



Appeal Decision

Site visit made on 24 November 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2020

Appeal Ref: APP/Z5060/W/20/3247354

12 Farm Close, Dagenham, Essex RM10 9TX

- 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 David Stone against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/00530/FUL, dated 18 March 2019, was refused by notice dated 20 September 2019.
 - The development proposed is described as '1) Erection of one new two storey semi-detached house on the land adjacent to no.12 Farm Close. The new dwellinghouse will hold 4 bedrooms. 2) Existing house, 12 Farm Close, to be retained with alterations: remove existing side extension and add 3m rear extension. 3) Demolition of existing one storey garage.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the application form. At Part E of the appeal form, it is stated that the description of development has not changed but a different wording has nevertheless been entered which describes the development as 'demolition of existing side extension and erection of rear extension to existing house and erection of two storey end-of-terrace dwelling'. This reflects the description stated on the Council's decision notice, and as I consider it a more succinct and accurate representation of the proposal, I have determined the appeal on that basis.

Main Issues

3. The main issues are (i) the effect of the proposal on the character and appearance of the area; and (ii) the effect of the proposal on the living conditions of the occupiers of 13 and 14 Farm Close with particular regard to outlook and privacy.

Reasons

Character and Appearance

4. Farm Close and the closest streets to the opposite side of Ballards Road are generally characterised by pairs of semi-detached dwellings of similar overall scale and appearance. This results in a fairly strong sense of uniformity which is increased by the arrangement of dwellings on generally strong building lines around cul-de-sacs. Nevertheless, there is some variety in the types of the buildings and their external materials. Adding further diversity, the existing dwelling on the appeal site is also set back from the street behind 13 Farm

Close. In addition to a pedestrian access to the site from Farm Close, there is an access from Ballards Road onto an area used for parking and storage to the side of the dwelling where there is also a detached garage.

5. The single storey extension to the rear of 12 Farm Close would be finished in materials in keeping with the existing dwelling, and given its modest depth and height, I am satisfied that it would be a sympathetic addition.
6. The proposal also includes demolition of the detached garage on the site and the construction of an attached dwelling to the side of No 12. This would be of broadly comparable width to No 12 and would reflect its depth as extended. The scale and arrangement of fenestration and use of matching materials would also resemble the existing building, and I find that the dwelling's simple appearance and pitched roof design would assimilate well with its surroundings.
7. The development would create a terrace on the site which would be somewhat unusual given the predominant form of semi-detached pairs of dwellings nearby. Even so, I observed several terraces within the surrounding area, including at 6-8A and 13-15 Boleyn Gardens which are visible from Ballards Road and the Farm Close street scene. Detached dwellings at 1A and 2A Boleyn Gardens closest to its junction with Ballards Road add further to the mix of building types. I acknowledge that there are no other terraces within Farm Close, but the visual impact of the development on this street scene would be limited by its position to the rear of No 13. In any event, given the close relationship and strong visual link with the similar development beyond Ballards Road which includes more varied building types, I find that the development would sit comfortably on the site.
8. For these reasons, I conclude on this main issue that the development would not be jarring or unduly incongruous, and that the character and appearance of the area would not be unacceptably harmed. Accordingly, I find no conflict with Policies BP8 or BP11 of the Borough Wide Development Policies Development Plan Document 2011 (DPD) which together broadly require development to have regard to local distinctiveness and to protect or enhance local character. Nor do I find conflict with similar requirements within Policies 7.4 and 7.6 of the London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011 which are cited within the Council's evidence.

Living Conditions

9. Together with the existing dwelling, the proposal would result in two-storey built form across the full width of the site of 13 Farm Close. Even taking the appellant's suggested separation distance of 12.5m, the development would be very close to this neighbouring dwelling and the boundary of its rear garden. Whether or not one of the 2 first-floor windows to No 13 serves a bathroom, the development would be visible from the other first-floor window, as well as the ground-floor windows and its garden where it would rise above the boundary treatment. It would make up a considerable proportion of outward views from these windows and from the garden, and while there would be some retained aspect to the side of the development, open outlook which is currently available for occupiers to the side of No 12 would be significantly curtailed. In my view, the scale of the building in such close proximity and resulting enclosure would be a somewhat dominant and imposing feature to occupiers of No 13. However, I am satisfied that outlook for the occupiers of 14

Farm Close would not be harmfully diminished given that open aspect free of built form would be retained over the majority of the rear boundary.

10. The proposal includes two first floor windows to the front of the dwelling. Views onto the rear of No 13 and its garden would be similar to those already currently available from No 12, and as a result would not lead to a significant loss of privacy for the occupiers. However, in contrast to the existing oblique views from No 12, the proposal would introduce first floor windows much closer to the neighbour at 14 Farm Close. Windows would not be fully aligned, but the development would result in much more direct and close-range views to the windows of this dwelling and the section of garden adjacent to its rear which are not currently immediately overlooked, causing a notable loss of privacy. I acknowledge that this is similar to the existing relationship between Nos 12 and 13. Be that as it may, the proposal would result in additional overlooking to No 14 that did not previously occur and I consider that the resulting loss of privacy experienced by the occupiers of this dwelling would be harmful to their living conditions.
11. I have been referred to nearby development which the appellant asserts results in similar relationships between dwellings to that proposed. However, it seems to me that the stated separation distances are either greater than would result under the appeal proposal, or relate to the closest parts of dwellings which are angled, such that separation to the rest of the buildings increases and views are less direct. Setting aside that I also do not have full details of the particular circumstances which led to these relationships, they are not therefore directly comparable to the development before me. In any case, these examples do not establish a lack of harm, nor offer a compelling justification to allow further development which would fail to ensure suitable protection for neighbouring living conditions as is required by the development plan.
12. I have not been directed to specified separation distances which would be applicable to the proposal, and I note that Policies BP8 and BP11 of the DPD do not specifically reference outlook. Nevertheless, they seek protection for residential amenity, and for the reasons set out above, I conclude on this main issue that the development taken as a whole would cause unacceptable harm to the living conditions of neighbouring occupiers through a loss of outlook to 13 Farm Close and a loss of privacy to 14 Farm Close. It would therefore conflict with Policies BP8 and BP11 of the DPD. There would also be conflict with LP Policy 7.6 cited within the Council's report, which includes a requirement that development does not harm the amenity of surrounding buildings.
13. The Council has also referred to the Residential Extensions and Alterations Supplementary Planning Document 2012, but it seems to me that this guidance relates to extensions to existing dwellings rather than the creation of new dwellings. Given the position of the rear extension to No 12 and that it would be similar in depth and maximum height to No 11, I find that it would not harm the living conditions of neighbouring occupiers.

Other Matters

14. The appellant has indicated a willingness to amend the scheme, but no details have been provided and I must determine the appeal according to the submitted proposal. Although I also note the appellant's view of comments made by the Council prior to submission of the application, this is not a factor which alters my consideration of the planning merits of the proposal.

Planning Balance and Conclusion

15. The proposal would make effective use of the site which is within an existing developed area. It would add to the supply of housing locally, but the contribution would be limited by the small scale of the development and would not outweigh the harm that would be caused to the living conditions of neighbouring occupiers. Notwithstanding my conclusions that the character and appearance of the area would not be harmed, the proposal would therefore be contrary to the development plan as a whole and there are no material considerations which indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR