
Appeal Decision

Site visit made on 2 June 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 09 June 2017

Appeal Ref: APP/Z5060/W/17/3171573
82 Saville Road, Chadwell Heath RM6 6DT

- 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 Ms Saira Khan against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 16/00948/FUL, dated 20 June 2016, was refused by notice dated 8 September 2016.
 - The development proposed is new single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Plans 1517-02 (proposed ground floor plan) and 1517-03 (proposed elevations) were submitted with the planning application, and so have formed the basis of my consideration of the appeal. Subsequently, the appellant has submitted amended plans 1517-02a (proposed ground floor plan) and 1517-03a (proposed elevations) to address some of the issues raised, and I have also taken these into consideration.

Main Issues

3. The main issues are: the effect of the proposal on the character and appearance of the surrounding area; whether the proposal would provide adequate living conditions for future occupants, with particular regard to outlook, sunlight, internal floorspace and layout, and; the effect of the proposal on parking provision and highway safety in the area.

Reasons

Character and appearance

4. The appeal site is located within a predominantly residential area, and forms part of the garden of 82 Saville Road. Within the area, the pattern of development is informal, and the houses in the vicinity comprise semi-detached pairs, terraces, and detached dwellings. There is a mixture of sizes and styles of dwellings.
 5. The site itself is within a large L-shaped garden, and is generally screened from public view. The size of the existing plot at No 82 reflects the characteristic openness and spaciousness of the gardens in the area. The development
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would result in the subdivision of the plot, and the construction of the new dwelling within its own garden, to the rear of No 82.

6. I accept that the proposed materials of the elevations would reflect those used nearby. However, the prevailing pattern of development in the area is of dwellings whose principle elevations face the road. By dividing the garden plot of No 82 and forming a separate dwelling unit, the appeal scheme would be significantly at odds with the characteristic form of residential development. I saw no other properties in the surroundings that lack a significant road frontage. The development as proposed would not reflect or respect the grain of development and would appear as a form of backland development, wholly out of keeping with the established character.
7. The tight, long access path and the backland siting of the dwelling would appear as a cramped form of residential infilling that would be unacceptably harmful to the character of the area. It would also reduce the openness of the land to the rear of the frontage dwellings. In terms of design, the development would be single storey in order to avoid harm to the amenity of neighbours. However, such a roof form would not be typical of the area, which is characterised primarily by pitched or hipped roofs.
8. I therefore conclude that the development would harmfully fail to preserve the character and appearance of the surrounding area, and so would conflict with Policy CP3 of the Barking and Dagenham Core Strategy (CS, July 2010), insofar as it requires that development should respect and strengthen local character.
9. The appellant argues that the new building would be subordinate to the built form of the locality, and would reflect the introspective nature of the site. However, the need to restrict the height of the new dwelling highlights the awkwardness of the site layout, and the incompatibility of the design with the character of the neighbouring dwellings. I accept that the garden plot of the development would provide sufficient amenity space, and scope for hard and soft landscaping. However, these factors have not led me to a different conclusion.

Living conditions

10. The Technical House Standards - Nationally Described Space Standard (NDSS, March 2015) requires a minimum area of 117sqm for a single storey building of four bedrooms accommodating eight people. The new dwelling would provide a gross internal floor area of 114sqm, and would thus fall short of this requirement. The development would therefore be overly confined in terms of internal living space, which would be deleterious to the living conditions of future occupants.
11. The new dwelling would be sited with its main elevations facing north and south. All four bedrooms would be located to the rear, and so their aspect would be northwards. The separation distance between the bedroom windows and the area boundary of the plot would be approximately 4.1m. I accept that the relevant policies do not give specific guidance on separation distances to boundaries. However, the sole outlook from the bedroom windows would be overly constrained by the close proximity of the boundary fence at just over 4m from the north elevation. As a result, there would be an unacceptable sense of enclosure and confinement for future occupants whilst using the bedrooms.

12. Drawing these factors together, I conclude that the proposal would unacceptably fail to provide adequate living conditions for future occupants. It would thus conflict with Policy BP11 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document (DPD, March 2011), insofar as it seeks to maintain residential amenity, and Policy 3.5 of the London Plan (LP, March 2016), which amongst other things requires housing development to be of the highest quality internally, and requires adherence to the relevant standards of the NDSS.
13. The Council is also concerned about the lack of sunlight to the proposed bedrooms. These north-facing rooms would experience very little direct sunlight during the day. However, the main aspect of the dwelling would be to the south, and the living areas and front garden would receive good amounts of sunlight during the day. Therefore, the overall levels of sunlight experienced by the occupants would be adequate. That being the case, in my view, the lack of sunlight to the bedrooms would not in itself be so harmful as to warrant the refusal of planning permission. The appellant contends that the bedrooms would receive sufficient natural daylight, and I agree with that position.
14. In response to the Council's concerns regarding the lack of internal storage within the original scheme, a revised floor plan has been submitted which shows incorporated internal storage. Similarly, access to the toilet room adjacent to proposed bedroom four would be taken from the living area, which would overcome concerns about access to those facilities for visitors. I am therefore satisfied that these two specific issues could be satisfactorily addressed, in the event that the scheme were to be found otherwise acceptable.

Parking provision and highway safety

15. Policy BR9 provides that the car parking standards set out in the London Plan will be used as maximum requirements for new development. The appeal site is located in an area which achieves a PTAL rating of 2, which is regarded as 'poor'. For a new dwelling of four bedrooms or more, a maximum of two car parking spaces would be required. Due to the proposed layout, there would be no scope for dedicated parking within the appeal site, and so occupants with cars would be obliged to park their vehicles on the street within the surrounding area.
16. I accept that the development would lead to some increase in the volume of cars parking on the street. However, there is no substantive evidence before me to show that the additional demand from this modest development would be so harmful as to warrant the withholding of planning permission.
17. However, the Council's Development Management Team has raised concerns in terms of access to the site for emergency vehicles, particularly fire appliances. They highlight the need for vehicle access for a pump appliance to within 45m of all points of a dwellinghouse. The appellant has not demonstrated how the development would meet that stipulation. I am further concerned that, with no vehicle access to the new dwelling, it would be difficult for an ambulance to attend the property in a medical emergency, which would be hazardous for future occupants.
18. Amongst other things, Policy BR10 requires the provision of waste facilities in appropriate locations with appropriate access for site servicing. In this case,

there is no indication within the submissions of where waste and recycling bins would be stored, and how they would be accessed for collection. It is likely that the narrow access path would pose difficulties, obliging occupants to bring bins a significant distance to the footpath for collection. In the absence of detailed evidence, I am unable to be certain that suitable provision could be made in this regard.

19. Furthermore, failure to provide adequate access for emergency vehicles, or to provide refuse storage facilities within a reasonable distance of the road, could be unacceptably harmful to highway safety. Taking these factors together, I conclude that the development would harmfully conflict with Policy BR10, insofar as it relates to health, highway safety, accessibility, and the provision of waste facilities.

Other matters

20. I note that the new dwelling would include sustainable features, for example, an air source heat pump, underfloor heating, and triple glazing. There would also be the possibility of incorporating a green sedum roof. However, these measures would not be sufficient to overcome my concerns regarding the overall acceptability of the scheme.
21. I agree that the proposal would make a contribution, albeit modest, to the housing supply. However, the weight of this small benefit would not be sufficient to justify the harm I have identified above. I acknowledge the appellant's contention that the large garden plot is largely unused and difficult to maintain. However, this circumstance has not led me to a different conclusion on the main issues of the case.

Conclusion

22. I have found in the appellant's favour in terms of parking provision, sunlight and internal layout, which could be satisfactorily addressed with revisions to the submitted scheme. However, I have concluded that the proposed development would be harmful to the character and appearance of the area, and to highway safety and the living conditions and wellbeing of future occupants. For those reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR