The Planning Inspectorate

Appeal Decision

Site visit made on 14 March 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 23rd March 2017

Appeal Ref: APP/Z5060/W/16/3163666
225 Rush Green Road, Rush Green, Romford, London RM6 0JP

- 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 Shally Kolawole against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 16/00653/FUL, dated 26 April 2016, was refused by notice dated 8 July 2016.
- The development proposed is described as *'new single bedroom bungalow suitable for single person with disabilities, built in grounds of 225 Rush Green Road, Romford'*.

Decision

1. The appeal is dismissed.

Main Issues

2. 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 neighbouring occupiers, with particular regard to outlook and light.
    - The effect on highway safety.

Reasons

Character and appearance

3. The appeal site comprises a 2 storey, end of terrace residential dwelling and its curtilage, which includes a narrow rear garden. It is located on the corner of Rush Green Road and Philip Avenue and within a row of similar properties, close to commercial and retail uses on the junction of Rush Green Road and Dagenham Road. Apart from a garage building on the opposite side of Philip Avenue and some modest outbuildings and sheds, significant development was not a prevalent characteristic of the rear gardens.

4. Although single storey in height the building would fill almost the entire width of the rear garden, sited up against the rear and side boundaries and be of a similar depth to the existing dwelling. It would also protrude beyond the building line of No. 2 Philip Avenue and would be of a substantial size and clearly conspicuous above the fence line. The eye would be unacceptably drawn to it on turning into Philip Avenue and it would appear as an overly dominant and unduly prominent development that would be out of keeping with the

prevailing character and appearance of the area. It would not therefore represent a high quality of design.

5. For these reasons, the proposal would cause harm the character and appearance of the area and would conflict with Policy CP3 of the Planning for the future of Barking and Dagenham Core Strategy 2010 ('CS') and Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document 2011 ('DPD'). Amongst other things and when taken as a whole, these require a high standard of inclusive and sustainable design and that development protects and enhances the character of the area.

Living conditions

6. The size and scale of the proposal would be clearly evident from the rear elevation and garden of No. 227 Rush Green Road. Although No. 2 Philip Avenue, a detached bungalow, is visible to the rear the encroachment of such a substantial amount of development would be oppressive and overbearing for the occupiers of that property when using their garden and from the rear facing habitable room windows. Although the proposal would be visible from other properties within the row, the outlook from these properties would not be harmed given the distance from the proposal and lack of direct views of it. Furthermore, I do not consider that any loss of light or overshadowing of a rear part of its garden would harm the living conditions of its occupiers as sufficiently unaffected garden space would remain.

7. For these reasons, the proposal would cause harm the living conditions of the occupiers of No. 227 Rush Green Road in terms of outlook. It would therefore conflict with Policy CP3 of the CS and Policies BP8 and BP11 insofar as these policies seek to maintain residential amenity.

Highway safety

8. The proposed access would be from Philip Avenue and located where there are two parking bays sited partly across the carriageway and footway. At the time of my site visit, which was late in the morning, Philip Avenue and surrounding streets were heavily parked with vehicles on both sides of the carriageway and within such bays.

9. The loss of these bays would result in further pressure for on street parking and in combination with the siting of the single car parking space and its location close to the junction with Rush Green Road, would cause inconvenience for pedestrians, cyclists and drivers of other vehicles and increase the risks of conflict between users. This is likely to harm highway safety and would be exacerbated by the presence of mature trees and boundary fencing which would restrict visibility when accessing and exiting the space.

10. In reaching this view, I am mindful that there is also nothing substantive before me to demonstrate that appropriate visibility splays could be achieved by condition and that the Council's Transport Officer also objects to the proposal on such grounds. I also cannot be certain that requiring off street parking to the front of the appeal property would be appropriate, given the on street spaces are for general use.

11. For these reasons, the proposal would cause harm to highway safety and would conflict with Policy BR10 of the DPD which requires consideration to be given to road safety.

Other Matters

12. The policies cited by the Council are consistent with the National Planning Policy Framework ('the Framework') and insofar as outlook, design and highway safety are concerned the proposal would also conflict with the Framework's objective of securing a good standard of amenity for all existing and future occupants of land and buildings, securing a high quality of design and that safe and suitable access can be achieved.

13. The appellant has drawn my attention to an appeal in Southend-on-Sea, Essex. Whilst this also related to residential development within a rear garden, the Inspector reached materially different conclusions in terms of the effect on the character and appearance of the area, living conditions and highway safety. It is not therefore directly comparable to the proposal before me and in any event each case must be determined on its own merits.

14. I also acknowledge that the description states the proposal would be suitable for a person with disabilities. Whatever the case may be, this does not outweigh or justify the harm that I have identified in relation to the main issues. The Council refer to Policy BR9 of the DPD and 6.13 of the London Plan 2016 in the second reason for refusal. However, these relate to parking and because the Council has not objected on this basis they add little to my consideration of the appeal.

Conclusion

15. For the reasons set out above, although I have not found harm in terms of light, I have found harm to the character and appearance of the area, living conditions of the occupiers of No. 227 Rush Green Road in terms of outlook and highway safety. In my view, these are the prevailing considerations and the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do indicate that a decision should be made other than in accordance with the development plan.

16. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR