



Appeal Decision

Site Visit made on 16 February 2021 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2021

Appeal Ref: APP/Z5060/W/20/3260877

941 Green Lane, Dagenham RM8 1DJ

- 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 Mohan Singh (Bajwa Property Investments Limited) against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/01035/FULL, dated 30 April 2020, was refused by notice dated 25 June 2020.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Preliminary Matters

3. Planning permission has previously been granted for a single storey rear extension in the same location¹, however this has not yet been constructed and so it would be impossible for the proposed first floor extension to be constructed on its own. Therefore, the proposal has been considered as a two-storey extension.
4. Since the application was decided by the Council a new version of the draft Local Plan, for the Regulation 19 consultation, has been published in September 2020. The Council advise policies SP4, DM11, DM25 and DM16 in the draft Local Plan (2019) referred to in the decision letter are now superseded by policies DMD1, DMD6 and DMSI3. These new policies are however still draft and yet to be examined.
5. Also since the appeal was submitted a new London Plan was published on 2 March 2021 and so policies 3.5, 7.1, 7.4, 7.6 and 7.15 in The London Plan (2016) referred to in the decision letter are now superseded by policies GG1, GG3, D4 and D14, the draft versions of which were also referred to in the decision letter. Therefore, the appeal will be considered against these policies from the newly published London plan.

¹ 18/01859/FUL

Main Issues

6. The main issues in the appeal are:

- the effect of the proposed development on the character and appearance of the property, wider terrace and surrounding area,
- the effect of the proposed development on the living conditions of the occupiers of 941a Green Lane, in relation to outlook and noise, and the occupiers of 14 Fordyke Road, in relation to privacy.

Reasons for the Recommendation

Character and Appearance

7. The appeal site is occupied by a two-storey mid-terrace property with a commercial unit on the ground floor and living accommodation on the first floor, with further habitable accommodation in the roof. The property is located within a parade of shops along Green Lane, many of which have residential accommodation above and single storey extensions to the rear. The surrounding area is largely residential in nature with terraced rows.
8. The property currently has an unoccupied amenity area to the rear which adjoins a private access road between the properties on Green Lane and the rear of the properties on Fordyke Road. The proposal is, effectively, for a two-storey rear extension, within this area at the rear, with a garage and storage space on the ground floor and commercial space on the first floor.
9. Although the proposal may only be 1 metre greater in height than the rear extension at No.943, and 1.25m higher than the consented extension at the appeal site, it would be the only two-storey rear projection in the terrace. Due to its significant height and bulky appearance, it would be a dominant feature within the row which would appear incongruous amongst the other lower single storey extensions. This would be exacerbated by the piecemeal appearance of the differing roof heights, with a single storey section linking the existing dwelling and the proposed two-storey section. Although the proposal would have limited visibility from the Winifred Road, it would still be viewed by those using the private access to the rear of the site and also to the occupiers of the properties along Fordyke Road along with those within the terrace itself.
10. It is noted that the extension has been set back at first floor level and set in from the side boundary to minimise its visual impact, and would use materials which match the existing building. However, this would not sufficiently alleviate the harm to the character and appearance of the site and surrounding area which would result from the height and bulk of the proposed extension.
11. For the reasons above, the proposal would result in harm to the character and appearance of the site, wider terrace and surrounding area and would be contrary to Policy D4 of The London Plan (2021), Policy CP3 of the Core Strategy (2010) and Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (2011). These policies collectively seek to ensure high quality in relation to the design and layout of new development, having regard to the local character of the area.
12. Furthermore, the proposal would be contrary to emerging Policy DMD1 of the Draft Local Plan Regulation 19 Consultation Version (2020) which seeks high

quality design and requires new development to make a positive contribution to the character of the surrounding area. The proposal would also be contrary to the general design objectives within the National Planning Policy Framework.

Living Conditions

13. The first floor of the proposed extension would have two windows in the rear elevation which would face the rear of the properties along Fordyke Road, in particular No.14 which would be directly opposite these proposed windows. The appellant has claimed that there is an outbuilding in the rear garden of No.14, although this was not present during my site visit. Therefore, views into this neighbouring garden would be readily visible from these two proposed windows. However, as the proposed first floor is to be used as office space, and not habitable accommodation, these rear windows could be sufficiently obscurely glazed and fixed shut to prevent any overlooking. Therefore they would not result in a loss of privacy to the occupiers of No.14.
14. A single storey section with a depth of around 4 metres would separate the rear of No.941a Green Lane and the proposed two-storey section of the extension, and the first floor rear windows of this property would be at a similar height to the flat roof of the proposed extension. As such, views over the roof of the extension would be possible and the proposal would not directly block the outlook from the rear windows of this neighbouring property nor prevent light from reaching the rooms they serve. Therefore, the proposal would not have a harmful impact on the outlook experienced by the occupiers of No.941a when using the rooms to the rear.
15. The re-positioning of the living room within No.941a to the front of the property, adjacent to Green Lane, may result in some increase in noise experienced by the occupiers when using this room. However, although the road is well-used by vehicular traffic and pedestrians, the relocation of the living room would not result in a significant increase in disturbance, in what is an already built-up and busy location with some level of background noise already experienced by the occupiers.
16. Therefore, I conclude that the proposed development would not harm the living conditions of the occupiers of the surrounding dwellings and would not conflict with Policies BP8 and BP11, Policy D14 of The London Plan (2021) and Policy DMSI3 of the Draft Local Plan Regulation 19 Consultation Version (2020). These policies collectively seek to ensure that new development maintains residential amenity, does not lead to significant overlooking or overshadowing and would not have any significantly adverse noise impact on health and quality of life for the occupiers of any neighbouring property.
17. It would also, in this regard, not be contrary to emerging policy DMD1 which requires development to consider the impact on the amenity of neighbouring properties.
18. Although referenced within the decision notice, Policies GG1 and GG3 of The London Plan (2021) and Policy DMD6 of the Draft Local Plan Regulation 19 Consultation Version (2020) are not specifically relevant to this main issue.

Other Matters

19. The proposal may improve the site for the current business and make it more attractive for future occupiers, with better storage and ancillary facilities,

supporting economic development in the local area. However, although beneficial, these factors would not be sufficient to overcome the harm identified.

20. A similar development at No.125a Becontree Avenue has been brought to my attention. Although this is also located to the rear of a shop, the proposal was for a residential dwelling and the surrounding layout of development appears vastly different from the appeal site before me. Therefore, this development is not directly comparable to the appeal before me.

Conclusions and Recommendation

21. Although it has been found there would be no harm to the living conditions of neighbouring occupiers, it has been found that the proposal would result in harm to the character and appearance of the site and surrounding area. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

22. 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