



Appeal Decision

Site visit made on 16 July 2019

by J Williamson BSc (Hons), MPlan, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 20 August 2019

Appeal Ref: APP/Z5060/W/19/3226503

32 East Park Close, Chadwell Heath RM6 6XS

- 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 Nick and David Briggs against the decision of the London Borough of Barking and Dagenham.
 - The application Ref 18/01289/FUL, dated 23 July 2018, was refused by notice dated 22 October 2018.
 - The development proposed is erection of 1 x detached 2-bed dwelling house on garden amenity land.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect on the character and appearance of the area;
 - whether the proposed development would provide for a suitable living environment for future residents, with particular regard to internal living space and external amenity space, and;
 - the effect on the living conditions of occupiers of neighbouring properties, with particular regard to No 32 East Park Close and matters of outlook and external amenity space.

Procedural Matters

3. Since the determination of the application the National Planning Policy Framework (the Framework) has been revised (February 2019). Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties have had an opportunity to comment upon the Framework as part of the appeal and I have therefore determined the appeal on that basis.

Reasons

Character and appearance

4. The appeal site is a vacant piece of land that is separated from the garden of No 32, other immediate neighbouring properties and the adjacent footpath, by

- a timber fence. At the time of my visit the site was overgrown with a skip and other discarded items located on it.
5. The site is located between numbers 32 and 31 East Park Close in a residential area. The site location is characterised by a mix of semi-detached and short rows of terraced dwellings. Whilst there are examples of detached properties in the wider area, these are exceptions and have little influence on the character of the appeal site and its immediate surroundings. The surrounding properties have relatively generous outdoor amenity areas, particularly those on corner plots, which tend to have side and rear gardens. Except for a handful of semi-detached bungalows on the nearby Pemberton Gardens, the properties within the immediate surrounding area are two-storey. A mixed palette of brick and/or render facing materials, with tiled roofs, have been used on properties in the area.
 6. In contrast to the general pattern of development within the surrounding area, the proposed dwelling is a two-storey detached dwelling with an associated outdoor amenity area that would be much smaller than those of surrounding properties; consequently, the proposal would create a cramped form of development between Nos 31 and 32, which is uncharacteristic of the area.
 7. In reaching the above findings I note that the proposed dwelling would have ridge and eaves heights virtually identical to those of the immediate neighbouring properties, it would have similar detailing, would be constructed of similar materials and would have a pyramidal roof which would not look out of place within the context of the hipped roofs of neighbouring properties. In addition, the proposal would not project beyond the front building line of the adjacent terrace. However, given the cramped nature of the development, sited between semi-detached and terraced properties, and its prominent location close to the junction of East Park Close and Park Road, I consider that the proposal would appear incongruous in the streetscene. This harmful effect would be worsened by the introduction of a two-storey property sited as proposed which would significantly reduce the spaciousness between the semi-detached dwellings and the terrace. Consequently, the proposal would erode the existing pattern of development and would therefore be harmful to the character and appearance of the area.
 8. The appellant has drawn my attention to a number of other developments that have been granted planning permission, to compare the appeal proposal with. One of the examples is at No 1 East Park Close which is directly opposite to the site. However, that development relates to a detached garage having been demolished and replacement with a single storey granny annex, and therefore is not a direct parallel with the harm that would result from the proposal before me. The other examples drawn to my attention are more distant from the site and therefore, have little influence upon the street scene within which the proposal is located. Consequently, I have necessarily considered the proposal on its own merits and the presence of other planning permissions or existing developments in the wider area does not justify the harm that I have identified.
 9. The appellant points out that the site is not in a Conservation Area, and that there are no neighbouring Listed Buildings. I acknowledge that this is the case. However, again, these factors do not justify the harm to the character and appearance of the area I have identified.

10. In light of the above I conclude that the proposed development would harm the character and appearance of the area. The proposal, therefore, would conflict with Policy CP3 of the Barking and Dagenham Core Strategy (CS), adopted July 2010, and policies BP8 and BP11 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document (BWDP), adopted March 2011. The policies, when taken together, require, amongst other things, development to respect local character and protect or enhance the character and appearance of the area. The policies are consistent with the Framework which in seeking efficient use of land requires that development adds to the overall quality of the area, is sympathetic to local character and establishes or maintains a strong sense of place.

Living conditions - future occupiers

11. The Council and the appellant provide different figures regarding the Gross Internal Floor Area (GIA) of the proposed dwelling. The Council asserts that it would have a GIA of 68.4 square metres (sqm), with a 3.6 sqm built-in storage area; the appellant contends that the GIA would be 70.1 sqm with a built-in storage area of 3.8 sqm. Within the Nationally Described Space Standards (NDSS), for a 2-bedroom, 3-person 2-storey dwelling a GIA of 70 sqm is recommended, which includes a built-in storage allowance of 2 sqm.
12. I note that the submitted floor plans state that the floor areas are 35 sqm at each level, ie 70 sqm in total. I have no justifiable reason to challenge the figures specified on the plans. Both parties agree that, for a 2-bedroom, 3-person 2-storey dwelling, the standard required by Policy 3.5 of The London Plan (the LP), which seeks to ensure that development reflects the space standards provided in the NDSS, is 70 sqm.
13. The Council and the appellant also provide different figures in respect of the extent of outdoor space that would be provided. The Council refers to an area of 46 sqm, which includes the side and rear amenity spaces, and the appellant considers that the combined rear and side spaces would exceed 50 sqm. Policy BP5 of the BWDP states that the provision of outdoor amenity space for a 2-bedroom house would normally be expected to be, at least, 50 sqm. The Policy also states, amongst other things, that rear gardens should have a minimum depth of 12 m and that the amenity space should be private, useable, functional, safe, easily accessible from living areas, oriented to maximise sunlight and be of a sufficient size to meet the needs of the likely number of occupiers.
14. The depth of the proposed rear garden ranges between, approximately, 2 to 2.5 m, which is well below the depth of 12m required by Policy BP5. The rear garden would also be enclosed with a timber fence, approximately 2m high. Notwithstanding these factors, I note that the appellant considers that the different garden areas proposed would receive daylight and sunshine at different times during the day. However, even if I were to agree with the appellant that the external amenity space would exceed 50 sq.m, I consider that the resultant rear outdoor space, in particular the rear garden, would be a shallow, enclosed strip, that would not receive a great deal of direct sunlight, particularly in the late afternoon/early evening.
15. Consequently, to my mind, those spaces would not be of an appropriate size and configuration to meet the needs of future residents. In that regard, the presence of public open spaces in the locality would not replicate the function

of private amenity space and would not mitigate the inadequacy of such provision as part of the proposal.

16. In light of the above, based upon the evidence before me, I am satisfied that the proposed development would meet the requirements of Policy 3.5 of the LP and the associated Table 3.3 with respect to the minimum space standards for internal living space. However, notwithstanding my conclusion regarding internal space standards, I consider that, even if the extent of outdoor space provided meets the 50 sqm expected to be provided by Policy BP5, the depth of the proposed rear garden does not meet the depth required by the policy and the quality of the outdoor space would not be of a sufficient standard to meet the day to day needs of future occupiers. As such, the proposal would not provide adequate living standards for future occupiers and therefore would therefore conflict with Policy BP5 of the BWDP and paragraph 127 of the Framework, which, amongst other things, require developments to provide high quality living environments for both existing and future users.

Living conditions - existing occupiers

17. Reason for refusal 2 refers to the living conditions of existing residents as well as future occupiers. I note that the Officer Report refers to the proposal significantly truncating the garden of the host property and that, with the addition of a 2 m high fence, the proposal would hem in the outlook of number 32 and would appear overbearing. The Officer Report also concludes that, although the outdoor amenity space for the host dwelling would be reduced to 96 sqm, the resultant space would accord with Policy BP5. I have no reason to disagree with this conclusion. Therefore, as an adequate level and quality of outdoor space would be retained at No 32, I consider that the sub-division of the plot, which has already occurred, and resultant smaller garden would not significantly harm the living conditions of the occupants.
18. The proposed dwelling would be sited beyond the western corner of the host property, behind an existing 2 m high timber fence, approximately 6 m from it at the nearest point. I consider that the extent and position of retained garden space, the depth of the proposed dwelling and the angle at which the properties would be oriented towards each other, as the gable end of the proposed dwelling would not directly face any elevation of the host dwelling, are such that the proposed development would not hem in the existing property or appear overbearing. As such, I conclude that the proposal would not significantly harm the living conditions of existing occupiers. The proposal would therefore, in this regard, also conflict with Policy BP5 of the BWDP and paragraph 127 of the Framework, which require developments to provide high quality living environments for both existing and future users.

Other Matters

19. In respect of highway safety, I agree with the Council's conclusion that the proposed development would not have a detrimental impact on the surrounding highway network as a result of the proposed parking arrangements, given the limited level of parking required by a property of the size proposed and the availability of on-street parking within the immediate vicinity of the site.
20. The appellant refers to guidance in the Framework, which is a significant material consideration, pointing out that the proposal would contribute to the housing needs of the area, make use of a degraded, derelict, under-utilised

piece of brownfield land, tidy up the site and help to deter crime. In addition to such benefits I note that the construction of one dwelling would provide minor economic benefits. However, these considerations, either individually or collectively, would not overcome the harm I have identified, in terms of the character and appearance of the area and the unsuitable living environment for future residents due to the inadequate external amenity space. The absence of harm in terms of the living conditions of existing occupiers of neighbouring properties and other matters such as highway safety are a neutral factor.

Conclusion

21. Having considered all the above matters the appeal is dismissed.

J Williamson
INSPECTOR