



Appeal Decision

Site Visit made on 8 June 2021

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021

Appeal Ref: APP/Z5060/W/20/3264608

141, Woodward Road, Dagenham, RM9 4ST

- 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 John Kilbey against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 20/01632/FULL, dated 11 August 2020, was refused by notice dated 5 October 2020.
 - The development proposed is one new one bedroom house at the vacant plot adjacent to 141 Woodward Road RM9 4ST.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged The London Plan -2021- (The New London Plan) has been published by the Mayor of London and is now part of the development plan. The policies within the London Plan -2016- are therefore no longer extant. The parties have had an opportunity to comment on the New London Plan in relation to the case during the appeal process.
3. I have taken this into account in my determination of the appeal. In so doing, I am satisfied that the appellant has had the opportunity to consider the provisions of the New London Plan and no-one's case is prejudiced by my taking them into account.
4. The London Borough of Barking and Dagenham's Draft Local Plan 2037 -2019- (the Draft Local Plan) has been published but has yet to be examined and found sound. Therefore, it attracts limited weight as a material consideration.
5. At the time of my site visit I was unable to gain access to the site. However, the site is a corner plot and I was able to see the site of the proposed dwelling from the roadside. Consequently I am satisfied that I have the information required to proceed in determining the appeal.

Main Issues

6. The main issues are the effect of the proposal on the character and appearance of the site and the surrounding area, which is a non-designated heritage asset, and the effect of the proposal on the living conditions of neighbours with particular reference to outlook and light.

Reasons

Character and appearance

7. The appeal site lies on the junction of Ellerton Road with Woodward Road and forms part of the garden of an end-of-terrace house, 141 Woodward Road (No 141), within the Becontree Estate. The Becontree Estate is an extensive area predominated by residential use and was built between 1921 and 1934 as part of the Homes for Heroes initiative following the First World War. In the vicinity of the site the dwellings are predominantly terraced and of two stories with simple hipped roofs, set back off the road behind moderate gardens and the area has a sense of spaciousness. At junctions the dwellings often feature side gardens, emphasising the feeling of spaciousness. Whilst some variation exists in terms of grouping of dwellings the area is typical of the wider estate.
8. Whilst the Becontree Estate is not designated a conservation area, the area retains a strong distinctive local character reflective of the part it played in delivering the aspirations of the Homes for Heroes initiative. This significance is recognised in Policy CP2 of the London Borough of Barking and Dagenham Local Development Framework Core Strategy -2010- (the Core Strategy) and Policy BP2 of the London Borough of Barking and Dagenham Local Development Framework Borough Wide Development Plan Policies -2011- (the DPP) which seek to protect the Borough's heritage assets including areas which are locally distinctive and historically important, specifically identifying the Becontree Estate as such. The retained authenticity of the area provides a degree of historical significance.
9. During my site visit I observed that end-of-terrace dwellings at junctions often feature main entrances on their side elevations. Whilst some dwellings have been altered in the past, the estate retains a high degree of its original layout and simple, unfussy approach to design, providing an authentic reflection of its original design concept. Overall the area is characterised by a feeling of spaciousness and homogeneity of design, producing a pleasing effect that contributes positively to the appearance of the area.
10. The proposal would introduce a new two storey dwelling house on the end of the existing terrace. The dwelling would incorporate some materials and design features reflective of those to be found nearby. However the main entrance to the No 141 and the proposed dwelling would, following development, be located on the front elevation, resulting in the loss of this original design feature. Further, the roof and side wall would be of segmented construction which would appear at odds with the simple design of side walls and hipped roofs found in the area.
11. The building would extend close to the back of the footway, reducing the sense of spaciousness which I have identified above as being an important characterising feature of the area. In this instance the loss of the original design feature of the door facing the side road, uncharacteristic appearance of the proposed dwelling and its reduction in spaciousness around the junction would amount to harm.

12. It has been brought to my attention that the plot of 141 Woodward Road has previously been subdivided to provide a new dwelling, approved at appeal¹. However, that development was not an extension of the terrace fronting Woodward Road and did not occupy a position on the radius of the junction. It therefore did not reduce the spaciousness around the junction to the degree that I have identified above and appears as an extension of the development on the eastern side of Ellerton Road, the building line of which it roughly follows. I do not, therefore, consider that that new dwelling is directly comparable to the proposal before me.
13. I therefore conclude that the proposal would result in harm to the character and appearance of the site and the surrounding area, which is a non-designated heritage asset. It would therefore be contrary to the aims of Policies D1 and D4 of The New London Plan, Policies CP2 and CP3 of the Core Strategy and Policies BP2, BP8 and BP11 of the DPP. This is because these policies, amongst other things, seek to ensure that development is of a high quality of design that respects and strengthens local character and history and provides a sense of place, protects and wherever possible enhances the Borough's historic environment, promotes understanding of and respect for local context, reinforces local distinctiveness and require development proposals to be of a high quality that respects and reflects historic context.
14. Although, for the above reasons, carrying limited weight the proposal would also be contrary to Policies SP4, DM11, DM14 and DM16 of the Draft Local Plan which have analogous aims.
15. For similar reasons the proposal would also be contrary to those parts of the National Planning Policy Framework -2019- (the Framework) which seek to achieve well-designed places and conserve and enhance the historic environment.
16. Whilst the Council's Decision Letter refers to the London Borough of Barking and Dagenham's Residential Extensions and Alterations Supplementary Planning Document 2012 this document refers to the design of extensions to existing properties, rather than new independent dwellings and so has no relevance to the case before me.

Living conditions

17. The adjacent property to the rear of the proposal site, 86 Ellerton Road (No 86) has a large dormer extension. This dormer contains clear glazed windows facing towards the proposal site.
18. The angular nature of the dormer and its lack of setback from the side of No 86 results in a three storey structure close to the boundary with the appeal site. Whilst I do not have sunlight studies before me, given the orientation of No 86 with regard to the rear garden of No 141 it is likely that the garden area of No 141 closest to No 86 would be in shadow for significant parts of the day.
19. Currently No 141 has access to a large garden, which would provide opportunities to avoid the overshadowing effect of No 86. Following development the areas of garden receiving direct sunlight would be reduced. However, the area closest to the rear of No 141, which would be likely to be that which is used most by the occupiers, would be likely to retain some

¹ Planning Inspectorate Ref APP/Z5060/W/17/3182043

sunlight for large parts of the day. Thus the occupiers of No 141 would not experience any great degree of harm from the proposal when using the amenity areas remaining to them.

20. Anyone standing close to the boundary with No 86, or at the rear windows of the No 141 or proposed dwelling would experience a sense of enclosure from the massing of No 86. Whilst the additional built form of the proposal would be experienced from within the retained part of the garden of No 141, due to the positioning of the proposed dwelling and its limited height, this would be unlikely to harmfully increase the sense of enclosure for persons in that area, whilst there would be no increase in the sense of enclosure when looking out of rear facing windows.
21. No 86 has no windows facing towards the site at ground or first floor level, whilst the rear slope of the proposal slopes up, away from No 86. Whilst persons in the side passage of No 86 closest to the proposal site would be aware of the increase in built form, they would be passing through the area and unlikely to spend any time there. The new building would thus not have a significant enclosing effect on occupiers of No 86.
22. I therefore find that the proposal would not result in harm to the living conditions of neighbours with particular reference to outlook and light. The proposal is, therefore in accord with Policy D4 of The New London Plan, Policy CP3 of the Core Strategy, and Policies BP8 and BP11 of the DPP in as much as, in regard to outlook and sunlight, these policies, amongst other things, seek to ensure that development is of a high quality of design that maintains residential amenity.
23. Although, for the above reasons, carrying limited weight, the proposal would also comply in this respect with Policies SP4, DM11, and DM16 of the Draft Local Plan which have corresponding aims.
24. For similar reasons the proposal would accord with those parts of the Framework which seek to achieve well-designed places.
25. Whilst the Council's Decision Letter refers to the London Borough of Barking and Dagenham's Residential Extensions and Alterations Supplementary Planning Document 2012 this document refers to the design of extensions to existing properties, rather than new independent dwellings and so has no relevance to the case before me.

Other Matters

26. Although the site does not lie within a Conservation Area, it forms part of the Becontree Estate which, as will be seen above, I consider as having historical significance. This historical significance should be taken into account in assessing the proposal.
27. Policies BP2 of the DPP and CP2 of the Core Strategy are consistent with paragraph 197 of the Framework which advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

28. I have explained above why I consider that the proposal would have a harmful effect on the character and appearance of the site and the immediate area which lies within the wider Becontree Estate. The proposal occupies a prominent position at a junction and thus the resultant harm would be significant given the remaining consistency of design of the Becontree Estate.
29. The proposal would provide benefits in the form of a new dwelling in a sustainable location to supplement existing housing stock, utilising previously developed land. Whilst the Government are seeking to significantly increase housing supply, the contribution made by a single additional dwelling would be limited. The Council are satisfied that the new house would provide satisfactory internal accommodation and external amenity space for future occupiers and I see no reason to disagree with this view.
30. The proposal would provide benefits in terms of short-term support to the local building industry and longer term support to shops and businesses by virtue of an increase in the local customer base. However, by virtue of the scale of the proposal these benefits would also be limited.
31. Taken overall the benefits accruing from the proposal do not outweigh the harm that I have found to the site and the area, with particular regard to its historic significance and so do not justify allowing the appeal contrary to the provisions of the development plan and the Framework when read as a whole.
32. Whilst on site my concerns were raised regarding overlooking of the windows of the proposal from the windows in the north-facing dormer of No 86. I note that the officer's report also raised such concerns although they were not specifically mentioned in the decision letter. However, as I am dismissing this proposal on other grounds, I have not considered this matter further.

Conclusion

33. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

I Dyer

INSPECTOR