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## Appeal Decision

Site visit made on 4 January 2024

**by Nick Bowden BA(Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 February 2024**

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**Appeal Ref: APP/Z5060/W/23/3326911**

**135 Hatfield Road, Dagenham RM9 6JT**

- 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 B Meshi against the decision of the Council for the London Borough of Barking and Dagenham.
  - The application Ref 23/00616/FULL, dated 24 April 2023, was refused by notice dated 9 June 2023.
  - The development proposed is the conversion of existing property into 2 No. residential dwelling houses.
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### Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing property into 2 No. residential dwelling houses at 135 Hatfield Road, Dagenham RM9 6JT in accordance with the terms of the application, Ref 23/00616/FULL, dated 24 April 2023, subject to the following conditions:
  - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
  - 2) The development hereby approved shall only be carried out in accordance with the following approved plans and documents:  
JND/1292/12 - Proposed Ground Floor, First Floor and Loft Plans;  
JND/1292/13 - Proposed Front, Side and Rear Elevations; and  
JND/1292/14 - Site Location Plan and Proposed Block Plan.
  - 3) Prior to occupation of the development, full details of the cycle parking facilities as shown on drawing JND/1292/12 shall be submitted to and approved in writing by the Local Planning Authority. Such details should demonstrate that 4 cycle parking spaces can be provided to meet the requirements of the London Cycling Design Standards. The development shall not be occupied until the approved details have been implemented. Thereafter, the cycle parking facilities shall be permanently retained.

### Preliminary Matters

2. At the site visit it was confirmed that some of the works to convert the existing dwelling into two dwellings had already been completed. These works comprised the internal subdivision of the "existing" kitchen-diner into separate rooms.
3. I have noted references to policies SP2, SP3 and DMD1 of the Draft Barking and Dagenham Local Plan 2021 in the Council's decision notice and officer report. I note that the draft plan is at Examination, and therefore at an

advanced stage. However, at the current time it does not form part of the statutory development plan and I have not been made aware as to whether there are any unresolved objections in relation to the noted policies. I can, therefore, only attach limited weight to those policies in this decision and, as such, they are not an influential factor on the outcome of this appeal.

4. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

## **Main Issues**

5. The main issues are:
  - a) the effect of the proposed development on the character and appearance of the area, and
  - b) whether the proposed development would provide adequate living conditions for the future occupants of the dwellings, having regard to:
    - i. the width and availability of natural light in the living room of the proposed two-bedroom dwelling, and
    - ii. outlook from the rear facing first floor bedroom in the proposed three-bedroom dwelling.

## **Reasons**

### *Character and appearance*

6. The appeal site comprises an end terrace house which has been rendered in pale grey. The original dwelling has been enlarged with extensions to the side, rear, roof and with a front porch. The only external alterations proposed to the existing building comprise the formation of a second front door to the porch.
7. The insertion of this second front door would make it more apparent that the porch would serve two dwellings. However, this, of itself, would have negligible impact on the street scene. It would merely appear as a logical continuation of the row of terraces. It would not unbalance the row of terraces by any greater degree than exists already through the differing materials used in this end terrace.
8. I recognise that the building forms part of the Becontree Estate which was built as "Homes for Heroes" between 1921 to 1934. The area is not identified as a Conservation Area. Nevertheless, the Council regard it as a non-designated heritage asset. Recessed porches are part of the design vernacular to the estate. The porch and entrances to the two proposed dwellings are not recessed. However, this porch is an existing structure, and the insertion of the additional front door would not result in the building appearing more prominent or otherwise cause any material harm to the character of the area. Despite it not being a recessed structure, shared porches are a feature of the estate. In this regard, the ethos of the estate would be retained, albeit in a limited manner.
9. Paragraph 209 of the Framework requires that the effect on the significance of a non-designated heritage asset should be taken into account. In weighing applications that directly affect non-designated heritage assets, a balanced

judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this instance, I consider that the alterations to the non-designated heritage asset would not detract from the character and appearance of the area and would therefore have a neutral effect on the non-designated heritage asset.

10. I therefore conclude that the proposed development would not be detrimental to the character of the area. Policies D4 of the London Plan 2021 (LonP), CP3 of the Barking and Dagenham Core Strategy 2010 (BDCS) and BP11 of the Barking and Dagenham Borough Wide DPD 2011 (BDDPD) and the Framework all promote standards of good design. I am satisfied that the development proposed accords with the provisions of these policies and the provisions of the Framework.

#### *Living conditions*

11. The proposed living room to the two-bedroom dwelling is a relatively long and narrow room. It is served by a single, front facing, window. As a result, the rear portion of the room receives less natural light. This is no doubt compounded by its narrow width.
12. However, this room is presently used as a living room. In this regard there would be no material change to its functionality. The width of the room is below the 3.5 metres nominated in the Housing Design Standards (London Planning Guidance). However, this document is a best practice space standard and is unlikely to be achievable in all circumstances. As the proposed development is for the conversion of an existing building, it would not be practicable to apply this requirement. Moreover, the room will receive ample morning sun. The insertion of windows to the side elevation would add limited value, given that they would need to be high level to secure privacy from the adjacent footpath, and would be north facing with no direct sunlight.
13. The rear facing first floor bedroom to the proposed three-bedroom dwelling does have limited outlook due to the existing rear projecting element to the north. However, this outlook is towards the west and south allowing for a perfectly reasonable outdoor vantage. In any case, this is an existing situation and regardless of whether the rear projecting wall is associated with the same, or neighbouring dwelling, the effect is identical. In this regard there is therefore no material change in circumstances.
14. I conclude that the proposed dwellings would provide satisfactory living conditions for the future occupants and would accord with policies D4 and D6 of the LonP, policies CM1 and CP3 of the BDCS and BP8 and BP11 of the BDDPD. These policies, amongst other things, aim to secure satisfactory living conditions for future occupants.

#### **Other Matters**

15. The Council cannot presently demonstrate a five-year supply of deliverable housing land. Consequently, the provisions of paragraph 11(d)ii of the Framework should be applied. However, I have found that this development is acceptable in its own right and these provisions do not need to be considered further in this context.
16. In reaching my decision, I have noted that vehicle access to the existing dwelling and proposed development is via a pedestrian/cycle path. The

Highway Authority consider this to be an illegal access. It is not within my remit to address this in my decision. This does not change my reasoning or conclusions here.

### **Conditions**

17. I have imposed a general time limit condition to ensure the development is commenced within three years to accord with the provisions of the Town and Country Planning Act 1990. I have applied a condition to secure adherence to the plans for certainty. A condition to require cycle parking provision is imposed to meet the London Cycling Design Standards and this does not conflict with the concerns of the Highway Authority with regard to the vehicle access. I have not imposed a condition relating to materials, as was recommended by the Council. This is because there are no external alterations to the building, beyond the creation of a new front door. Given my conclusions; that the addition of this front door would be immaterial in the street scene, I do not find it necessary to impose a condition requiring details of this.

### **Conclusion**

18. For the reasons given above, I conclude that the proposed development complies with the provisions of the development plan, read as a whole, and there are no other material considerations that warrant a decision otherwise than in accordance with the development plan.
19. The appeal is allowed and planning permission is granted subject to conditions.

*Nick Bowden*

INSPECTOR