



Appeal Decision

Site visit made on 24 November 2020

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal Ref: APP/Z5060/D/20/3257486

103 Valence Circus, Dagenham, RM8 3LS

- 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 Asim Hussain against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/00287/FUL, dated 1 January 2020, was refused by notice dated 29 May 2020.
 - The development proposed is 2 Storey side and rear extension and single storey rear extension.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council refer to several policies within the Draft Local Plan (Regulation 18 Consultation Version, November 2019). However, as the Draft Local Plan is at an early stage and may be subject to further change, I only attach limited weight to these policies.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the host dwelling and the surrounding area;
 - The effect of the proposal on the living conditions of the occupiers of 105 Valence Circus with particular reference to outlook and daylight.

Reasons

Character and appearance

4. The appeal property is an end of terrace house. It is one of a large number of dwellings that front onto Valence Circus, a circular residential road. The surrounding area is similarly comprised of rows of terraced dwellings of varying lengths. There are also several semi-detached houses adjacent to the junctions where the Valence Circus is intersected, including adjacent to the appeal site.
5. Due to the curving nature of the road, the appeal site is tapered and is wider at the front adjacent to Valence Circus whilst narrowing to the rear. Similar gaps

- are created between the end of each row, or pair of houses, that are arranged on the inner side of Valence Circus. The gaps that are created are an important characteristic of the street scene and add significantly to the spatial qualities of the area.
6. The proposal is for a two storey side extension and a part two storey, part single storey rear extension. The proposed side extension would extend out to the side boundary of the site and would follow the alignment of boundary. The first floor element of the extension would be set back from the front elevation of the dwelling and it would also have a lower ridge height. The extension would therefore appear as a subservient addition to the dwelling.
 7. Whilst in some cases this design approach would be appropriate, Valence Circus is predominantly characterised by rows of terraced dwellings with a single building frontage. By appearing as an addition, the proposed side extension would appear out of character with the host dwelling and harmful to the symmetry of the wider terrace. Furthermore, the proposal would be harmful to the street scene which is comprised of similar rows of terraced dwellings.
 8. In this regard, the proposal would conflict with advice contained within the Residential Extensions and Alterations Supplementary Planning Document (February 2012) (SPD) which, in respect of terrace dwellings, states that extensions should be designed so that the front elevation is parallel with the front elevation of the existing house. Whilst the SPD is for guidance purposes, it does nonetheless provide useful guidance.
 9. The proposed side extension would also significantly reduce the gap that currently exists at first floor level between the appeal site and 101 Valence Circus. These gaps are characteristic of the street scene and contribute significantly to local distinctiveness and the spatial quality of the road. The proposal would be contrary to design guidance contained within the SPD which states that where it is considered that the gaps between buildings contribute positively to the character of the area, it will be expected that the first floor of proposed side extensions are set off the side boundary of the site.
 10. In conclusion on this issue, the proposed development would have a harmful effect on the character and appearance of the host dwelling and the surrounding area in conflict with Policies 7.1, 7.4 and 7.6 of the London Plan (2016), Policy D4 of the Draft London Plan Intend to Publish (2019), Policy CP3 of the LDF Core Strategy (July 2010) (CS) and Policies BP8 and BP11 of the LDF Borough Wide Development Plan Policies DPD (March 2011) (DPD) which collectively require development to be of a high quality design and to respect existing character. These policies are consistent with Chapter 12 of the National Planning Policy Framework (the Framework).

Living conditions

11. Policies BP8 and BP11 of the DPD together seek to maintain and protect residential amenity. Further detailed guidance within the Residential Extensions and Alterations SPD states that, in relation to double storey rear extensions, no part of the proposed extension should extend beyond a 45 degree angle as taken from the corner of the adjoining property.

12. The proposed rear extension would have a depth of 3.65metres. There are what appears to be habitable room windows at first floor level on the rear elevation of 105 Valence Circus, one of which is close to the boundary with the appeal site. Whilst the two storey extension would be set in from the side boundary with No 105, it would nonetheless infringe on a 45 degree angle taken from the corner of the adjoining property and accordingly, would conflict with the guidance within the SPD.
13. Whilst the SPD is for guidance purposes, I find that due to the proximity and depth of the first floor extension, it would appear rather overbearing and thus result in a loss of outlook to the occupiers of 105 Valence Circus. In addition, given the orientation of the proposed extension in relation to No 105, it would also be likely to result in a reduction in the amount of daylight received by the closest first floor window on the neighbouring dwelling.
14. I therefore find that the proposed development would have a harmful effect on the living conditions of the occupiers of 105 Valence Circus with particular reference to outlook and daylight. The proposal would conflict with Policy BP8 and BP11 of the DPD which (among other things) require that development maintains residential amenity and does not lead to significant overshadowing. The proposal would also conflict the Framework insofar as it seeks a high standard of amenity for existing users.
15. Whilst the Council has also referred to Policy CP3 of the CS together with Policies 7.1, 7.4 and 7.6 of the London Plan (2016), and Policy D4 of the Draft London Plan Intend to Publish (2019) these are design and architectural based policies which are not directly relevant to this particular issue.

Other matters

16. I note that the appellant would have been prepared to amend the plans had the Council invited him to do so. I am however, required to determine the appeal on the basis of the plans before me.

Conclusion

17. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR