



Appeal Decision

Site visit made on 8 June 2021

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/Z5060/D/21/3269117

135 Burdetts Road, Dagenham RM9 6YB

- 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 Mrs Festa Nwadike against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/02200/HSE dated 9 November 2020, was refused by notice dated 14 December 2020.
 - The development proposed is described as construction of a two storey side extension, part two storey part single storey rear extension and demolition of existing garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the submission of the appeal the London Plan 2021 has been published and the National Planning Policy Framework (2019) has been superseded by the National Planning Policy Framework (2021) (the Framework). The Council's reasons for refusal include policies within superseded documents. The London Plan 2021 does not diverge significantly from the policies referenced, similarly the Framework does not depart widely from the previous version in respect of this appeal proposal. No party has been prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on (i) the character and appearance of area; (ii) the living conditions of the existing or future occupiers of appeal property (iii) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

4. The site is within a residential area and comprises a semi-detached property. In general properties in the area have an architectural rhythm with balanced features, whilst there are some properties which have been altered the original features are still identifiable within the streetscene. For instance, I observed the two storey side extension at No. 131 Burdetts Road has a hipped roof detail

- which compliments the hip roof design of the main house and the adjoining semi-detached property.
5. The pair of semi-detached properties which the appeal site forms part of have a hipped roof design which provides symmetry and contributes to the character of the area. The proposed gable roof would be an incongruous feature within the streetscene.
 6. Notwithstanding this I understand that the rear dormer addition with a hip to gable roof benefits from a certificate of lawful development, I give this significant weight. On this basis I consider that whilst a gable would unbalance the pair of semi-detached properties, as this roof design is a reasonable fallback position established by the certificate of lawful development a subservient extension with a similar roof design would not exacerbate the visual differences between the adjoining properties nor the streetscene in general.
 7. The set back from the front elevation and reduced ridge height of the proposed two storey side extension would go some way to providing a subservient form of development. However, due to the width of the proposed extension the development would not appear subordinate.
 8. The Council do not raise concern with regard to the ground floor rear extension, I have no substantive evidence before me to disagree with their findings.
 9. The proposed flat roof rear first floor extension would be viewed within the context of a dense urban grain. Views of the proposed rear first floor extension would be afforded to occupants of neighbouring properties, with limited opportunities from public vantage points. Nonetheless a flat roof first floor extension is not a feature of the surrounding area and would appear as an out of keeping addition to the property.
 10. In combination the proposed extensions along with the rear dormer addition would add mass and bulk to the existing modest property.
 11. I conclude that the proposed development would harm the character and appearance of the area. There is conflict with Policies BP8 and BP11 of the Planning for the future of Barking and Dagenham, Borough Wide Development Plan Policies, Development Plan Document (2011) (the DPD), Policy CP3 of the Planning for the future of Barking and Dagenham, Core Strategy (2010) (the Core Strategy), Policies SP 2, DMD 1 and DMD 6 of the London Borough of Barking and Dagenham Draft Local Plan 2037 (version September 2020) (the Draft Local Plan) and the London Plan 2021, which amongst other things seek to ensure developments have regard to the local character, promote high standards of design and positively contribute to an area.
 12. There is also conflict with the Residential Extensions and Alterations, Supplementary Planning Document (2012) (the SPD) and the Framework which seek to ensure development are of good design.

Living Conditions Appeal Property

13. Due to the location of the windows in the proposed rear ground floor two storey side extension close to the shared boundary and proximity to the large outbuilding in the neighbouring garden, the amount of daylight/sunlight to the

rooms will be limited. I note that the rooms these windows would serve are a WC and kitchen, which are not habitable rooms. Notwithstanding this the outlook from the kitchen window would be also be limited and oppressive to users of that room.

14. A lack of pedestrian access to the rear outdoor space is not an usual arrangement. There is no substantive evidence before me to confirm that the removal of the existing external access would make the rear outdoor space any less useable.
15. I find that the proposed development would harm the living conditions of existing or future occupants of the appeal property. There is conflict with Policies BP8 and BP11 of the DPD, Policy CP3 of the Core Strategy, Policies SP 2, DMD 1 and DMD 6 of the Draft Local Plan and the London Plan 2021 which seek amongst other things for development to provide good standards of living accommodation.
16. There is also conflict with the SPD and the Framework which seek to ensure developments offer a high standard of amenity for existing and future users.

Living Conditions Neighbours

17. The Council find that the proposed development would not have an unacceptable effect on the living conditions of the occupants of No. 133 Burdetts Road, based on the evidence before me I do not disagree.
18. The proposed development includes a first floor window close to the boundary shared with No. 144 Burdetts Road. Whilst there is a large outbuilding within the neighbouring garden, this window will allow direct overlooking of neighbouring properties and private outside space. Given the dense urban grain of the area overlooking is not uncommon, notwithstanding this the location of the window and proximity to the boundary would create an enhanced sense of being under surveillance and to my mind would significantly diminish the enjoyment of their property.
19. The proposed two storey side extension would bring the built form closer to the rear elevation of No. 144. This combined with the rear extension would be a dominant feature which would overshadow and create an overbearing outlook to the neighbouring garden area and the windows in the rear elevations.
20. I find that the proposed development would harm the living conditions of occupants of neighbouring properties. There is conflict with Policies BP8 and BP11 of the DPD, Policy CP3 of the Core Strategy, Policies DMD 1 and DMD 6 of the Draft Local Plan and the London Plan 2021 which seek amongst other things for developments to protect the living conditions of occupants of neighbouring properties.
21. There is also conflict with the SPD and the Framework which seek to ensure the amenities of occupants of neighbouring properties are protected from development.

Conclusion

22. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR