
Appeal Decision

Site visit made on 1 March 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 22 March 2017

Appeal Ref: APP/Z5060/W/16/3164589

44 Rugby Gardens, Dagenham RM9 4BA

- 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 George Le Port against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 16/00727/FUL, dated 14 May 2016, was refused by notice dated 19 August 2016.
 - The development proposed is dividing plot in 2. Construction of single storey bungalow. Second part of plot to be retained as garden space of first floor 1 bedroom flat.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - The effect of the proposal on the character and appearance of the surrounding area;
 - Whether the development would provide satisfactory living accommodation for future occupiers; and
 - The effect of the proposal on highway safety.

Reasons

Character and Appearance

3. The appeal site is a piece of garden land to the north of the host property, a ground floor flat located within a semi-detached maisonette building. No 45, the first floor flat has a garden to the rear of this building, and the appeal site forms the garden to No 44, each with their separate gated access. These properties share a pedestrian access with Nos 42 and 43, flats at the end of a two storey terraced block.
 4. Rugby Gardens is a cul-de-sac designed in a T-shape and formed predominantly of semi-detached buildings with some terraced blocks, set out in a regular pattern. The hipped roofed, semi-detached buildings at each end of the cul-de-sac have space on either side formed by side gardens. This open aspect provides relief from the relatively densely built up urban form of Rugby Gardens, and views are possible through the appeal site to the rear of properties on nearby Cannington Road.
-

5. The proposed dwelling would have an eaves height of 2.7m and a ridge height of 4.9m, and so the dwelling would be visible from the street, closing the gap between the two blocks. In addition, it would be located within about 1 metre from the common boundary with Nos 42 and 43, and about the same distance from the boundary with Nos 44 and 45, and the proximity to the timber fence surrounding the appeal site would add to the cramped appearance of the development.
6. Furthermore, the bungalow would be out of character with the pattern of development in Rugby Gardens. Whilst there are terraced and semi-detached houses and flats, the properties in the cul-de-sac are all two storeys and maintain the original interwar layout. The proposed bungalow, by reason of its siting and design would introduce a discordant element to the composition of Rugby Gardens. As such it would fail to reinforce the local distinctiveness of the area.
7. For these reasons I conclude that the proposal would harm the character and appearance of the surrounding area, and would be contrary to Policies BP8 and BP11 of the Borough Wide Policies Development Plan Document (BWP) (2011). These policies require, amongst other things, that development should have regard to local character and help to create a sense of local identity.

Living conditions for future occupiers

8. The Council has confirmed that the room sizes would be adequate but the overall floorspace proposed would be 55sqm gross internal area (GIA). This would be below the minimum floorspace standard of 61 sqm GIA for a three person, 1 storey dwelling, as set out in Policy 3.5 of the Minor Alterations to the London Plan (MALP) (2016).¹ Policy 3.5 also requires storage space to be provided in addition to the GIA requirement. The dwelling would not make provision for additional storage space, and as it would be below the minimum floorspace standard in any case, there would be pressure on other living areas to accommodate storage requirements, to the detriment of the living conditions of future occupiers.
9. Furthermore, the door widths do not meet LP Policy 3.8 of the MALP, which requires all new dwellings to meet the Building Regulation requirement M4 (2) for accessible and adaptable dwellings. This would be particularly relevant for a bungalow, which might be used by an older person or person with mobility difficulties. Consequently, the proposal would not provide adequate living accommodation for all future occupiers.
10. For the above reasons I conclude that the development would not provide satisfactory living accommodation for future occupiers. This would be contrary to Policies 3.5 and 3.8 of the MALP (2016), which require that new developments reflect the minimum space standards and requirements for accessibility and adaptability in order to provide high quality, accessible and sustainable new homes.

Highway Safety

11. 44 Rugby Gardens is a ground floor flat, situated at one end of a T shaped cul-de-sac, some distance from the central parking and turning area. There is no

¹ Including Table 3.3 Minimum Space Standards for New Development

vehicular access to the appeal site, with only pedestrian access provided from the turning head.

12. BWP Policy BR9 requires developments to meet the Transport for London car parking standards. The Council has not stated what the parking requirement would be for the two bedroom dwelling, and no off-street car parking spaces are proposed. Nevertheless, on-street car parking is available within Rugby Gardens and along part of Rugby Road in the vicinity of the site, where there are no parking restrictions. As such there is nothing to suggest that additional parking associated with the dwelling could not be accommodated satisfactorily within the locality, or that the lack of parking on site would be likely to cause safety problems for pedestrians or road users.
13. Furthermore, BWP Policy BR9 allows for a relaxation of car parking standards within a CPZ or close to public transport hubs. Although the site lies a short distance outside the controlled parking zone (CPZ) on Rugby Road between Gale Street and Waterbeach Road², the site is within walking distance of Becontree underground station and bus services are available on Gale Street.
14. Taking all of the above into account I conclude that the development would not unacceptably increase highway safety risks and thus there would be no conflict with BWP Policies BR9 and BP8. These require development to meet the Transport for London car parking standards and that existing and proposed occupiers are not exposed to unacceptable levels of traffic movement, to, from, and within the site during construction and occupation. The proposal would also accord with the National Planning Policy Framework, which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development would be severe.

Other Matters

15. It has been suggested that if the Council is the freeholder of the appeal site it could prevent the land from being built on. However, this would be a private legal matter to be resolved between the relevant parties and outside the scope of this appeal. As such I can afford it little weight in making my decision.

Conclusion

16. I have found that there would be no unacceptable harm to highway safety, but the proposal would harm the character and appearance of the surrounding area, and it would not provide adequate living accommodation for all future occupiers.
17. For the reasons set out above I conclude the appeal is dismissed.

Claire Victory

INSPECTOR

² The CPZ allows permit parking for residents only between 0830 and 1730 Monday to Friday