
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: 5 November 2019

Appeal Ref: APP/Z5060/D/19/3227979

83 Melford Avenue, London IG11 9HS

- 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 Jahan Miah against the decision of the London Borough of Barking and Dagenham.
 - The application Ref 18/01479/FUL, dated 24 August 2018, was refused by notice dated 8 February 2019.
 - The development proposed is a double-storey side extension, part double-storey rear extension.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of application 18/01479/FUL 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.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal property is a two-storey dwelling positioned at one end of a terrace of 4 properties whilst also being linked, via what were originally single-storey garages, to another terrace of 4 properties. The street on which the property is sited comprises a series of two-storey, linked-detached terraces; the site is located within a residential area.
5. There are approximately 10 or 11 terraces on each side of the street. Although several properties have extended above the single-storey linked structures, in most instances a gap remains between the terraces at first-floor level, which is the case between the appeal site and No 81.
6. The gaps ensure that the series of terraces do not form one long terrace; they allow views, light and air through, which provide relief to the built form at regular intervals. As such I consider the gaps to contribute positively to the

street-scene and therefore the character and appearance of the area. Consequently, any loss would be detrimental to the character and appearance of the area.

7. The appellant asserts that, if the appeal was allowed it would not result in the total closure of the gap between numbers 83 and 81. Which I acknowledge is factually correct. However, this in itself does not provide a reason to justify the partial erosion of the existing gap. The appellant also contends that, where the site is located, the street scene has undergone substantial change which has eroded the gaps, and therefore any beneficial effect of preserving the gaps has significantly diminished.
8. To support the above contention, the appellant refers to the comments of a Planning Inspector (PI) in respect of an appeal in a neighbouring street, APP/Z5060/D/16/3165231, where the PI considered that, as a result of the infilling of gaps that had occurred in that instance, it could not be concluded that the gaps contributed positively to the character of the street. Although I do not have the full facts of the case, which prevents me from being able to make any meaningful comparison with the current appeal, it is clear that the PI's conclusion in that case was reached on the basis that the predominant character of the street of concern was of properties with no gaps, and, the remaining gaps had no regularity to them. Hence, such factors differ to the current appeal, where I have concluded above that in this case in most instances a gap remains, and the gaps do contribute positively to the street scene.
9. The appellant purports that each case must be dealt with on its merits, and therefore the Council's concern about not being able to resist a proposal for a side extension on number 81 in the future is not a matter that should influence the determination of the current case. I agree with this position. Hence, should an application be forthcoming in the future from the occupiers of number 81 the Council would have to deal with it on the basis of its merits at that time, which should not influence the outcome of this appeal.
10. As noted, the proposed side extension would be positioned right up to the boundary with number 81 and a gable end would be created, removing the existing hipped roof. In addition to the gaps, I consider the hipped roofs to be a design feature of the original terraces that assist in forming the gaps between the terraced rows which also make a positive contribution to the street scene. The extension would also be set-back a little from the front elevation, whereas the design of the original terraces is such that the front elevations are all parallel. I acknowledge that a few properties on the street have extensions that either have gable ends or are set-back from the front elevation. However, I do not have the details of any of these cases, such as when they were constructed and whether planning permission was granted for them. I conclude that siting the side extension right up to the boundary with number 81, creating a gable end and setting the front elevation back from the existing front elevation, are all factors that would further erode positive features within the street scene, and therefore erode the character and appearance of the area.
11. The Council introduced specific guidance in its Supplementary Planning Document for Residential Extensions, February 2012 (SPD), to, amongst other things, prevent the loss of gaps between properties in instances where such gaps contribute positively to the character of the area. In such instances, the

SPD expects first-floor side extensions to be off-set from the boundary of the site. The SPD generally seeks to protect and enhance positive aspects of residential areas, such as the uniformity created by areas of terraced housing. It also advises that all extensions should be designed to reflect the positive elements of the character of the area and care should be taken to ensure extensions are sympathetically designed with regards to form and detailing.

12. In light of all the above, I conclude that the proposed development would conflict with policies BP8 and BP11 of the London Borough of Barking & Dagenham Borough Wide Development Plan Policies, Development Plan Document 2011, which collectively seek to protect or enhance the character and appearance of local areas. The proposal would also conflict with guidance in the SPD regarding residential extensions and alterations and paragraph 127 of the Framework, which seeks to ensure that developments are sympathetic to local character.

Other Matters

13. The proposal includes a partial two-storey extension to the rear of the property. The Council has not raised any concerns regarding this element, and I have no reason to conclude otherwise. Given its siting at the rear I have no concerns regarding its effect on the character or appearance of the area. The siting and size are such that there would be no significant impact on the living conditions of the occupants of neighbouring properties. A combination of the available on-site parking, which could accommodate at least 2 cars, and available on-street parking in the area, will ensure that the proposal would not raise any significant highway safety issues.
14. I note the concerns expressed by the occupants of number 81 regarding possible breach of planning control. However, such matters are outside the scope of this appeal and can usually be addressed via a Council's enforcement procedures.

Conclusion

15. For the reasons given above the appeal is dismissed.

J Williamson
INSPECTOR