



Appeal Decision

Site Visit made on 12 July 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/Z5060/W/20/3265198

169 Hardie Road, Dagenham RM10 7BT

- 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 Artur Meshi against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/01116/FULL, dated 16 May 2020, was refused by notice dated 5 October 2020.
 - The development proposed is described as 'erection of 1x2 bed new dwelling house'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, a revised version of the National Planning Policy Framework (the Framework) was published. The main parties were given the opportunity to comment on the relevance of this to the appeal. I have had regard to any comments received and the revised Framework in my decision.
3. The London Plan March 2021 (the LP) was published subsequent to the submission of the appeal. The Council were asked to provide copies of the relevant London Plan policies with their appeal documents. The appellant was advised of this request. When the Council provided copies of the policies, they acknowledged the publication of the 2021 iteration. Insofar as relevant to this appeal, the adopted policies are the same as the versions listed in the Council's decision notice. The appellant had the opportunity to comment on those as part of their statement. I have proceeded on this basis, accordingly referring to the 2021 London Plan.
4. The reasons for refusal also contain reference to policies within the Barking and Dagenham Draft Local Plan (the DLP). However, as the DLP has not been formally adopted and may be subject to further change, in accordance with paragraph 48 of the Framework, I only attach limited weight to these policies.

Main Issues

5. The main issues are the effect of the development proposed on the character and appearance of the area, and on the living conditions of future occupiers of the dwelling, having particular regard to internal living space.

Reasons

Character and Appearance

6. The appeal site relates to a two storey dwelling, which is positioned at the end of a terrace of three properties and is located on Hardie Road. The surrounding area is predominantly residential comprising mainly terraced and semi-detached dwellings. The site includes a driveway to the front and a garden to the side and rear. In terms of its overall form and design the existing property, including its hipped roof and rendered finish, is typical of surrounding built form. The front of the property faces a public footpath and an area of public space, beyond which is the junction of Hardie Road, Central Park Avenue and Dagenham Road. The existing property therefore occupies a prominent position within the street scene.
7. During my site visit I observed that properties in the surrounding area are generally set back from the pavement with boundary fences and/or planting, giving the area a characteristically open feel. The side elevation of the existing property is set back from Hardie Road which gives a spacious character to the plot and forms a notable break in the street scene. The gaps between either end of the terrace and the public highway are broadly similar, such that the terrace has a symmetrical appearance viewed from the front.
8. The side of the proposed dwelling would be positioned much closer to the public highway which would significantly reduce the gap which currently exists between the side of the building and the boundary with Hardie Road. That would have an unbalancing effect on the terrace as a whole. Furthermore, the proposal would project forward of the front building line of the terraced row immediately to the rear (north-east), which would create an unsympathetic visual relationship with those neighbouring properties. The proposal would create an uncharacteristic sense of enclosure within the street scene which would not reflect the prevailing open and spacious character of the area. Although I accept that the design of the proposal is reflective of neighbouring properties, due to its siting, scale and massing, the proposal would not integrate well into the street scene and would appear as a prominent and discordant feature.
9. The appellant states that the land to which this appeal relates makes a poor contribution to the character of the area. However, I have found that it provides a valuable break in the street scene, which, in my view, it is reasonable to accord appropriate protection to. I note that a nearby property on the corner of Central Park Avenue and Dagenham Road appears to have been extended to the side, such that its side elevation is close to the public highway. However, the scale and design of that development and its relationship to the street scene are not directly comparable to the proposal before me, which I have assessed on its own merits.
10. Accordingly, I conclude that the proposal would cause significant harm to the character and appearance of the area. As such, it would conflict with Policy D4 of the London Plan 2021 and Policy BP11 of the Planning for the future of Barking and Dagenham, Borough Wide Development Policies Development Plan Document 2011 (DPD), which, amongst other things, seek to ensure that development is of a high standard of design and protects local character. The proposal would also conflict with paragraph 130 (previously paragraph 127) of the Framework which, amongst other things, requires development to be sympathetic to local character and history, including the surrounding built environment.

Living conditions

11. The proposed dwelling would be a 2 bed, 3 person unit which would provide accommodation over two floors with a living room, kitchen and WC at ground floor and two bedrooms (a double and a single) and a bathroom at first floor level. Policy D6 of the LP and the Technical housing standards – nationally described space standard March 2015 (NDSS) require that a 2 bed, 3 person unit achieves a minimum gross internal area of 70 sq.m, with an additional 2 sq.m of built-in storage. Based on the evidence before me, the proposed dwelling would provide an overall floor area of 65 sq.m, which is 5 sq.m below the minimum requirement. The plans indicate storage under the stairs, however, this would not amount to 2 sq.m.
12. I acknowledge that the two bedrooms would meet the minimum floor area standards set out in Policy D6 of the LP and the NDSS. I also note that the size of the living room and kitchen would meet the requirements of BP6 of the DPD. However, Policy D6 of the LP is the more recent policy to which I give greater weight.
13. The proposal would therefore fail to comply with Policy D6 of the LP and the NDSS in terms of overall minimum floor area and amount of built-in storage for a dwelling of its type. The identified shortfall would not be insignificant in the context of a dwelling of this size. The proposed internal space would not be sufficient to meet the day to day needs of future residents and would create an oppressive and confined form of development. I accept that the proposed accommodation would be acceptable in terms of outlook, natural light and provision of private outdoor amenity space. However, that does not justify a harmful effect arising from insufficient internal living space.
14. I therefore find that the proposed dwelling would not provide adequate living conditions for future occupiers due to insufficient internal living space. The proposal would therefore be contrary to Policy D6 of the London Plan 2021 which, amongst other things, seeks to ensure that development is of high quality design which provides adequate internal space. It would also be contrary to paragraph 130 of the Framework, where it requires development to provide a high standard of amenity for existing and future users.

Other Matters

15. The development would make a useful contribution towards the housing needs of the Borough. It would also have economic benefits through the creation of employment opportunities during the construction phase of the development and spending in the local area by future occupiers. I have attached some weight to these factors. However, given the modest scale of the development proposed, the weight attributable to these matters is limited. I note that there are no issues in respect of living conditions of existing occupiers or highway safety and that the development would be suitably located in terms of access to services and facilities as well as public open space. These considerations individually or collectively do not outweigh the significant harm that I have identified and the conflict with the policies I have referred to.

Conclusion

16. The proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework,

which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

Mark Ollerenshaw

INSPECTOR