

Appeal Decision

Site visit made on 28 February 2017

by J Bell-Williamson MA MRTPI

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

Decision date: 14th March 2017

Appeal Ref: APP/Z5060/D/16/3165231

7 Oulton Crescent, Barking IG11 9HE

- 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 Faruk Ahmed against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 16/01229/FUL, dated 6 August 2016, was refused by notice dated 4 October 2016.
 - The development proposed is described as 'conversion of a garage in habitable room and two storey first floor side and part two storey rear extension'.
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Preliminary Matter

1. The appellant indicates that the description of development has changed from that shown on the application form, referred to above. Consequently, I have dealt with this appeal on the basis that the development proposed is 'erection of first floor side/rear extension, conversion of garage to study and replacement outbuilding in rear garden'.

Decision

2. The appeal is allowed and planning permission is granted for erection of first floor side/rear extension, conversion of garage to study and replacement outbuilding in rear garden at 7 Oulton Crescent, Barking IG11 9HE. The permission is granted in accordance with the terms of the application, Ref 16/01229/FUL, dated 6 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Development shall be carried out in accordance with the following approved plans: 16141_104A (location plan), 16141_106B and 16141_107B.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) The outbuilding hereby permitted shall be used only for purposes ancillary to the use of the dwellinghouse and shall not be used as an independent unit of accommodation.
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Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the street scene.

Reasons

4. The appeal property is a two storey end of terrace house in a residential road of predominantly terraced dwellings. No 7 and its neighbour, No 9, have adjoining single storey garages, with a gap above this providing separation between properties at first floor and roof levels.
5. The proposal involves the infilling of this space across the full height of the appeal property to the boundary, with the hipped roof becoming a gable. I note, however, that a Certificate of Lawful Development was issued in respect of a loft conversion at No 7 (ref 16/00702/CLU_P) and this work had been undertaken at the time of the inspection. This includes a hip to gable conversion, a rear dormer and front rooflights.
6. Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document require all development to, amongst other matters, protect and enhance the local character and amenity of the area. These policies are supplemented by more recent guidance in the *Residential Extensions and Alterations* Supplementary Planning Document (the SPD). This says with regard to side extensions that they should be particularly sympathetic in terms of their form, roof treatment, detailing and materials (paragraph 5.4.1); and that where it is considered that the gaps between buildings contribute positively to the character of the area it will be expected that the first floor of proposed extensions are set off the side boundary of the site (paragraph 5.4.2).
7. The design and materials for the side extension would match those of the existing building and, therefore, the Council's principal concern is the extent of development to the boundary and the hip to gable conversion. The main parties provide evidence of the properties that have been subject to changes through infilling the gaps above garages. From the site inspection, it is clear that a number of such gaps have been lost along the full length of Oulton Crescent and that some of these are near to the appeal property. Consequently, any pattern of gaps that contributed to the street scene has changed over time and the result is of a street of largely terraced properties with a few irregular gaps. I agree, therefore, with the appellant that it is not the case that separation gaps remain a common characteristic of this part of the street.
8. I acknowledge that the Council introduced the specific guidance in the SPD referred to above to prevent the loss of gaps and that most of the changes within Oulton Crescent took place before it was published. Nonetheless, taking account of the original terraced properties and the infilling that has taken place, the predominant character of the street scene is of properties with no gaps and in the limited instances where these do occur there is no clear pattern or regularity to them. It cannot reasonably be said, therefore, in the terms of the SPD that in this case gaps contribute positively to the character of the street. In this setting, the partial infilling of the gap between the appeal property and its neighbour would not be uncharacteristic or materially harmful.

9. As a result of the majority form of development in the street, there are few examples of hipped roofs and the appeal property already has a gable albeit in a different position to that of the proposed extension. The extension of this existing roof form sideways would not, for the reasons already given, lead to a harmful effect on the street scene.
10. I acknowledge the Council's concern that allowing this proposal could make it more difficult to resist similar applications, including at No 9, which would lead to full closure of the existing gap. I am mindful, however, of the principle that development proposals must be considered on their individual merits and I have found above that no unacceptable harm would result from the current proposal. Any future development proposals would need to be similarly considered on their merits against policies and circumstances pertaining at the time. However, current concerns about such proposals coming forward are not of sufficient weight to lead to a different overall conclusion in this case.
11. The rear extension would be of limited depth and typical domestic scale and appearance. As such, no harm would result. While relatively large, the proposed outbuilding would be positioned at the end of the garden close to a similar structure in the adjacent garden. I agree with the Council, therefore, that any effects on surrounding amenity would be limited and would not result in substantive harm.
12. Accordingly, I conclude for the reasons given that the proposal would not have an unacceptably harmful effect on the character and appearance of the street scene. As such, there is no conflict with the policies and guidance referred to in paragraph six above.

Conditions and overall conclusion

13. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development, one requiring development to be carried out in accordance with the approved plans. I agree also that a condition requiring the external materials used in the extension to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider area.
14. I agree that it is necessary to ensure that the outbuilding is used only for purposes ancillary to the use of the appeal property. Any separate residential use would be uncharacteristic of the area and potentially harmful to neighbouring living conditions. I have, therefore, imposed a condition requiring such ancillary use only. I disagree, however, that it is necessary to require approval of the design, location and external appearance of the building as these are all shown on the submitted plans. I have, therefore, omitted this element of the suggested condition.
15. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should succeed.

J Bell-Williamson

INSPECTOR