappropriate for the rear garden setting as, when combined with the extension to the host property, it would, in the Council's view, "reduce the quality of amenity."
6. Whilst the Council, in its reason for refusal, states that there are "concerns over (the proposal) being considered ancillary to the main dwelling," I am mindful that the Council has suggested the imposition of a condition that would address this matter.
7. Taking all of the above into account, this decision letter focuses on the main issues in this case, which are as set out below.

Main Issues

8. The main issues in this case are the effect of the proposed development on local character; and whether the living conditions of current and future occupiers would be acceptable with regards to private outdoor amenity space.

Reasons

Local Character

9. The appeal property is an extended two storey semi-detached dwelling with living accommodation at roof level. It is set back from the road behind a short front garden/driveway area fronted by a low garden wall. There is a pavement and a wide grass verge between the garden wall and Longbridge Road.
10. The appeal property has a long garden to the rear. Behind this long garden there is a detached garage and a further area of land, including access to the garage.
11. During my site visit, I observed the appeal property's garden to be expansive. I also noted that it backs onto an area characterised by the presence of gardens and large outbuildings including, but not limited to, the appeal property's detached garage. The presence of gardens and large outbuildings affords the area a green and spacious character, albeit with large outbuildings appearing as a common feature.
12. Whilst the proposed outbuilding would be quite large, a substantial open area of rear garden would still remain between it and the house; and there are also further areas of garden land in front of the house and adjacent to the existing detached garage.
13. Further to this, the proposal would be situated adjacent to the existing detached garage and would be located within the vicinity of other large outbuildings.

¹ Reference: 22/00050/HSE.

14.As a consequence of all of the above, I find that the proposal would appear comfortable in its surroundings.

15.Taking this into account, I find that the proposed development would not harm the character and appearance of the area and would not be contrary to the National Planning Policy Framework; to London Plan (2021) Policy D4; to DPD² policies BP8 and BP11; to Core Strategy³ policy CP3; or to the Council's Residential Extensions and Alterations Supplementary Planning Document (2012), which together amongst other things, protect local character.

Living Conditions

16.The Council's Residential Extensions and Alterations Supplementary Planning Document (2012) generally seeks to ensure that extensions do not cover more than 50% of garden space when taken together with existing extensions or outbuildings. The proposed development, when combined with other extensions to the appeal property, would not amount to development covering more than 50% of the appeal property's garden space. This is accepted by the Council.

17.The Council goes on to state that the proposal, in combination with existing extensions, would cover more than 50% of useable rear garden space. However, I have found above that a substantial area of the rear garden would still remain and in its own Officer's Report, the Council itself has asserted that, even taking the proposal into account, "there is still ample garden remaining."

18.The proposal provides for plentiful outside private amenity space and there is no substantive evidence before me to demonstrate that that this would not be the case, or that the amount of remaining private amenity space would be so deficient as to result in any significant harm.

19.Furthermore, I note that Supplementary Planning Guidance is simply that. It provides guidance rather than policy requirements to be slavishly adhered to. In this case, the proposed development would be situated within a large garden and a large area of garden would be retained.

20.Taking all of the above into account, I find that the proposed development would be acceptable in respect of the living conditions of current and future occupiers with regards to private outdoor amenity space. The proposed development would not be contrary to the National Planning Policy Framework; to London Plan (2021) Policy D4; to DPD policies BP8 and BP11; to Core Strategy policy CP3; or to the Council's Residential Extensions and Alterations Supplementary Planning Document (2012), which together amongst other things, seek to protect residential amenity.

Conditions

21.I have considered the conditions suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition controlling external finishes is necessary in the interests of local character.

² Barking and Dagenham Borough Wide Development Policies Development Plan Document (2011).

³ Barking and Dagenham Core Strategy (2010).

22. A condition controlling the use of the outbuilding and preventing the outbuilding from being used as a separate unit of accommodation is necessary in the interests of ensuring that its use remains ancillary to the dwellinghouse. This is in order to comply with the limitations imposed by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Conclusion

23. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR