
Appeal Decision

Site visit made on 23 January 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21.02.2024

Appeal Ref: APP/Z5060/D/23/3329141
231 Westrow Drive, BARKING, IG11 9BS

- 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 Amrik Panesar (Singh Developments (UK) Ltd) against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref. 23/00586/HSE, dated 26 May 2023, was refused by notice dated 20 July 2023.
 - The development proposed is outbuilding at the rear to use as a garage and basement area to be used as storage.
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Decision

1. The appeal is allowed and planning permission is granted for outbuilding at the rear to use as a garage and basement area to be used as storage at 231 Westrow Drive, BARKING, IG11 9BS, in accordance with the terms of the application, Ref. 23/00586/HSE, dated 26 May 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SD231/PR 04; SD231/PL/01; SD231/PL 02; and SD231/PL/04.
 - 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 dwelling.
 - 4) The building hereby permitted shall only be used for purposes ancillary to the residential use of the dwelling known as 231 Westrow Drive. It shall not be used as a separate unit of accommodation.

Procedural Matters

2. Since the appeal was lodged a revised National Planning Policy Framework (the Framework) has been published. However, as the policies of most relevance to this proposal have not changed fundamentally it has not been necessary to seek further comments from the parties.
3. The Council cited Policies SP2, DMD1 and DMD6 of the London Borough of Barking and Dagenham's Draft Local Plan 2037 (Regulation 19 Submission Version, December 2021) [DLP] in the decision. Following examination, the Planning Inspectorate advised the Council that the Draft Local Plan is likely to

be capable of being found legally compliant and sound, subject to Main Modifications, which the Council has confirmed did not concern the above policies. Given the advanced stage of preparation of the emerging plan, I have therefore taken these policies into account in my assessment.

Main Issues

4. The main issues are (1) the effect of the proposal on the character and appearance of the site and streetscene; and (2) whether the scale of the proposal would create accommodation that is not ancillary to the use of the main dwelling.

Reasons

Character and Appearance

5. The appeal property is an end-terraced dwelling within a residential area. There is a gated service road to the rear of the site which provides access to this and other dwellings fronting, and to the rear of, Westrow Drive. Although the rear of the appeal site is currently fenced and gated, garages are prevalent in the vicinity.
6. In this context, outbuildings used for car parking and other domestic purposes are a common feature in the local garden environment, and although visible from the service road, the tightknit development pattern means that these have limited visual impact on the more public domain of Westrow Drive. These buildings vary in design and size, but some are quite substantial and occupy a significant portion of the rear garden. This is acknowledged by the Council in its delegated report, which notes the presence of sizeable outbuildings.
7. The proposed building would have a large footprint, occupying the full width of the site. Its depth would be generous, partly due to the inclusion of a stair well to access the basement. Whilst the footprint and massing may be greater than the buildings which abut the site, as noted above there are others of similarly large scale in the vicinity.
8. The proposed basement would increase the amount of floorspace in the building. However, as submitted, the basement would be wholly below ground level, and would not create conditions that would add to the visible mass of the building above. With a garage door facing the access road and glazed panels facing the garden, the building would not be dissimilar in design to others locally. The stairwell and lightwell may be perceived from the garden, but the effect would not be much wider given the limited public vantage points from where the building would be seen. With the wide range of outbuilding styles in the vicinity, I do not consider that the proposal would be discordant or incongruous, nor out of character. In an area of dwellings with large outbuildings, the proposal would not appear out of scale with the host house.
9. The Council has cited conflict with the 'outbuildings' guidance of its 'Residential Extensions and Alterations' Supplementary Planning Document 2012 (REA). However, I find no conflict with the guidance provided, in that the building would be used for purposes ancillary or related to the use of the property as a dwelling, and its design and position would minimise its impact upon neighbouring residents. The Council's delegated report confirms that it would not cause any material loss of daylight/sunlight, loss of privacy, loss of outlook, overshadowing or overbearing impact.

10. I therefore conclude that the proposal would be acceptable in its impact on the character and appearance of the appeal site and the streetscene. It would be a functional and flexible building of sufficiently high quality design that would respect local character, as sought by Core Strategy¹ (CS) Policy CP3, and DLP Policies SP2 and DMD1. Given its context, it would protect the character and amenity of the area, in accordance with Policy BP11 of the Council's Borough Wide Development Policies Development Plan Document 2011 (BWP), as supported by the REA. Its scale and form would be sympathetic and subordinate to the original dwelling, and would respect and complement the character of the area, as required by DLP Policy DMD6. For these reasons, there would be no conflict with the design objectives set out in Section 12 of the Framework.
11. I do not consider Policy D4 of The London Plan 2021 (TLP) to be relevant, as it appears to relate to mechanisms to deliver and maintain design quality, but that does not alter my assessment.

Level of Accommodation

12. The Council has expressed concern that the building could be accessed from the service road, and converted into a low-quality, self-contained unit of accommodation in the future; and that a planning condition preventing this would not be sufficient control. However, that is not the proposal which has been applied for, and I have determined the appeal accordingly. Any subsequent change of use of the building to create a separate dwelling would require express planning permission. Whilst the Council may have concerns about enforcing a condition which restricts the use, I do not consider that the circumstances of this site would make such a condition unenforceable.
13. In addition, although the Council has questioned the need for the development, my attention has not been drawn to any policy or guidance which requires this to be demonstrated. The Council's delegated report refers to the absence of a parking stress assessment, but this does not form a reason for refusal of the application. Buildings for domestic parking are a feature of this area, with a specific rear service road for this purpose.
14. Although the building may be large in floor area, its stated purposes would typically be regarded as "ancillary", and not primary accommodation that would be expected to be contained within the main house. It would not be excessive in scale relative to the host house, given the context of similarly sized dwellings with large outbuildings nearby. The proposed basement would make effective use of land that would not impact upon the available garden.
15. I therefore conclude that the accommodation of the proposal would be of a scale ancillary to the use of the main dwelling. In so doing, it would accord with the aims of CS Policy CP3 and BWP Policy BP11, and DLP Policies SP2, DMD1 and DMD6. As noted above, I do not find TLP Policy D4 to be of relevance.

Other Matters

16. The Council has drawn attention to an appeal decision which was dismissed at 264 Westrow Drive for an outbuilding with basement in 2022². Limited details have been supplied of that development, but from the appeal decision it would

¹ Planning for the Future of Barking and Dagenham Core Strategy 2010

² APP/Z5060/W/21/3286351

appear that there were material differences from this proposal: that appeal site occupied a “prominent corner position” and had a “compact” rear garden next to the road. The Inspector found that the building would be visible, would not be subservient to the dwelling and would dominate the rear garden, none of which I have found in this case. Two other decisions³ cited by the appellant were not considered relevant, as the properties benefited from larger garden areas and mid row locations. The development was also found to overshadow a modest neighbouring garden and cause loss of outlook. Again, these matters do not arise with this scheme.

Conditions

17. 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 existing dwelling, in order to safeguard the character and appearance of the development and the area. With some modification to wording for precision, I have attached the Council’s suggested condition to control the use of the building. This is reasonable and necessary given the building design, and the poor living conditions that it would offer if used as habitable accommodation.

Conclusion

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

H Lock

INSPECTOR

³ At 6 Upney Lane and 16 Ventnor Gardens