



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: 19 July 2021

Appeal Ref: APP/Z5060/W/21/3267687

121 Cornwallis Road, Dagenham RM9 5LJ

- 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 Agron Peka against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/02249/FULL, dated 15 November 2020, was refused by notice dated 19 January 2021.
 - The development proposed is construction of new two bed house to end of existing terrace including new crossover.
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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. The appellant and the Council were invited to provide further representations to the new London Plan Policies. The appellant responded and his submissions refer extensively to the new policies. The Council did not provide any further representations in the timescales which I requested. However, given that the draft policies are consistent with the adopted policies, I have considered those referred to in the reasons for refusal along with those referred to by the appellant.
3. The Government published the Housing Delivery Test: 2020 Measurement (HDT) on 19 January 2021. These figures show that, over the preceding three-year period, 57% of the Council's housing requirement was delivered. National Planning Policy Framework (the Framework) footnote 7, explains that in such circumstances, paragraph 11d of the Framework is engaged. I have considered the appeal on this basis and shall return to this matter below.
4. The appellant has also provided a copy of the Council's '*Interim Five-Year Housing Supply Statement: For the five-year period commencing 1st April 2019*', which states that the Council can demonstrate a 3.7 year supply of deliverable housing land. The Council has not disputed this figure and neither party has indicated there is any more up-to-date evidence. I have therefore considered the appeal on this basis.
5. The site is located within the wider Becontree Estate. The Becontree Estate is referred to in Planning for the Future of Barking and Dagenham Core Strategy

2010 (Core Strategy) Policy CP2 and Borough Wide Development Policies Development Management Document 2011 (DPD) Policy BP2, which seek to protect the historic environment. The appellant has referred to the Becontree Estate as a non-designated heritage asset. The Council refer to it as a 'non-heritage asset'. Within this context, I have considered whether the Becontree Estate constitutes a non-designated heritage asset within the terms of Framework paragraph 197.

6. The National Planning Practice Guidance makes clear that all non-designated heritage assets should be identified as such. However, the development plan policies do not refer to the Becontree Estate as a non-designated heritage asset, nor is it referred to in the Council's 'Local List'. Furthermore, DLP Policy SPP6 refers to the Becontree Estate separately to non-designated heritage assets. I acknowledge that non-designated heritage assets can be identified through the decision-making process. However, there is insufficient evidence before me to do so in this case. Therefore, whilst I have had regard to the historic importance of the Becontree Estate, based on the evidence before me, I do not consider it to constitute a non-designated heritage asset in the context of this appeal.
7. The appellant makes several brief references within their representations to 'starter homes'. It is not considered that there is any evidence that the proposed development would provide a starter home, within the context of the affordable housing definition contained within the Framework glossary. Indeed, the planning application form describes the proposed development as providing two market dwellings. In this regard, the proposed development is considered to result in a net increase of one market dwelling.

Main Issues

8. The main issues are:
 - The effect of the development upon the character and appearance of the appeal site and the surrounding area.
 - The effect of the development upon the Borough's family housing stock.

Reasons

Character and Appearance

9. The appeal site is located within the Becontree Estate. The surrounding area comprises mainly of terraced and semi-detached two-storey residential properties, which generally have consistent scale and massing, with some exceptions. Properties in the surrounding area have a fairly traditional appearance, given that they were mostly constructed during the 1930's and 1940's as part of the homes for heroes initiative, as cited in the representations and policies referred to by the Council.
10. The appeal site comprises an existing end-terraced dwelling at 121 Cornwallis Road, which has an existing single-storey side extension with a hipped roof. No 121 currently includes a garden to the rear and hard surfaced areas to the front and side of the property.
11. To the rear of the appeal site, is a cul-de-sac, also known as a 'Banjo'. Banjos are a key characteristic feature of development in the wider Becontree Estate.

They typically comprise of properties in a cul-de-sac layout, set back from the highway and only accessible via pedestrian access. They typically have a wide, relatively open frontage with the highway, allowing views in, providing visual assimilation with the surrounding area. I note that there are other examples of the Banjo layout nearby, off Maxey Road, Verney Road and Beverley Road.

12. At present, despite the existing single-storey side extension attached to No 121, there is currently a distinctive visual gap between this property and 95 Cornwallis Road. This gap facilitates pedestrian access into the Banjo and provides a visual link between the residential properties in the Banjo and the surrounding area.
13. The proposed development is for the erection of a two-storey dwelling, which would extend the existing row of terraced properties. Whilst the appearance of the terrace itself would not be harmed, the development would significantly erode the existing gap between the appeal site and No 95. This would be particularly noticeable when perceived from Carney Road, which is directly opposite the Banjo. The development would have an enclosing effect on the Banjo, such that it would no longer assimilate well with Cornwallis Road. As a result, the development would cause visual harm to the appearance of the Banjo, which I have found is a key characteristic feature of the layout of the wider Becontree Estate.
14. I accept that the removal of the single storey extension would improve the appearance of the terrace itself. However, this is not sufficient to outweigh the harmful impact that the development would have on this important gap. The appellant has referred to 96 Cornwallis Road, which occupies a corner plot, opposite the appeal site. This property has been extended at two storey level to the side. However, in contrast to No 96, the appeal site occupies an important visual gap and it is the harm to this gap which is unacceptable in this instance. This example is therefore not directly comparable to the proposal before me.
15. The appellant also refers to an appeal at 28A St Georges Way. I have not been provided with the appeal decision. Therefore, it is not clear under what circumstances that appeal was allowed. The aerial photograph provided by the appellant does however indicate that this site sits within a materially different context to the appeal site. Therefore, this consideration does not alter my findings.
16. For these reasons, I conclude that the development would cause unacceptable harm to the character and appearance of the area. This would conflict with Core Strategy Policies CP2, CM1 and CP3, DPD Policies BP2 and BP11 and London Plan (2021) Policy D4. 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.
17. In terms of emerging policies, the proposal would also be contrary to emerging DLP policies SP2, SP3, 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. It would also conflict with the emerging Supplementary Planning Document (SPD), which states in part that new housing development should respond to existing

character. However, these can be given little weight, given their early status in the plan-making process.

18. The Residential Extensions and Alterations SPD, referred to in the reason for refusal, does not apply to the construction of new dwellings.

Effect on the Borough's housing stock

19. The Council's concern is that the development would result in the loss of a family dwelling, which they suggest is a form of housing the development plan policies seek to protect from conversion.
20. The Council's Officer Report refers to the London Strategic Housing Market Assessment (SHMA), which formed the evidence base to the previous London Plan. However, a copy of this version of the SHMA has not been provided. The Council outlines that this version of the SHMA recognises that new developments are failing to provide enough family sized homes for London's growing population. However, a more recent version of the SHMA was published in 2017. This shows that between 2016 and 2041, 71% of the net annualised requirement for new homes comprises one and two-bedroom dwellings.
21. Having taken this evidence into account, whilst I recognise that there is a need for family homes, as reflected in London Plan Policy H8, I consider that there is also a demonstrable need for smaller homes within the Borough. Furthermore, Table 14 of the 2017 SHMA, shows that, of the gross projected housing requirement for households with children to 2041, 43% comprise one and two-bedroom dwellings. Therefore, it is reasonable to conclude that smaller dwellings can also contribute significantly to the provision of family housing stock. Within this context, it is necessary to consider the facts of any particular case, including the type of dwelling proposed, when determining the impact of a proposal on family housing stock.
22. The appellant has provided copies of numerous appeal decisions in the Borough in respect of conversions of existing houses to flats and houses in multiple occupation, almost all of which were dismissed. In most of these cases the Council relied in part upon DPD Policy BC4. Notably, this policy is not referred to by the Council in the case of the proposed development. In this case the development would provide two two-storey dwellings with outdoor amenity space, which I consider would be more suitable for small families than the houses in multiple occupation and flats referred to in the appeal decisions provided by the appellant.
23. The Council's reason for refusal refers to London Plan Policy H8, which relates in part to the loss of existing housing and the need to replace it with equivalent sized dwellings. However, in this instance, whilst there would be a reduction in the number of bedrooms provided, the existing dwelling would not be lost. In this regard, I do not consider there to be any conflict with this policy. London Plan Policy H10 part 9 recognises the need for additional family housing. However, importantly, it also emphasises the role of one and two-bedroom dwellings in freeing up existing family housing, through provision of smaller homes for those wishing to downsize. I therefore consider that Policy H10 is supportive of the proposed development, given that both the existing unit and the proposed unit would assist in freeing up existing family housing elsewhere.

24. London Plan Policy H2, insofar as it relates to this main issue, outlines that Boroughs should support the development of small sites, in part to diversify the mix of housing supply. The development would provide two dwellings, which would contribute to the mix of housing supply in the Borough. As such, there would be no conflict with this policy insofar as it relates to this main issue. For the same reason, there would be no conflict with London Plan Policy GG2 which seeks to ensure that development creates mixed and inclusive communities.
25. None of the other adopted development plan policies, referred to in the reason for refusal, specifically address the need to retain larger 'family' dwellings in preference to the provision of smaller dwellings. DPD Policy BP6 is not directly relevant to this main issue, as it relates to internal space standards. DPD Policy BP10 relates to housing density as opposed to dwelling sizes. Core Strategy Policy CM1 is only relevant insofar as it requires that development meets the needs of new and existing communities. Core Strategy Policy CM2 refers to maximising density and utilising underused previously developed land. London Plan Policy H9 refers to the existing use of housing stock and none of the criteria apply to the proposed development.
26. In terms of emerging policies, DLP Policy DMH4 states that the Council is seeking to preserve and increase the stock of family housing in the borough. The policy outlines that proposals for conversions or loss of existing family housing, with three bedrooms or more, will be resisted. However, the policy relates to 'purpose-built shared housing and houses in multiple occupation'. Therefore, it is not clear that it is relevant to the type of development currently proposed. Furthermore, this policy can only be afforded limited weight.
27. Emerging DLP Policy SP3 seeks to ensure that development does not undermine the supply of self-contained housing, in particular family homes. The proposed development would provide self-contained housing. Therefore, I do not consider that Policy SP3 is so prescriptive that it precludes the type of development proposed in this instance. As such, notwithstanding the limited weight that can be given to the policy, the development would not conflict with it in any event.
28. In summary, the proposed development would not conflict with any of the adopted development plan policies cited in the reason for refusal and considered above. There would be some conflict with emerging DLP Policy DMH4. However, this policy can be afforded little weight given the early stage of the DLP. Furthermore, the evidence provided by the appellant demonstrates that there is a need for smaller homes within the Borough. In this particular case, two two-storey dwellings would be provided, which I consider would provide the opportunity to free up the equivalent number of family dwellings elsewhere in the Borough, as reflected in London Plan Policy H10. I therefore find no harm in relation to this main issue.

Other Matters and Planning Balance

29. Given that there are no relevant Framework policies which direct refusal within the terms of Framework paragraph 11d(i), Paragraph 11d(ii) is engaged. As such, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

30. I have already identified the adverse impacts of the development with regard to the harm to the character and appearance of the surrounding area. In this regard the development would be contrary to Framework Paragraph 127(c), which seeks to ensure that developments are sympathetic to local character and history. It is acknowledged that Framework Paragraph 127(c) states that decisions should not prevent or discourage appropriate innovation or change. However, in this case, I do not consider that the proposed development, which extends an existing block of terraced properties, represents appropriate innovation or change.

Benefits

31. The development would provide a net increase of one dwelling. This would provide some limited social and economic benefits in terms of helping to meet local housing needs but also supporting the local economy. I have had regard to the results of the HDT and the shortfall in the Council's housing land supply. Nevertheless, one dwelling would have a very limited impact on housing supply and delivery and thus I have only given these benefits moderate weight.
32. There would also be social and economic benefits associated with the construction of the development. This would be consistent with the aims of the 'economic objective' set out at Framework paragraph 8. The appellant refers to the increased importance of these benefits in the context of the Covid-19 pandemic. I consider that these benefits can be given some weight, albeit they would be small in scale and temporary in nature.
33. I recognise that there is a need for smaller homes in the Borough. In this context, the provision of smaller homes is a benefit of the development, albeit one larger home would be reduced in size in the process. I therefore only attribute moderate weight to this benefit.
34. I also recognise that small sites can contribute towards meeting housing needs, as reflected at Framework Paragraph 68. However, the fact that the site itself is small is not a benefit of the development and this is a neutral factor.
35. The appellant makes reference to the site being underutilised. However, the site currently comprises of an existing single-storey side extension and a reasonably sized and proportionate outdoor space associated with the existing dwelling. As such, the site is not underutilised and this is a neutral factor.
36. As all development is expected to take place in sustainable and accessible locations, the location of the development does not constitute a particular benefit of the proposal. I consider this to be a neutral factor.
37. The appellant has highlighted that the proposed development would result in contributions through the Community Infrastructure Levy. However, these contributions are required in order to provide sufficient infrastructure to support new development and as such, they are a neutral factor.

Balance

38. The proposed development would result in significant harm with regard to the adverse visual impact upon the character and appearance of the appeal site and surrounding area. The adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against

the framework as a whole. Therefore, the presumption in favour of sustainable development does not apply in this case.

39. Whilst I have found no harm in relation to the effect of the development upon the stock of family homes within the Borough, this does not outweigh the harm which I have identified in relation to character and appearance. I therefore conclude that the proposed development would conflict with the adopted development plan when taken as a whole.
40. I consider that Core Strategy policies CP2, CM1 and CP3, DPD Policies BP2 and BP11 and London Plan (2021) Policy D4 can be afforded substantial weight, even in the context of the HDT and an HLS shortfall. This is because residential development in the Borough is capable of according with these policies without there being a significant constraining effect on the supply of housing. Furthermore, the aims of these policies are consistent with Framework paragraph 122, which states in part that planning decisions should take into account the desirability of maintaining an area's prevailing character.
41. There are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.

Conclusion

42. For the reasons given above, I conclude that the appeal should be dismissed.

Luke Simpson

INSPECTOR