



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: 23rd February 2024

Appeal Ref: APP/Z5060/D/23/3329629

37 Ventnor Gardens, Barking, IG11 9JY

- 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 Ms Tania Jamal against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref. 23/00954/HSE, dated 20 June 2023, was refused by notice dated 10 August 2023.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at 37 Ventnor Gardens, Barking, IG11 9JY, in accordance with the terms of the application, Ref. 23/00954/HSE, dated 20 June 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: location plan; block plan with dimensions; PL01 (existing and proposed ground floor plans); PL02 (existing and proposed roof plans); and PL04 (proposed elevations).
 - 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.

Procedural Matters

2. Since the appeal was lodged a revised version of the 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.

4. At the appeal site it was evident that first-floor and single-storey rear extensions were under construction but not complete. Following the appeal site visit, the appellant confirmed that the footprint of the appeal proposal has been built; and that the 'original' 4m deep extension was not demolished, but was extended. For the avoidance of doubt, as the openings on the rear elevation as built do not reflect those shown on the submitted plans, I have determined this appeal on the basis of the development as 'proposed'.

Main Issues

5. The main issues are (1) whether sufficient garden area would be retained to meet the needs of occupants of the dwelling; and (2) the effect of the extension on the character and appearance of the dwelling and the appeal site.

Reasons

Provision of Garden Area

6. The appeal property is an end-terrace house which has a two-storey and single-storey side extension, single-storey rear extension, plus an extension taking it to the depth of the appeal proposal. There is an outbuilding at the end of the garden.
7. The Council's 'Residential Extensions and Alterations' Supplementary Planning Document 2012 (REA) advises that, in building an extension, a reasonable amount of private garden space should be maintained for amenity purposes and to avoid overdeveloping the plot; extensions and outbuildings should not normally cover more than 50% of the garden space. The appellant does not dispute that more than 50% of the original garden has been developed.
8. The Council has presented a number of figures in its report, but at the appeal site visit it was apparent that there is an undeveloped garden area of sufficient size, shape and position that would provide usable amenity space.
9. Whilst various extensions to the property have reduced the available amenity space, the Housing Design Standards London Plan Guidance 2023 (LPG) advises that, as a minimum, one 5m² of step-free private outside space should be provided for homes with one or two bedspaces, with a minimum depth and width of 1.5m (increased to at least 2.5m as best practice), and an extra 1m² should be provided for every additional bedspace. It notes that for functional and accessible reasons, the minimum area must be a polygon with at least four sides, as would be the case at this site.
10. The Council indicates that the dwelling has "about" four bedrooms, with potential to accommodate 7 residents. Applying the LPG best practice standards, the dwelling would be served by more than sufficient amenity space to meet the reasonable needs of current and future occupants of the dwelling. Fundamentally, the footprint covered by the appeal extension would not materially increase the amount or usability of the garden space at the property.
11. The Council has not cited Policy D6 of The London Plan 2021 (TLP) in its decision but supplied a copy of the policy with the questionnaire. This policy specifies that where there are no higher local standards in the borough Development Plan Documents (DPD), a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m. should be provided for each additional occupant. Whilst the REA seeks to retain at

least 50% garden area, my attention has not been drawn to any formal standard to this effect in a DPD.

12. I therefore conclude that the extended dwelling would be served by sufficient garden space to meet the needs of current and future occupants of the dwelling. This would accord with the aim in the Framework to create places which promote health and well-being, with a high standard of amenity for existing and future users; and with the requirement for spaces to be functional, as sought by Core strategy¹ Policy CP3 (CS) and guidance in the LPG. It would maintain residential amenity in accordance with BWDP² Policy BP11. Although the proposal would not accord with the REA, it would nevertheless be acceptable for the reasons outlined above.
13. On this point I do not find Policy D4 of The London Plan 2021 (TLP) to be relevant, as it relates to mechanisms to deliver good design, rather than specifying design requirements; nor BWDP Policy BP8 and DLP Policies SP2, DMD1 and DMD6, which do not appear to relate to the provision of amenity space for residents of the property.

Character and Appearance

14. As a site at a road junction, the appeal property is highly visible in the streetscene. It is evident that the building has been widely extended to the side and rear, and an outbuilding has been added. However, the 2m deep addition to the single-storey rear element would not make the building or site appear overdeveloped. In terms of footprint and floorspace, the level of extension may not be subservient to the original dwelling, but in visual terms the appeal development in combination with former extensions would not appear unacceptably dominant on the building or in the streetscene.
15. Other dwellings in the vicinity have ground-floor and first-floor extensions of the same depth as proposed, and in this context the addition would be in keeping with the character and appearance of the area. Although these extensions may have been added without the need for express planning permission, they form the context in which the appeal proposal would be viewed.
16. Whilst I note that guidance in the REA seeks to limit the depth of a single storey rear extension to 3.65m, the stated purpose of this figure is to ensure that there is no material loss of daylight and outlook to neighbouring properties. No such harm would result in this case due to the comparable depth of the neighbouring extension.
17. I therefore conclude that the proposal would be acceptable in its effect on the character and appearance of the appeal dwelling and area. It would respect local character, as required by CS Policy CP3, BWDP Policy BP8 and DLP Policies SP2, DMD1 and DMD6; and would protect the character and amenity of the area and be of sufficiently high quality to accord with BWDP Policy BP11.
18. For the reason outlined above I have not found TLP Policy D4 to be relevant on this point.

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

² Planning for the Future of Barking and Dagenham Borough Wide Development Policies Development Plan Document 2011

Conditions

19. Although an extension has been constructed at the site, as it differs from the appeal proposal I have included conditions for the standard time limit, and 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.

Conclusion

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

H Lock

INSPECTOR