



Appeal Decision

Site visit made on 10 August 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Appeal Ref: APP/Z5060/W/23/3316922

604 Becontree Avenue, Barking and Dagenham, Dagenham RM8 3HB

- 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 Aderonke Akerele against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 22/01117/FULL, dated 27 June 2022, was refused by notice dated 26 August 2022.
 - The development proposed is conversion of the existing dwelling house into two self-contained flats (1x one bed and 1x three bed), including the construction of a part two storey part single storey side and rear extension and a new front porch.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referred to and has provided copies of the policies of The London Borough of Barking and Dagenham Draft Local Plan 2037 – Second Revised Regulation 19 Consultation Version: Autumn 2021. I understand this is currently at the examination stage. However, I have limited evidence to suggest when the plan is likely to be adopted, if any policies have been modified, or the extent of any unresolved objections. Accordingly, I attach limited weight to this emerging plan.
3. An update to the National Planning Policy Framework (the Framework) was published on 19 December 2023. The main parties were given the opportunity to comment on the effect of the revisions and their representations have been taken into account.

Main Issues

4. The main issues are:
 - the effect of the depth and height of the proposed single-storey rear extension on the living conditions of the occupiers of neighbouring properties, in terms of outlook and whether it would be overbearing;
 - whether the proposed development would provide suitable living conditions for future occupiers of the host property; and
 - the effect of the proposed development on housing mix.

Reasons

Living conditions of neighbouring occupiers

5. The appeal site is a semi-detached house in a residential area formed predominantly of dwellings of similar architectural style. Other than a small conservatory to the rear, the property has not been substantially extended or altered. The adjoining property of No 602 Becontree Avenue sits on the corner of Becontree Avenue and Stanhope Road and appears to have been extended to the rear and side at both ground and first floor.
6. Although the adjacent but non-adjoining property of No 606 Becontree Avenue is end-terraced, it is of similar scale and appearance to the semi-detached host property. The front elevation of No 606 is stepped slightly forward than that of the host property, resulting in the rear elevation of the host property stepping slightly further back than that of No 606.
7. I note reference to the Residential Extensions and Alterations Supplementary Planning Document – Adopted February 2012 (the SPD). Although the SPD is a material consideration it does not form part of the development plan, and the weight I attach to this is limited to its role as guidance only.
8. The SPD advises that single-storey rear extensions to terraced or semi-detached houses should not normally exceed a depth of 3.65 metres. In exceptional circumstances, where an extension has a greater depth than 3.65 metres, this should be within a 45 degree angle as measured from the corner of adjacent dwellings.
9. The rear elevation of No 606 features a reasonably sized ground floor window set in slightly from the side elevation. Although a gap is retained between rear-facing windows and the shared boundary, the proposed extension would be significantly deeper than the SPD guidance. Given that the existing rear elevation of the host property sits further to the rear than that of No 606, its significant depth would appear even more pronounced. It would also feature a prominent brick parapet wall that would sit adjacent to the shared boundary and extend significantly higher than the existing boundary fence. Given these factors, the proposal would appear incongruous, dominant and overbearing when viewed from the rear of No 606 and would adversely affect its outlook, which would be harmful to the living conditions of occupiers.
10. No 602 features an existing single-storey rear extension that abuts the shared boundary with the host property. I have been provided details indicating this was granted planning permission in 2011. The proposal would extend beyond the existing extended ground floor rear elevation of No 602. The proposal would both breach the 45 degree line and extend deeper than the SPD guidance. Although this alone does not necessarily demonstrate the proposal to be unacceptable, by virtue of its depth in relation to the window, it would appear highly visible, overbearing, and would result in a harmful loss of outlook.
11. The appellant has submitted details of previous proposals granted planning permission at the appeal site and No 602. However, because the current proposals are of a significantly increased scale in comparison to the cited examples, they do not alter my assessment.

12. For the reasons above, the proposed development would unacceptably reduce the level of outlook and would appear overbearing to the occupiers of Nos 602 and 606 Becontree Avenue, resulting in harm to their living conditions. The proposal would therefore conflict with Policy D6 of the London Plan – March 2021 (the LP), and Policies BP8 and BP11 of 'Planning for the future of Barking and Dagenham' Borough Wide Development Policies Development Plan Document – Adopted March 2011 (the BWDPD). Together these policies seek, insofar as they relate to this issue, for development proposals to maintain outlook and residential amenity. The proposal would also conflict with the provisions of the Framework in this regard, which have similar aims.

Living conditions for future occupiers

13. The Council's officer report notes that although the lack of external amenity space for the first floor flat would not warrant a reason for refusal, it would add to the cumulative harm generated by the proposal. However, because the first reason for refusal given in the Council's formal decision notice explicitly references the lack of amenity space for the first floor flat, I must consider this as a main issue.
14. Policy D6 of the LP requires, where there are no higher local standards in the borough development plan, a minimum of 5 square metres to be provided for 1-2 person dwellings. In this case, the lack of any private outdoor space for the upper floor flat represents a significant shortfall against the development plan requirements. I note the appellant's statement that the property is located close to a park and leisure centre which would provide opportunities for recreation, and I do not dispute this. However, the development plan does not suggest a flexible approach should be taken in such instances. Accordingly, despite the Council's statement in its officer report, I find the proposal's failure to provide appropriate amenity space for the first floor flat to be harmful to the living conditions of prospective occupiers.
15. The proposed 3 bedroom flat has been assessed by the Council as a 3 bedroom 5 person dwelling. When assessed against the space standards set out in Policy D6 of the LP, the proposal would not meet the overall requirement for such dwellings in terms of gross floorspace or designated storage. To address this matter, the appellant has demonstrated how minor changes could be made to the internal partition walls to classify the flat as a 4 person dwelling. Such changes could be undertaken without any effect on the external appearance of the proposal, or the layout of the first floor flat and communal areas. Moreover, irrespective of whether the proposal was considered as a 4 or 5 person dwelling, it would provide a spacious and functional layout that would not result in harmful living conditions to prospective occupiers.
16. The Council notes concerns regarding the privacy of the front windows of the ground floor unit, which would serve bedrooms. However, the ground floor is separated from the public footway by a reasonably sized front garden. Whilst the occupiers of the upper floor unit would pass close to the ground floor windows when gaining access to the property, this is not uncommon on developments comprising converted houses or indeed on purpose-built flats in similar locations to the appeal site. I therefore do not find the proposed arrangement would result in harmful living conditions for the occupiers of the front-facing ground floor bedrooms.

17. For the reasons given above, although the internal layout would be acceptable, the lack of external amenity space for the first floor flat would fail to provide suitable accommodation for future occupiers and would be harmful to their living conditions, which would conflict with Policy D6 of the LP and Policy BC4 of the BWDPD. Insofar as they relate to this issue, these policies seek to ensure residential developments provide appropriate private outside space.
18. The Council's decision notice also references Policies GG4, H1, H2 and H9 of the LP, and Policies CM1 and CM2 of 'Planning for the future of Barking and Dagenham' Core Strategy – Adopted July 2010 (the CS). However, these policies relate generally to increasing the supply of housing in sustainable locations and making use of existing housing stock, and the proposal would broadly accord with these objectives.

Housing mix

19. The proposal would retain an appropriately sized 3 bedroom dwelling and would not reduce the borough's stock of 3 bedroom family sized dwellings. It would therefore accord with Policy CC1 of the CS and Policy BC4 of the BWDPD, which together seek to preserve and increase the borough's stock of family housing.

Planning Balance and Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
21. My findings above demonstrate the proposal would harm the living conditions of neighbouring occupiers and would deliver unsuitable living conditions for future occupiers, which carry significant weight against the proposal.
22. The borough's 2022 Housing Delivery Test (HDT) results demonstrate a figure of 62%. Because this is below 75%, footnote 8 of the Framework directs that paragraph 11 d) ii. of the Framework is engaged, which directs that permission should be granted unless any adverse impacts of doing so would significantly outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. The proposal would provide an additional dwelling in a sustainable and suitable location and would make efficient use of the land. The nature of the development also suggests it could be delivered reasonably quickly. These factors all carry moderate weight in favour of the proposal in terms of its contribution to the borough's housing supply.
24. Nevertheless, through the application of paragraph 11 d) ii. the adverse impacts of granting the proposal established through my conclusions on the main issues above would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. For the reasons given above, having regard to the development plan as a whole, the Framework, and all other material considerations, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR