



Appeal Decisions

Site visit made on 22 January 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2024

Appeal A Ref: APP/Z5060/W/23/3318686

113 Ripple Road, Barking IG11 7NY

- 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 Jayanti Patel against the decision of Council of the London Borough of Barking and Dagenham.
 - The application Ref 22/01868/FULL, dated 3 November 2022, was refused by notice dated 16 December 2022.
 - The development proposed is ground & first-floor internal alterations to include the self-containment of the first-floor flat with new access from a new rear staircase.
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Appeal B Ref: APP/Z5060/W/23/3318685

113 Ripple Road, Barking IG11 7NY

- 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 Jayanti Patel against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 22/02188/FULL, dated 20 December 2022, was refused by notice dated 8 February 2023.
 - The development proposed is ground & first-floor internal alterations to include the self-containment of the first-floor flat with new access from a new rear staircase.
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Decisions

1. Both appeals are dismissed.

Preliminary Matter

2. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous iteration. Consequently, this update does not fundamentally alter the main parties' cases, and it is not necessary to seek further comments. References hereafter in the decision to the Framework are to the December 2023 version.

Background and Main Issues

3. The appeal site comprises a retail shop on the ground floor with a staff room and kitchen to the rear of the trading area and a side passage enclosed as a storage area, with further storage buildings in the rear yard and rear access to a shared service yard. On the first floor are three bedrooms and a bathroom. The upstairs rooms and the ground floor staff room and kitchen form non-self-contained residential accommodation associated with the shop.
4. Both appeals seek to create a self-contained flat to the first floor level with access proposed via an external staircase to the rear. The Council assessed Appeal A as being for a two bedroom flat, despite the original description not

specifying the number of bedrooms. Appeal B was made in response to the Council's refusal of the application now forming Appeal A, with the internal layout altered to clearly show a one-bedroom flat to address a reason for refusal relating to the standard of accommodation proposed. The Council subsequently did not refuse the second application in respect this matter.

5. Against this background, a main issue in both appeals is whether the proposal would provide a suitable and safe access to the flat. In respect of Appeal A only, there is an additional consideration of the suitability of the internal layout of the flat. Lastly, the Council included a reason for refusal in both appeals relating to perceived inaccuracies in the submitted plans and an inability to consider the effect of the proposal on the character and appearance of the area. I address this as a further main issue below.

Reasons

Access

6. In both appeals, the flat would be accessed via a service yard leading from Sunningdale Avenue that provides rear access to a number of neighbouring properties. Under Appeal A, occupants would enter the site through a door and along an existing open passage before ascending a proposed external staircase to enter the flat. Under Appeal B, occupants would firstly enter a proposed lobby and then walk along a new passage to the opposite side of the site to reach a similar external metal staircase.
7. I saw on site that the service yard is used by several properties and contains large bins, parked cars, other items and waste stored in the open, and for a period of time during my visit it was blocked by a vehicle making a delivery. It is lit by a single streetlight.
8. The conditions within the service yard are not conducive to access to a residential property. Occupants would be forced to negotiate past substantial amounts of commercial waste, with attendant odour and risk of vermin. The tall, solid walls and doors to the rear of properties on Ripple Road means there is little natural surveillance as one enters the yard, which would increase feelings of unease, particularly if parts of the space are not adequately illuminated by the streetlight during hours of darkness. The fact that occupants would also have to share the yard with commercial users making deliveries would be a further hazard and inconvenience. These factors combine to create an uninviting and unsafe space.
9. Within the site itself, under Appeal A occupants of the flat would share the external passage used for goods access to the shop, and so the conflict between residential and commercial uses would continue. The appellant has sought to segregate both uses under Appeal B, proposing a separate passageway to the residential unit that would pass through a proposed private external space at the base of the access staircase. This arrangement would be an improvement on the layout under Appeal A, but it would not overcome the harmful conditions existing within the service yard. As such, it would not be possible to address concerns with the access by way of condition, as suggested by the appellant.
10. The appellant points to other upper floor residential units being accessed via the service yard. I do not have full details of the planning history of other units

but having regard to the poor condition of the yard, my concern is that these other units also have substandard access and these are not examples which should be replicated. Moreover, each proposal must be considered on its own merits and against the development plan and relevant guidance in place at the time of the application.

11. In this respect and for the above reasons, neither proposal would provide safe and suitable access to the flat and so both would conflict with Policy CP3 of the Core Strategy (July 2010) (the CS); Policies BP8 and BP11 of the Borough Wide Development Plan Document (DPD) (March 2011) (the BWDPD); Policies D4, D6 and D11 of the London Plan (March 2021) (the LP21); emerging Policies DMD1 and SP3 of the Draft Local Plan (Reg 19 Version, December 2021) (the DLP) and the Framework, which together require high quality design that, among other things, considers the safety of occupants, reduces the fear of crime and maintains residents' living conditions.

Standard of Accommodation (Appeal A only)

The plans under Appeal A show only one room labelled as a bedroom and the description of development did not specify the number of bedrooms. A second, unspecified space labelled only as 'room' on the plans measures roughly 3sqm and would be too small to function properly as a bedroom. Consequently, the evidence does not support the proposal being for a two-bedroom unit, and in my view should properly be assessed as a one-bedroom unit. At 52sqm internal floorspace, the flat would accord with the 50sqm requirement for a one-bed, two-person flat.

12. However, the plans do not show any external amenity space, and are unclear as to whether an existing 'conservatory', in effect a lightweight timber framed roof with clear, corrugated plastic panelling, would be removed. From my observations, it is likely this would have to be removed to facilitate the stair, and there would be limited space around the base of the stair for any meaningful, functional external space. Whilst accepting this is an urban location, the lack of suitable external space exacerbates the substandard quality of the accommodation alongside the unsuitable access.
13. Therefore, I find that the proposal would conflict with the expectations of high quality design and suitable standards of accommodation required by Policies D4 and D6 of the LP21; Policy CP3 of the CS; Policies BP5, BP8 and BP11 of the BWDPD and emerging Policies SP3 and DMD1 of the DLP.
14. For the avoidance of doubt, the Council found the internal layout of the one-bedroom flat proposed under Appeal B to be acceptable, meeting relevant internal space standards, and whilst not acknowledging the proposed external amenity space, it did not object to the overall standard of accommodation. On my own assessment, I find that the one-bedroom layout and provision of some limited external space separated from the commercial parts of the site would provide a suitable standard of accommodation. However, my concerns with the external access to this flat, as set out above, remain.

Quality of Plans/Character and Appearance

15. The Council's first reason for refusal refers to the lack of clarity in the plans and questions the existing arrangement and use of rooms within the building. However, my site visit confirmed the rooms to be generally in use as described.

The plans are sufficiently clear under both appeals with respect to the internal layouts proposed. The discrepancy with the conservatory under Appeal A is not consequential, as it is located to the interior of the rear yard and not visually prominent. Thus whether or not it is to be removed would not have a demonstrable effect on the overall appearance of the building.

16. This aside, the Council makes no substantive comments on the effect of the proposals on the character and appearance of the area. From my own observations, the rear of the terrace has been subject to a number of ad hoc additions, with rear gardens of Nos 111 and 113 largely filled with structures. The proposed external staircase would be set well into the site, resembling a fire escape not uncommon to the rear elevations of urban buildings. The immediate surroundings are enclosed, with no clear views from the public realm on Sunningdale Avenue or St Erkenwald Road and blank flank walls facing the site at the rear. As such, the stair would not be visually prominent, but would form a functional and largely unassuming feature. The other alterations would be at ground level and contained behind the rear wall where they would have little visual impact. Therefore, in each appeal, the proposal would not adversely affect the character and appearance of the area.
17. In this respect, I find no conflict in either appeal with the requirements for good design and respect for the character and appearance of the area as expressed through Policy D4 of the LP21; Policy CP3 of the CS; Policies BP8 and BP11 of the BWDPD; emerging Policy DMD1 of the DLP and the guidance of the Framework.

Other Matters

18. Both proposals would create a self-contained flat which would add to the Borough's housing stock. However, any benefit in this respect would be very limited, given the identified concerns with means of access and, in Appeal A, the standard of accommodation to be provided. Similarly, whilst each proposal would allow the trading area of the shop to be extended, this would be to a limited extent and would generate no more than a modest economic benefit.

Conclusion

19. In both appeals, the proposals would be acceptable in terms of character and appearance, but both would fail to provide acceptable access to the development, with the internal and external space proposed under Appeal A additionally falling short of the required standard. Both proposals would therefore conflict with the development plan, taken as a whole, to which I afford significant weight.
20. As set out above, the material considerations in each case attract only limited weight in favour of the proposal and in neither case do they indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude that both appeals should be dismissed.

K Savage

INSPECTOR