



Appeal Decision

Site visit made on 12 November 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2019

Appeal Ref: APP/Z5060/W/19/3237295

Land adjacent to 27 Norfolk Road, Barking IG11 7QR

- 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 S R Patel of Sunlyn Properties Ltd against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/01051/FUL, dated 19 June 2019, was refused by notice dated 29 August 2019.
 - The development proposed is the demolition of an existing double garage and erection of a two storey 1 bedroom house with associated amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) the effect of the proposal on the character and appearance of the area, and ii) whether or not the proposal would provide acceptable living conditions for future occupants, with regard to internal and external space of suitable size, quality, layout, privacy and usability.

Reasons

Character and appearance

3. The appeal site is a broadly triangular parcel of land, with a single storey garage, set between an existing pair of semi-detached houses and a retaining wall and fence separating the railway line above. The wider area is typified by terraced houses of a consistent height, character and appearance, with very occasional semi-detached pairs.
4. Being narrower, shorter and shallower than the adjoining properties, the appeal proposal would appear markedly different from other properties within the immediate area. Whilst I acknowledge that the size and shape of the proposal is driven by the nature of the site, its appearance would be at odds with the established character and appearance of the area. The proposed dwelling would appear cramped and awkward in the street-scene, and its location between the existing houses and the railway embankment wall and fence would further highlight the difference between the proposal and its context. These clear differences also mean that it would not appear as an extension to the terrace as suggested by the appellant.

5. I do not consider that relatively new terrace of houses near to the site offers support for the proposal. That terrace, which I saw on my site visit, has a fundamentally different relationship to the surrounding area and the site appears more spacious, being opposite rather than adjacent to the railway wall and fence.
6. The proposal, by virtue of its scale and form would therefore be harmful to the character and appearance of the area.
7. The proposed development would therefore conflict with Policy CP3 of the London Borough of Barking and Dagenham Local Development Framework Core Strategy and Policy BP11 of the London Borough of Barking and Dagenham Local Development Framework Borough Wide Development Policies Development Plan Document, adopted March 2011 (the DPD). These policies seek, amongst other things to ensure that development is attractive, achieves high quality standards in relation to design and layout and which respects and enhances local character.

Living conditions

8. The proposal fails to meet the requirements of the London Plan for the Gross Internal Area (GIA) of properties of this type. I note the suggestion of the appellant that they consider the layout not to be cramped, however, given the scale of the difference between the proposed GIA and the minimum size set out in the London Plan, I cannot agree. The failure to meet the minimum GIA is, in my opinion, compounded by the shape and subsequent internal layout of the proposal. With regard to internal space, the proposal would not therefore provide acceptable living conditions for future residents.
9. Turning to the outdoor space, whilst the area proposed is quantitatively adequate, I do not consider it to be qualitatively adequate. The majority of the space is proposed to the front and side, with only a small amount to the rear, which could be genuinely considered private. The proposed space to the front and side would be clearly visible from the road and would not feel private even with the proposed boundary screening. It would also be located immediately next to the fence and wall for the railway, further diminishing its quality.
10. I acknowledge that the front of the property and its relationship to the street would be the same as neighbouring properties. However neighbouring properties generally have more substantial rear, private gardens, and would not rely primarily on the space to the front for private outdoor space.
11. I accept that Norfolk Road is relatively lightly trafficked and ultimately a no-through-road, but it is still subject to a degree of vehicular and foot traffic. Policy for outdoor space requires amongst other things that it be private, useable and functional. Owing to its location predominantly to the side and front of the proposed dwelling, I do not consider that the outdoor space in this proposal would meet those requirements.
12. I also do not consider that the space proposed to the rear would meet the requirements of the policy, owing to its size and relationship to the proposed dwelling, neighbouring property and railway embankment. The proposal would not therefore provide acceptable living conditions for future occupants, with regard to outdoor amenity space.

13. The proposal would therefore be contrary to Policy 3.5 of the London Plan 2016, the Technical Housing Standards Nationally Described Space Standards (March 2015), and Policy BP5 of the DPD, all of which seek to ensure that new dwellings provide internal and external space of suitable size, quality, layout, privacy and usability for future residents.

Other Matters

14. I acknowledge that the site is well located and connected in terms of services and public transport, the proposed use of matching materials, and the lack of objection concerning neighbouring amenity and highway safety. However, these benefits do not outweigh the harm to both the character and appearance of the area, or the failure to provide internal and external space of suitable size, quality, layout, privacy and usability for future residents.
15. I also acknowledge the content of the National Planning Policy Framework (the Framework) regarding the presumption in favour of sustainable development, and importance of windfall sites, small sites and brownfield land to meeting the need for housing which is a priority in London Boroughs. However, the Framework qualifies all of this against the need to ensure development delivers well designed places with a high standard of amenity for future users, and for the reasons set out above, I do not consider that this proposal achieves those aims.
16. The appellant has broadly referred to the test in paragraph 11 of the Framework. However, I have found above that the proposal does not accord with the development plan, and no evidence has been provided as to why I should consider the policies most important for determining the application to be out-of-date.

Conclusion

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

S Dean

INSPECTOR