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## Appeal Decision

Site visit made on 4 August 2025

by **R Lawrence BSc (Hons), PGDip (TP), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

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**Appeal Ref: APP/Z5060/W/25/3364820**

**49 First Avenue, Dagenham, Barking and Dagenham RM10 9AU**

- 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 Anthony Kyriacou against the decision of the Council of the London Borough of Barking & Dagenham.
  - The application Ref is 25/00314/FULL.
  - The development proposed is: new chalet bungalow dwelling to the rear of 49 First Avenue accessed via Centre Rd.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council's second reason for refusal relates to the living conditions of neighbouring occupiers. Notwithstanding the specific effects identified in that reason for refusal, interested parties have also raised a loss of privacy as a concern. It is therefore relevant for me to consider this as part of the respective main issue. The main parties have had the opportunity to respond on the matter within their final comments.

### Main Issues

3. The main issues are:
  - the effect of the development on the character and appearance of the area;
  - the effect of the proposal on the living conditions of neighbouring occupiers, with regard to noise and disturbance, privacy, outlook and daylight;
  - whether the proposal would achieve the statutory biodiversity net gain, and
  - whether the proposal would make sufficient provision for off-street car parking.

### Reasons

#### *Character and appearance*

4. The appeal site is made up of a back garden behind No. 49 First Avenue, along with a paved area behind No. 49a. This paved section links the site to Centre Road, although there is no dropped kerb to allow vehicular access. Next to the site is a gated alleyway that leads to the rear gardens of nearby dwellings.

5. Centre Road is in a suburban part of London, mainly made up of modest two-storey terraced houses that are similar in size and shape and feature traditional pitched roof forms. While the materials used on the houses vary, their overall look and layout are consistent. Many houses have off-street parking, which adds to the suburban feel.
6. Centre Road itself acts like a secondary street. It connects to other residential roads and is mostly lined by the sides and backs of houses that face those other streets. It doesn't have main frontages but instead contains small ancillary buildings like garages and sheds. These are usually single-storey and clearly subordinate in scale to the dwellings they belong to.
7. The proposal is for a two-storey house, with the top floor partly built into the roof space. Although the design seeks to reduce the building's bulk by using a stepped roof and dormers, it would still be readily perceived as a separate new dwelling. Its height and size would be much greater than the nearby single-storey outbuildings, making it stand out in a way that is uncharacteristic of Centre Road.
8. The proposed dwelling would be positioned within a backland garden plot, with a substantial portion of its footprint contained behind the rear garden of No. 49a Centre Road. This arrangement results in a disjointed and contrived site layout that lacks a coherent relationship with the surrounding built form. The building's bulk would be set back from the street, thereby failing to contribute to or reinforce the established street scene.
9. This siting disrupts the prevailing pattern of development, which is characterised by a regular and linear arrangement of buildings that front onto the street in a consistent manner. The proposal does not respect this spatial rhythm and instead introduces a form of development that appears isolated and poorly integrated. The constrained plot size further compounds this issue, standing in stark contrast to the generous rear gardens that define the character of the area and contribute to its spacious suburban quality.
10. The proposed roof design, although intended to reduce the building's visual impact, would introduce a complex and visually busy roof form that lacks reference to the surrounding roofscape. The design fails to reflect the simple pitched roof profiles that characterise the surrounding terraced dwellings. As such, the design would appear disconnected from its surroundings.
11. The introduction of a primary residential building within a location that is typically occupied by small, secondary structures would represent a significant departure from the established pattern of development. The proposed dwelling's scale, siting, and design would appear awkward and poorly related to the surrounding built form, including both Centre Road and neighbouring properties.
12. The appellant has suggested that the site is in poor condition. However, the portion visible from the public realm is hard surfaced and appeared well-maintained at the time of my site visit. While the site is physically detached from No. 49 Centre Road, which may present practical challenges in terms of upkeep, this separation does not currently result in any identifiable visual harm.
13. The appellant has referred to several other developments which are said to be of greater scale or visual impact than the appeal proposal. However, these examples—located at No. 2 First Avenue and Nos. 83–89 Oval Road South—are

situated on different streets that accommodate primary residential frontages, unlike Centre Road. The development at First Avenue comprises an extension to an existing annexe and is therefore materially different from the appeal scheme, which proposes a new, detached dwelling.

14. The dwellings on Oval Road South, while somewhat atypical in form—comprising semi-detached houses and a bungalow—are located within a street that already contains rows of primary residential buildings. These properties are positioned within appropriately sized plots, feature simple pitched roof forms, and directly address the street. As a small group, they integrate acceptably into the surrounding pattern of development and do not disrupt the established character of the area. In contrast, the appeal proposal would introduce a standalone residential unit into a secondary street context that is otherwise defined by ancillary structures, resulting in a form of development that is both uncharacteristic and visually discordant.
15. Taking into account the above, I find that the proposal would introduce a form of residential accommodation that is fundamentally at odds with the established character of Centre Road, and it would fail to integrate successfully with the surrounding built form. This would cause demonstrable harm to the character and appearance of the area and, as such, conflicts with Policies SP2, DMD1, and DMD5 of the Barking and Dagenham Local Plan 2037 (DP), and Policy D4 of the London Plan 2021 (LP). These policies, taken together and insofar as relevant, seek to achieve a high-quality design, through development that positively contributes to local character and identity. Furthermore, the proposal would conflict with the requirements of the National Planning Policy Framework (the Framework) which seek to achieve well-designed and beautiful places.

#### *Living conditions*

16. Due to the constrained shape and backland nature of the appeal site, the proposed dwelling would be positioned in close proximity to the rear gardens of Nos. 49a, 49, and 51 First Avenue. These neighbouring properties benefit from long, generously proportioned gardens, which are a defining characteristic of the area and contribute positively to its suburban residential quality. In the case of No. 49, the garden would be reduced in size to accommodate the proposed development; however, a residual area of private amenity space would remain that is broadly functional, albeit diminished in depth and openness.
17. These gardens currently enjoy an open aspect, with no significant built form impinging on outlook or access to natural light. While the proposed dwelling incorporates its upper floor within the roof space to limit overall height, the proximity of the building to shared boundaries would be notably tight. In particular, the rear portion of No. 49a would be flanked on two sides by built form, resulting in a pronounced sense of enclosure where none presently exists.
18. Although the impact would be largely confined to the rear-most sections of the gardens, and the overall height would be lower than a typical two-storey dwelling, the proposal would nonetheless introduce a built presence that exceeds the scale of existing ancillary structures. This would alter the spatial character of the gardens and diminish their openness.
19. In terms of daylight and sunlight, the proposed building would be located to the north-east of the affected gardens. This orientation would limit direct impacts on sunlight; however, some overshadowing is likely to occur, particularly in the rear-

- most areas. As with the sense of enclosure, this impact would be localised but perceptible and would detract from the quality of the external amenity space.
20. The proposal includes first-floor windows that would directly overlook neighbouring gardens, particularly the rear of No. 51 First Avenue. While these windows are shown to be obscurely glazed, there is no indication that they would be non-opening or positioned at high level. Moreover, such restrictions would unduly compromise the internal amenity of future occupiers, as these windows would serve as the primary outlook for the sole bedroom. Accordingly, reliance on obscure glazing alone would not adequately mitigate the potential for overlooking, and a material loss of privacy would result. This would be especially harmful to the enjoyment of rear garden spaces by neighbouring residents.
21. The Council has raised concerns regarding increased noise and activity. The proposal would result in additional pedestrian movements and associated noise and activity within the rear garden area. However, there is an existing access path serving the rear of neighbouring gardens, and a baseline level of pedestrian activity already exists. Given this, and the site's location within a busy residential suburb, I consider that the introduction of a single one-bedroom dwelling within its own defined curtilage is unlikely to generate a significant increase in noise or disturbance.
22. Overall, the proposal would result in minor but tangible harm to the living conditions of the occupiers of Nos. 49a, 49, and 51 First Avenue, particularly in relation to outlook, privacy, and daylight. It would reduce the quality of their external amenity space through the introduction of a degree of enclosure and overshadowing that would detract from the enjoyment of their gardens. The proposal would therefore conflict with Policies SP2, DMD1, and DMD5 of the DP, and Policy D4 of the LP. These policies collectively require that development positively contributes to the quality of life for existing residents and emphasise the need to avoid overbearing impacts, loss of light and unacceptable noise levels, particularly where development adjoins existing homes. The proposal would also conflict with the requirements of the Framework which include providing a high standard of amenity for existing and future users.

### *Biodiversity Net Gain*

23. Biodiversity Net Gain (BNG) is a statutory requirement under Schedule 7A of the Town and Country Planning Act 1990, as inserted by Schedule 14 of the Environment Act 2021. Where an application is subject to the biodiversity gain condition, it must be accompanied by the minimum information set out in Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
24. In this case, a BNG report prepared by Ecology 4 U consultants has been submitted. However, the report contains several notable deficiencies. While screenshots of the statutory small sites metric are included, they only present headline figures and do not allow for interrogation of the underlying data. Key information is missing, including the date of the baseline survey and confirmation of whether any site clearance or other activities affecting biodiversity value occurred prior to the submission of the application.
25. Furthermore, the report and accompanying plans do not correspond to the appeal scheme or the original planning application. Instead, they refer to a full two-storey

building, which differs materially from the proposal before me. The report concludes that a 12.51% net gain would be achieved, partly through the installation of a ground-based green wall. However, no such feature is shown on the submitted plans, and the report provides no detail regarding its location or implementation. These inconsistencies create significant uncertainty as to whether the habitat units identified in the report would be delivered, or whether the conclusions are applicable to the appeal proposal.

26. I acknowledge that the site is subject to fly-tipping and that the proposal may offer the potential to enhance its biodiversity value. However, even if that were accepted, it does not remove the requirement to provide the minimum statutory information necessary to demonstrate, with sufficient certainty, that a biodiversity net gain would be achieved. I also recognise the appellant's frustration regarding the lack of any request from the Council to provide further information. Nevertheless, no additional ecological evidence has been submitted with the appeal, and in any event, this procedural matter does not alter the planning merits of the proposal.
27. While the statutory framework for BNG is primarily designed to operate post-permission, the lack of clarity regarding both the baseline conditions and the proposed habitat enhancements means that the standard biodiversity gain condition could not be confidently discharged. In light of these shortcomings, I must adopt a precautionary approach. I cannot be satisfied that the proposal would deliver the required Biodiversity Net Gain and therefore find that it conflicts with Schedule 7A of the Town and Country Planning Act 1990.

### *Car parking*

28. The appeal proposal does not include any dedicated off-street car parking. The site lies within a Controlled Parking Zone (CPZ), where on-street residents' parking is available on Centre Road and surrounding streets, including First Avenue. The area has relatively low public transport accessibility, with a PTAL rating of 2, and a high proportion of properties benefit from off-street parking.
29. Policy T6 of the LP sets out maximum parking standards and promotes a car-lite approach, particularly in areas with lower public transport accessibility. For a one-bedroom dwelling, the policy allows for up to 0.75 spaces per unit but also supports developments that provide only the minimum necessary parking. In this context, the absence of off-street parking is consistent with the policy's objectives.
30. During my site visit, which took place mid-afternoon, there was a reasonable availability of on-street parking spaces, particularly on Centre Road in the immediate vicinity of the appeal site. While this represents a snapshot in time and may not reflect conditions at other times, the appellant's evidence also indicates good availability. There is no substantive evidence before me to suggest that the area experiences high levels of parking stress. Although the appellant's observations are not supported by a formal parking survey, there is no policy requirement for one to be provided in this instance.
31. Given the emphasis within the LP on reducing car dependency, the maximum parking standards applicable to a development of this scale, and my own observations, I am satisfied that the absence of on-site parking would not result in unacceptable harm.



32. I note that reference has been made to off-street parking spaces to the front of Nos. 49 and 49a. However, these are existing spaces outside the appeal site and appear to serve those respective properties. Similarly, while the appellant has referred to space at No. 59, its proximity to that property suggests it is not reasonably available for future occupiers of the appeal site. In any event, there is no mechanism before me to secure the use of these spaces for the proposed development, nor is it necessary to do so given my findings above.
33. I therefore conclude that the proposal complies with the car-lite approach and maximum parking standards set out in Policy T6 of the LP. Overall, the development would not result in adverse impacts on on-street parking availability. The Council's reason for refusal also refers to Policy DMT 3 of the DP. However, this policy relates specifically to cycle parking provision rather than vehicle parking, and as such, it is not directly relevant to the main issue under consideration. Accordingly, it has not been determinative in my assessment of the proposal's impact on car parking.

### **Other Matters**

34. Whilst I note that the proposal has been reduced in scale from a previous iteration of the scheme, my assessment necessarily relates to the proposal before me, and the amendments made do not alter the overall conclusion.
35. I am aware of the appellant's concerns raised regarding the service provided by the Council, including a perceived lack of proactive engagement. While such concerns are noted, they do not bear upon the planning merits of the scheme itself and have not influenced the outcome of this appeal.
36. I also acknowledge the appellant's efforts in maintaining the appeal site and understand that he considers this arrangement unsustainable in the longer term. Issues such as fly tipping are clearly undesirable and can negatively affect both the appellant and neighbouring occupiers. However, I am not persuaded that the appeal proposal—which has been found to cause harm—is the only or most appropriate means of addressing these concerns.
37. Furthermore, I recognise the appellant's frustration at being unable to install a dropped kerb to facilitate the use of the hardstanding for off-street parking. While this limitation may be inconvenient, it does not justify a form of development that would result in demonstrable harm.

### **Planning Balance**

38. The latest housing delivery results indicate that the Council has delivered less than 75% of its housing requirement. This position reflects a persistent under-delivery of housing, triggering the application of paragraph 11(d)(ii) of the Framework. In such circumstances, footnote 8 of the Framework establishes that the policies most important for determining the application are considered out-of-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The appeal site is not located within a protected area.
39. The proposal would result in harm to the character and appearance of the area, through the introduction of development that is at odds with the established pattern

and form of Centre Road. It would also cause tangible harm to the living conditions of neighbouring occupiers, particularly through adverse effects on their external amenity space. In addition, the scheme fails to demonstrate compliance with the statutory requirement for Biodiversity Net Gain (BNG). While the harm to living conditions may be localised, when considered in combination with the significant harm to character and appearance and the failure to meet the statutory BNG requirement, the overall magnitude of harm is substantial. For the reasons set out above, the relevant development plan policies are consistent with the Framework, and the proposal would therefore be contrary to the development plan when read as a whole.

40. The scheme would deliver a single dwelling, making a modest but nonetheless important contribution to housing supply in the borough. I acknowledge that small and medium-sized sites, such as the appeal site, can play a valuable role in meeting local housing needs. The construction of the dwelling would generate temporary economic benefits, and its occupation would result in additional local spending. However, given the limited scale of the development, the public benefits, including those associated with housing delivery and economic activity, would be modest.
41. It is recognised that the principle of small housing sites in the vicinity of the appeal site is acceptable. I have also identified no harm arising from the absence of off-street car parking and note that the Council is satisfied with the proposed arrangements for cycle parking and waste storage. However, these are neutral considerations in the overall planning balance.
42. When assessed against the policies in the Framework taken as a whole, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Accordingly, the proposal does not represent sustainable development within the meaning of the Framework.

### **Conclusion**

43. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal is dismissed.

*R. Lawrence*

INSPECTOR