



Appeal Decision

Site visit made on 8 July 2021

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2021

Appeal Ref: APP/Z5060/D/21/3272004 158 Blake Avenue, Barking, IG11 9SD.

- 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. Wendy Hoppie against the decision of the London Borough of Barking and Dagenham Council.
 - The application 21/00233/HSE, dated 9 February 2021, was refused by notice dated 12 March 2021.
 - The development proposed is first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant, in submitting her appeal statement, included drawings of alternative proposed elevations incorporating obscure glazing in the south east elevation and adjustments to it and the south west elevation that would prevent operation of the balcony at first floor level by changing a proposed glazed door into a window. Although further neighbour consultation has not been carried out on this amendment, having viewed the revised plan, I consider this would be a minor amendment to the application as originally submitted and the interests of third parties would not be prejudiced as a result of the change. Accordingly, I have taken this amendment into account in my determination.
3. In the period since the appeal was submitted the Government has published the revised *National Planning Policy Framework* (the Framework) July 2021 which is being brought into immediate effect for the purposes of decision-making. I have considered the appeal in the light of the revised Framework but am satisfied that none of the amendments to the Framework raise issues relevant to the appeal and importantly none has brought me to any different conclusion on the appeal.

Main Issues

4. The main issues are whether there would be a detrimental effect on:
 - the character and appearance of the host dwelling and surrounding area; and
 - the living conditions of present and future occupants of neighbouring properties particularly No 160 Blake Avenue as a result of overlooking, loss of privacy and loss of sunlight.

Reasons

Character and Appearance

5. The appeal site is located on the south side of Blake Avenue on a small cul-de-sac

off the Avenue with two storey houses finished in render and tile arranged around a grassed central space. No 158 occupies a larger corner plot in the southern corner and is the last house in a short terrace of 3 houses. The terrace has been designed with symmetrical detailing across the 3 houses with the two end houses having a prominent gable feature facing the street and a catslide roof detail over the entrance. The middle house has a slightly raised central roof detail between the two chimney stacks. The whole represents a pleasing, symmetrical frontage facing the central green space.

6. No 158 has seen a number of extensions already with a rear lean-to, single storey extension at the north-western end of the property and a large, flat roofed single storey extension wrapping around the southern corner of the property. The appeal proposal would see this extended to construct a full first floor with a pitched roof around the edges and a central flat roof section.
7. I acknowledge that No 158 is a large corner plot and physically would accommodate the development and that ordinarily a pitched roof would be an improvement on the existing flat roof. However, in this case the scale of the first floor extension together with the existing extensions would, cumulatively, be disproportionate to the original dwelling. Given the positioning, the bulk and mass of the first floor extension would dominate and unbalance the design of the house and would not be complementary to its character. Moreover, the part flat/part pitched roof form and the two storey rear extension would be at odds with the prevailing development pattern in the cul-de-sac and Blake Avenue where generally rear extensions are single storey and roof forms are pitched in either hipped or gabled designs.
8. It has been put to me that the first floor extension being to the rear would not be visible from the street. However, from my examination on the site visit this is not the case. Although admittedly it would be set back from the frontage, the height and mass of the extension would be clearly visible in the gap between No 158 and 160 in which it would appear as an asymmetrical addition, out of keeping with the terrace at Nos 154-158 and contributing to a loss of openness between the terraces which is a characteristic feature of the cul-de-sac.
9. The Framework at paragraph 130 (previously para. 127) requires that developments must be visually attractive and sympathetic to local character to create high quality buildings and spaces amongst other things and in these respects the proposal fails. The *Barking and Dagenham Local Development Framework – Core Strategy (CS)* at Policy CP3 and the *Borough Wide Development Policies (BWDP)* at Policies BP8 and BP11 reflect the Framework in requiring development to achieve a high quality built environment and have regard to the character and amenity of the area.
10. It has been put to me that the adopted development plan policies are out of date. However, the Framework at paragraph 219 (previously para. 213) states that due weight should be given to policies according to their consistency with the Framework. I am satisfied that the adopted policies remain consistent with the Framework in their general intent. Moreover, these policy objectives are reflected in both the adopted *London Plan 2021 (LP)* at Policy D3 and the emerging *London Borough of Barking and Dagenham Local Plan 2037 (Regulation 19 Consultation Version)* (BDLP) in Policies SP2 and DMD1.
11. For the reasons above, the design objectives of adopted BWDP Policies CP3, BP8 and BP11, LP Policy D3 and the emerging policies of the BDLP would not be achieved by this proposal and it would be unacceptable in terms of the impacts on

the character and appearance of No 158 and of the surroundings on Blake Avenue and particularly the cul-de-sac and the terrace at Nos 154-158.

Living Conditions

12. The first floor extension would sit at an angle to No 160 Blake Avenue as the two houses are positioned at right angles to each other. Although proximity is not therefore a significant issue, the plans as submitted propose a large balcony on the southern corner of the extension which would have overlooked a large section of the garden to No 160 and its conservatory. The appellant, as referred to above, has submitted a revised plan that proposes an amended design where the access door to this balcony and guard railings would be removed and a secondary window to the bedroom would be obscure glazed. Although technically this would remove the potential for overlooking, the structure of the balcony would remain and, if I were to allow the appeal, a condition would be necessary to prevent the use of the indented flat roof area as a balcony and outdoor amenity space.
13. The first floor extension would sit south west and west of No 160 and, notwithstanding the Council's view regarding sunlight, it is likely therefore that there would be some loss of sunlight to part of the garden of No 160 particularly when afternoon sun is lower in the west in the winter.
14. As such the proposal would not be in accordance with Policies BP8 and BP11 of the BWDP which seeks to maintain residential amenity.
15. Even if I were to conclude that the impact on living conditions would be acceptable with the revised plans as the basis for the development, this would not outweigh the harm to the character and appearance of the property and its surroundings.

Other Matters

16. I understand the appellant's wish to make sustainable and effective use of housing land by the proposed first floor extension, an objective which is encouraged by the Framework in Section 11 and LP Policy D3. I acknowledge that this policy objective makes the principle of the development acceptable. However, paragraph 124 (previously para. 122) in the same section of the Framework and LP Policy D3 both state that this should not be at the expense of an area's character and setting. Sustainable and effective use of the dwelling would not therefore outweigh the harm to the character and appearance of the host dwelling as a result of the proposal.
17. It has been put to me that Policy BC4 of the BWDP is also relevant in that it and its supporting text refer to the need for larger family housing within the Borough. I have also been referred to an appeal decision APP/Z5060/D/20/3262159. Both the Policy and the appeal actually relate to the loss of family-sized housing through conversion, although I accept that the supporting text to the policy and the appeal decision do underline the need for larger family housing in the Borough. However, it is clear from the planning policies at both London and Borough level that, as above, although increasing density and optimising use of housing land will generally be supported, this is not at any cost and character and amenity remain important considerations and should not be adversely affected by development proposals.
18. Finally, I have been invited to conclude that, in accordance with LP Policy D6, the fact that the proposal would provide additional private amenity space for the appellant is a material consideration. However, as the revised plans would remove the balcony from use to ensure that there is no overlooking to No 160, I can attach no weight to this as a benefit of the proposal.

Conclusion

19. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR