
Appeal Decision

Site visit made on 18 February 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 April 2021.

Appeal Ref: APP/Z5060/W/20/3261332

Land rear of 20 Frizlands Lane, Dagenham RM10 7YH

- 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 Narinder Singh against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/01314/FULL, dated 12 June 2020, was refused by notice dated 17 September 2020.
 - The development is a proposed the erection of a two bed new built on rear of 20 Frizlands Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Local Authority's decision notice refers to several policies within the Draft Local Plan (Regulation 18 Consultation Version, November 2019). However, as the Draft Local Plan may be subject to further change, I only attach limited weight to these policies.
3. Policy D4 of the London Plan 2021 (LP) is unchanged from the Intend to Publish version, and has replaced the policies in the 2016 London Plan, both of which are referred to in the Council's decision.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 22 Frizlands Lane with regard to light, outlook and overbearing impact.

Reasons

5. The appeal site relates to the rear garden of a two-storey, semi-detached property with off-street parking on Frizlands Lane. The site is bordered to the west by an access drive and a terrace of dwellings on Sedgemoor Drive. The surrounding area is predominantly residential in nature with a parade of shops nearby on Oxlow Lane.
 6. The appeal proposal for a two-storey, detached dwelling would be constructed adjacent to the side boundary with the adjoining semi-detached property at 22 Frizlands Lane. The proximity of the new building to the rear elevation and amenity space of the neighbouring house, together with the mass and bulk of
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the scheme, would result in a harmful overbearing effect upon the rear amenity space of no. 22, and have an adverse loss of outlook from the rear windows of this residence.

7. The close relationship and general arrangement between the existing dwelling at 22 Frizlands Lane and proposed dwelling would also cause a loss of afternoon sunlight and daylight to the adjacent property. I do not consider that any soft landscaping or boundary treatments would overcome my concerns.
8. I note that the scheme would, amongst other things, result in the net gain of a two-bedroom dwelling and contribute to the Borough's Housing stock, provide satisfactory accommodation for future occupants, would be in keeping with other houses in the locale, and provide adequate off-street parking and cycling. However, the absence of harm relating to other matters is a neutral factor in my determination of this appeal, and does not outweigh the detriment I have identified above.
9. I therefore conclude that the proposal would result in harm to the living conditions of the occupiers of 22 Frizlands Lane with regard to light, outlook and overbearing impact. It would fail to meet the requirements of policies BP8 and BP11 of the London Borough of Barking and Dagenham Borough Wide Development Policies Development Plan Document March 2011 (DPD) and policy D4 of the LP, which require new development to protect residential amenity and prevent significant loss of light and outlook to surrounding properties. The proposal is also inconsistent with the advice in the National Planning Policy Framework which seeks to ensure safe and healthy living conditions.

Conclusion

10. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

C Hall

INSPECTOR