



Appeal Decision

Site visit made on 17 December 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/Z5060/W/19/3238929

Red Lion House, 66 North Street, Barking IG11 8JD

- 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 J Taylor (Modernmix Limited) against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 18/02032/FUL, dated 21 November 2018, was refused by notice dated 29 August 2019.
 - The development proposed is 4th and 5th floor extensions to provide 3no. two storey dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the site, the surrounding area and the adjacent locally listed building.
 - The living conditions of the future occupiers of the development, with particular regard to the size of the proposed flats and bedrooms.
 - The living conditions of the occupiers of 70-76 North Street, with particular regard to the effect on daylight and sunlight.

Reasons

Character and Appearance

3. The appeal site is located within an area of mixed uses that include a BT office complex and its car park and a further multi-storey car park on the opposite side of George Street. The other buildings and land surrounding the site are in residential use. The flats, gardens and car parking areas of 70-76 North Street, Adeleiza Close and Cuthberga Close surround the appeal site. The heights of the residential buildings within the vicinity of the site range between 2 and 4 storeys, albeit taller buildings are located within the wider locality. The varying heights and the differing ages of the buildings create a diverse built environment.
4. The appeal site includes a two storey, brick building at the North Street frontage that was formerly a public house but now contains flats at first floor, with the vacant ground floor formerly being used as a health facility. The building has been extended upwards with an additional storey that is recessed

- from the George Street and North Street frontages. The Council has indicated that the former public house is a locally listed building, but limited details of the heritage significance of the building have been provided. It does however have intricate detailing that is of architectural merit and gives the building a presence within the locality despite its comparatively small size.
5. The remainder of the site contains a flat roofed building that consists of flats at the top 3 floors, communal facilities and parking at ground floor and a basement. This part of the building is taller than the other built form at the site, but its position means that it is largely screened from most parts of North Street and Whiting Avenue. From where it is visible, it appears as a suitably proportioned, more recent extension, that is reflective of the heights of the surrounding built form.
 6. The proposal would see the addition of two floors above the tallest part of the building with the first additional floor being of the same dimensions as the floor below, other than a small section that would be recessed to provide a balcony. The top floor would be inset from the floor below at 2 elevations. This extension would cause the extended block to be substantially taller than the extended original building that fronts North Street.
 7. As a result of its height, the extension would appear as a disproportionate addition that would be poorly integrated with the remainder of the built form at the site. The resultant building would loom large in views of the oldest part of the building and would be of such significantly contrasting scale and bulk that it would appear harmfully discordant and incongruous. This would not be aided by the blank elevations that are presented to the side elevation, which would be visible over the remainder of the existing building, causing the building to appear particularly bulky.
 8. Although few details of the heritage significance of the locally listed building have been provided, it is indicated that a public house was present at this site in 1609 and, for the reasons set out above, it has the presence of an important local building. Due to its scale and design, the extended part of the building would be visually overbearing of the locally listed building and would therefore cause less than substantial harm to the setting of the non-designated heritage asset. Paragraph 197 of the National Planning Policy Framework (The Framework) identifies that a balanced judgement should be made with respect to the effect of the development on a non-designated heritage asset. In this regard, the benefits of the proposal that have been identified by the appellant, including the increase of housing supply and the use of brownfield land in an accessible location, do not outweigh the harm that would be caused.
 9. Most other tall buildings within the immediate vicinity are set back from the edge of their plots. However, the existing building is not and, in this case, the proximity to George Street would emphasise and exaggerate the scale of the resultant building. Therefore, whilst one of the floors would be recessed, the extension would cause the building to have an imposing and dominating effect on the public domain within George Street.
 10. Limited details of the cladding that is proposed to be used have been provided. Whilst there is the potential for the introduction of an additional material to detract from the building, there is equal scope for the cladding to complement the materials of the existing building and create some architectural interest. In this context, subject to the imposition of a suitable condition, I do not share

the concerns of the Council. However, this does not present a reason to alter my assessment of the proposal in other respects.

11. The proposed development would therefore have an unacceptable effect on the character and appearance of the site, the surrounding area and the adjacent locally listed building. As such the development would be contrary to policy CP3 of the Barking and Dagenham Core Strategy¹ (CS) and policies BP2, BP8 and BP11 of the Barking and Dagenham Development Management Policies Document² (DMPD) which combine to require, amongst other things, that development protects or enhances the character of an area, respects and strengthens local character, creates a sense of local identity, distinctiveness and place and avoids harming the setting of heritage assets that are not formally designated.
12. The proposed would also be contrary to policy 7.4 of the London Plan (LP) which requires that development has regard to the pattern and grain of streets in scale, proportion and mass, is informed by the surrounding historic environment and allows existing, positively contributing buildings to influence the character of the area.
13. The proposal would also be contrary to policy BTC16 of the Barking Town Centre Area Action Plan Development Plan Document (AAP) which requires that development is of a high standard that incorporates good architecture and urban design.
14. The limitations on tall buildings and the specific public realm improvements that are set out within policies BTC17 and BTC18 of the AAP appear to be of no relevance to this proposal. The applicable part of policy BTC19 requires the proposal to comply with policy CP2 of the CS. In this case, as I have not been provided with a copy of policy CP2 and the Council has not included it within their reason for refusal, I have no basis to conclude that this requirement has not been met. Whilst I have no grounds to conclude that the proposal conflicts with these policies of the AAP, this does not represent a reason to alter my assessment in respect of the other identified policies.

Living Conditions of the Occupiers of the Proposed Development

15. The Technical Housing Standards – Nationally Described Space Standards (THS) provide, amongst other things, minimum standards in terms of the size of residential units and bedrooms. Policy 3.5 of the LP also requires residential development to provide suitable living conditions and meet defined standards.
16. In the case of Flat 2, it appears that both bedrooms are of the same size and as such, although a single bed is shown on the submitted plans, it appears that both bedrooms would be able to be occupied by 2 people. As a 2 bedroom, 4 person flat the gross internal area of the flat would not be adequate to comply with the requirements of the THS.
17. Although the reason for refusal indicates that a single bedroom within flat 2 is of insufficient size, it is clear from the Officer Report that the concern relates to the second bedroom of flat 3. No evidence has been provided to counteract

¹ Planning for the Future of Barking and Dagenham – Core Strategy (2010)

² Planning for the Future of Barking and Dagenham – Borough Wide Development Management Policies Development Plan Document (2011)

the Council's measurement of that bedroom, which indicates that the bedroom falls short of the 7.5 square metre minimum that is required by the THS.

18. Flat 3 would contain 3 bedrooms and, whilst the Council appear to have based their assessment on it being designed to accommodate 5 people, the evidence before me indicates that it would accommodate 4 people. The conflicting measurements of Flat 3 provided by the main parties are not conclusive in relation to compliance with the THS. However, even if the flat is large enough to comply with the THS, other aspects of flats 2 and 3 would still be inadequate in terms of providing adequate living conditions for future occupiers.
19. The proposal would therefore have an unacceptable effect on the living conditions of future occupiers, with particular regard to the size of the proposed flats and bedrooms. The development would therefore be contrary to the THS and policy 3.5 of the LP which combine to require housing development to be of the highest internal quality in order to bring about the enhancement of London's residential environment.

Living Conditions of the Occupiers of Adjacent Buildings.

20. The building and garden area of 70-76 North Street is located adjacent to the older part of the building at the site and as such there is a gap between the part of the building that is to be extended and the neighbouring building.
21. The increase of the height of the building would increase its shadow, but the inset of the top floor would reduce the effect of the extension. In this case, due to the separation distance between buildings and the positioning of the extension relative to the rear elevation and the garden area of 70-76 North Street, any effect on the sunlight received would be marginal and would only be for a small part of the day. Therefore, any loss of sunlight would not be unduly harmful to the overall living conditions of the occupiers of that building.
22. Similarly, any additional effect on the daylight that is received within the neighbouring property would be marginal in comparison to the existing situation and therefore the effect on the overall living conditions of the neighbouring occupiers would not be significant.
23. For these reasons, the proposal would not have an unacceptable effect on the living conditions of the occupiers of 70-76 North Street, with particular regard to the effect on daylight and sunlight. The proposal would not therefore conflict with those aspects of policies BP8 and BP11 of the DMPD which require that development maintains residential amenity and does not lead to overshadowing or overlooking. As the Council's Residential Extensions and Alterations Supplementary Planning Document appears to relate to the extension of dwellings, I do not find it to be relevant to the development proposed, but this does not alter my conclusion in respect of the policies of the development plan that have been referred to above.

Other Matters

24. The appellant has identified that the site is in an accessible location relative to the public transport connections, services and facilities of Barking and that the CS, the LP, the Housing Supplementary Planning Guidance, the emerging New London Plan and the Framework all encourage windfall residential development and the efficient use of previously developed land. In this regard it has been identified that both the existing and proposed amount of accommodation at the

site would fall within the habitable rooms per hectare range that is set out at policy 3.4 of the LP. It has also been suggested that a gap exists between the housing targets set by the CS and the LP which, along with the Council's Strategic Housing Market Assessment, demonstrates that the Council is reliant on windfall developments to meet housing supply targets.

25. However, no evidence has been provided in respect of the supply of housing land that is available and, as such, the evidence before me does not suggest that the approach set out at paragraph 11d) of The Framework should be engaged. In any event, I afford substantial weight to these benefits of the proposal, but do not find that they outweigh the harm that has been identified.
26. Although it has been indicated that the inclusion of a larger flat would meet an identified need, evidence of this need has not been submitted and, therefore, I cannot afford weight to this suggested benefit. Even if I were to give it weight, as the proposal would only provide one larger flat, the benefit would not outweigh the harm that I have identified above.

Conclusion

27. Bringing together my conclusions on the main issues, I have found that the proposal would have an unacceptable effect on the character and appearance of the site, the surrounding area and the adjacent locally listed building. Furthermore, whilst the effect on the living conditions of neighbouring residents is acceptable, the development would not provide adequate living conditions for future residents. The harm that I have identified is not outweighed by the benefits of the proposal.
28. I therefore conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR