



Appeal Decision

Site visit made on 27 January 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Appeal Ref: APP/Z5060/W/19/3239784

Land to the rear of 20-30 Church Street, Dagenham RM10 9UR

- 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 H Schneck against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/00772/FUL, dated 1 May 2019, was refused by notice dated 11 October 2019.
 - The development proposed is the demolition of existing outbuildings and the erection of 2 single storey dwellings with cycle parking and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would preserve or enhance the character and appearance of the Dagenham Village Conservation Area (DVCA), and
 - the effect of the proposed dwellings on highway safety in particular regard to pedestrian safety, refuse collection and emergency vehicle access.

Reasons

Character and appearance

3. The appeal site is to the rear of a commercial Victorian parade. The site is also adjacent to a green space which is itself next to three-storey blocks of flats. The rear of the parade is therefore exposed to the wider public realm. The local area is predominantly two-storey development in character. The parade addresses a principal highway in the conservation area. This building, adjacent buildings and public spaces make a positive contribution to the character of the area. The access track between the outbuildings and the green space is unmetalled and in disrepair. The range of single-storey outbuildings and extensions to the rear of the parade are subservient and serve the frontage buildings. They moderately detract from the character of the area.
4. The National Planning Policy Framework (The Framework) recognises that great weight should be given to a heritage asset's conservation when considering the impact of development on its significance. Any harm to its significance requires clear and convincing justification. The Framework identifies significance as 'the value of a heritage asset to this and future generations' and is derived 'not only

from its physical presence, but also its setting'. It explains that elements of a setting may make a positive or negative contribution to its significance or may be neutral. Therefore, the question is whether change within their wider 'setting' would result in a loss of (or degrading to) their 'significance' as a heritage asset.

5. The site is on the edge and within the relatively compact DVCA. The statutory requirements¹ entail that special attention be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. The Council's Character Appraisal² identifies that the significance of the DVCA is that it retains a village character and most of its historic road pattern. The Appraisal also finds that the Victorian shops and houses of Church Street are in keeping with the area and therefore have a positive effect on its character. The area largely consists of two-storey terraced and detached development in a perimeter block formation. Also, an important arrival view from Salisbury Road takes in millennium green, the Cross Keys public house, the rear of the parade of 20-30 Church Street, with the church set in the middle distance.
6. The proposal would result in the demolition of some of the rear outbuildings and extensions and their replacement with two single-storey dwellings. Both dwellings would have a small front garden, enclosed by a front wall and railing. The access track would be upgraded with the addition of block pavements. The proposal would have a shallow and mostly mono-pitched roof design. It would be subservient to the parade fronting Church Street. However, its relationship to the public realm would be poor. It would have a frontage that addresses the comparatively utilitarian service road.
7. Furthermore, the private gardens would be in front of the proposed dwellings. These would require significant screening to afford sufficient privacy for future occupiers. Also, the gable ends of the proposal, adjacent to the access track, would not include windows. The proposed dwellings would also be located behind the primary buildings that create the parade and which have a formal street frontage. These elements combined would result in the creation of an inward-looking development in a back-land environment. Furthermore, these components would result in a development that would have a poor relationship with the surrounding existing pattern of built development.
8. The existing single-storey buildings to the rear of the parade detract from the significance of the conservation area. However, their removal would emphasise the retained poor-quality extension and outbuilding to the rear of 18 Church Street, being adjacent to Exeter Road. The proposal would include vernacular brick details and a sloped roof form. However, this form of development would be a discordant feature which would be out of character with the surrounding area. Accordingly, the proposed dwellings would not preserve or enhance the character of the conservation area.
9. The appeal site is close to three listed buildings. These are the listed Grade II Cross Keys Inn and Vicarage, and the listed Grade II* Church of St Peter and St Paul. I also have a statutory duty³ to have special regard to the desirability to preserve the setting of a listed building. The significance of the Cross Keys Inn derives from its age and interesting architectural details, including expose

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

² Dagenham Village – Conservation Area Appraisal 2009

³ section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990

timber frame, leaded windows and the quality of the retained interior. The Vicarage is significant largely due to its age but also includes a number of interesting features. The significance of the church derives from its historic interest and range of features including its Jacobean shaped battlements and three-stage tower. The setting of the Cross Keys would be most capable of being affected by the proposal due to its proximity and relationship to the green. However, the proposal would be set back from the highway and would be comparatively subdued in this setting. As a consequence, the proposal would have a neutral impact and would therefore preserve the setting of the listed heritage assets.

10. However, due to the harm found to the character of the DVCA, the proposal would not comply with policy CP2 of the Barking and Dagenham Core Strategy (2010)(CS). Policy CP2, amongst other things requires development to protect and enhance the historic environment. The proposal would also fail to satisfy policies BP2, PB8 and BP11 of the Barking and Dagenham Borough Wide Development Policies (2011)(LP). These policies include the requirement for development to conserve or enhance the significance and special character and appearance of a conservation area, have regard to the local character and protect the character of an area. Furthermore, the proposal would fail to accord with policies 7.4, 7.6 and 7.8 of the London Plan (2016). These policies, amongst other things, seek development to reinforce a strong local history and character that is easy to relate to, to create a strong sense of belonging and for development to conserve the significance of heritage assets.
11. In terms of the advice in paragraph 196 of the Framework, the harm to the conservation area would be 'less than substantial' affecting only its immediate surroundings. The Framework sets out the need to address 'less than substantial harm' in a balanced manner against the public benefits associated with such schemes. The proposal would include the demolition of buildings that detract from the area and deliver dwellings that would be relatively well located to access local services on previously developed land. However, in so far as these constitute 'public benefits', they would be only limited and would not outweigh the identified harm to the character of the DVCA.

Highway safety

12. On my visit I observed that Exeter Road had unregulated parking. Furthermore, the appellant's Transport Statement⁴ found that the surveyed on-street parking availability could accommodate the demand created by the proposal. The proposal the subject of this appeal does not include dedicated parking and parties are content that capacity exists on local roads to accommodate local demand. I see no reason to disagree with these findings.
13. The access track is relatively narrow, unlit and cannot accommodate a footpath. It would therefore be used as a shared surface. Pedestrian access would be largely obtained from Exeter Road. The officer report identifies that occupiers of the flats above 20-30 Church Street access the units from the street. Accordingly, the majority of current users of the access track would be likely to relate to the existing commercial and associated use. However, the level of movements would be limited and would not result in demonstrable conflict with the pedestrian activity associated with the proposal. Also, pedestrians would only need to travel a short distance to reach their access

⁴ Enzygo Transport Statement June 2018

gates. The evidence also indicates that vehicle trips associated with the proposal would be low. It is therefore unconvincing that there would be a significant conflict between future occupiers and existing users.

14. The proposal would include a bin store for each dwelling located adjacent to their access gates. The appellant anticipates that future occupiers would walk their bin/s to Exeter Road for collection. This would involve a limited walk. This would therefore generate only a minor compromise to pedestrian safety due to the short length of the track and its open nature. Furthermore, emergency vehicles could park on Exeter Road and gain relatively convenient access to the site if required.
15. The previous appeal decision⁵ did not identify pedestrian safety concerns, although concerns were raised in regard to waste collection. Moreover, the proposal would be less intensive than the previous scheme and subsequently have a reduced impact with regard to pedestrian safety. Furthermore, the Council has not adequately explained how pedestrian safety would be compromised. It is therefore unconvincing the proposal would result in substantial harm to highway safety.
16. Accordingly, the proposal would accord with policies BR11 and BP11 of the LP, which seek amongst other things for development to provide safe and secure access for pedestrians and cyclists and provide accessible and inclusive features. These policies are consistent with the Framework which seeks to only refuse development that would have an unacceptable impact on highway safety.

Other issues

17. The recent appeal decision related to the erection of four two-storey dwellings. This was dismissed on the grounds that it would harm the living conditions of future and neighbouring occupiers and would have an inappropriate refuse access arrangement. The full details of the previous proposal are not in evidence. However, the appeal decision found that the existing outbuildings detracted from the character and appearance of the conservation area and their removal would be a benefit of that scheme. Conversely, the proposal the subject of this appeal has been found to have a harmful effect to the conservation area due to its design and scale, despite being of reduced height. This is despite the benefit conveyed to the conservation area through the removal of the existing buildings.

Conclusion

18. The benefits associated with the proposal do not outweigh the conflict I have found with the relevant planning policies and subsequently the proposal conflicts with the development plan as a whole.
19. For the above reasons the appeal should not succeed.

Ben Plenty

INSPECTOR

⁵ Planning Appeal Decision: APP/Z5060/W/18/3214252