
Appeal Decision

Site visit made on 10 March 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State.

Decision date: 9th April 2020

Appeal Ref: APP/Z5060/W/19/3243089

1 Baron Road, Dagenham, RM8 1UB

- 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 Ms Laura Caulkin against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/00986/FUL, dated 7 June 2019, was refused by notice dated 17 October 2019.
 - The development proposed is new build 3 No. 1 bed flats, 1 No. 2 bed maisonette and loft conversion to existing house
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: i) The effect of the development on the character and appearance of the area; ii) the effect of the development on the living conditions of future occupiers; iii) the effect of the development on the living conditions of the neighbouring occupiers.

Reasons

Character and appearance

3. The appeal proposal would introduce a large block of flats on the end of a run of terraced and semi-detached houses, which characterise the area. From Baron Road its eaves and ridge heights would be noticeably higher than the adjacent houses with larger expanses of brick work. It would virtually fill the gap between the existing house and the corner of Baron Road and Burnside Road which is currently part of the garden of No1 Baron Road. The rear elevation would be prominent when approaching the site from the direction of the former Hinds Head public house. From this direction a box dormer and the roof terrace would be visible together with a balcony overlooking Burnside Road. The difference in ridge heights between 1 Baron Road and the rest of the appeal proposal would also be apparent.
4. The development plan for the area is, the London Plan 2016 (LP), 'Planning for the future of Barking and Dagenham' – Core Strategy, July 2010 (CS) and 'Planning for the Future of Barking and Dagenham' – Borough Development Plan Policies, Development Plan Document, March 2011 (DPD). The development plan seeks through a range of policies to encourage development

that respects and strengthens local character, is of the highest quality internally and externally and enhances the quality of local places.

5. The height, massing, bulk, size, site coverage and detailing of the development would form a prominent and incongruous feature on the corner of Baron Road and Burnside Avenue. The overall height of the flat block, indicated by the height of the eaves and ridge, its details such as the rear box dormer, roof terrace and balcony would constitute alien features in an area characterised by traditional two storey terraced and semi-detached houses. This would not respect the prevailing pattern of development in the area. The extent of the site coverage, loss of an open area and therefore the lack of any opportunity to soften or break up the bulk of the building through the use of significant landscaping and planting would also add to the harm the development as a whole would cause to the character and appearance of the area. This would not strengthen the local character, enhance the quality of the local place nor would it represent the highest quality of design as required by the policies of the development plan.

Living conditions – future occupiers

6. The development plan policies that relate to the living conditions of the future occupiers are Policy 3.5 of the LP and Policies BC11, BP5, BP6 and BP8 of the DPD. Specifically, these policies seek to ensure that residents of new developments are able to enjoy reasonable living conditions in new residential accommodation.
7. The appeal proposal conflicts with these policies in a number of ways. The private garden space for flat 1 is overlooked directly by one of the outdoor spaces provided for flat 4. This would result in flat 1 having a garden space that would not be private, useable or functional as required by Policy BP5.
8. With regard to internal space standards the new dwelling created within No1 Baron Road would have a gross internal area of 96sq m against a standard in the DPD of 99sq m and storage areas amounting to 2sq m against a standard set out in the DPD of 2.5sq m. The bedroom areas in this property would all comply with the space standards set out in the development plan, leaving the living areas deficient by 3sq m. Whilst this is a small deficit overall, nevertheless it is concentrated in the living areas and therefore would reduce the functional space in these areas significantly and make them less fit for purpose, as required by the policy.
9. The outside space for flat three is provided by an external terrace which lies directly above the living area and bedroom of flat 4. This would potentially lead to noise and disturbance, in particular to the bedroom of flat 4. This would potentially be worse in summer as the terrace could be used late into the evening. Whilst the development plan allows for open space to be provided through the use of roof terraces, they still have to meet the quality criteria and in my view that includes protecting the living conditions of adjacent residential occupiers. To have a primary outdoor space above a bedroom in a neighbouring flat does not achieve this.
10. The proposed garden of No1 Baron Road would be over shadowed and overlooked by the new two storey flat block to be constructed alongside it. It would not comply with the 45-degree rule applied by the Council in assessing this proposal. Whilst I understand the non-compliance with the 45 degree rule I

find that due to the orientation of the proposed garden (the new flat block lies on the north side of the garden of No1) and the amount of garden space which would be unaffected, the relationship between the new flat block and the proposed garden to No1 is satisfactory. I also find that the degree of overlooking between the roof terrace of flat 3 and the proposed garden of No1 would not lead to an unacceptable loss of privacy in this instance, given the separation distances involved.

Living Conditions – neighbouring occupiers

11. There would be some loss of sunlight to the occupiers of No3 Baron Road caused by the two-storey rear extension to No1 Baron Road. I find that whilst this would extend further to the rear of No1 Baron Road than the existing two storey extension this would be by less than 1m. This would not significantly diminish the living conditions of the occupiers of No 3 Baron Road.

Conclusion on the main issues

12. I find that the appeal proposal is in conflict with the development plan, the LP, CS and DPD, as it would fail to respect the character and appearance of the area by appearing as a prominent and incongruous feature in an area characterised by two storey terraced and semi-detached house by reason of its size, height and massing relative to other houses in the locality. The site coverage would lead to the loss of a significant open area at a prominent corner location which also contributes to the character and appearance of the area.
13. I further find that the living conditions of the occupiers of flat 1 would be unsatisfactory due to the provision of inadequate private garden space which would not be private or usable due to overlooking from flat 4. The outdoor space for flat 3 would be located directly above the principal habitable rooms of flat 4 which would potentially cause noise and disturbance to the occupiers of that flat and therefore harm their living conditions. Additionally, the reconstructed No1 Baron Road would not provide an adequate standard of internal space in the living, dining and kitchen areas as required by the space standards set out in the development plan, the LP and the DPD.

Conclusion

14. I find that having regard to all matters before me, including the policies of the development plan, when taken as a whole, the appeal should be dismissed.

Peter Mark Sturgess

INSPECTOR