



Appeal Decision

Site visit made on 12 January 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2023

Appeal Ref: APP/Z5060/W/22/3302777

86 Bell Farm Avenue, Dagenham RM10 7BB

- 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 Pastor Ade Oloyode against the decision of the London Borough of Barking and Dagenham Council.
 - The application Ref 22/00278/FULL, dated 4 February 2022, was refused by notice dated 19 June 2022.
 - The development is a rear garden outbuilding converted into a one-bedroom flat to be used as accommodation ancillary to the main dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for a rear garden outbuilding converted into a one-bedroom flat to be used as accommodation ancillary to the main dwellinghouse, at 86 Bell Farm Avenue, Dagenham, RM10 7BB in accordance with the terms of the application, Ref 22/00278/FULL, dated 4 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 01 (Floor Plan, Roof Plan, Front, Rear and Side Elevations and Section Plan), and Drawing No. 02 (Site Location Plan and Block Plan).
 - 2) The outbuilding hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the main dwelling known as 86 Bell Farm Avenue, Dagenham, RM10 7BB.

Preliminary Matters

2. The Council amended the original description of development from that on the application form to add that the outbuilding is to be used as accommodation ancillary to the main dwellinghouse. As this ancillary nature is accepted by the appellant and is a key element of their proposal, I have included this in the description of development in the banner heading above.
3. An outbuilding is already present on the site and in use as residential accommodation, and it appears to be as shown on the plans before me. For the avoidance of doubt, I have determined the appeal based on the submitted plans.

Main Issues

4. The main issues are the effect of the development on:

- the character and appearance of the area; and
- the living conditions for its occupier.

Reasons

Character and appearance

5. The appeal site is an end terrace 2-storey residential dwelling which incorporates single storey extensions to its side and rear. The property has a flat roofed single storey building sited at the end of the rear garden. The proposal is for the use of this outbuilding as a dwelling annex ancillary to the main dwelling, and it provides a bedroom, lounge/kitchen, bathroom, and storeroom. There are no proposed alterations to the existing garden or wider plot. The site is within a predominantly residential area, with Central Park Dagenham directly to its rear.
6. While the Council has assessed the proposal as a new stand-alone dwelling and thus categorised the outbuilding's character as backland development, its use is ancillary to the main dwelling as it provides additional floorspace for the main dwelling's occupants. I therefore find a rear garden location is appropriate in principle, as is a lack of street presence or direct street access and approach. This ancillary nature could be further safeguarded by the imposition of a condition to control against the outbuilding being occupied or used as a separate entity to the main house.
7. The outbuilding is subordinate to the street's existing dwellings in height, mass, and scale. It is single storey with a flat roof, and its materials are sympathetic to the general character of the dwellings. I also noted a number of other structures in the rear gardens of Bell Farm Avenue, evident in views from the park. In this context the appeal outbuilding does not have appear incompatible with its surroundings.
8. In conclusion therefore, the development does not cause harm to the character and appearance of the area, and complies with policy CP3 of the Barking and Dagenham Core Strategy (2010), policy BP11 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document (DPD) (2011), and policies D1 and D4 of the London Plan (2021). The proposal also complies with Section 12 of the National Planning Policy Framework ('the Framework') (2021). Together this suite of policies require development proposals to deliver good design, achieve high quality standards in relation to the design and layout of new buildings and spaces, for the design of buildings and layout of new development to protect or enhance the character of the area, and to provide a safe, convenient, accessible, and inclusive built environment.
9. Based on the evidence available to me, I cannot be certain that Policies SP2 and DMD1 of the emerging Local Plan are in their final form. In any event, based on their wording included in the Barking and Dagenham Draft Local Plan 2037 (Second Revised Regulation 19 Consultation Version, Autumn 2021), these emerging policies would not materially change the approach in the adopted development plan, insofar as is relevant to the issues raised in this

appeal. Therefore, the precise weight which should be attached to the emerging Local Plan has not been a determinative factor in my consideration of this main issue.

10. The Council's reason for refusal also includes policy SP4 of the Draft Local Plan, but this relates to delivery of social and cultural facilities, and policy D8 of the London Plan, which refers to public realm, and so I do not find them directly relevant to this appeal.

Living conditions

11. The Council has assessed the proposal based on living conditions policies and standards which would be applied to a new dwelling. While the proposal is not for a new dwelling, these policies generally seek to ensure satisfactory standards of living conditions for residents. Similarly, the Nationally Described Space Standard is useful as a proxy, in the absence of other detailed guidance for ancillary accommodation. The outbuilding has a slight deficiency against the specified standards, but I find this is acceptable considering its ancillary nature. I was also further satisfied on my site visit that there is sufficient internal space, as it did not feel cramped overall, and the bedroom accommodated a bed plus space for some furniture and circulation.
12. The outbuilding is single aspect, with only the bedroom and storeroom incorporating windows. While the kitchen/lounge therefore has no direct outlook, it was very bright internally due to the rooflight plus light through the glazed front door. On balance this lack of outlook is acceptable considering the ancillary nature of the floorspace and its garden outbuilding location.
13. The outbuilding's occupant shares the existing dwelling's access, garden, and parking. The lack of a separate private garden supports the nature of the proposal as ancillary accommodation. This is therefore not a factor causing harm to the standard of living conditions for its occupier.
14. In conclusion, the development provides acceptable living conditions for its occupier. In as much as the policies seek to ensure satisfactory standards of living conditions the development complies with policies BP5 of the Development Policies DPD and D6 of the London Plan. It also complies with paragraph 130 of the Framework regarding the need to provide a high standard of amenity for existing and future users. As above, the precise weight which should be attached to policies DMD1 and DMNE1 of the Draft Local Plan has not been a determinative factor in my consideration of this main issue.

Other Matters

15. I note the suggestion that the outbuilding has previously been used as private rental accommodation, but this has not affected my determination of the current proposal.

Conditions

16. I have attached a condition to specify the approved plans to provide clarity for the terms of the permission. I have also imposed a condition requiring the outbuilding to not be occupied or used at any time other than for a purpose ancillary to the residential use of the dwelling, as this is central to the acceptability of the scheme.

17. The Council proposed a condition requiring details of cycle parking to be agreed. As the outbuilding includes a large storage room, I do not find this necessary.
18. The Council also proposed a condition requiring agreement of car parking details. However, although the dwelling is located in a PTAL 1a area, a lack of parking was not cited as a reason for refusal. Furthermore, my site visit identified off-street parking available for at least 3 cars. Therefore, in reflecting paragraph 56 of the Framework and the Planning Practice Guidance, I find that a condition requiring details of car parking spaces is not necessary.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the development accords with the development plan taken as a whole, and therefore the appeal is allowed.

L Hughes

INSPECTOR