The Planning Inspectorate

Appeal Decision

Site visit made on 18 June 2021

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 JULY 2021

Appeal Ref: APP/Z5060/D/21/3269519
48 Portland Gardens, Chadwell Heath, RM6 5UJ

- 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 Rodrigo Souto against the decision of the Council of the London Borough of Barking and Dagenham.
- The application Ref 20/02152/HSE dated 30 October 2020, was refused by notice dated 1 December 2020.
- The development proposed is a garden shed/studio.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant states on the application form that the proposal is 'close to Permitted Development guidelines.' There is no substantive evidence before me to demonstrate that the development the subject of the appeal meets Permitted Development requirements.

3. A Certificate of Lawful Use[1] was recently received for an outbuilding at 48 Portland Gardens. This was for a different form of development to that the subject of this appeal.

4. The development the subject of this appeal appears partly complete and is referred to below as 'the development.'

5. The description of development above is taken from the application form. In the decision notice, the Council describes the development as 'Construction of an outbuilding including 2x4 ornamental props for front hip roof sunshade.'

Main Issues

6. The main issues in this case are the effect of the development on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers, with regards to outlook and daylight.

[1] Reference: 20/2508/CLUP.

Reasons

Character and appearance

7. The appeal property is a single storey semi-detached dwelling. It is located along Portland Gardens, in a residential area.

8. Housing in the immediate area is largely characterised by the presence of gable fronted semi-detached bungalows of similar appearance. Houses are set back from the road, behind a wide pavement, low garden walls, and short front gardens and/or parking areas. Dwellings have longer gardens to the rear.

9. These characteristics combine with the relatively low height of the houses and glimpses through to rear gardens to provide the area with green, open and spacious qualities.

10. During my site visit, I observed that the gardens to the rear of Portland Gardens back on to other rear gardens and that this adds notably to the area's green, open and spacious attributes. Whilst there are numerous outbuildings visible across the gardens to the rear of Portland Gardens, these tend to appear domestic in scale, subservient to host dwellings and in keeping with the garden setting.

11. The development the subject of this appeal is a large, wide and very tall structure. It stretches across the majority of the width of the property and its height appears particularly noticeable, to the point of appearing excessive, not least due to the generally low height of other outbuildings in the wider area and taking account of the fact that Portland Gardens is characterised by the presence of bungalows.

12. Due to its scale and especially, its height, the development draws attention to itself as an unduly dominant feature. It fails to appear subservient to the host dwelling but rather, stands out as a large, excessively tall and incongruous building, out of keeping with its garden setting.

13. Taking all of the above into account, I find that the development harms the character and appearance of the area and is contrary to the National Planning Policy Framework; to London Plan Policies 7.1, 7.4 and 7.6; to DPD[2] policies BP8 and BP11; to Core Strategy[3] Policy CP3; and to the Council's Residential Extensions and Alterations Supplementary Planning Document (2012), which together amongst other things, protect local character.

Living conditions

14. Dwellings along the same side of Portland Gardens as the appeal property look out to the rear over long gardens which themselves, adjoin other garden areas. As noted above, whilst there are numerous outbuildings visible across the gardens to the rear of Portland Gardens, these tend to appear subservient to dwellings and in keeping with their garden setting.

15. By way of contrast, the development appears as a prominent in its setting, drawing attention to itself as an unduly dominant structure of excessive scale,

[2] Reference: Barking and Dagenham Borough Wide Development Policies Development Plan Document (2011).
[3] Reference: Barking and Dagenham Core Strategy (2010).

to the point of appearing overbearing. As such, I find that the development conflicts with the green, open and spacious qualities more generally associated with the outlook to the rear of Portland Gardens and consequently, detracts from the outlook of neighbouring occupiers.

16. Whilst I also note that the height of the development would inevitably result in a degree of overshadowing, I find that this is not a factor that would result in any significant harm and there is no substantive evidence before me to the contrary.

17. Taking all of the above into account, I find that the development harms the living conditions of neighbouring occupiers with regards to outlook, contrary to the National Planning Policy Framework; to London Plan Policies 7.1, 7.4 and 7.6; to DPD policies BP8 and BP11; to Core Strategy Policy CP3; and to the Council's Residential Extensions and Alterations Supplementary Planning Document (2012), which together amongst other things, protect residential amenity.

Other Matters

18. In support of his case, the appellant considers that the development has no greater impact on local character than other developments. As noted above, I consider this not to be the case, but notwithstanding this, I have found that the development harms local character, thus leading to the decision below.

19. Also in support of his case, the appellant considers that the proposal comprises a high quality design that would result in environmental and biodiversity benefits. However, I find that when considered individually and together, these do not amount to something so significant as to mitigate the identified harm to local character and residential amenity.

Conclusion

20. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR