



Appeal Decision

Site visit made on 29 June 2021

by Cullum J A Parker BA(Hons) MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 21 July 2021

Appeal Ref: APP/Z5060/D/21/3270839

163 Bromhall Road, Dagenham, RM9 4PJ

- 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 Ashwinkoomarsing Balluck against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 21/00033/HSE, dated 11 January 2021, was refused by notice dated 2 March 2021.
 - The development proposed is described as 'proposed new garage'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area, and;
 - The effect of the proposed development on the living conditions of neighbouring occupiers with specific regard to outlook and daylight.

Reasons

Character and appearance

3. The appeal site is located within a residential area of Dagenham and within the Becontree Estate. It comprises an end of terrace dwelling with an area of hardstanding to the side of the front elevation area. To the south east of the appeal site (as shown on drawing 170904 L 011 labelled 'Site Plan') is No. 264 Rugby Road: located on a corner plot. I saw during my site inspection that the Site Plan drawing does not appear to show a two-storey extension at 264 with a small courtyard area and windows in its rear elevation facing the proposal site. There is also a single storey rear extension at No. 264¹.
4. Along the terrace on Bromhall Road, the street scene is characterised by a row of terrace dwellings with front garden areas with small areas given over to parking. The proposal seeks the erection of a single storey flat roofed garage with roller door and separate entrance door with access parallel to the highway rather than facing it.

¹ These are shown on in the photos on Page 7 of the Appellant's Appeal Statement.

5. The garage would be a new feature within this part of the street scene and at odds with the prevailing pattern of development. Not only would the garage project forward of the building line on Bromhall Road, but it would result in the creation of a bland rendered wall almost adjoining the rear of the pavement at single storey height which would detract from the generally open character of this part of the street scene.
6. I note the observations made by the Appellant in terms of the two-storey extension at No 264 Rugby Road essentially 'breaching' the building line on Bromhall Road. However, that extension is seen within the context of a corner plot and within the wider street scene at Rugby Road, whereas the detached garage in this case will appear as an odd and unrelated projection forward of the building line of Bromhall Road where, in the main, it would be appreciated within the context of.
7. Accordingly, I find that the proposal would have an adverse impact on the character and appearance of the area. It would therefore conflict with Policies BP2 and BP11 of the *Borough-wide Development Policies Development Plan Document 2011* (BWDPDPD), and Policies CP2 and CP3 of the *Core Strategy 2010* (CS) and Policies HC1 and D4 of the *London Plan 2021* (LP), as supported by the Residential extensions and alterations SPD 2012; which amongst other aims seek to protect or enhance the character and amenity of the area.
8. It would also conflict with Paragraph 130 of the *National Planning Policy Framework* July 2021 (the Framework) an important material consideration, which indicates that planning decisions should ensure that developments add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Living conditions

9. The proposed garage would be located in close proximity to windows serving 264 Rugby Road. It would also be located almost directly to the rear garden space at Number 264. The omission of nearby buildings on the block, site and floor plans makes an assessment of the potential impact harder, but not impossible.
10. It is clear from the submitted drawings that the proposed garage is likely to project above the existing close boarded fencing and drawing 170904 L 014 indicates that the garage roof would be roughly in line with the top of ground floor windows at the nearby buildings, as shown on the 'proposed side elevation' drawing. Given the height of the proposal and its close proximity to the rear amenity areas serving No 264, the proposal is likely to result in a harmful loss of outlook, daylight and an increased sense of overbearingness for occupiers of adjoining dwellings.
11. Accordingly, the proposal would conflict with Policies BP8 of the BWDPDPD, CP3 of the CS and D4 of the LP, which amongst other aims seek to ensure that developments have regard to protecting residential amenity by having regard to the local character of the area and not lead to significant loss of outlook or daylight. It would also conflict with Paragraph 130 of the Framework which sets out that planning decision should create places which promote health and wellbeing, with a high standard of amenity for existing and future users.

Other Matters

12. My attention has been drawn to an example at 38 Rothwell Road together with caselaw referring to consistency in planning decision-making. However, the context of that site – where the approved garage backs onto an open parking area and without a similar relationship to adjoining dwellings as that found at the appeal site in relation to Rugby Road. I do not find that this provides justification for the appeal proposal which I have considered on its own merits.
13. The Appellant has also highlighted concerns over crime in the locality following a theft as set out in Appendix 1 of their statement. I am mindful that Paragraph 130 f) of the Framework sets out that planning decision should create places that area safe and where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
14. However, it is unclear as to what other measures have been considered which might be undertaken by the Appellant in order to achieve a similar outcome without the harm identified arising from the proposed scheme. I do not, therefore, find that this provides justification for the harm in this case.

Conclusion

15. The proposed development would conflict with the policies of the adopted development plan when considered as a whole and there are no material considerations that indicate a decision otherwise than in accordance with it.
16. For the reasons given above I conclude that the appeal should be dismissed.

C J A Parker

INSPECTOR