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## Appeal Decision

Site visit made on 23 February 2021

**by Mr Kim Bennett BSc DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local Government**

**Decision date: 09 March 2021**

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**Appeal Ref: APP/Z5060/W/20/3256216**

**189 Blackborne Road, Dagenham RM10 8SD**

- 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 A Haxhija against the decision of the Council of the London Borough of Barking & Dagenham.
  - The application Ref 20/01085/FULL, dated 28 April 2020, was refused by notice dated 19 June 2020.
  - The development proposed is to demolish existing garage and erect new dwelling on land to the side of 189 Blackborne Road.
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### Decision

1. The appeal is allowed and planning permission is granted to demolish existing garage and erect new dwelling on land to the side of 189 Blackborne Road at 189 Blackborne Road, Dagenham RM10 8SD in accordance with the terms of the application, Ref 20/01085, dated 19 June 2020, subject to the following 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: 91393/02C; 91393/06C and 91393/07C.
  - 3) No development above ground level shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
  - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dwelling hereby permitted shall not be extended and no alteration shall be made to its roof form.

### Procedural Matter

2. As part of the appeal submission, the appellant introduced revised plans to show a hip ended roof as opposed to a gable ended roof on the previously submitted plan. This was partly to correct an error on the original plans which showed No 191 Blackborne Road to have a gable roof rather than a hip roof as

it currently does, and partly to respond with a matching hip roof for the proposed dwelling. The siting and footprint would be the same, as would the internal layouts and positioning of windows. The Council was given an opportunity to respond to this revision but no further comments were received. I also note that the application had attracted no representations from local persons during the course of its original consideration and determination.

3. Having regard to the above, I have considered the principles established in the 'Wheatcroft' case<sup>1</sup> referred to in '*Procedural Guide – Planning Appeals-England*'. In that instance, the High Court took the view that the key issue is whether the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation. That judgement has been confirmed in other cases since. Given the absence of any further comments from the Council and having regard to the fact that one of its objections related to the lack of a hip roof in any case (which I shall deal with below), I have reached the view that no interests have been prejudiced and shall consider the revised plans as part of the appeal.
4. Since the appeal was submitted, the London Plan 2021 has now been published and I have had regard to that in reaching my decision.

### **Main Issue**

5. The main issue is the effect of the proposal on the character and appearance of the area.

### **Reasons**

6. The appeal site is located on the northern side of Blackborne Road, opposite the junction with Ingleby Road, and comprises the side garden of No 189 Blackborne Road which is a semi-detached house. It has recently been extended with a large loft conversion which has altered the roof shape so that it is now a part gable /part flat roof when viewed from the west. There is a small area of open space adjoining the property to the west, and a slightly larger area beyond that on the other side of Pavet Close. Both areas appear to be part of private garden areas of adjoining properties. The character of the area is that of two storey semi-detached and terraced properties where hip ended roofs predominate.
7. The Council raises no objections to the principle of development on the site, nor to the standard of accommodation which would be provided, but is concerned about several design issues. In particular, the loss of symmetry arising from the creation of a terrace, the proposed formation of a gable roof, and the loss of openness.
8. Dealing first with the issue of symmetry, the Council refers to the importance of the Becontree Estate as a good example of pre war municipal housing. I agree with that assessment, but any symmetry that previously existed for Nos 189 and No 191 Blackborne Road, has been significantly lost with the recent alterations to No 189. In my view that has had a most unfortunate impact on the street scene, particularly when approaching the site from the west. An additional dwelling, albeit of modest proportions, would create a terrace, but that would be consistent with other terraces within the area and would result in

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<sup>1</sup> Bernard Wheatcroft Ltd v SSE [JPL,1982,P37]

a more balanced elevation and composition than is currently the case.

Although the Council considers that the front elevation should be set back from No 189, I do not consider why that should be required in this instance given that the development would not be an extension to the existing property and that there are no similar setbacks between properties on terraces elsewhere.

9. The Council was also concerned about the formation of a gable ended roof which it considered would be out of character with the local area. I agree with that, but as pointed out above, the revised plans now show a hip ended roof for the proposed dwelling to match the hip end that currently exists on No 191 and which was incorrectly shown as a gable roof on the original application plans. As such, the proposed roof form would be consistent with the prevailing roof form of the estate.
10. A combination of the above issues would result in a development which visually would be more in character with other properties on the estate than the current appearance of No 189, and in my view would result in an improvement to the streetscene as a result.
11. The Council is also concerned about the loss of openness arising from a new built form in close proximity to the side boundary. However, there is already a single storey detached garage which adjoins the side boundary and I note that the first floor of the flank wall of the proposed dwelling would be inset from the boundary slightly (albeit not at ground floor) because of the alignment of that boundary being different to the siting and footprint of Nos 189 and 191. There would be no physical loss of the open space area that currently exists adjacent to the site and both areas of open space either side of Pavet Close are enclosed with boundary treatment; a high fence in the case of the westernmost area. I also note that the two spaces are of different sizes so it would not be a case of any loss of symmetry surrounding those spaces. Whilst I acknowledge that there would be some impact arising from increased massing of built form adjacent to the easternmost open area, for the above reasons I do not consider there would be any significant loss of openness arising. Any marginal enclosing effect would also be compensated by the improvement to the appearance of the property in the streetscene.

### **Other matters**

12. The Council raises no objections from an amenity point of view, considering the proposal to have an adequate relationship with adjoining properties and to provide sufficient individual amenity space, together with a nearby park, for future occupiers. I see no reason to disagree with those assessments.
13. In terms of parking, one proposed space is shown on the plans. However, as the Council points out this would be incapable of being used by an average vehicle without overhanging the footway because of the proposed bay window. For practical purposes therefore, there would be no on-site parking associated with the proposal. At my site visit I noted that on street parking was well used in the vicinity but that some space was available nearby. I also noted that despite the proximity of junctions, visibility was good in both directions. The Council refers to the site's Public Transport Accessibility Level as 2, meaning low to moderate access to public transport. It also noted the proximity of tube stations and bus routes so that there would be other options available from a practical point of view, apart from reliance upon private vehicles. Whilst not ideal, given the likely low demand for parking because of the small size of the

proposed dwelling, and the wider streetscene advantages of the proposal, I concur that the lack of on site parking would be acceptable in this instance.

## **Conclusion**

14. In summary, the proposal would provide a useful additional small dwelling in an area of acknowledged housing need and would result in an improvement to the streetscene compared to the current situation, including the addition of a hipped roof which the Council was keen to see included. In those respects, it would be consistent with the Council's Draft Local Plan 2019-2034 and particularly its vision for the Becontree Estate, part of which encourages sensitive sympathetic infill of underutilised sites to deliver new homes. For all these reasons the proposed development as revised, would improve the character and appearance of the area. It would therefore be in compliance with Policy D4 of the London Plan (2021), Policies CP2 and CP3 of the Council's Core Strategy (2010), Policies BP2 and BP11 of its Borough Wide Development Plan Policies Development Plan Document 2011 and the emerging Draft Local Plan, in that it would be a good design, constitute a sensitive infill, and would respect and reflect the character of the immediate area and the wider estate.
15. The Council has not suggested any conditions it would wish to see imposed in the event of permission being granted. In the absence of that I consider conditions for the development to be built in accordance with the approved plans and for matching materials, are necessary in the interests of certainty and visual amenity. A condition to restrict permitted development rights is necessary having regard to the tightly constrained nature of the site relative to adjoining properties, and to avoid any negative impacts arising in the streetscene from any inappropriate permitted development. Although I note from the officer's report that the Environmental Health Officer requested conditions relating to contaminated land, non-road mobile machinery and control of pollution, there is no evidence before me to suggest that such conditions are necessary.
16. Accordingly, the appeal is allowed and planning permission granted.

*Kim Bennett*

INSPECTOR