

Appeal Decision

Site visit made on 11 October 2016

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 October 2016

Appeal Ref: APP/Z5060/W/16/3153743

Land between 487 – 535a Rainham Road South, Dagenham RM10 7XJ

- 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 Shapeup Investments Limited against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 16/00168/FUL, dated 4 February 2016, was refused by notice dated 8 June 2016.
 - The development proposed is "Demolition of existing single storey brick building and the erection of a new 3 storey Brick and Block building, comprising 5 No 2 bedroom 2 Storey apartments, 2 No 1 bedroom apartments and 1 No 2 bedroom apartment and 1 No 3 bedroom apartment".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Both the appellant and the Council have confirmed that revised plans 3403_SK16L, 3403_SK17D and 3403_SK25B formed part of the original planning application and were considered by the Council in respect of it. I have therefore also considered the appeal having regard to these plans.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties along Durham Road with particular regard to outlook;
 - Whether the proposal would provide adequate living conditions for any future occupiers of Flats 8 and 9 with particular regard to internal space provision; and
 - Whether the proposal would encourage anti-social behaviour.
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Reasons

Character and appearance

4. The appeal site, which fronts Rainham Road South, comprises a broadly rectangular plot of land currently in use for the sale of motor vehicles. Some single storey buildings associated with this use are located towards the rear boundary of the appeal site.
5. Buildings in the wider vicinity of the appeal site comprise a mix of uses, including residential and commercial, and a variety of architectural styles, including two and three storey terraces, some with shops at ground floor level, and three storey blocks of flats. Nevertheless, the appeal site is bound to the immediate north, south and west by two storey terraced buildings of a traditional character and appearance which provide its immediate and, in my view, its key context in the streetscape. In addition, despite the architectural variety in the wider vicinity, I observed that buildings are typically constructed of brick and display traditional pitched roof forms. This is also true of those to the immediate north, south and west of the appeal site. These features clearly form a strong and defining characteristic of the streetscape and area.
6. The proposal seeks to demolish the existing buildings and to introduce a contemporary, residential, three storey building onto the appeal site. It would have a flat roof to the front, with a mono pitched roof to the rear and would be constructed from a mix of brick and coloured cladding.
7. I acknowledge that contemporary design can, in some instances, provide a pleasant, modern contrast with buildings of a more traditional character and appearance. Nevertheless, the three storey height of the proposed building would appear considerably at odds with the two storey buildings that provide the immediate context to the appeal site. In addition, the flat roof would sit forward of the pitched roofs of the row of terraces to the south that it would adjoin and would fail to reflect the traditional roof form of other buildings within the streetscape and area. Furthermore, whilst the proposed brick work may reflect the prevailing use of building materials in the area, the coloured cladding would appear considerably out of keeping, given that this material is not reflective of the materials of other buildings in the vicinity of the appeal site.
8. Consequently, in this instance, I consider that the proposal would result in a visually intrusive and dominant building that would fail to respect the scale and rhythm of its surroundings. This would result in significant harm to the character and appearance of the streetscape and area.
9. I acknowledge that the appellant makes reference to a number of other contemporary buildings and buildings with flat roofs in support of their case. However, some of these examples are a considerable distance from the appeal site, some are non-residential buildings, some stand alone and some are located within a large business and technical park. In light of these factors, I do not consider that these examples could reasonably be said to share the same context as the appeal site and are not a helpful comparison to the proposal I am to consider as part of this appeal. In addition, each case should be considered on its own merits.

10. The proposal would therefore be contrary to Policy CP3- High Quality Built Environment, of the London Borough of Barking and Dagenham Core Strategy 2010 (Core Strategy); and Policy BP11- Urban Design, of the London Borough of Barking and Dagenham Borough Wide Development Policies Development Plan Document 2011 (DPDPD). These policies require, amongst other things, development to respect, strengthen, protect or enhance the character of an area. These policies are consistent with the broad aims and objectives of the National Planning Policy Framework (the Framework) that seek planning to take account of the different roles and character of different areas.

Living conditions- existing occupiers

11. The residential dwellings along Durham Road to the rear of the appeal site have short rear garden depths. Consequently, the low height of the existing buildings on the appeal site affords a reasonable level of outlook for the occupiers of these properties from any rear facing windows to habitable rooms and from the rear gardens of these properties.
12. The proposal would clearly introduce a change in the view for the occupiers of these properties. Nevertheless, the vertical rear elevation of the proposed building would be set back from the rear boundary of the appeal site by a considerable degree. In addition, the vertical rear elevation would rise to a modest height of approximately 4m after which, the mono pitched roof would slope away to the east. In light of factors, I do not consider that the proposal would be oppressive in any views obtained from the rear windows or rear gardens of dwellings along Durham Road and would not provide any overwhelming sense of enclosure for the occupiers of these dwellings. In addition, whilst I acknowledge the Council's concern that the appearance of the rear elevation of the proposal would be monotonous and visually uninspiring, I do not consider that this matter alone would be sufficient to cause any material harm in respect of outlook. Therefore, whilst there would be a change in the view from the properties along Durham Road to the rear of the appeal site, the change would not, in my opinion, result in harm.
13. Moreover, whilst the Council makes reference to a previous appeal decision¹ in respect of the appeal site where the Inspector in that case did find harm to outlook, that proposal was quite different, particularly with regard to the considerably closer proximity and height of proposed built form to the western boundary of the appeal site. I therefore do not consider that, in respect of this main issue, the proposal under that appeal is helpfully comparable to the proposal I am to consider under this appeal. In addition, whilst built form would encroach marginally closer at first and second floor level than the built form of a recently consented scheme on the appeal site², for the reasons given above, I do not consider that this additional encroachment would result in harm.
14. I therefore consider that the proposal would maintain the living conditions of the occupiers of neighbouring properties along Durham Road in respect of outlook. The proposal would therefore comply with Policy BP8- Protecting Residential Amenity, of the DPDPD, which requires, amongst other things, development to not lead to significant loss of outlook. This policy is consistent with the broad aims and objectives of the Framework that seek planning to

¹ Ref APP/Z5060/A/12/2184071

² Ref 14/01418/FUL

secure a good standard of amenity for all existing occupants of land and buildings.

Living conditions- future occupiers

15. The submitted plan 3403_SK17D clearly sets out the intention for the provision of a single storey 2 bedroom/3 person flat with a gross internal floor area (GIA) of 63.1 square metres (sqm) and a single storey 3 bedroom/5 person flat with a GIA of 94.1sqm within the proposed development. This relates to proposed Flats 8 and 9 respectively where one bedroom in each of these flats is shown to contain a single bed.
16. The Government's Technical Housing Standards- Nationally Described Space Standard (NDSS) sets out a minimum GIA requirement of 61 square metres (sqm) for a 2 bedroom/3 person flat and 86sqm for a 3 bedroom/5 person flat of a single storey. The GIA that would be provided for each of these flats would therefore exceed the minimum requirement of the NDSS.
17. It seems to me that the Council's concerns with regard of this main issue are based on a superseded plan which showed all bedrooms within Flats 8 and 9 to contain double beds. In addition, I would also concur with the appellant that although the proposed single bedrooms would considerably exceed the NDSS floorspace requirement of 7.5sqm for single bedrooms, given their irregular shape, they would be best suited for the purposes of a single bedroom rather than a double bedroom.
18. On this basis, I am satisfied that the would proposal would provide adequate living conditions for any future occupiers of Flats 8 and 9 in respect of internal space provision. It would therefore comply with Policy 3.5- Quality and Design of Housing developments, of the Housing Standards- Minor Alterations to the London Plan March 2016. This policy requires, amongst other things, development to reflect the standards of the NDSS. The proposal would also comply with the broad aims and objectives of the Framework that seek planning to secure a good standard of amenity for all future occupants of land and buildings.

Anti-social behaviour

19. The Council has cited a reason for refusal on the basis that the uncontrolled nature of the proposed parking area would generate anti-social behaviour, given that there would be no barrier to protect it. Nevertheless, the submitted plans 3403_SK16L, 3403_SK17D and 3403_SK25B clearly identify that an automatic roller shutter would be installed at the entrance to the car parking area. As such, I consider that this feature would provide protection to this space and would prevent it from being a magnet for anti-social behaviour given that it would likely only allow any of the residents of the proposal to use it.
20. I therefore find no conflict with Policy BC7- Crime Prevention, of the DPDPD, which requires, amongst other things, development to reduce the opportunity for crime, to minimise the fear of crime and to create a safer and more secure environment. This policy is consistent with the broad aims and objectives of the Framework that seek planning to achieve a safe environment where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Other matters

21. The Council does not specify highway safety as a reason for refusal on their decision notice but does raise a concern in this regard within their officer's report and appeal statement. A bus stop is located to the front of the appeal site and Dagenham East underground station is located within a reasonable walking distance along Rainham Road South to the south of the appeal site. These two factors are likely to substantially increase the level of pedestrian footfall in the vicinity of the appeal site. Whilst I acknowledge that there is already a dropped kerb at the access point to the proposed car parking area, I share the Council's concern that any vehicle waiting for the proposed automatic roller shutter to open on entry to it, would be required to wait on the pavement and would thereby obstruct pedestrian movement along this part of Rainham Road South.
22. This could realistically result in pedestrians walking on to the road to manoeuvre around any waiting vehicle. Given the likely high level of footfall along this part of Rainham Road South, the close proximity to buses manoeuvring into and out of the bus stop and the general busy nature of the road, I consider that this would have a considerable detrimental effect on highway safety. This would conflict with the broad aims and objectives of the Framework that require development to provide safe and suitable access to the site for all people. This lends substantial weight to my decision to dismiss the appeal. My view on this matter would stand, even if the dimensions of the car parking spaces can be scale accurately.
23. I acknowledge that the Council and a number of third parties have raised a concern relating to the overshadowing of rear gardens along Durham Road. Some third parties have also raised a concern in respect of privacy. Nevertheless, overshadowing and privacy matters did not form one of the Council's reasons for refusal. In addition, given the considerable setback of the proposed building from these gardens and the proposed mono pitched roof form to the rear elevation, I consider that it is unlikely that a harmful level of overshadowing to these gardens would arise. Moreover, in respect of the previous abovementioned appeal decision, the Inspector in that case did not consider overshadowing to have a significant impact, despite the closer proximity and height of the proposed built form to the western boundary of the appeal site. With regard to privacy, the rear facing upper floor windows of the proposed building would be at a high level and at an oblique angle that would minimise any opportunities for overlooking.
24. The appellant claims that the proposal would ensure economic viability when compared with the consented scheme in respect of the appeal site. Nevertheless, I have not been provided with any viability assessment to demonstrate the consented scheme to be unviable in economic terms. I therefore afford very limited weight to this matter.
25. I acknowledge that the proposal would occupy a location with a good level of access to local services and facilities. It would also make a modest contribution to the economy through Council Tax payments and short-term construction jobs. I have no doubt that the proposal would incorporate sustainable construction and energy efficiency measures. I also recognise the benefit of reusing previously developed land and the contribution, albeit a modest contribution, that the proposal would make to housing supply in the

Borough. Nevertheless, I consider that the harm I have identified would significantly and demonstrably outweigh these benefits.

Conclusion

26. Whilst I have not found harm in respect of living conditions and anti-social behaviour, I have found harm to the character and appearance of the area. I have also found that the proposal would have a harmful impact on highway safety. The harm so caused would be significant and would clearly and demonstrably outweigh any benefits.
27. Consequently, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR