



Appeal Decision

Site Visit made on 9 March 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2021

Appeal Ref: APP/Z5060/W/20/3260510

33 Rowney Gardens, DAGENHAM, RM9 4PR

- 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 Alexander Juma against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/01397/FULL, dated 13 June 2020, was refused by notice dated 8 September 2020.
 - The development proposed is an additional house at the side of property and double storey extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 19th January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results show that the London Borough of Barking and Dagenham has delivered 57% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) would be engaged. The Council and appellant have had an opportunity to comment on the implications of this.
3. The description of development in the banner heading above omits some of the text from the description provided in the planning application form. The omitted text states that the proposal would provide accommodation for an elderly relative, and that the double storey extension has already been approved and as such does not describe acts of development.

Main Issues

4. The main issues in this appeal are the effect of the development on:
 - the living conditions of future occupiers, with particular reference to internal living standards
 - the effect of the proposed parking arrangements on both highway and pedestrian safety;
 - on the character and appearance of the area; and
 - the living conditions of existing occupiers, with regard to privacy and noise and disturbance.

Reasons

5. Policy D6 of the London Plan 2021 (LP) requires development to be of a high quality design and provide adequately sized rooms in accordance with the minimum internal floor areas and storage. The development is also required to comply with the Technical Housing Standards – Nationally Described Space Standards (NDSS), which states that a 2 bedroom dwelling is required to provide 70 sqm of internal space for 2 bedroom 3 persons.
6. The evidence before me indicates that the dwelling does not provide sufficient internal space to comply with this policy. In addition the dwelling provides less than the minimum cooking, eating and living areas and lacks sufficient storage space as required by Policy BP6 of the Planning for the future of Barking and Dagenham, Borough Wide Development Policies Development Plan Document (DPD). As a consequence, the dwelling would represent an oppressively confined form of residential accommodation, that would be significantly harmful to its occupants.
7. The proposed ground floor flat fails to comply with Policy BP6 of the DPD which states that each new dwelling should provide at least 1 double bedroom (2 bed spaces). The details provided within the NDSS states that in order to provide two bedspaces, a double (or twin bedroom) should have a floor area of at least 11.5sqm and one double (or twin bedroom) is at least 2.75m wide and the evidence before me indicates that both of the proposed bedrooms are only 11 sqm.
8. In addition, the proposed first floor flat also fails to provide sufficient storage as required by Policy BP6. As a consequence, the proposed flats would represent an unacceptable and restricted form of residential accommodation, that would be meaningfully injurious to its occupants.
9. In conclusion, the development fails to provide acceptable living conditions for future occupiers, with particular reference to internal living standards and is contrary to Policy D6 of the LP and BP6 of the DPD which seek to ensure that new dwellings provide adequate internal space.
10. The Council's decision notice also cites Policy BP5 of the DPD, which refers to the provision of appropriate external private and/or communal amenity space. However, the site is of a sufficient size to provide an adequate external amenity space for future residents and therefore I have not identified any conflict with this Policy and I note that this is not a matter of dispute between the parties.

Parking

11. The site does not currently benefit from any on-site parking and is reliant upon the parking available on the street, which is restricted to permit holders and requires vehicles to straddle the pavement. The site has a Public Transport Accessibility Level (PTAL) rating of 1a which indicates that the site has very poor access to public transport which would therefore increase the likelihood of the occupiers of the dwelling being reliant on the private car.
12. Policy T6.1 of the LP states that within Outer London PTAL 0-1 a maximum of 1.5 spaces per dwelling should be provided for 1 and 2 bed dwellings. The submitted plans indicate that 3 parking spaces could be provided within the front garden of the appeal site, however these could only be accessed via a

shared pedestrian walkway and it is unclear from the evidence provided or from my observations of the layout of the cul-de-sac whether these are achievable. In addition, the appellant's application form indicates that no car parking spaces were to be provided and therefore I have dealt with the appeal on this basis.

13. The proposal would result in an additional dwelling and therefore there would be an increase demand for parking on the street where opportunities for on-street parking are limited. Within Rowney Gardens on-street parking is provided within bays which partially straddle the pavement, with some properties benefitting from off-road parking which further limits the opportunities for on street parking.
14. Increased parking demand in instances of limited supply may lead to additional congestion as drivers seek parking spaces, or park illegally, which would be detrimental to highway safety. There is no evidence to suggest that such circumstances could be avoided by the appeal proposal. In particular no details have been provided to indicate how appropriate levels of cycle parking can be provided within the site, in accordance with policy T5 of the LP.
15. The lack of appropriate parking would lead to inappropriate parking within the vicinity of the site harmful to highway safety. I therefore conclude that the proposed development would have a potentially harmful impact on highway safety and would conflict with policies BR3, BR9 and BP8 of the DPD which seek to protect the residential amenity of existing occupiers from such activities as traffic movement, require developments to not result in excessive hard standing and parking areas and seek to ensure that car parking provision takes into account on-street parking availability and access and amenity impacts.
16. The development would also fail to accord with policies GG1, GG3, D3, T3 and T5 of the LP which seek to secure appropriate levels of cycle parking, support the capacity of bus networks, encourage and facilitate active travel, promote active and healthy lives and to ensure changes to the physical environment achieve an overall positive contribution to London. The development would also fail to accord with policy T6 of the LP which requires parking to be restricted in line with levels of existing public transport accessibility and connectivity.

Character and appearance

17. The appeal site is located within the Becontree Estate, which is noted within both policy CP2 of the Planning for the future of Barking and Dagenham Core Strategy (CS) and policy BP2 of the DPD as part of the areas rich local history, and is locally distinctive and historically important. Its significance is derived from its history as part of the Homes for Heroes initiative between 1921 and 1934 and was one of the largest municipal estates in the world at the time of its construction. The design of Rowney Gardens, described by the Council as a banjo, double banjo cul-de-sac, includes rows of terraces with a pair of semi-detached dwellings at right angles to the terrace at each end of the row.
18. The development comprises an extension to form an additional dwelling, attached to the end of 33 Rowney Gardens, with its own separate entrance and the provision of an additional access to the first floor flat.
19. The development has been designed to be subservient to the main building, in terms of ridge height and set back from the front elevation. The footprint of the

extension would be submissive to the original dwelling in terms of its width. The extension would be finished in matching materials and would maintain the proportions of its hipped roof.

20. I accept that the proposed extension would result in a loss of symmetry to the existing semi-detached pair, however the degree of subservience and the use of matching materials would add an element of cohesion and minimise the overall massing of the building. Therefore, I do not consider that the extension would result in a poor relationship with the existing building. As such I do not consider that the resultant development, despite its loss of symmetry, would be incongruous within the street scene.
21. Whilst the introduction of a side extension would reduce the extent of the gap which currently exists between the terrace and the semi-detached pair it would not detract from the overall symmetry which exists within the original layout of the estate. The current gap between the terrace and semi-detached pair is already visually compromised as a result of the roofs of the properties within Bromhall Road. These are visible from within Rowney Gardens and infill this gap.
22. The proposed rear extension includes a staggered roofline in order to protect the outlook from the neighbouring dwelling. This design is unusual, however the proposed rear extension would not be seen from public viewpoints. Moreover, I have nothing before me to convince me that the rear of the dwelling and those of the surrounding properties have any special merit and from what I observed at my visit, the rear of the buildings look unremarkable. Given this context, I consider that the appearance of the proposed extension would not be unduly at odds with its surroundings.
23. Therefore, the proposed development would not be detrimental to the significance of the non-designated asset which is derived from its historical context and the design and subservience of the proposed extension would enable the original form of the dwelling to still be able to be read in the context of the design of the estate.
24. I therefore conclude that the proposed development would not harm the character and appearance of the area. The development would comply with policies CP2 of the CS and BP2 of the DPD, which together seek to protect the historic environment and reinforce local distinctiveness. It would also accord with policy CM1 and CP3 of the CS and BP11 of the DPD which set out the general principles for development and promotes high quality design. It would also accord with policy D4 of the LP which also requires development to deliver good design.

Living conditions

25. The appeal property is located in a residential street, with other dwellings in close proximity to one another. The property is accessed via a shared footpath which runs between 32 and 33 Rowney Gardens and this is partially enclosed by existing landscaping.
26. I consider that the occupation of the two flats would remain akin to the level of activity that currently exists, despite the increased floor space provided. In this context I consider that the additional trip generation from the proposed dwelling would be modest and even in combination with the comings and

goings from the occupants of the proposed flats would not result in any undue increase in noise and disturbance to other residents. Moreover, I have not been presented with evidence to suggest a harmful level of noise and disturbance has resulted from the current occupation of the flats.

27. I therefore conclude that the appeal scheme would not harm the living conditions of the occupants of nearby properties, by virtue of increased noise and disturbance. The proposal would comply with policy BP8 of the DPD which requires development to ensure that existing and proposed occupiers are not exposed to unacceptable levels of noise during construction and occupation.

Other Matters

Land Ownership

28. The Council has indicated that the proposed development would encroach onto land in their ownership and the appellant accepts that this would be the case. However, I can see no reason why permission would negate or supersede any private legal rights relating to land ownership. Accordingly, issues relating to land ownership have not had any material bearing on my assessment of the planning issues in this appeal.

Amended Plans

29. As part of the appeal the appellant has requested that they have the opportunity to submit an amended proposal to address the concerns of the Council. However, whilst no amended plans were submitted with the appeal, Annex M of the Procedural Guide Appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

Housing Delivery

30. The 2020 HDT results show that the Council has underdelivered against its housing requirement over the latest 3-year period. Consequently the presumption in favour of sustainable development contained in the Framework is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
31. Considering the current shortfall, the provision of additional housing, noting its small scale, attracts modest weight. There would also be social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services.
32. Nevertheless, the identified adverse impacts of the development in respect of living conditions and lack of appropriate levels of parking provision are matters which attract significant weight and outweigh the benefits associated with the proposed development.

33. I have taken into account the appellant's wish to provide more suitable accommodation for their family. However, the personal circumstances set out within the evidence before me are not sufficient to outweigh the harm I have identified.
34. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict.

Conclusion

35. For the reasons outlined above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

