



Appeal Decision

Site visit made on 14 January 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16/02/2021

Appeal Ref: APP/Z5060/W/20/3255334

118 Thatches Grove, Chadwell Heath, RM6 5LJ

- 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 Jack Watts against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/01073/FULL, dated 2 May 2020, was refused by notice dated 25 June 2020.
 - The development proposed is Two storey side extension to form new 2 bedroom dwelling. Reduced width of extension from similar Application ref. 19/01084/FUL to retain openness of the corner plot and reduce projection of the terrace fronting Lawn Farm Grove.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension to form new 2 bedroom dwelling. Reduced width of extension from similar Application ref. 19/01084/FUL to retain openness of the corner plot and reduce projection of the terrace fronting Lawn Farm Grove at 118 Thatches Grove, Chadwell Heath, RM6 5LJ in accordance with the terms of the application, Ref 20/01073/FULL, dated 2 May 2020, subject to the conditions in the attached Schedule.

Procedural Matter

2. Amended drawings (ref. AS2020.04.02 BD03 Rev B and AS2020.04.02 BD04 Rev C) have been deposited with the appeal. These drawings propose a small reduction in the depth and the external finish of the front extension. The changes are minor and I do not consider that any party would be prejudiced by my acceptance of them. I have therefore determined the appeal based on these drawings.
3. 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

4. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area;

- The effect of the proposal on the living conditions of the occupiers of 1 Lawn Farm Road, with particular reference to privacy.

Reasons

Character and appearance

5. The appeal property is an end of terrace dwelling located within a residential estate comprising of similar, predominantly terraced properties. The appeal site is a corner plot, with the existing dwelling benefiting from gardens to the front, rear and side. It is a characteristic of the estate that those dwellings on corner plots have substantial side gardens which contribute positively to the spaciousness of the street scene.
6. The proposal is to extend 118 Thatches Grove to the side in order to create a two bedroom dwelling. The proposed extension would be of a similar design and appearance to No 118 and would maintain the built form of the existing dwelling and the wider terrace in terms of its size, scale, design and materials.
7. The proposal would result in a reduction in the amount of space to the side of the existing dwelling thus reducing the openness of the junction of Thatches Grove and Lawn Farm Grove. However, compared to the earlier proposal on the site for a three bedroom dwelling which was dismissed on appeal¹ the current proposal would retain a more generous set back from Lawn Farm Grove enabling more green space to be retained between the flank of the new dwelling and the side boundary. Having regard to the proposed set back from Lawn Farm Grove and the general openness that exists to the front of the dwelling, I find that the proposed new dwelling would not be visually intrusive or incongruous in the street scene and would maintain an acceptable level of openness at the junction of the two roads.
8. The proposed dwelling would project forward of the front elevation of 1 Lawn Farm Grove but not by a significant amount. Given the separation distance between the proposed new dwelling and No 1, and the overall set back from Lawn Farm Grove, the relationship between the two properties would not detract significantly from the existing character and appearance of the street scene which already includes a staggered building line.
9. The Council also raise concern regarding the proposed single storey front extension which would provide a front entrance porch to No 118 and to the new dwelling. The amended plans deposited by the appellant² show a small reduction in the depth of the proposed front extension and facing brickwork to match the existing dwelling. The proposed extension would have a limited depth of approximately 1 metre and would remain well set back from the road frontage such that it would not appear dominant in the street scene. I therefore find that the proposed front extension would not be excessive in size in relation to No 118 or the proposed new dwelling and would be in keeping with the design appearance of the existing dwelling and the remainder of the terrace. I also note that several other dwellings within the local area have been similarly extended to the front.
10. In conclusion on this issue, the proposal would not have a harmful effect on the character and appearance of the area and would comply with Policies 7.1, 7.4

¹ Appeal ref. APP/Z5060/W/20/3244696

² Plan ref. AS2020.04.02 BD03 Rev B and AS2020.04.02 BD04 Rev C

and 7.6 of the London Plan (2016) (LP), Policy D4 of the Draft London Plan Intend to Publish (2019) (DLP), Policies CP2 and CP3 of the Core Strategy DPD and Policy BP11 of the Borough Wide DPD which collectively require development to be of a high quality design and to respect existing character and local distinctiveness. These policies are generally consistent with Chapter 12 of the National Planning Policy Framework.

11. The Council also refer to Policy 7.15 of the LP. However, this policy relates to reducing and managing noise and does not therefore appear to be relevant to this issue. The Council also refer to the Residential Extension and Alterations SPD (March 2012) within refusal reason 2. However, I have not been provided a copy of the guidance and I therefore have not had regard to it.

Living conditions

12. The rear elevation of proposed new dwelling would be level with the rear elevation of 118 Thatches Grove. The new dwelling would be provided with a rear garden that is commensurate in size with the rear gardens provided in respect of other dwellings within the same terrace.
13. The rear elevation of the proposed new dwelling would face towards the front garden of 1 Lawn Farm Grove which is hard surfaced and used for parking. The front garden of No 1 is already clearly visible from the road and due to the separation distances that would be achieved, I am satisfied that the proposal would not have a harmful effect on the living conditions of the occupiers of 1 Lawn Farm Grove with particular reference to privacy.
14. I therefore find that the proposed development would comply with Policy 3.5, 7.1, 7.4 and 7.6 of the London Plan (March 2016) which collectively (among other things) require that development protects and enhances the local environment and maintains residential amenity. The proposal would also comply with the Framework insofar as it seeks a high standard of amenity for existing users.
15. The Council also refer to Policy D14 of the Draft London Plan Intend to Publish (2019). However, this policy relates to noise issues and does not appear to be relevant to this particular issue. Furthermore, the 'Good Growth objectives' GG1 and GG3 referred to by the Council relate to building strong and inclusive communities and creating a healthy city and are therefore also of limited relevance.

Conditions

16. In addition to the standard 3 years implementation condition, the approved plans condition is imposed for clarity. I have imposed conditions requiring the development to be constructed with matching materials and to ensure the landscaping of the site in the interests of the visual amenity of the area. To protect the living conditions of occupiers of neighbouring properties it is necessary to include a condition in respect of hours of construction. A condition is also required to ensure the provision of adequate car parking.
17. I have also imposed a pre-commencement condition to safeguard against potential contamination in line with the recommendations of the Council's Environmental Protection department.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

J Davis

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AS2020.01.02.BD01; AS2020.01.02.BD02 Rev A; AS2020.04.02 BD03 Rev B and AS2020.04.02 BD04 Rev C.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building as shown on drawing ref. AS2020.04.02 BD03 Rev B.
- 4) No development above ground level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Demolition or construction works shall take place only between the hours of 08:00 to 18:00 Monday to Friday and between the hours of 08:30 to 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) No part of the development shall be occupied until space has been laid out within the site in accordance with drawing no. AS2020.01.02.BD01 for the parking of cars and that space shall thereafter be kept available at all times for the parking of vehicles.
- 8) No development shall commence until:
 - (a) An investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing

of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i) a survey of the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters and ecological systems.
- iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and

- (b) A detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment, has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- (c) The approved remediation scheme must be carried out in accordance with its terms prior to commencement of the development, other than required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The report shall include sampling and monitoring carried out to demonstrate that the site remediation criteria have been met.
- (d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.