



Appeal Decision

Site visit made on 11 February 2026

by **H Miles BA (hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th March 2026

Appeal Ref: APP/Z5060/C/23/3332931

Land and premises at 532 Becontree Avenue, Dagenham RM8 3HR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Zaira Dadabhoy of Black Olive Properties Ltd against an enforcement notice issued by the London Borough of Barking & Dagenham.
 - The notice was issued on 12 October 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised use of the rear outbuilding as a self-contained unit of accommodation.
 - The requirements of the notice are to:
 - Cease the use of the outbuilding as a self-contained unit of accommodation.
 - Remove all alterations and fixtures enabling the creation of the self-contained unit.
 - Remove all consequent waste material from the premises.
 - The period for compliance with the requirements is: 6 Months
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. I am the Inspector for an appeal (APP/Z5060/C/23/3332937), also for the use of an outbuilding as a self-contained unit of accommodation made by the same agent where some evidence is comparable, but with a different planning history and location. Consequently, some of the language is common to both decision letters. However, for clarity I have assessed each appeal on its own merits.
3. Arrangements were made to visit the site on two occasions and the appellant or any representative did not attend. I have therefore viewed the site from public views. In combination with the written evidence, I am satisfied that I have seen everything I need to determine the appeal.
4. During the course of the appeal the London Borough of Barking and Dagenham Local Plan 2020-2037 (Local Plan) has been adopted and the main parties' comments were sought on the relevance of these policies to their case. I have taken any responses received into account in the determination of this appeal.

Appeal on Ground (a) and the Deemed Planning Permission

5. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issues** are:

- The effect on the living conditions of neighbouring occupiers
- The quality of the living conditions for future occupiers
- The effect of the development on highway safety, with particular regard to car parking.

Reasons

Living conditions of neighbouring occupiers

6. The development forms a separate dwelling to the rear of the host property with the unconnected activities associated with an independent household. These include comings and goings to and from the unit across the garden and occupation of the outbuilding throughout the day and night.
7. The gardens in this area are private outdoor spaces, which provide valuable amenity space and a sense of tranquillity set away from the road behind the rows of frontage houses and backing onto the open public park. There are some outbuildings in these gardens, but they are secondary to the main dwellings and in keeping with this environment.
8. The independent primary use of the outbuilding and the separate comings and goings have introduced an intensive and dominant use to the garden. The type and nature of these movements is wholly alien to the garden setting and as such they result in noise and disturbance which is harmful in this context.
9. Furthermore, I understand that the garden is used communally by this property and the host dwelling as well as providing access to the outbuilding. The communal garden directly adjoins the host property and the unit that is the subject of this appeal where there are windows to main rooms. Therefore, direct views in close proximity between these unconnected occupants are possible, resulting in inadequate privacy. The appellant indicates that the garden could be divided to provide private external space for each property, boundary treatments and bin storage, and that it could be secured by condition. However, this subdivision of the plot would have an effect on the character and appearance of the area which is a fundamental part of the consideration of such development. Consequently, it would not be appropriate for it to be controlled via condition.
10. Therefore, the proposed development is harmful to the living conditions of the existing occupiers with regard to noise, disturbance and privacy. As such, it is contrary to policy DSM13 of the Local Plan which resists proposals which generate unacceptable levels of nuisance.

Living conditions of future occupiers

11. The appellant states that the accommodation provides a total internal area of 39.5sqm with a 24.3sqm living/kitchen/dining area, a separate bedroom of 11sqm and a shower room.
12. Policy D6 of the London Plan (2021) (London Plan) seeks comfortable and functional layouts which are fit for purpose and adequately-sized rooms. It sets out that a 1 bedroom, 1 person unit should be at least 39sqm with 1sqm of built in storage, and a 1 bedroom 2 person unit 50sqm with 1.5sqm built in storage. Single bedrooms should be at least 7.5sqm and double bedrooms at least 11.5sqm.

13. The bedroom and overall size of the unit is unacceptably small for 2 occupants, however the size of the unit has sufficient overall floor area for a 1 bedroom, 1 person unit and the plans show a layout that is suitably functional for one person.
14. However, for the reasons set out above, due to the arrangement of the garden there is an unacceptable effect on privacy. Whilst the size and layout of the living accommodation is not inappropriate, this matter is nevertheless unacceptable.
15. Therefore, the proposed development provides inadequate living conditions for future occupiers. As such, it is contrary to policy D6 of the London Plan the aims of which are set out above.

Car parking

16. Policy DMT2 of the Local Plan states that car free development should be the starting point for well connected development proposals, with less well connected areas being 'car-lite'. It also sets out that development must contribute to promoting active, efficient and sustainable modes of travel and reducing car use.
17. Buses stop on Green Lane and Valance Avenue. These routes would have been taken into account in the PTAL 1b rating for the site and overall, the site has low access to public transport. Nor is there any indication that cycle parking would be provided. As such, it would be attractive to future occupiers to use a private car.
18. The development does not provide any car parking spaces for the unit. However, there is no mechanism to ensure the development is car free. As such, it is likely that occupiers will park on the street. Furthermore, in the absence of detailed information, such as a parking stress survey, I am not satisfied that there is not a shortfall of on street parking or there is capacity for additional safe car parking on the street.
19. Taking all the above into account, the development is likely to result in additional cars parking on the street which could not be accommodated therefore, leading to highway safety concerns. It also does not support sustainable modes of travel.
20. Consequently, the development has a harmful effect on highway safety, with particular regard to car parking. As such, it is contrary to DMT2 of the Local Plan, the aims of which are set out above.

Other Matters

21. The Council do not identify harm to appearance or the quality of outdoor space in their enforcement notice. Whilst there is a brief reference to harm to character included in the statement, there is very limited evidence before me on these points. Nevertheless, given my conclusions with respect to the other main issues, it has not been necessary to go into these matters any further.
22. The development provides the social and economic benefits of a new dwelling in an urban area. However, due to the scale of the development the benefits are limited. On the other hand, there are adverse effects to the multiple matters of highway safety and the quality of living accommodation for existing and future occupiers. The development would not make an effective use of land in this regard and the nature of the harm is serious. As such the serious harm would substantially outweigh the limited benefits. 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.

Conclusion

23. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

H Miles

INSPECTOR