



Appeal Decision

Site visit made on 8 November 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2025

Appeal Ref: APP/Z5060/W/24/3344186

236 Bennetts Castle Lane, Dagenham RM8 3XP

- 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 Richard Rains of London & City Properties Plc against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 24/00131/FULL.
 - The development proposed is a two-storey side extension to increase commercial and residential space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the original decision the Council have adopted the Barking and Dagenham Local Plan (2024). This replaces the Barking and Dagenham Core Strategy (2010) and Borough Wide Development Policies DPD (2011) such that the policies of those plans cited on the decision notice are no longer part of the development plan and have no weight. I have therefore considered the relevant policies within the Barking and Dagenham Local Plan (2024). Both main parties have commented on the implications of the new local plan in the consideration of the appeal.
3. On 12 December 2024 the Government published a revised National Planning Policy Framework (the Framework). The revised Framework was accompanied by a written ministerial statement (WMS). Having regard to the main issues in this appeal, it has not been necessary to invite submissions from the parties on the revisions that have been made to the Framework.
4. I am in receipt of amended plans from the plans considered by the Council. The amended plans show there to be one double and two single bedrooms in the proposed first floor layout. These also show how refuse storage and cycle storage would be provided in the rear yard.
5. As these are minor amendments, and the Council's concerns on the original set of plans are clear in their evidence, I do not consider that their interests or those of any interested parties would be prejudiced if I take these amended plans into account. Therefore, having regard to the judgement in *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2018), which refined the "Wheatcroft principles" set out in *Bernard Wheatcroft v Secretary of State for the Environment* (1982), I shall therefore determine the appeal on the basis of the amended plans.

Main Issues

6. The main issues are 1) whether or not the proposed development would provide acceptable living conditions for future occupants in terms of size, 2) the effect of the proposed development on the character and appearance of the area, and 3) whether or not adequate provision is made for refuse and cycle storage.

Reasons

Living conditions

7. The proposed development involves the extension of an existing residential property which comprises accommodation over part of the ground floor and the first floor of the property. The proposed development would extend the residential unit at first floor level and result in the unit being wholly contained on the first-floor level with ground floor access from the frontage. Commercial floorspace would also be provided at the ground floor.
8. Policy D6 of the London Plan (2021) sets out, at Table 3.1, the minimum internal space standards for new dwellings. New dwellings are identified in this context as including new build, conversions and changes of use. The development in this case does not constitute one of these types of development as it is effectively the extension of an existing unit. Nevertheless, the proposed development would result in a 3 bed/4-person unit being created. The policy requirement is that for such a new dwelling, 74sqm of internal floor space should be provided. The resulting dwelling in this case would be 70.8sqm.
9. The appellant, however, highlights that the existing flat is a 2 bed/4-person unit and has a floor area of 56.5sqm which is significantly below what would be required in a new dwelling, that being 70sqm.
10. Taking these factors into account, I consider that in the proposed development, which would extend an existing residential unit as opposed to creating a new unit, the shortfall would not be unacceptable. As a percentage, the current shortfall in the existing dwelling from the required amount in the policy is around 20% less than what would be required. In the proposed development, were it to be a new dwelling that was being created, it would be approximately 4% less than what would be required.
11. I acknowledge the Council's concerns in relation to the fenestration for bedrooms 2 and 3. The amended plans show how adequate ventilation would be provided. This partition is however not clear, nor is how this would impact on the external appearance. There are however likely to be acceptable means of construction that would provide an appropriate partition whilst having a minimal impact on the external appearance. Had I allowed the appeal such matters could have been addressed through an appropriately worded planning condition.
12. I therefore find that based on the above, despite a small shortfall in the minimum amount required by Policy D4 of the London Plan (2021), for the reasons set out above, the material considerations on this matter allow for a finding other than in accordance with the development plan. Therefore, the proposed development would provide acceptable living conditions for its future

occupants in accordance with the requirement of the Framework that developments provide a high standard of amenity.

Character and appearance

13. The appeal site is located on the corner of Bennetts Castle Lane and Linkway. It is part of a short row of commercial properties. The site comprises a commercial unit on the ground floor with residential use on the first floor above and part of the ground floor. There is a yard to the rear and a single storey extension to the side.
14. The site is located within the Becontree Estate which is a non-designated heritage asset and is recognised due to its historic importance as being the largest public housing scheme ever undertaken in Britain, at the time of its planning. It is characterised by its meticulously planned, repetitive designs with an emphasis on symmetrical patterns.
15. At this crossroad junction with Linkway, the area around the appeal site is notable for its openness and spaciousness. This is particularly evident on the north-east and south-east corners of the junction where there are small areas of grass. Although such features are not present at the other two corners to the south-west and north-west corners, the building at no. 238 Bennetts Castle Lane is set back from the corner. At the appeal site, whilst there is a single storey side extension it is of limited scale and does not significantly diminish the sense of openness and spaciousness that exists.
16. The scale and siting of the existing built environment allows for appreciable views into Linkway, and also from Linkway towards Bennetts Castle Lane, with the main building element of the appeal site together with that of no. 238 Bennetts Castle Lane broadly following the clearly defined building line that exists.
17. Although the appeal property has an existing single storey side extension, it is of relatively low scale. The proposed development over two storeys would add a considerable bulk to the side of the property that would harmfully erode the sense of spaciousness and openness that currently exists around this prominent junction. Its sideways protrusion would form a significant incursion into the space where the resulting development would appear as a discordant and incongruous feature. Also, as a result of the development, the views in and out of Linkway would be significantly narrowed and this would be out of character with the otherwise open views around the junction.
18. Having regard to the historic planned arrangement of the wider estate, the proposed development would conflict with its original design pattern and the appeal scheme would diminish its significance as a non-designated heritage asset. The fact that there is a variation in the design of the buildings in the surrounding area does not alter my findings.
19. I acknowledge, as the evidence shows, the appellant has reduced the sideways projection from a previous application so that it is set back slightly at the first-floor level. Whilst the approach in seeking to overcome previous reasons for refusal is commendable, I do not consider that the level of set-back has overcome the harm. I have also, in any event, determined the appeal on its individual planning merits.

20. The proposed development would therefore cause significant harm to the character and appearance of the area and the significance of the non-designated heritage asset. It would be contrary to Policies SP2, DMD1 and DMD4 of the Barking and Dagenham Local Plan (2024) and Policy D4 of the London Plan (2021). These policies require, amongst other things, that developments relate to their local context and that development within or affecting any heritage assets (including non-designated heritage assets), should respect its local context and avoid materially detracting from its significance.
21. The appellant has referred to Policy DMD5 as being a relevant policy in the consideration of the proposed development. This policy relates to householder extensions and alterations and has not been referred to by the Council in their submission of relevant policies from the new local plan. This may be because the development is not a householder planning application. Even were the policy to be relevant, the proposed development would be contrary to the requirements of the policy insofar that extensions and alterations should not cause a harmful visual impact on the street-scene, for example, the space between properties should be considered and any loss of such space should be avoided.

Refuse and cycle storage

22. Amongst other reasons, the Council refused planning permission for the failure to provide adequate cycle and refuse storage. Since the decision, the appellant has submitted an amended plan to show how secure cycle storage and purpose-built refuse storage would be provided in the rear yard.
23. The cycle storage would be provided in the form of covered 'Sheffield' style stands and separate refuse facilities would be provided for the commercial units and the residential unit.
24. Given the overall quantum of development and the nature of the uses, I consider that the refuse and cycle storage which has been identified would be sufficient to ensure that the development does not prejudice highway safety and also make appropriate provision for sustainable forms of travel.
25. The development would therefore comply with Policies DMT3 and DMSI 8 of the Barking and Dagenham Local Plan (2024) and Policy T5 of the London Plan (2021) in terms of ensuring that developments make appropriate provision for cycle storage and refuse storage.

Conclusion

26. The proposed development would result in a small increase in the amount of commercial floorspace, and this would comply with the Government's objective of supporting economic growth as set out in the Framework. Although there would not be an increase in housing numbers, the development would result in a larger residential property being created. The development would also result in the removal of a somewhat makeshift and unappealing existing extension to the property. Collectively, I give these matters moderate weight in favour of the proposed development.
27. However, the harm that I have identified that would be caused to the character and appearance of the area and the non-designated heritage asset, attracts

significant weight that outweighs the benefits associated with the proposed development.

28. The proposed development would therefore conflict with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.

29. 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