
Appeal Decision

Site visit made on 31 March 2021

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/Z5060/D/20/3264889

26 Lindsey Road, Dagenham, RM8 2RL

- 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 Mrs S Quddus against the decision of London Borough of Barking and Dagenham.
 - The application Ref 20/02011/HSE, dated 12 October 2020, was refused by notice dated 16 November 2020.
 - The development proposed is the erection of two storey side and rear extensions.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. Reference is made to the policies in the London Plan (March 2016) and the Draft London Plan Intended to Publish (December 2019). Since the appeal application was decided, the latest version of the London Plan 2021 has been published and is now part of the development plan for London. I have received no further information about the latest policies, but I consider that, in this case, I can rely on the policies of the adopted Core Strategy 2010, the Borough Wide Development Plan Document 2011, and the Residential Extensions and Alterations Supplementary Planning Document (SPD) (February 2012). This is because these accord, in relation to the issues in this case, with the approach of more general London policies and those of the National Planning Policies Framework (the Framework) referred to. Reference is also made to the Draft Local Plan (Regulation 19 Consultation Version, October 2020), but since this is at an early stage as an emerging development plan, I can afford it little weight, such that it will not materially affect my consideration of the appeal.

Main Issues

3. The main issues in the case are: i) the effect on the living conditions of neighbouring occupiers; and ii) the effect on the appearance of the house, the built form of the terrace and the character of the area.

Reasons

4. As the officer's report explains, the application site is part of the Becontree Estate, which was built as Homes for Heroes in the period 1921 to 1934 and at the time was the largest municipal estate in the world. It is part of the local history of the area and is referenced in policy CP2 of the Core Strategy as

forming an important symbol of the past. Policy BP2 of the Borough Wide DPD also refers to the heritage value of the Estate. However, the appeal property is not situated in a conservation area. Nevertheless, this background adds importance to considerations of the relationship of proposed development to its surroundings, with Policy DMD4 of the Local Plan recognising the importance of other heritage assets and the wider historic environment.

5. The appeal property is an end of terrace 2 storey dwelling on the southern side of Lindsey Road. As such, the rear garden faces south-east, contrary to the description in the officer's report. It is important to understand the scale of the proposals, since some dimensions mentioned in the officer's report appear to be a mis-reading of the plans. The back elevation of the proposed rear extensions is 3m from the rear of the existing dwelling, not 4.25m as reported. In addition, there appears to be a misunderstanding about the distance of the 2 storey rear extension to the boundary with No. 24 Lindsey Road; in fact that dimension is 2m. Because of the question about these dimensions, I carried a tape measure to the site visit and satisfied myself with regard to these dimensions.
6. However, at the front of the house, by eye, it appeared that the space between the flank wall and the boundary with the neighbouring property at No. 28 was insufficiently wide to accommodate the proposed side extension. I therefore measured this space. The red line on the Block Plan shows the appeal site boundary excludes the garage to No.28 and the access way to it. Whilst the drawing No. LRD-02 does not show the details of the adjacent property, there is a dot and dash line that represents the boundary between Nos.26 and 28.
7. However, this line, forward of the cut-back shown at the rear of the side extension, does not appear to indicate what is actually on the ground. The plan shows the dimension of 1.2m from the existing side wall of the appeal dwelling to the exterior of the flank wall of the proposed extension. Measurement on the ground shows that the flank wall of the extension would be on the property boundary, or very close to it. The note on the plan explains that a side access, to the rear of the appeal dwelling a minimum of 800mm, wide is allowed for, but there is no room within the application site for such an access.
8. As an 'access required site visit', with only the appellant present, this was not a matter that I could raise at my visit. I therefore arranged for the case officer to seek the views of the appellant's agent. The agent agreed that my comments were correct, stating "as indicated on our plan by the dot dash line is the notional boundary between properties and at the front is 1433mm at the front and with the extension being 2.2m wide it leaves 233mm¹. I come back to this point later.

The effect on the living conditions of neighbouring occupiers

9. Taking the elements of the appeal proposal one at a time, the officer's report finds no objection to the ground floor rear extension. I have no reason to disagree.
10. Turning to the first floor element of the rear extension, and assessing it on the basis of the correct dimension of rearward projection, I consider that the roof

¹ The plan clearly shows the width of the extension to be 1.200m, as referred to in paragraph 7 above. i.200m plus the 800mm 'side access' adds up to 2.00m. The 2.2m appears to be a typo for 1.2m, but the remaining 0.233m is insufficient for a side access.

element would be a significant addition, but since it is on the rear elevation, I do not regard it as of great importance in terms of 'unbalancing the roof symmetry' with No. 24 or the terrace in general. In addition, since it is proposed as a hipped roof, any detrimental effect on neighbours would be diminished. Bearing in mind the correct orientation, the roof and the first floor part of this element of the proposal will not have any appreciable effect in terms of overshadowing of No. 24, but it would have something of an overbearing effect on the private garden area of that property. Furthermore, because No. 28 is set across a road junction partly at an angle of 45° to No. 26, I also consider that there would be overbearing on that dwelling a degree.

The effect on the appearance of the house, the built form of the terrace and the character of the area

11. In respect of the 2 storey side extension, which is the element that has the greatest impact on the terrace and the area, I consider that it would be prominent in the street scene, partly because of the open nature of the layout at the junction of Lindsey Road and Fuller Road. Bearing that in mind, the slight forward projection that is a feature of both 20 and 26, 'bookending' the terrace is also important. The extended front elevation and roof would therefore be damaging to the simple unifying design of the terrace. Furthermore, the removal of the entrance door from the side to the front elevation would exacerbate the change in the appearance of the terrace. It would also be harmful to the appearance of the appeal dwelling itself. These matters have a particular importance because of the origins of the Becontree Estate, and its recognition as a local heritage asset.
12. Additionally I have concerns arising from the matter dealt with at paragraphs 6 to 8 above. As far as I can tell from the plans, my measurements and the agent's reply, the flank of the extension would sit on the site boundary. For end of terrace dwellings it is desirable to maintain an exterior access to the rear of the property. From the information before me there is no guarantee that this would be achieved. Irrespective of that, I consider that a 2 storey addition on the boundary would appear overbearing to No.28, particularly considering its relatively small and unusually shaped plot.

Conclusions

13. For the reasons that I have explained above, I find that the appeal proposals would have a harmful effect on the living conditions of neighbouring occupiers; and a damaging effect on the appearance of the house, the built form of the terrace and the character of the area. It would thus be contrary to Policies CP2 and CP3 of the LDF Core Strategy (July 2010), Policies BP2, BP8 and BP11 of the Borough Wide Development Plan Policies DPD (March 2011), and the SPD.
14. In reaching these conclusions, I have looked at the submitted photographs of other examples relied upon, and at my site visit I viewed Nos.59 and 75 Lindsey Road. I found none of these examples compelling in respect of the appellants arguments. No. 59 is within a more straightforward terrace, without terminal units at each end. That permitted scheme could be said to follow the advice in the SPD. No. 75 (not No. 79 mentioned in the representation) is again within a 'plain' terrace without end features. Here the first floor part of the extension has been set back from the frontage, and again could be said to follow the advice in the SPD. Neither case has the same characteristics as the appeal property; and in any event, each case should be judged on its own

merits and the planning authority's decisions do not set a precedent that I am required to follow.

15. For the reasons that I have set out above, I dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR