



Appeal Decision

Site visit made on 30 August 2023 by Thomas Courtney BA(Hons) MA

Decision by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2023

Appeal Ref: APP/Z5060/D/23/3321946

20 Oval Road North, Dagenham RM10 9EL

- 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 A Chodhary against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 23/00050/HSE, dated 11 January 2023, was refused by notice dated 3 March 2023.
 - The development is a proposed granny annexe ancillary to the main residence.
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Decision

1. The appeal is allowed and planning permission is granted for a granny annexe ancillary to the main residence at 20 Oval Road North, Dagenham RM10 9EL, in accordance with the terms of the application Ref 23/00050/HSE, dated 11 January 2023, 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: JND/1271/10, JND/1271/11 and JND/1271/12.
 - 3) 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.
 - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issue is the principle of conversion of the outbuilding to residential accommodation.

Reasons for the Recommendation

4. The appeal relates to a single storey outbuilding situated in the rear garden of 20 Oval Road North. The building is flat-roofed and is currently used as a garage and storage space.
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5. The Council has expressed concerns relating to the principle of accommodating a disabled occupant in an outbuilding separate to the main dwellinghouse. However, it is not clear as to why this would be unacceptably harmful as the use of the outbuilding for additional ancillary accommodation related to the main residential use of the dwelling would align with the guidance of the Residential Extensions and Alterations Supplementary Planning Document (February 2012) (the SPD) and could be controlled through imposition of a condition which would prevent it from being used as a separate dwelling.
6. Furthermore, the appellant has provided medical evidence with regards to the disabled elderly occupant and highlighted the fact that the occupant is unable to use the stairs in the main house and is thus restricted to the downstairs parts of the dwelling. Whilst the Council state that it would be preferable to extend the host dwelling rather than use an outbuilding, it is reasonable for the appellant to opt for the re-use of an existing outbuilding, rather than seeking to add an entirely new extension to the dwelling.
7. The Council refers to development plan policies relating to design in the decision notice but the officer report states that the proposal would not have a negative impact on the character and appearance of the area and that there are no concerns with the design, scale or materials that would be used, with the existing dimensions of the outbuilding maintained.
8. Given the above, the proposed conversion of the outbuilding to residential accommodation would therefore be acceptable. It would not conflict with the National Planning Policy Framework (the Framework); with Policy D4 of the London Plan (March 2021)¹, Policy CP3 of the Council's Core Strategy (July 2010)², Policy BP11 of the Council's adopted Development Plan Document (March 2011)³ and the SPD which together seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area in which they lie. The proposal would also not conflict with emerging Policies SP 2, DMD 1 and DMD 6 of the Draft Local Plan (October 2020)⁴ which seek the same.

Conditions

9. The Council has suggested several conditions, which I have considered in light of the advice in the Framework and Planning Practice Guidance. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have also imposed a condition requiring the materials used in the construction to match the existing in order to protect the character and appearance of the host dwelling and surrounding area.
10. Finally, I have imposed a condition suggested by the Council relating to the ancillary use of the proposed building in order to ensure the building is not used as a self-contained dwelling, which may give rise to substandard living conditions due to its size and unforeseen effects on neighbours' living conditions and/or the character and appearance of the area.

¹ Mayor of London, The London Plan, The Spatial Development Strategy for Greater London (March 2021).

² Barking & Dagenham Council, Local Development Framework, Core Strategy (July 2010).

³ Barking & Dagenham Council, Local Development Framework, Borough Wide Development Policies – Development Plan Document (March 2011).

⁴ Barking & Dagenham Council, Draft Local Plan 2037, Regulation 19 Consultation Version (2021)

Recommendation

11. I have concluded that the proposed conversion of the outbuilding to a granny annexe would be acceptable. The proposal would accord with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed.

K Savage

INSPECTOR