



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/20/3262004

59 Kingston Hill Avenue, Chadwell Heath, London EM6 5QJ

- 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 Billy Whatling against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/00290/FUL dated 20 February 2020, was refused by notice dated 24 April 2020.
 - The development proposed is erection of two-storey side extension to accommodate new end-of-terrace dwelling with associated subdivision of land and access works, and external alterations and single-storey front porch and rear extensions to host dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two-storey side extension to accommodate new end-of-terrace dwelling with associated subdivision of land and access works, and external alterations and single-storey front porch and rear extensions to host dwelling at 59 Kingston Hill Avenue, Chadwell Heath, London EM6 5QJ in accordance with the terms of the application, 20/00290/FUL, dated 20 February 2020, and the plans submitted with it, subject to the conditions outlined in the attached schedule.

Procedural Matter

2. The Council altered the description of development, this is also the description used by the Appellant on the appeal form. I consider this to be a more accurate description of the appeal proposal and accordingly I have adopted this amended description in the heading above rather than the appellants description of development.
3. Since the submission of the appeal the London Plan 2021 has been published. The Council's reasons for refusal include policies within London Plan (2016). The London Plan 2021 does not diverge significantly from the policies referenced in respect of this proposal.
4. The Council have confirmed that the Barking and Dagenham Draft Local Plan 2019-2034, (Regulation 18 Consultation Version November 2019) policies referenced in the reasons for refusal have been replaced by the Barking and Dagenham Draft Local Plan 2037 (version September 2020). No party has been prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

5. 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 occupiers of the neighbouring property No. 57 Kingston Hill Avenue.

Reasons

Character and Appearance

6. The site is within a residential area and comprises an end terraced property. In general properties in the immediate area have an architectural rhythm with the built form set back from Kingston Hill Avenue.
7. The appeal site is perpendicular to the adjacent properties 61-67 Kingston Hill Avenue which face onto the highway. I observed during my site visit that there are examples of development on corner plots within the surrounding area which project forward from adjacent perpendicular properties.
8. Whilst the proposal would extend development closer to the highway, a sense of openness would be retained due to the set back from the highway, angled side plot boundary, the landscape strip adjacent the site and the small pocket of open space to the front of the site. The proposed built form would not be out of keeping with the area nor an incongruous feature within the streetscene.
9. The proposed development in terms of the scale and design would be consistent with the built form of the surrounding properties.
10. The Council raise concern with regard to the erection of a single storey detached garage to the rear of the site conflicting with the local built form. The plans before me do not propose a detached garage, however two car parking spaces are proposed which would be consistent with off street parking within the area.
11. I conclude that the proposed development would not harm the character and appearance of the area. There is no 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), 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 no conflict with the Residential Extensions and Alterations, Supplementary Planning Document (2012) (the SPD) which seek to ensure development is not overly intrusive within the streetscene.

Living Conditions

13. The proposed development includes a single storey rear extension to the existing property which according to the Council would project 4m from the rear of the property. The SPD advises that extensions in excess of 3.65m should be within a 45-degree angle from the corner of the adjacent dwelling, in this case No. 57 Kingston Hill Avenue. The proposed development would not meet this standard.

14. Notwithstanding this the proposed rear extension has a predominantly flat roof which would reduce the built form from that of an extension with a hipped or gabled roof which may meet the standard set by the SPD.
15. I am mindful that the adjoining neighbour at No. 57 did not object to the proposed development and that there is provision within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to allow larger extensions. Notwithstanding this whilst the proposed development would not adhere to the guidelines outlined in the SPD the design of the extension is such that I consider it would not be dominant, overshadow or create an overbearing outlook to the occupiers of neighbouring property.
16. I find that the proposed development would not harm the living conditions of the occupiers of the neighbouring property No. 57 Kingston Hill Avenue. There is no conflict with Policies BP8 and BP11 of the DPD, Policy CP3 of the Core Strategy, 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.

Conclusion and Conditions

17. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity.
18. I have imposed a standard condition relating to the commencement of development. I have included a condition specifying the relevant plans as this provides certainty. In the interest of safeguarding the character and appearance of the area I have imposed conditions relating to details of the external materials.
19. In the interests of providing a dwelling which is accessible, suitable for the changing needs of occupiers and in order to minimise the use of mains water, I have imposed conditions relating to accessibility and adaptability standards along with a condition relating to water consumption.
20. In order to safeguard amenity of existing and future occupiers and to preserve the character and appearance of the area, I have imposed a condition relating to landscaping and boundary treatments.
21. The Council have suggested conditions restricting the use of the proposed dwelling and removal of permitted development rights I am not persuaded that these restrictions are reasonable or necessary.
22. For the above reasons I conclude that this appeal should be allowed.

C Pipe

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL01 Rev A and PL02.
- 3) No development above ground level shall take place until all external facing materials have been submitted to and agreed in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved details.
- 4) The dwelling hereby permitted shall comply with the requirements of Building Regulation M4(2) 'accessible and adaptable dwellings'. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
- 5) Prior to occupation of the development, a scheme showing details of hard and soft landscaping and boundary treatments, including details of materials, species and a planting schedule, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping and boundary treatments shall be carried out prior to the occupation of the development.
- 6) Before occupation the proposed dwellings shall comply with the water efficiency optional requirement in paragraphs 2.8 to 2.12 of the Building Regulations Approved Document G. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.