
Appeal Decision

Site visit made on 17 January 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/Z5060/W/16/3159282

5 Porters Avenue, Dagenham, Essex RM9 5YS

- 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 Irfan Ali against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 15/01706/FUL, dated 8 December 2015, was refused by notice dated 4 April 2106.
 - The development proposed is first floor extension to create a studio flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would provide satisfactory living conditions for the future occupants of the flat with particular reference to firstly its location and means of access, and secondly to outlook.

Reasons

3. The appeal site is located at the rear of a shopping parade within the Martin's Corner Neighbourhood Centre. In common with other properties in this parade there is commercial use on the ground floor and residential above. In the appeal property a two bedroom flat accessed from the rear of the property is located on its first and second floors. The current proposal is for a studio flat which would be constructed as a first floor extension to the rear of the existing building. This would also be accessed via an existing external staircase approved for use by the neighbouring property at No 7 Porters Avenue¹. The staircase exits into the rear yard area, which also contains access to the storage area for the retail unit, beyond which is the service road.

Living conditions – location/access

4. The rear service road is narrow, without pavement, poorly lit and gated at both ends. Whilst it was reasonably quiet at the time of my site visit on a weekday afternoon, I assume it is used to provide regular commercial deliveries to the units in the shopping parade. Not only would this be an uncomfortable environment for pedestrians, but it is likely that there would also be noise and disturbance from deliveries at various times of the day.

¹ 12/00708/FUL

5. As this part of the service road is bound by high brick walls, and the rear of what appears to be commercial premises, there would be limited natural surveillance. This would be compounded by the sharp bend in the road, limiting visibility along this route. Furthermore, in this location the proposed studio flat would not be well integrated into the wider neighbourhood in terms of local patterns of movement and the social contact which help to create an attractive residential setting.
6. The Council also points out that insufficient information is presented about the gated nature of this service road in terms of ownership and control. In this respect it is not clear how access is managed.
7. I accept the appellant's point that residential units above shops are common in the borough. The appellant also notes that this service road currently provides access to a number of other residential units. However this fact does not justify permitting additional residential access via this poor quality environment. The appellant also suggests that the additional use of this route would increase levels of use and therefore improve its safety. However such a limited increase in usage would not in itself address the fundamental issues of the poor environment and lack of natural surveillance in this area.
8. I therefore conclude that the proposed studio flat would not provide satisfactory living conditions for future residents in terms of its location and means of access. In this respect it would conflict with the London Borough of Barking and Dagenham Borough Wide Development Policies DPD 2011 (the Borough Wide Policies) which at Policy BP11 requires new development to provide safe environments that reduce the fear of crime and improve crime prevention. It would also conflict with the National Planning Policy Framework (the Framework) which at paragraph 58 requires planning decisions to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Living conditions - outlook

9. The Council also refer to the fact that the occupants of the studio flat would have a poor outlook. There would be two small externally facing windows in the flat in the kitchen which would overlook the rear yard area. In this respect the appellant agrees that the outlook would not be particularly desirable.
10. Whilst this outlook would be poor, it would not be dissimilar to that common in central locations. In this respect the windows, in combination with the proposed small 'roof dome' would enable an appreciation of changing weather conditions and access to daylight and sunlight. My view is therefore that the outlook provided would be adequate bearing in mind the nature of this urban environment.
11. I conclude that in terms of outlook the proposal would provide acceptable living conditions for the future occupants of this unit. In this respect it would comply with the London Borough of Barking and Dagenham Core Strategy Policy CP3, the Borough Wide Policies BP8 and BP11, and the Framework paragraph 17, all of which seek to secure a high standard of residential design.

Other matters

12. The appellant argues that this is an accessible location with a high PTAL² level and high density allowance, and that the studio flat would provide much needed small, low maintenance and energy efficient accommodation. Furthermore its floor area would be in excess of the Nationally Described Space Standards. Reference is also made to the London Assembly publication 'The Future of London's town centres' which advises that land in town centres should improve and diversify. Such considerations do weigh moderately in favour of the appeal proposal.
13. Appellant also refers to what is considered to be unsuitable development proposed elsewhere in the borough. Whilst I am not familiar with the scheme referred to, I have judged the present scheme on its own merits.

Conclusions

14. I have accepted that the scheme would provide satisfactory living conditions in terms of outlook, and that it would be well located in terms of access to services and facilities. However, the evidence I have examined in relation to the means of access to the studio flat is such that the living conditions for future residents would not be acceptable. The degree of harm in this respect significantly and demonstrably outweighs these other considerations, and therefore the proposal does not comply with the development plan taken as a whole. It would also conflict with the Framework.
15. I conclude that the appeal should fail.

AJ Mageean

INSPECTOR

² Public Transport Accessibility Level