



Appeal Decision

Site visit made on 22 October 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2019

Appeal Ref: APP/Z5060/W/19/3235427

13 Rowe Gardens, Barking IG11 0PL

- 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 L Markaj against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/00670/FUL, dated 11 April 2019, was refused by notice dated 16 July 2019.
 - The development proposed is a two storey side and rear extension to create new two bedroom dwelling and single storey rear extension to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side and rear extension to create new two bedroom dwelling and single storey rear extension to existing dwelling at 13 Rowe Gardens, Barking IG11 0PL in accordance with the terms of application 19/00670/FUL, dated 11 April 2019, subject to the conditions below:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Centre Maps Live layout plan CM-00792569 and drawing no 6497/2.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building.
 - 4) The car parking area for the new residential unit shown on the approved plans shall be constructed and marked out prior to the first occupation of the development and thereafter be retained for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose for the lifetime of the development.

Preliminary Matter

2. The description of development is taken from the Council's decision notice as this provides a more accurate description of the proposed development. It does not change the development for which planning permission is sought. The appellant uses the same description on their appeal form. Consequently, I am satisfied that no party will be prejudiced by my use of it. I have proceeded on this basis.

Main Issues

3. The main issues in this appeal are:

- the effect of the proposed two-storey development on the living conditions of prospective occupiers with particular regard to outlook and external amenity space;
- the effect of the proposed development on the character and appearance of the locality; and,
- the effect of the proposed development on highway safety with particular regard to parking provision.

Reasons

Living Conditions

4. The proposed new residential unit would provide a scale and range of accommodation comparable to the existing dwellings in the locality. Parts of the proposed dwelling would not have the advantage of the dual aspect of the existing dwellings within the terrace and consequently active views of the Rowe Gardens streetscene would not be readily available from the main habitable area of the lower level.
5. However, the layout would provide an open-plan arrangement on the ground floor that would benefit from two large openings to the rear elevation. This would provide a reasonable degree of outlook and natural daylight to the main living area. The first-floor accommodation would also be provided with adequate outlook and natural lighting such that the limited level of surveillance or forward outlook would not result in an unacceptable standard of living conditions for future occupiers of the new residential unit in that respect.
6. As an end terrace unit, the existing rear garden area of no 13 is larger than those in the remainder of the terrace. The subdivision of the garden would provide about 62m² for the proposed unit and retain an ample garden for the existing dwelling. The proposed amenity area would provide a single usable space of between 10 and 12 metres length and extend across the full width of the associated plot. Notwithstanding the proposal to utilise part of this space for parking, this would deliver a level of private amenity space for prospective occupiers commensurate with both the size of the accommodation proposed and the private gardens of nearby residential properties.
7. For those reasons, I find that the development would meet the requirements of Policies BP5 and BP11 of the Barking and Dagenham Local Development Framework Borough Wide Development Plan Document (2011) (DPD) and Policy CP3 of the Barking and Dagenham Core Strategy (2010) (CS) as they relate to the provision and protection of suitable standards of living conditions.

Character and Appearance

8. No 13 is an end terraced dwelling lying on a residential cul-de-sac within a planned garden suburb estate. Due to the proposed position of the two-storey extension behind the façades of the corner link elements of the adjacent terraces, the proposed unit would be largely inconspicuous within the Rowe Gardens streetscene. The main change would arise from the formation of the

additional roof element set behind the existing false roof of the lower corner element.

9. The roof element would partially close the upper gap between the gable ends of the perpendicular terraces, however, it would appear recessive due to the proposed set-back and lower ridge height. Consequently, the sense of separation would be retained. For the same reasons, the subordinate roof form would not be prominent in the Rowe Gardens streetscape. Whilst the majority of roof forms locally are gable ended, there are examples of hipped roofs to dwellings and extensions in the vicinity, as such, the roof form would not appear incongruous or compete with the prevailing character in this locality.
10. The main views of the extensions would be available from Farr Avenue and the adjacent parking court to the rear of the property. Here the streetscene is substantially enclosed by the rear garden boundaries of the remainder of the terrace and the walled loading yards serving the ground-floor commercial premises of an adjacent shopping precinct.
11. Part of the two-storey element of the proposal would project to the rear of the terrace but would otherwise complete the corner space at the junction of the two terrace blocks. The projection would not be so significant in scale to appear incongruous in the locality or impose significantly on the visual quality of the rear access road. For the same reasons the single-storey proposal would not be out of context and would appear similar to other extensions in the locality.
12. For those reasons, I find that the proposed development would meet the requirements of Policy BP11 of the DPD and Policy CP3 of the CS which, overall, seek to achieve high quality design and protect the character and appearance of existing buildings and local areas.

Highway Safety

13. The current residential unit relies on parking facilities available on-street or within a parking court close to the rear of the property. The proposals include the provision of one off-street space to the rear of each plot accessible from Farr Avenue. Due to the nature of Farr Avenue the additional parking could be provided without compromise to existing parking or highway safety in the locality.
14. The appeal site lies in an area of relatively low public transport accessibility and at the time of my site visit it was notable that on-street parking demand in the locality was high. The majority of properties in the area don't benefit from on-site parking provision and on-street spaces outside of the designated parking areas appeared limited due to the narrow road widths in conjunction with the relatively high density of housing.
15. Although the site benefits from close proximity to local services, the Council recognises that the formation of an additional residential unit has potential to increase parking competition in the locality which can lead to inappropriate or obstructive parking. This would likely be to the detriment of highway safety and the free flow of vehicle and pedestrian traffic in the area. The subsequent tension between the strategic control of parking levels and the effects of insufficient provision is apparent in this locality.
16. Policies BR9 and BR10 of the DPD require consideration of the local circumstances to inform levels of parking provision. Although the maximum

applicable standard would be exceeded by the proposed development, the benefits from providing additional parking in an area identified as having low public transport accessibility would not be missed. Given the limited options for additional on-street parking, the scale of the proposed development and the absence of prejudice to existing parking or highway safety, I conclude that the provision of the parking would represent a best practicable solution to ensure highway safety is preserved.

17. For those reasons, I conclude that the development would be consistent with the overall aims of Policies BR9 and BR10 of the DPD as they relate to preserving highway safety.

Conditions

18. I have considered the suggested conditions from the Council and had regard to Paragraph 55 of the National Planning Policy Framework (the Framework) and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
19. In the interests of protecting the local character a condition requiring matching external materials is imposed.
20. To ensure the development does not prejudice highway safety I have included a requirement for the parking area serving the new dwelling to be constructed before additional parking demand arises.
21. The Council suggests conditions in relation to the landscaping of the site and achieving a building standard currently exceeding the minimum requirements of the Building Regulations. As the outside areas of the plot are already established garden areas it would not be necessary to secure further landscaping to make the development acceptable in planning terms. With respect to building standards, based on the evidence before me, there is little justification to impose a higher standard of construction in this case and therefore it would not be reasonable or necessary to require it.
22. The Council also suggests the removal of some permitted development rights from the dwellings. However, these are not explicitly justified and would unreasonably remove opportunities for future residents to carry out small scale domestic alterations, extensions or outbuildings that would otherwise not require an application for planning permission. I therefore conclude such a condition would also fail the tests as set out in the Framework.

Conclusion

23. For the reasons set out above, I conclude that the appeal should be allowed.

R Hitchcock

INSPECTOR