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## 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: 30<sup>th</sup> March 2017**

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**Appeal Ref: APP/Z5060/W/16/3160560**

**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 16/00938/FUL, dated 17 June 2016, was refused by notice dated 27 September 2016.
  - The development proposed is demolition of single storey building and erection of three storey building comprising 10 no. dwellings.
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### 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 adjoining occupiers within Durham Road, with particular regard to outlook.

### Reasons

#### *Background*

3. The proposal before me follows the refusal of a similar application for residential development and the subsequent dismissal of an appeal in 2016<sup>1</sup>. Whilst each case must be determined on its own merits I have had regard to this previous decision in the determination of this appeal.

#### *Character and appearance*

4. The appeal site fronts onto Rainham Road South and 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. The site lies on a busy and well trafficked urban thoroughfare, characterised by a variety of buildings from different periods and of different sizes and designs. This includes three storey blocks opposite with commercial and retail ground floor uses and residential above.

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<sup>1</sup> APP/Z5060/W/16/3153743.

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5. To the rear and sides are modest two storey terraced and semi-detached buildings of a strong traditional character and appearance. There were examples of mansard roofs on flatted blocks further along the road but I found that the prevailing character and appearance of the immediate surroundings and streetscene of the appeal site was one of buildings of a strong traditional scale, roof form and appearance.
6. There are examples of more contemporary architecture, including Dagenham Police Station and further along the road, large contemporary office, commercial and leisure buildings. I share the view of the previous Inspector that these examples are a considerable distance from the appeal site and do not share the same context. In any event I am required to determine the proposal on its own merits.
7. The proposed roof form of the 3 storey building would be a combination of a part mansard style and gable end with forward facing inset balcony and terrace areas and large forward facing windows serving the flats within it. Three glass balconies would project beyond the front elevation and a central flat roof three storey lift core would extend slightly above the ridge. The proposal would also sit substantially forward of the semi-detached building to the side.
8. The form, scale and height of the lift core would be a particularly dominant feature that would unacceptably draw the eye to it and appear at odds with the facades of two storey buildings on this side of the road. Moreover, the juxtaposition within the roof of the inset terraces, projecting balconies, the mansard roof and the lift core would be clearly conspicuous on the approach along the road. Such an array of features and their overall appearance would fail to reflect the traditional roof form of the area and would be an overly dominant and unduly prominent addition to the streetscene that would be discordant.
9. Furthermore, whilst the proposed part use of brick would reflect the prevailing use of building materials in the area, such widespread use of rendered cladding is not reflective of surrounding buildings. This would appear considerably out of keeping and visually jarring, exacerbating its prominence within the street.
10. While I accept there were projecting window features on three storey buildings in the wider area that contain first and second floor windows, such features were not prevalent and they were of a much lesser scale. Projecting balconies on 3 storey residential buildings further along the road were also set out in a more symmetrical arrangement and these buildings were set back much further from the highway. Therefore they have a lesser effect than those proposed and before me.
11. I also acknowledge that in design terms it is not always essential for such a proposal to replicate the traditional design or appearance of a building or area and contemporary design can develop a further layer of townscape which complements, rather than competes with the past. However, despite the changes I find that the attempt at addressing the previous design objections has resulted in an inappropriate and confused mix of traditional and contemporary architectural features that in its context would not represent a high quality of design and would fail to protect or enhance the character of the area.

12. For these reasons, the proposal would cause significant harm to the character and appearance of the area. It would conflict with Policy CP3 of the London Borough of Barking and Dagenham Core Strategy 2010 ('CS') and Policy BP11 of the London Borough of Barking and Dagenham Borough Wide Development Policies Development Plan Document 2011 ('DPD'). These policies require, amongst other things, development to respect, strengthen, protect or enhance the character of an area and achieve a high quality of design.
13. These policies are consistent with the aims and objectives of the National Planning Policy Framework ('the Framework') which seeks planning to take account of the different roles and character of different areas and emphasises that good design is indivisible from good planning. Although it indicates that that planning decisions should not attempt to impose architectural styles or particular tastes, it is nevertheless clear that planning decisions should aim to ensure that developments respond to local character, materials and identity. The proposal would therefore also conflict with the design objectives of the Framework.

*Living conditions of neighbouring occupiers*

14. The 2 storey residential dwellings on Durham Road to the rear of the appeal site have short rear garden depths. I agree with the previous Inspector that 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.
15. The degree of setback of the rear elevation when viewed from the properties would not be oppressive in any views from the rear windows or rear gardens of the properties. It would appear as a continuation of the 2 storey terrace and in combination with an acceptable expanse of roof slope, whilst there would be a change in the view from the properties along Durham Road it would not provide any overwhelming sense of enclosure from the rear or be visually intrusive.
16. For these reasons, the proposal would not cause harm to the living conditions of the occupiers of properties within Durham Road in terms of outlook. It would accord with Policy BP8 of the DPD which requires, amongst other things, development to not lead to significant loss of outlook. The proposal would also accord with the Framework's objective of always seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

**Other Matters**

17. The Council's third reason for refusal refers to failure to achieve sufficient carbon dioxide emissions savings. There is nothing substantive before me before me to suggest that this could not be achieved with the additional measures suggested by the appellant. These could be secured by a condition were I minded to allow the appeal and is something which may have caused me to go back to the parties. However, because I have dismissed the appeal for other reasons it has not been necessary for me to consider this matter any further.
18. The appellant also refers to the presumption in favour of sustainable development within the Framework. However, the proposal would not accord with an up to date development plan which is not absent, nor is it silent and on

the evidence before me there are no relevant policies that are out of date. As such, it would not be the sustainable development for which the Framework indicates a presumption in favour. In the unweighted balancing exercise required the proposal would provide 10 additional units in an area of high housing demand, close to services and facilities and on a previously developed site. Even in combination with the modest economic and social benefits and the use of sustainable construction methods, these do not outweigh the significant harm to the character and appearance of the area that I have identified.

19. I have also had regard to the appellant's contention that the proposal would ensure economic viability when compared with a previously approved scheme. Nonetheless, I have not been provided with any substantive viability evidence to demonstrate that proposal would be unviable and consequently, I afford minimal weight to such a consideration.

### **Conclusion**

20. Whilst I have not found harm to the living conditions of adjoining occupiers in terms of outlook, I have found significant harm to the character and appearance of the area. In my view, that is the prevailing consideration and whilst there would be compliance with some policies of the development plan, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be made other than in accordance with the development plan.
21. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

*Richard Aston*

INSPECTOR