



Appeal Decision

Site visit made on 5 April 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2024

Appeal Ref: APP/Z5060/W/23/3329621

10 Ben Tillet Close, Barking IG11 9NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Morina against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref is 23/00478/FULL.
 - The development proposed is the conversion of existing 3-bed dwelling into 1 x 3-bed and 1 x 2-bed by means of 2 storey side extension with pitch roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are 1) the effect of the proposed development on the character and appearance of the area, 2) whether or not the proposed development would provide acceptable living conditions for future occupants with regard to private amenity space provision, and 3) whether or not appropriate provision is made for refuse storage and collection.

Reasons

Character and appearance

3. The appeal property is a two-storey semi-detached dwellinghouse. It is situated within a cul-de-sac that is made up of semi-detached properties and short terraces. The property has a single storey extension with flat roof to the side and a part single, part two-storey extension to the rear. Several of the surrounding properties have also been extended.
4. The proposed side extension would be angled away from the side elevation of the main body of the house. It would incorporate a gable roof and would extend fully to the site boundary. At the rear, the projection at the first floor level would incorporate a small hipped roof.
5. The proposed gable roof would contrast with the existing hipped roof of the property which is the dominant roof form in the street. Its angled position would sit awkwardly with the remainder of the dwelling and would close most of the gap between the appeal property and no. 11 which sits perpendicular to the appeal property, creating a sense of enclosure. This arrangement would

cause harm to the character and appearance of the property when viewed from the street.

6. On my site visit I was also able to view the appeal property from the rear lane and open space. At the rear, there would be a mish-mash and clumsy arrangement of roofs over the main body of the dwelling, the existing first-floor extension and the proposed extension. This would result in an inharmonious arrangement of hipped roofs and gable roof that would be worsened due to the angled nature of the side extension. This element of the extension would be highly discernible from the back lanes and public open space to the rear of the site.
7. Due to its size, the extension would also add considerable mass and bulk to the property, subsuming what was the original dwelling. It would appear excessive, the impact of which would be exacerbated by the discordant nature of the design approach.
8. The proposed development would therefore cause significant harm to the character and appearance of the area. It would be contrary to Policy D4 of the London Plan (2021), Policies BP8 and BP11 of the Barking and Dagenham Development Plan Document (2011) and Policy CP3 of the Barking and Dagenham Core Strategy (2010). Collectively, these policies require that the design of new developments is of high quality, protecting or enhancing the character and appearance of the area.
9. The proposed development would also be contrary to guidance contained in the Residential Extensions and Alterations Document (2012) which requires, amongst other things, that extensions do not undermine the character of the area and should not appear out of place.
10. The proposed development would also be contrary to the emerging Policies SP 2 and DMD 1 of the Draft Local Plan (2021) in terms of ensuring the delivery of high quality design in developments.

Living conditions

11. Policy BP5 of the Barking and Dagenham Development Plan Document (2011) outlines that the Council will only grant planning permission for new dwellings where they provide appropriate external private amenity space to meet the needs generated by the development. For a two-bedroom house, the amenity space will normally be expected to, at least, meet the minimum amount of 50 sqm. For a three-bedroom house, the amenity space will normally be expected to, at least, meet the minimum amount of 60 sqm. The policy sets out that rear gardens of houses should have a minimum depth of 12 metres, and that amenity space for all new dwellings should, amongst other things, be private, useable, functional and safe, and of a sufficient size to meet the needs of the likely number of occupiers.
12. Policy D6 of The London Plan (2021) states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. In this case, there is a higher standard in the borough's development plan document, and thus this takes precedence.

13. The appellant has referred to the lack of a specific amount in the emerging Local Plan policy. Whilst emerging policy can be a material consideration, it has less weight than the adopted policy in place at the time of the decision, particularly where such Policy aligns with the Framework, which includes a requirement that developments deliver a high standard of amenity.
14. In the appeal proposal the three-bedroom house would have 47 sqm of private amenity space at the rear. The two-bedroom dwelling would have 50 sqm of private amenity space at the rear. Although both properties would have a small area of amenity space to the front this is overlooked and would lack the privacy required to serve residents need for leisure, play or relaxation. I have therefore, for the purposes of Policy BP5 not considered this as private amenity space.
15. The two-bedroom house would provide the minimum amount of private amenity space as set out in the policy. The three-bedroom house would however fall significantly short of the amount in the policy, which is the minimum amount that is required. A property of this size would provide family accommodation for whom a good sized, usable amount of private amenity space to allow for recreation and socialising would be of greatest importance in terms of providing a good standard of amenity.
16. Both areas of amenity space are also proposed to have parking spaces for one car. When a vehicle is parked, this would significantly reduce the amount of private amenity space that would be available for residents to use. I acknowledge the proximity of the appeal site to the Lansbury Avenue playground and open space and also to the expansive Mayesbrook Park. Whilst the proximity and accessibility to these open spaces can be a factor to justify providing less than the minimum amount required, I find that in this instance, for the three-bedroom dwelling, the difference between what is proposed and the minimum amount that is required, when combined with the provision of vehicular parking within the amenity space, is such that appropriate private amenity space would not be provided.
17. The appellant has referred to the otherwise good level of amenity that is provided internally, and set out how the dwellings accord with the internal space standards. The compliance with this policy requirement, and the absence of harm as a result, is, however, a neutral factor in the balance.
18. The proposed development would therefore not provide acceptable living conditions for future occupants. It would be contrary to the requirements of Policy BP5 of the Barking and Dagenham Development Plan Document (2011) as set out above.

Refuse storage

19. On my site visit I observed that the existing property has space at the front and rear. A similar spatial arrangement would be maintained following the development.
20. The appellant has outlined how there would be space to accommodate a waste bin and a recycling bin at the front of the new property, and it is proposed to continue the existing arrangement where the bins for no. 10 are currently stored to the front of the property. I observed on my site visit that this arrangement exists for a number of other properties in the street.

21. Whilst I agree with the Council that it would be impractical to have refuse and recycling containers stored at the rear and then transported through the property for collection, or that storage in the rear may have collection implications on the back lane, there is ample space at the front of the property to store refuse and recycling containers. This arrangement would be consistent with that of other properties in the street.
22. The appellant suggests that a condition could be imposed so that the precise details of refuse and recycling storage containers could be submitted for approval. Were I to have allowed the appeal I consider that it would have been reasonable and appropriate to have imposed such a condition to address the matter of refuse storage.
23. On this basis, I consider that appropriate provision for refuse storage and collection could be made in a manner which would not cause harm in terms of land use planning matters. The proposed development would therefore comply with Policy BR15 of the Barking and Dagenham Development Plan Document (2011) in terms of ensuring appropriate provision for waste storage and management. It would also comply with the guidance contained in the Waste and Recycling Provisions in New and Refurbished Residential Developments Planning Advisory Note.

Planning Balance and Conclusion

24. The Government's objective as set out in the Framework is to support sustainable housing growth. The proposed development would result in a slight increase in the Council's overall housing number and would be in a sustainable location. It would also bring a small number of additional residents to the area who would contribute to the local economy. Collectively, I give these matters moderate weight in favour of the proposed development.
25. However, the harm that would be caused to the character and appearance of the area and the failure to provide acceptable living conditions attracts significant weight that outweighs the benefits associated with the proposed development.
26. The proposed development would therefore conflict with the development plan and there are no identified other considerations that outweigh this conflict.
27. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR