



Appeal Decision

Site visit made on 17 November 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2021

Appeal Ref: APP/Z5060/W/20/3255008

44 Rugby Gardens, Dagenham, RM9 4BA

- 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 George Le Port against the decision of the London Borough of Barking & Dagenham Council.
 - The application Ref 20/00364/FUL, dated 12 March 2020, was refused by notice dated 7 May 2020.
 - The development is a proposed single storey one-bedroom new dwelling with sedum roof.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr George Le Port against the London Borough of Barking & Dagenham Council. This application is the subject of a separate decision.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons for the Recommendation

5. The appeal site comprises a rectangular piece of garden land sited in a corner in-between the buildings accommodating the flats at No.44/45 and No.42/43. The site is located at the end of a cul-de-sac within the Becontree Estate which comprises a large residential area built in the inter-war period, strongly characterised by small blocks of symmetrical short terraces. Indeed, the cul-de-sac itself displays a distinctive symmetrical layout. All properties are two-storey, have hipped pitched roofs and are rendered. Wide verges and open spaces between the blocks give the area a pleasant sense of openness.
 6. The proposal would substantially occupy the garden with a flat-roofed single storey dwelling of a contemporary design. Whilst I accept that new
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development should not be required to slavishly copy the design of existing neighbouring buildings, in this case the proposal would have almost no regard to its context. Its single storey scale, flat roofed form and detached position means it would disrupt the pattern of development in the cul-de-sac considerably and appear as an incongruous dwelling.

7. The dwelling would be set further back into the plot than the previous proposals for the site and so would appear less prominently than those schemes. Nonetheless, it would still be visible when walking along the path in front of the neighbouring houses and would jar harshly with its neighbours. Furthermore, from this path the most prominent part of the dwelling's design would be the bin store set against its blank west elevation, and a small bathroom window (and therefore most likely obscurely glazed) on its front elevation. This would present an inactive frontage which would add to the building's incongruity in its context. Indeed, it is only its render finish that would be sympathetic to its surroundings.
8. Given the above, the proposed dwelling would constitute an incongruous development and would considerably harm the character and appearance of the surrounding area. It would therefore substantially conflict with Policy CP3 of the Council's Core Strategy Development Plan Document (the 'Core Strategy'), Policy BP11 of the Borough Wide Development Plan Document (the 'local plan'), Policies 7.1, 7.4 & 7.6 of the London Plan, emerging Policy D4 from the Draft London Plan, and emerging Policies SP4 and DM11 of the Council's Draft Local Plan Regulation 18 consultation version. Together these seek the delivery of well-designed developments respectful of local context. The development would also conflict with Policy CP2 of the Core Strategy and Policy BP2 of the local plan which together seek to ensure non-designated locally distinctive and historically important areas, such as the Becontree Estate, are preserved and enhanced.

Other Matters

9. The appellant refers to Policy BC4 of the local plan in their evidence. However, as this policy applies to residential conversions and houses in multiple occupation, the policy has no bearing on this appeal.
10. Some examples of other housing developments in the borough, at Fourth Avenue and Park Drive, are provided. However, these examples are distinctly different from the case before me in a number of ways including their more traditional design and roof form. They also, from the evidence, do not appear to be within the Becontree Estate so have a different context to this appeal. Details of a house of contemporary design in Lewisham has also been provided, but as this proposal is in a different part of London, it has a wholly different context and bears no useful comparison.
11. There would be limited social benefits associated with the proposal, as one small additional unit would make a minimal difference to the overall supply of housing. Also, the support it would provide to the local economy, even at the current time with the effects of Covid-19 on the economy, would be negligible.

Planning Balance

12. The appellant contends that the Council cannot demonstrate a five-year supply of housing and has provided the Council's Interim Five-Year Housing Supply

Statement for the five-year period commencing 1st April 2019 which states that the Council currently have deliverable supply for 3.7 years' worth of housing land. The Council has failed to provide any information to dispute this. Consequently, I am unable to conclude that the Council can demonstrate a five-year supply of housing land.

13. On this basis, as directed by Footnote 7, paragraph 11 d) of the National Planning Policy Framework (the 'NPPF') should be applied. This means planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
14. The NPPF aims to significantly boost the supply of housing, encourages residential development in locations served by sustainable transport and supports the efficient use of land. It also states that small sized sites can make an important contribution to meeting the housing requirement of an area. However, the NPPF also advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It adds that development should be sympathetic to local character and history.
15. Consequently, the considerably adverse impacts on the character and appearance of the area would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the NPPF taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
16. Moreover, Paragraph 213 of the NPPF makes it clear that due weight should be given to existing policies according to their degree of consistency with the NPPF. The development plan policies referred to above, which seek to ensure developments are well designed and respond to their context, are consistent with the NPPF. Therefore, the proposal's substantial conflict with them can be given significant weight.
17. In view of the above, the proposal would be contrary to the aims of the development plan as a whole and there are no other considerations, including the provisions of the NPPF and the Council's housing land supply position, which outweigh this finding.

Recommendation

18. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR