



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/21/3267448

149 Alibon Road, Dagenham RM10 8DE

- 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 Hadi Hamza against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/02272/FULL, dated 16 November 2020, was refused by notice dated 18 December 2020.
 - The development proposed is described as 'Proposed new dwelling house at land rear'.
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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 whether the proposed new dwelling would provide for a satisfactory standard of accommodation for future occupiers, with particular regard to external amenity space.

Reasons

Character and Appearance

6. The appeal site relates to a semi-detached, two storey dwelling which occupies a corner plot on the northern side of Alibon Road at its junction with Wantz Road. The host property includes a driveway to the front, a long rear garden and a detached single garage to the side. The surrounding area is of mixed character with residential properties further along Alibon Road to the west, and to the south on Wantz Road; and a variety of commercial premises, including industrial buildings, to the north and east. The northern boundary of the site adjoins a large car park. In terms of its scale, form and design, the host property is typical of neighbouring dwellings, which are either terraced or semi-detached properties with hipped roofs and follow linear building lines with a road frontage and strong street scene presence. Properties in the surrounding area generally have open front gardens or low level boundary walls or fencing, with long rear gardens, which provides a sense of uniformity to the area.
7. The appeal proposal would be a single storey, one bedroom unit which would be sited towards the end of the rear garden of the host property. Although it would have a frontage onto Wantz Road, this would be at a point on that road where there is a transition from residential to a more commercial character. Furthermore, the proposal would be positioned behind a 1.8m high wall and gates and would therefore not have an open frontage in the manner of existing dwellings on Alibon Road and Wantz Road. The single storey height of the proposal, and its roof design, L-shaped footprint and projecting gable to the front elevation are all uncharacteristic of neighbouring dwellings. Consequently, the proposal would not reflect the scale and design of existing properties in the surrounding area and it would appear out of context with its surroundings. Set behind the wall and gates, the proposal would have more the appearance of a large domestic outbuilding than a stand-alone dwelling. I therefore find that the proposal would be significantly at odds with the prevailing pattern of development in the surrounding area.
8. I conclude that the development proposed would be harmful to the character and appearance of the area. It would conflict with Policy D4 of the LP, Policy BP11 of the Planning for the future of Barking and Dagenham, Borough Wide Development Policies Development Plan Document 2011 (DPD) and Policy CP3 of the London Borough of Barking and Dagenham Core Strategy 2010. Amongst other things, these seek to ensure that development is of a high standard of design which respects local character. The proposal would also conflict with paragraph 130 of the Framework which, amongst other things, requires development to be sympathetic to local character.

Standard of accommodation

9. The proposed dwelling would be served by external amenity space to the front and side. This area would comprise a terrace and refuse storage to the front and a car parking space to the side. I note that the site plan also indicates an area for cycle storage to the side, although this is not shown on the ground floor plan.
10. The external amenity space would be about 45 sq.m in area. However, according to the Council, if the areas indicated for parking and outside storage are discounted, the useable external space would amount to around 16 sq.m.

The appellant has not disputed that figure. Policy BP5 of the DPD requires an external amenity space for a one bedroom flat to be a minimum of 20 sq.m, however, it does not contain any guidance in this regard which could be applied to the appeal scheme. Policy D6 of the LP advises that a minimum of 5 sq.m of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. The proposed development would meet the requirements of Policy D6 in this respect.

11. I find that the proposed external amenity space would be of adequate size and its layout would be useable and functional for the size of the dwelling proposed. The external space to the front would also be afforded sufficient privacy and security due to the proposed 1.8m high wall and gates adjacent to Wantz Road.
12. To conclude on this main issue, I consider that the proposal would provide for a satisfactory standard of accommodation for future occupiers, having regard to the provision of external amenity space. The proposal would therefore not conflict with Policy D6 of the LP and Policy BP5 of the DPD which, amongst other things, require the provision of appropriate external amenity space to meet the needs of the development. It would also not conflict with paragraph 130 of the Framework, which requires development to provide a high standard of amenity for existing and future users.

Other Matters

13. I have had regard to the appellant's examples of other permissions for residential development in the area, including a new dwelling within the garden of 7 Park Drive, which was allowed on appeal¹. On the basis of the evidence, I do not consider the context of the appeal scheme before me to be comparable to the approved dwelling at Park Drive. The latter would be situated in a gap between dwellings on Park Drive and Fels Farm Avenue and was of different form and design to the current appeal development which, moreover, would be positioned at the edge of an industrial area. In relation to the appeal at 93a Lillechurch Road², that development was for the erection of an outbuilding for use as a granny annexe, rather than a separate dwelling, and is therefore not directly comparable to the proposal before me. The appellant also refers to an appeal at 141 Woodward Road³, however, I do not have the substantive details of that case to enable me to draw any comparisons to the current appeal. Accordingly, I have determined the appeal on its own merits and the previous decisions do not alter my conclusions.
14. It is accepted that the proposal would make a limited contribution towards the Borough's housing needs, would also provide some economic benefits, with the dwelling contributing to the housing mix of the area. 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 and would be outweighed by my findings as to the harm which would be caused to the character and appearance of the area.

¹ Appeal Ref: APP/Z5060/W/18/3216774

² Appeal Ref: APP/Z5060/D/19/3236375

³ Appeal Ref: APP/Z5060/W/17/3182043

Conclusion

15. For the above reasons, having had regard to all other matters, and having considered proposal against the development plan as a whole, I conclude that the appeal should be dismissed.

Mark Ollerenshaw

INSPECTOR