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# Appeal Decision

Site visit made on 9 January 2018

**by G Rollings BA(Hons) MA(UD) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> February 2018**

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**Appeal Ref: APP/Z5060/W/17/3184843**

**33 Temple Avenue, Dagenham, RM8 1LP**

- 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 Mr Birbal Singh against the decision of the Council of the London Borough of Barking & Dagenham.
  - The application Ref 17/00858/FUL, dated 19 May 2017, was refused by notice dated 20 July 2017.
  - The development proposed is the erection of a two-storey, two-bedroom house.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - Whether the proposed development would provide appropriate living conditions for existing and future occupiers, with reference to the provision of internal space, storage space, and external amenity space; and
  - The effect of the proposed development on highway safety within the surrounding area.

## Reasons

### *Living conditions*

3. The appeal site is located at the intersection of Temple Avenue and James Avenue, and accommodates a two-storey, end-of-terrace house. The proposed development incorporates the construction of a dwelling that would extend the terrace, and the new house would have its own rear garden and front hard-standing for car parking.
4. The Council has calculated that the proposed house would have a gross internal area of about 58 square metres, spread over both floors. The Government's nationally described space standard<sup>1</sup> (NDSS) denotes minimum internal space requirements for dwellings, with 70 square metres set as the minimum standard for a two-storey, two-bedroom dwelling intended to accommodate three people. The NDSS also sets a requirement for at least 2.0 square metres of built-in storage space, which has not been included on the plans.

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<sup>1</sup> *Technical Housing Standards – Nationally Described Space Standard*, Department for Communities and Local Government, March 2015.

5. The requirements of the NDSS are applied in a local context within Policy 3.5 of *The London Plan* (2016). Given that the NDSS figures are minimum standards which are intended to act as a benchmark for high design quality, the shortfall in floorspace is not appropriate, and the proposal conflicts with both the NDSS and the London Plan in this regard. I acknowledge the appellant's comments regarding the provision of accessible design features within the proposal, but their inclusion is not sufficient to overcome the unsatisfactory living conditions that would derive from the under-provision of floorspace.
6. The Council's adopted *Borough Wide Development Policies Development Plan Document* (2011) (BWDP) Policy BP5 requires new dwellings to provide sufficient amenity space, expressed within the policy as a minimum standard. The appeal plans show that front and rear gardens would be provided for both the existing and proposed houses on the site, with off-street parking space being replaced by amenity space in the case of the former. Whilst both houses would have the required amount of space, in both cases the rear garden depth would fall significantly short of the suggested amount, and be much shallower than other gardens in the terrace. As such, the both properties' layouts would be cramped, and would not provide the quality of external amenity space required by BWDP Policy BP5.
7. I therefore conclude that proposed development would not provide appropriate living conditions for existing and future occupiers, with reference to the provision of internal space, storage space, and external amenity space. It would conflict with London Plan Policy 3.5 and BWDP Policy BP5, for the reasons set out above.

#### *Highway safety*

8. Both Temple Avenue and James Avenue have on-street parking, in marked bays that are arranged partly on the carriageway and partly on pavement. These reduce the trafficable carriageway to a single lane on both streets, with the number of bays limited by the frequent incidence of crossovers into properties. The area is not a controlled parking zone, but the Council has noted it is subject to parking stress.
9. The development would not provide off-street parking for the proposed dwelling, and the off-street parking for the existing dwelling would be removed. BWDP Policy BR9 states that parking standards for new development should be in accordance with the London Plan, which suggests a provision of about one space for a two-bedroom dwelling, and 1.5 spaces for a three bedroom dwelling. Public transport accessibility is low within this area, and the London Plan makes allowances for slightly greater parking provision in areas such as the appeal site, as poor access to transport can encourage car ownership. Given the policy requirements, it is likely that there would a demand for about three parking spaces, which would need to be accommodated on the street.
10. This demand would increase the existing levels of parking stress. I acknowledge the appellant's comments regarding the provision of cycle parking in the area, but this is unlikely to mitigate this pressure, additionally given the poor public transport accessibility. Increased parking demand in instances of limited supply may lead to additional congestion as drivers seek parking space, or park illegally, which would be detrimental to highway safety. There is no evidence to suggest that such circumstances could be avoided by the appeal proposal.

11. I therefore conclude that the proposed development would have a potentially harmful impact on highway safety, and would conflict with BWDP Policies BR9 and BR10, which set out parking standards and seek to protect the residential amenity of existing occupiers affected by development.

*Other matters*

12. The appellant has suggested that the proposed development would have a positive effect on the area's housing supply, and that it would represent sustainable development. While I do not doubt that there would be beneficial effects, these would not outweigh the proposal's harm to the living conditions of existing and future occupiers, and potential harm to highway safety. Moreover, whilst I am sympathetic to the fact that the appeal proposal is a resubmission taking into account issues previously raised by the Council, I can only assess the current proposal on the basis of the information before me.
13. I also acknowledge the appellant's comments regarding the design of the proposed development and that there are previous examples of similar development within the area, but these considerations do not outweigh the harm. He notes that as a fallback position, permission could be obtained for the conversion of the existing dwelling to an HMO. However, as this would be subject to separate approval and as there is limited evidence to suggest that the impacts described by the appellant would come to pass, this consideration has minimal weight in my decision.

**Conclusion**

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*G Rollings*

INSPECTOR