



Appeal Decision

Site visit made on 11 April 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2023

Appeal Ref: APP/Z5060/D/22/3313390

128 Western Avenue, Dagenham, Essex, RM10 8UH

- 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 Abdul Karim against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref. 22/01472/HSE, dated 26 August 2022, was refused by notice dated 30 September 2022.
 - The development proposed is demolition of an existing outbuilding and construction of a single storey outbuilding to be used as an annexe.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing outbuilding and construction of a single storey outbuilding to be used as an annexe at 128 Western Avenue, Dagenham, Essex, RM10 8UH, in accordance with the terms of the application, Ref. 22/01472/HSE, dated 26 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01 of 02 Location & Block Plans; and 02 of 02 Plans.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the main dwelling.
 - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 128 Western Avenue, Dagenham, and shall not be used as a separate unit of accommodation.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the appeal site and the surrounding area.

Reasons

3. The appeal property is a semi-detached house located on a corner plot at the junction with Auriel Avenue. A two-storey side extension has been added, making the building larger than the attached property. It is located in an area

of mostly terraced housing, with a mix of outbuildings of different sizes and designs visible in nearby rear gardens.

4. The submitted plans of the outbuilding to be demolished do not reflect its size and scale on the ground. As a building with double doors, it is more akin to a former garage, and is considerably deeper than indicated on the submitted plans, projecting closer to the rear boundary. Indeed, measured on the ground, it is deeper than the dimensioned 4m of the proposed replacement outbuilding.
5. The appeal site has a boundary wall and gates in front of the existing outbuilding, and these provide some screening effect to much of the building. Although not shown on the submitted plans, the closest properties have their own outbuildings, with that at the end of the garden of 130 Western Avenue, on the opposite side of Auriel Avenue, being substantial and sited close to the roadside boundary. Although other outbuildings are visible in the area, most are not so large as plot widths appear to be narrower than the original corner sites. Given the size and scale of the existing outbuilding, its proposed replacement would not appear excessive on the site, as a good-sized garden would remain. As an extended house, the proposed outbuilding would not appear disproportionately large relative to the host building. The proposed materials would create a more robust and visually attractive structure than that to be replaced, to the benefit of the street scene.
6. In support of its design policies, the Council's Residential Extensions and Alterations Supplementary Planning Document 2012 (SPD) advises that the use of any outbuilding must be ancillary or related to the use of the property as a dwelling, and that any unrelated use would normally be refused. It notes that it should be designed and positioned to restrict its impact upon neighbouring dwellings. The SPD does not oppose annexe accommodation in principle. Whilst the Council's delegated report advises that no reason has been given for an annexe, there does not appear to be any policy requirement to do so.
7. The Council opposes primary residential use of the proposed building. Whilst the submitted layout indicates the inclusion of a bedroom, as applied for the building would be used as accommodation that could reasonably be regarded as related to the main house. The Council's delegated report acknowledges that kitchen facilities in the main dwelling would be used by any occupant of the annexe. I appreciate the Council's reasoning, that a residential unit in the rear garden has the potential to disrupt the break between existing residential buildings provided by the gardens, which is needed for privacy and noise reduction between dwellings. However, I also agree with the Council's assessment that the rear gardens of neighbouring dwellings are of generous depth and that the proposed building would be some distance from the houses themselves.
8. In this context, I do not consider that use of the building as annexe accommodation would create the harm envisaged by the Council, and in terms of its physical presence it would not be markedly larger than the building that it would replace. Given the range of outbuildings in the area, the proposal would have sufficient regard to the local character, in accordance with Policy BP8 of the Borough Wide Development Policies Development Plan Document 2011 (DPD). There would be a functional link between the main house and the use of the proposed outbuilding, and an appropriately worded planning condition would provide sufficient safeguards to control its occupancy.

9. I therefore conclude that, subject to a condition restricting the use of the building as an ancillary annexe, it would not detract from the character and appearance of the dwelling and the surrounding area. It would accord with the design objectives of the National Planning Policy Framework, and with Policies D1 and D4 of The London Plan 2021, which seek to deliver high quality design; and with Core Strategy 2010 Policy CP3, which amongst other criteria expects high quality development which respects and strengthens local character and provides a sense of place. There would be no conflict with DPD Policies BP8 and BP11, as supported by the SPD, which together require all developments to protect or enhance the character and amenity of the area.
10. I have placed more limited weight on the draft Local Plan policies listed in the reason for refusal due to the stage in the examination process, but in any event there would be no conflict with their content.

Conditions

11. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. It is also appropriate to control materials to match the main dwelling, in order to safeguard the character and appearance of the development and the area. With some modification to the wording suggested by the Council for precision, and to reflect published model conditions, I have attached a condition to restrict use of the annexe, in the interests of the amenities of neighbouring residents and the character of the area.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

H Lock

INSPECTOR