



Appeal Decision

Site visit made on 18 February 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/Z5060/W/19/3241317

Land adjacent to 115 School Road, Dagenham RM10 9QD

- 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 Mrs Aisha Akhoon against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/00706/FUL, dated 18 April 2019, was refused by notice dated 19 June 2019.
 - The development proposed is erection of a two storey, one-bedroom dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on neighbours' living conditions, with respect to light and outlook;
 - Whether the proposal would provide appropriate living conditions for future occupants in terms of internal living and external amenity spaces.

Reasons

Character and Appearance

3. The appeal site is a vacant corner plot at the junction of School Road and Ballards Road. Residential properties line both sides of School Road, and the opposite side of Ballards Road, though large areas of public open space characterise the areas to the east of the appeal site. A single storey commercial building, known as the Old Tuck Shop, but in use as a beautician's office, stands immediately to the rear of the site. Nos 105-115 form a terrace of six dwellings immediately adjacent to the appeal site, as do Nos 146-156 opposite. This opposing terrace has been added to with the construction of No 158 under planning permission granted in 2017.
4. The proposed dwelling would be detached, which would contrast with this immediate context on School Road and the extended terrace created opposite. Whilst there is a detached dwelling to the other side of Nos 105-115, this is an isolated exception to the prevailing pattern of six-dwelling groups which extend along the length of School Road. The proposed dwelling, in departing from this prevailing and consistent pattern of development, would appear as a conspicuous and uncharacteristic feature in a prominent corner location.

5. In terms of siting, the dwelling would extend up to the side boundary facing Ballards Road, in contrast to the development opposite at No 158 which retains a recess from the side boundary. To the No 115 side, there would be some 800mm between the dwelling and the boundary at ground floor level, with the gap between the rear elevation and the boundary as little as 500mm. Such limited space around the dwelling would create an impression of a dwelling squeezed into the plot in a cramped and contrived form of development.
6. In design terms, the dwelling would align with its neighbours in terms of overall height, eaves level and window positions. However, it would include a first floor level recessed from the ground floor on three sides, introducing an uncharacteristic pitched roof wrapping around the centre of the building. The proposed front bay would not match the size or form of those on neighbouring buildings. Moreover, there would be a stark contrast due to the significantly shallower depth and mostly blank rear facade of the dwelling compared to its neighbours that would be readily seen in views from Ballards Road and would add to the discordancy of the dwelling within its surroundings.
7. There is dispute between the parties as to the proposed heights of the boundary walls. In the absence of measurements on the plans, I cannot be certain as to which party is correct. However, it is clear that the side boundary wall would exceed the height of the ground floor eaves and would be taller than the corresponding side boundary wall to No 158. Moreover, the front of that property remains unenclosed, reflecting the more open character to the fronts of properties on School Road, which have low or no walls. Wrapping the tall side boundary wall around to the front would result in a dominant and oppressive structure at odds with this open character, and would also create an uncharacteristically enclosed garden area.
8. I recognise that the existing vacant site detracts somewhat from the appearance of the area, though I saw it to be reasonably secure and not overly unkempt. However, the removal of the vacant plot, though beneficial, would not justify a development which I have found would itself be harmful.
9. Taking these considerations together, I find that the proposed dwelling would significantly harm the character and appearance of the area and would conflict with Policy CP3 of the Core Strategy (July 2010) (the CS) and Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (March 2011) (the DPD), which together require high standards of design and layout which respect and strengthen local character.

Neighbours' Living Conditions

10. The nearest windows to the dwelling would be to the side elevation of No 115, a ground floor window serving an entrance porch, and a first floor window serving a bedroom. I have had regard to the appellant's sunlight and daylight analysis, which indicates that the first floor window would retain sufficient light following construction of the dwelling. However, the analysis shows that the ground floor window would suffer a material loss of light. The appellant indicates that the living room is also served by the main bay window to the front; however, photographs submitted by the occupant of No 115 show the ground floor window serving an area comprising the porch, a dining room and the stairs, and not the living room as claimed. The window provides the main source of light to these interior parts of the ground floor, which would be

significantly diminished by the presence of the proposed dwelling and would harm the living conditions of occupants of No 115 as a result.

11. In terms of outlook, there are unobstructed views at present from both side windows. Whilst the dwelling would clearly form a prominent feature immediately in front of these windows, there would remain sufficient outlook at first floor level given its height. At ground floor level, the outlook would be restricted; however, occupants would still enjoy outlook from the front and rear and in this respect the proposal would not harm neighbours' living conditions.
12. Turning to the effect on the occupants of the Old Tuck Shop, the appellant criticises the Council's application of Policy BP8 of the DPD, titled 'Protecting Residential Amenity', to a commercial use. The Council seeks to justify this by referring to the reasoned justification, but this does not specify any non-residential uses to which the policy is applicable. On a plain reading of the policy, and given its title, it is my view that Policy BP8 is not directly applicable to an assessment of the impact on occupants of commercial premises. This aside, I saw on site that the Old Tuck Shop is a small, single storey building with no windows facing the appeal site, and front windows facing Ballards Road which are fitted with metal security grilles. In light of this, there would be no adverse effects on occupants of this building in terms of loss of light or outlook.
13. However, for the reasons set out above, I find the proposal would result in a material loss of light to habitable areas of 115 School Road which would harm the living conditions of occupants of the dwelling. Therefore, the proposal would conflict with Policy BP8 which, among other things, expects new developments to not lead to significant overshadowing or loss of daylight and sunlight, and with the general amenity protections of Policy BP11 of the DPD.

Standards of Accommodation

14. The proposal is described as a one-bedroom dwelling. The plans show a second room at first floor level, labelled on the plans as a office. I have had regard to the appellant's explanation for including the additional room; however, based on the size (8.5m²) and layout of this room, it would be capable of accommodating a single bed. It is reasonable to consider that where a room is capable of being used as a bedroom, many occupants would choose to use it as such. Therefore, I regard it as a bedroom for the purposes of assessing the standard of accommodation to be provided. On this basis, the dwelling would potentially accommodate 3 occupants.
15. Policy 3.5 of the London Plan (2016) (the LP) requires a two-bedroom, three-person dwelling over two floors to be a minimum of 70m². The dwelling, at 58.1m², would fall well short of this requirement. I recognise that the main bedroom would exceed the individual standards for such spaces set out in the Technical Housing Standards - Nationally Described Space Standards (March 2015) (the NDSS), and the open plan living area would meet the size requirement of Policy BP6 of the DPD. However, LP Policy 3.5 is the more recent policy which dovetails with the NDSS and seeks to provide housing of the highest quality, with the standards stressed as minima. As such, I afford the LP and NDSS greater weight than Policy BP6. As I have found the unit would be capable of occupancy by up to three persons, the floorspace requirement is necessarily larger than a two-person unit to provide adequate space for all occupants. Notwithstanding the open plan layout on the ground floor, I find that the extent of the shortfall in floorspace against the LP

requirement would result in an unsatisfactory standard of accommodation for future occupants.

16. Policy BP5 of the DPD sets minimum sizes for external amenity spaces. The Council, in considering the dwelling as a two-bedroom unit, seeks to apply a standard of 50m² for the external space. The appellant, arguing that the dwelling is a one-bedroom unit, states that Policy BP5 does not list a minimum size, but that the proposed garden and cycle storage to the rear would meet the standard of 20m² for a one-bedroom flat. Reference is also made to Standard 26 of the Mayor's Housing Supplementary Planning Guidance (2016) (SPG) which stipulates a minimum of 5m² of private outdoor space for 1-2 person dwellings with an extra 1m² for each additional occupant.
17. The plans show two cycles stored in a small recess to the rear, but the space allowed to the side of 800mm would be insufficient for practical storage and removal of cycles, given the need to walk to the side of the cycle. The area to the rear is as narrow as 500mm and thus of no practical use for anything except access for maintenance. The front driveway is specifically for parking of cars. As such, I have disregarded these areas from the calculations.
18. Nevertheless, the dwelling would have 16.9m² of private and usable amenity space within the enclosed front garden. The dwelling would also be located close to large areas of recreational open space. The space provided would exceed the SPG standard and though short of the requirements of Policy BP5, I find that the external amenity space proposed would be satisfactory and would not, of itself, lead to future occupants suffering detrimental living conditions.
19. However, for the reasons set out above, the proposal would harm living conditions of future occupants due to the shortfall in floorspace. Therefore, the proposal would conflict with Policy 3.5 of the LP, and the NDSS.

Other Matters

20. I have had regard to other concerns raised by interested parties beyond those addressed within the main issues, none of which would alter my findings in respect of the main issues or weigh in favour of the appeal. Therefore, it is not necessary for me to consider them in further detail.

Planning Balance and Conclusion

21. The proposal would develop a long vacant plot and would deliver the benefit of an additional dwelling to the Borough's housing stock, along with economic benefits from construction and future expenditure by occupants in the local area. However, given the small scale of the proposal, such benefits would be limited and, taken together, would not amount to material considerations which would outweigh the harm I have identified.
22. I find that the proposal would conflict with the development plan when read as a whole. There are no material considerations that outweigh this conflict. Therefore, the appeal is dismissed.

K Savage

INSPECTOR