



Appeal Decision

Site Visit made on 8 June 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/Z5060/D/21/3268168

89 Haydon Road, Dagenham, RM8 3RR

- 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 Ms Flavia Mujaj against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/02045/HSE, dated 15 October 2020, was refused by notice dated 30 November 2020.
 - The development proposed is described as 'double storey side and rear extension'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference is made in the Council's reasons for refusal 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. Therefore, the Council has clarified that the previous London Plan Policies, 7.1, 7.4 and 7.6, as referred to in the reasons for refusal, have been replaced by policies D1, D4 and D8. This appeal is therefore determined in accordance with the most recently adopted London Plan policies. The appellant was invited to make further representations on the London Plan (2021) but none have been received.
3. Reference is also made to the Draft Local Plan Regulation 19 Consultation Version 2020 (DLP), but since this is at an early stage as an emerging development plan, I can afford it little weight.
4. The appellant has provided a copy of a lawful development certificate for proposed development of a 'loft conversion involving the construction of a rear dormer, hip to gable roof and the installation of three front rooflights and a Juliette Style Balcony' at the host property. The certificate was granted by the Council on 22 July 2020, under application reference 20/01492/CLUP. The development as stipulated on the certificate is hereafter referred to as the 'fallback position'. In considering this appeal, I have taken into account the implications of the fallback position, as discussed further in relation to 'other considerations'.

Main Issues

5. The main issues are as follow:

- The effect of the proposed development upon the character and appearance of the host property and surrounding area.
- The effect of the proposed development upon the living conditions of the occupiers of No 91, with specific regard to outlook and access to natural light.

Reasons

Character and Appearance

6. The host property is a two-storey end-terraced dwelling. The existing dwelling has a fairly traditional design and incorporates a hipped roof. The neighbouring property at No 91 is part of a semi-detached pair of dwellings which occupy a corner plot on Haydon Road, adjacent to Baron Road. No 91 is angled such that its rear elevation directly overlooks the appeal site.
7. The appeal site is located within the Becontree Estate. The sub-text to DPD Policy BP2 confirms that the Becontree Estate was built by the then London County Council between 1921 and 1934. This part of the Becontree Estate comprises of predominantly two-storey terraced and semi-detached dwellings. This area is characterised by development which has a relatively uniform scale with a fairly compact and close-knit layout. Very few properties have been extended to the front or side and the block of terraced properties comprising the appeal site retains its original scale and layout when viewed from the front.
8. The proposed two-storey side extension would extend up to the boundary with No 91 and would erode the existing gap between the properties. This would have a harmful impact, as the gap currently provides an important separating function between the semi-detached neighbouring dwellings and the existing block of terraced dwellings. The proposed side extension would also result in an asymmetrical appearance when viewed in conjunction with the adjoining terraced properties. This would create a harmful visual impact, particularly when viewed from Haydon Road.
9. In addition, the proposed development incorporates a part two-storey rear extension. During my site visit, I noted that the neighbouring properties and the host property have tightly knit garden layouts. Although some neighbouring dwellings have been extended at single storey level, there were no two-storey rear extensions visible from the garden of the host property. The part-two storey rear extension would appear as a dominant feature of the host dwelling when viewed from neighbouring gardens. This would be at odds with the existing character of the area.
10. Whilst I acknowledge that the maximum height of the proposed rear extension is lower than that of the host property, the combined massing and scale of the side and rear extensions would not be subservient to the main dwelling. I also accept that there is some variation in materials and in the design of roof forms of properties in the surrounding area. However, it is the overall scale and bulk of the proposed development which creates the visual harm.

11. For these reasons, I conclude that the development would conflict with Core Strategy Policies CP2 and CP3, DPD Policies BP2 and BP11 and London Plan (2021) Policies D4 and D8. These policies collectively seek to ensure that development proposals have a high standard of design, having regard to the local character of the area, including the historic character of the Becontree Estate. I have not identified any conflict with London Plan (2021) Policy D1, as it relates to plan-making.
12. The proposal would also be contrary to emerging DLP policies SP2, DMD1, DMD4 and SPP6, which require new development to have a high quality design, be sympathetic to the design of the host property and make a positive contribution to the character of the surrounding area, including the historic character of the Becontree Estate.
13. The proposed development would also be at odds with the general design objectives of the National Planning Policy Framework ('the Framework') and the Residential Extensions and Alterations Supplementary Planning Document (SPD), the latter of which, in part, seeks to ensure the sympathetic design of side extensions located on corner plots.

Living conditions

14. With regard to the proposed rear extension, I note that the two-storey element would be slightly set back from the boundary with No 91. However, the rear elevation of No 91 and in particular the ground floor window closest to the appeal site, would face the two-storey element of the proposed rear extension. As a result, the development would dominate the outlook of occupiers of this neighbouring dwelling, creating a harmful overbearing impact. The set-back at two storey level would not be sufficient to mitigate this harm. I also consider that the side and rear extensions would visually dominate and have an enclosing effect on the primary rear garden area of No 91.
15. In addition, the proposed two-storey side extension would be in very close proximity to the first-floor window in the side elevation of No 91. Whilst offset slightly, the extension would be clearly visible from this neighbouring window and given its close proximity, would have a dominant and overbearing impact.
16. The reasons for refusal also state that the proposed development would result in a loss of light to the occupiers of No 91. However, I note that no technical evidence or analysis has been provided by the Council in this regard. The Council has not stated whether the reason for refusal relates to daylight or sunlight. I have therefore considered the effects of the proposed development on both.
17. During my site visit, I observed that the host property, as exists, creates some overshadowing of the rear garden of No 91. I consider that the close proximity of the proposed development would give rise to some additional loss of daylight and sunlight to the neighbouring garden. This would exacerbate the harm which I have already identified in relation to living conditions.
18. The proposed development would therefore be contrary to DPD policies BP8 and BP11, DLP Policy DMD6, the Council's SPD and the general design guidance in the Framework, which seek in part to ensure that development is not harmful to living conditions.

19. Core Strategy Policy CP3 and London Plan (2021) Policies D1, D4 and D8 are not relevant to this main issue.

Other Considerations

20. The appellant has submitted evidence pertaining to the fallback position. I accept that there is a reasonable prospect of the development under the fallback position being implemented. As such, I give this significant weight as a consideration.
21. I note that the fallback position includes a hipped roof to gable extension, which would be at odds with the prevailing roof form of the terraced block. Whilst the proposed development retains a hipped roof, it also includes a two-storey side extension and two-storey rear extension, neither of which are part of the fallback position. It is these two aspects of the proposed development which would result in the harm which I have identified. As such, I conclude that the proposed development is significantly more harmful than the fallback position and as such, this consideration does not outweigh the harm that the proposed development would cause.
22. The appellant has suggested that the proposed development would create more versatile and long-term living accommodation, which would significantly improve the quality of accommodation the property provides. I accept this. However, I do not consider that this benefit would outweigh the harm which the proposed development would cause.

Conclusion

23. The harm which I have identified, with regard to both main issues, is not outweighed by the benefits of the proposed development or any other matters raised. As such, I conclude that the appeal should be dismissed.

Luke Simpson

INSPECTOR