



Appeal Decision

Site visit made on 20 August 2019

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2019

Appeal Ref: APP/Z5060/D/19/3233629

62 Boulton Road, Dagenham RM8 3DD

- 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 Ramesh Vadher against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref: 19/00710/FUL, dated 19 April 2019, was refused by notice dated 18 June 2019.
 - The development proposed is a two storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. When read together, Policies BP8 and BP11 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document 2011 (hereinafter BWDP) expect, among other matters, that new development will have regard to the local character of the area and help to create a sense of local identity and distinctiveness; protect or enhance the character of the borough; and provide attractive, high quality, architecture. The Residential Extensions and Alterations Supplementary Planning Document 2012 (the SPD) sets out more detailed design guidance for extensions to dwelling houses that is to be read alongside the more general design policies in the BWDP.
4. Policy CP2 of the BWDP seeks to ensure that the historic environment of the borough is protected and where possible enhanced, and that new development reinforces local distinctiveness. Policy BP2 addresses heritage assets, specifically listed buildings and conservation areas. However, this policy also identifies that there are other areas that are locally distinctive and historically important and names the Becontree Estate (where the appeal site is located) as one such area. Additionally, this policy states that development affecting any heritage feature should respect its local context and avoid materially detracting from its significance. The Planning Practice Guidance defines non-designated heritage assets as "buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets."¹ Although not explicitly stated by the Council,

¹ Paragraph: 039 Reference ID: 18a-039-20190723

within this context, the evidence indicates that the Becontree Estate is considered to be a non-designated heritage asset.

5. The appellant argues that due to the age of the BWDP the policies cited by the Council on the decision notice are out of date and little or no weight can be given to them. The National Planning Policy Framework (the Framework) is clear that just because a plan or policy predates the publication of the Framework, it does not automatically mean that the policy is out of date. The Framework is equally clear that due weight should be given to older policies according to their degree of consistency with the policies in the Framework. The passage of time alone is not sufficient to conclude that a policy is out-of-date. All the policies set out in the reasons for refusal are consistent with the policies of the Framework in terms of expecting a high standard of design, protecting the living conditions of neighbouring occupiers and conserving heritage assets. Consequently, significant weight can still be given to these policies, which are the most relevant to determining the appeal.
6. The appeal building is a two storey, end of terrace, house that forms part of a terrace of eight similar properties with a hipped roof and the external walls finished in render and pebbledash. It is located within the Becontree Estate, in an area comprised predominantly of terraces of similar houses of varying length, and small numbers of semi-detached properties. Whilst there are minor design differences between the properties, the widespread use of hipped roofs; pebbledashed, or roughcast, wall finishes; and similar window proportions mean that the area has a marked homogeneity despite many of the houses having had alterations carried out to them. The preponderance of terraced houses with simple, flat, façades, consistent roof ridge heights, and uniform set backs from the highway also creates very strong building lines and street frontages with a distinctly linear built form.
7. At ground floor level the proposed extension would be flush with the main front wall of the appeal building and at first floor level it would be set back approximately one metre from the main front wall. The roof would continue the hipped form, but this would be set back from the plane of the main roof and the ridge would be set below the level of the ridge of the main roof. To the rear the extension would project approximately three metres beyond the original rear wall of the house. In respect of side extensions, the SPD requires that the extension should be designed so that the front elevation is parallel with the front elevation of the existing house in order to maintain the built form of the terrace. As a result of the set back at first floor level and the lower ridge line to the roof of the extension, this would be inconsistent with the built form and balanced architectural composition of the original terrace which has a flat front façade and consistent eaves and ridgeline. This would be harmful to the character and appearance of the terrace and the surrounding area. It would also be contrary to the guidance in the SPD.
8. The appellant suggests that as the appeal building is an end of terrace property, it is in effect a semi-detached house. In the case of semi-detached houses, the SPD requires two storey side extensions to be set back from the main front elevation to create a subordinate appearance to the extension. From my site visit it was evident that the appeal building is very much part of a terrace, and consequently, this argument is not a persuasive one. It is also suggested that the first floor set back softens the end of terrace, however, this is directly contrary to requirement of SPD to maintain the built form.

9. The layout of the estate, comprising predominantly of blocks of terraced houses, of necessity, results in gaps between the blocks of properties. The Council consider that these provide a sense of openness between the properties. These gaps vary in size and when I visited the site, I could not see any consistency in size or placement of these gaps, nor was there any evident, designed, approach to the lengths and spacing of terraces other than to frame the street layout. Although the gap between the appeal building and its neighbour at number 64 is wider than many other gaps in the area, this is in part due to the neighbouring property being a semi-detached house. Semi-detached properties are less common in the area, however, I did see that where these are present, there was generally a greater degree of separation between these and their neighbours. In the case of this pair of semi-detached houses, the separation has been eroded somewhat by the extension to the side of number 66, the other half of the pair.
10. Notwithstanding that there is no consistency to the gaps between blocks of buildings, the proposed development would extend to the common boundary with number 64. During my site visit I observed that, in general, the built form does not extend to the boundaries of the plots. Where end of terrace houses, located adjacent to junctions or corners, have been extended to the side, a gap between the wall of the extension and the boundary was generally retained. The appeal proposal would be inconsistent with the approach taken on other terraces in this respect.
11. My attention has been drawn to two other properties in the vicinity, at numbers 66 and 24 Boulton Road, which it is suggested are comparable to the appeal proposal. The latter is cited as 20 Boulton Road in the appellants statement, however, when I visited the site it was apparent that the house referred to is number 24 at the end of the terraced block. I do not have the full details of the extension at number 66, and so cannot be certain of either the circumstances that led to it being accepted, or which policies were in place at the time of that proposal. Although the first floor of this extension is set in from the boundary by approximately one metre, it nonetheless results in an awkward visual relationship with the neighbouring property and is not the type of development that should be used as a reason to allow similar works at number 62. I saw when I visited the site that number 24 Boulton Road is not an extension but rather an end terrace house mirroring that at the opposite end of the block and of a similar design to the appeal building. I also saw that this retains a side gate and a gap of approximately one metre between the end wall and the common boundary with number 26. As a result, I give little weight to these other examples.
12. I therefore find that due to its size, form and location, the proposed extension would be harmful to the character and appearance of the area and would conflict with the relevant requirements of Policies BP8 and BP11 of the BWDP and the SPD.
13. The Council states that the Becontree Estate is of historic significance but there is no substantive evidence before me in respect of what this significance is, or how it is reflected in the built form or layout. Although the estate was, at the time of its construction, the largest public social housing estate in country, there is no evidence before me that the form of the proposed extension would cause harm that particular historic interest or any architectural interest.
14. I have found that the proposed development would cause localised harm to the character and appearance of the area. The evidence also indicates that the

Becontree Estate could be considered a non-designated heritage asset. Paragraph 197 of Framework sets out that where development proposals affect a non-designated heritage asset a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Whilst I have found that the appeal proposal would cause localised harm, taken in the context of the overall size of the estate, which covers an extensive area, and the lack of any evidence regarding how the historic interest of the estate would be harmed by the appeal proposal, I find that there would be no harm to the significance of the non-designated heritage asset. From the evidence before me there is no conflict with Policies CP2 or BP2 of the BWDP. However, this does not overcome the conflict with BWDP Policies BP8 and BP11.

15. I have noted that the council have no objection to the proposal on grounds of the living conditions of adjacent occupiers and that there have been no objections from adjoining residents although, similarly, these points do not outweigh the harm to the character and appearance of the area.
16. I have also had regard to the appellant's point that the proposal would lead to an increase in the supply of three bedroom houses within the borough. Whilst reference is made to a Council policy to increase the number of three bedroom houses, I have not been provided with a copy of this policy, nor has any evidence been submitted in respect of the extent of any shortfall. As a result, I can give little weight to this point.
17. Drawing these strands together, I have found that the proposed development would cause harm to the character and appearance of the area and would conflict with relevant policies of the BWDP that are not out of date. Significant weight must be given to this conflict. Although there is no evidence that the proposal would cause harm to any historic interest, the proposal would not affect the living conditions of the occupiers of neighbouring properties, and it would provide a larger property than at present, none of these matters, either singly or collectively would outweigh the harm that would be caused.
18. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of Policies BP8 and BP11 of the BWDP and the SPD.

Conclusion

19. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal conflicts with relevant, up to date, policies in the development plan and no material considerations have been identified that would warrant making a decision other than in accordance with the development plan.
20. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR