



Appeal Decision

Site visit made on 30 July 2019

By H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2019

Appeal Ref: APP/Z5060/D/19/3230180
66 Melford Avenue, BARKING, IG11 9HT

- 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 Abdul Anhar against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref. 19/00012/FUL, dated 3 January 2019, was refused by notice dated 13 March 2019.
 - The development proposed is described as "two storey side extension and single storey rear extension. Side extension within the boundary and single storey rear extension, extended 3.65m from the original rear wall. The permission was granted in 2014".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the street scene and wider area.

Background

3. Planning permission was granted for the erection of a two storey side extension and a single storey rear extension at the appeal property in 2011 under application ref. 11/00705/FUL ('the 2011 permission'). According to the details supplied, the depth of the rear extension was 3.65m and the two-storey side extension had a hipped roof.
4. The Council's report confirms that permission was not required in response to a Prior Approval application for a 6m deep single storey rear extension (ref. 14/00122/PRIOR6). The appellant confirms that a subsequent planning application (ref. 14/00436/FUL – the '2014 permission'¹) amalgamated a 6m deep rear extension and a double storey side extension.
5. In correspondence between the parties the Council confirmed that the single storey rear extension which has been built was pursuant to the Prior Approval application, and that the 2014 permission has not been implemented. In the absence of any evidence to the contrary, I have determined the appeal on that basis.

¹ For 'erection of two storey side extension incorporating gable end roof and single storey side/rear extension'

Reasons

6. The appeal property is an end-terrace house. Melford Avenue is characterised by short terraces separated by single-storey garages or extensions to each end house, thereby creating a sense of space between the terraces. These garage/extension pairs serve an important function in providing some visual relief to the intensity of two-storey built form in the street scene. Although some of these spaces have been lost through two-storey extensions, first floor gaps between buildings remain an important part of the character and appearance of the street scene.
7. Development Plan² (DPD) Policy BP8 requires extensions to have regard to the local character of the area, and amongst other criteria DPD Policy BP11 requires the design of buildings to protect or enhance the character and amenity of the area and to provide attractive high quality architecture. These policies were in place when the 2011 permission was determined.
8. In February 2012 the Council adopted the 'Residential Extensions and Alterations' Supplementary Planning Document (SPD), and in its introduction it states that the document is supplementary to DPD Policies BP8 and BP11, and contains "design advice which applicants must follow when applying for planning permission for residential extensions and alterations". With regard to side extensions to end-of-terrace houses, the SPD advises that closure of the gap separating one property from its neighbour could have a detrimental effect on the street scene, 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 side extensions are set off the side boundary.
9. I am mindful that the local policy framework is the same now as in 2014. However, irrespective of the Council's reasoning behind the grant of permission for a side extension at the site in 2011 and 2014, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In the context of the above policies and SPD, I consider that the loss of part of the gap between 66 and 68 Melford Avenue would diminish an important characteristic of the street scene, and would detract from the wider design quality of the area. The effect of the proposal on the spacing between buildings would be exacerbated by the proposed gable-sided roof.
10. I have assessed the proposal on its own merits, but I am conscious that to allow this appeal could lead to pressure for similar development elsewhere which would further undermine the appearance of the area. I note that there are already two-storey side extensions in the street scene which create terracing, and some are more successful than others. However, examples where this gap has been lost demonstrate the visual harm which would arise from the proposal. Two-storey side extensions built up to the side boundaries are not so prevalent as to be the defining characteristic of the street scene. My assessment of the character and appearance of the area and the positive contribution that the regular gaps between terraces make to the street scene is

² Planning for the Future of Barking and Dagenham: Borough Wide Development Policies Development Plan Document, adopted March 2011

consistent with the evaluation by previous Inspectors in relation to similar proposals at 51 and 58 Melford Avenue³ to which the Council refer.

11. I note the appellant's view that the stagger between the appeal property and the neighbouring end-terrace house means that no terracing would arise. However, this difference in siting would not prevent a significant reduction in the size of the gap between buildings, to the detriment of the street scene. To a certain extent, the stagger would serve to emphasise the visual impact of the proposal on the street scene. The use of good quality materials, as suggested by the appellant, would not be sufficient to mitigate this harm.
12. I appreciate the appellant's frustration, but the 2014 permission appears to have expired and does not offer a fallback position. As such, the previous planning permissions are not material considerations of such weight that would override my assessment of the proposal against development plan policies.
13. I acknowledge the appellant's stated need for the additional accommodation, but in the form proposed this would be at the expense of the character and appearance of the street scene. As such, this aim would not outweigh the harm identified.
14. I note the appellant's view that Permitted Development (PD) rights to build, in some circumstances, rear extensions of 6m and 8m in depth indicate that policy makers are taking a more favourable view of extensions. However, no such PD rights apply to two-storey side extensions, and therefore I attribute little weight to this factor.
15. The appellant has drawn attention to pre-application correspondence with the Council which suggested that it would be unlikely to take a different view on the proposal to that previously taken. However, the Council did take a different view in its formal determination of the proposal and in my assessment that decision was justified.
16. I therefore conclude that the proposal would detract from the character and appearance of the street scene and wider area, and that it is therefore contrary to DPD Policies BP8 and BP11, and the guidance in the SPD. For the reasons explored above there are no material considerations of sufficient weight to override the conflict with the development plan.

Conclusion

17. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR

³ APP/Z5060/D/16/3159451 – double storey side extension at 51 Melford Avenue, dismissed 20 December 2016; and APP/Z5060/D/17/3179102 – erection of two storey side and part single/part two storey rear extension at 58 Melford Avenue, dismissed 26 October 2017.