



Appeal Decision

Site Visit made on 11 October 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2021

Appeal Ref: APP/Z5060/W/21/3270575

36 Pettits Road, Dagenham, RM10 8NR

- 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 Iryna Dykliarska against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/00050/FULL, dated 12 January 2021, was refused by notice dated 19 February 2021.
 - The development proposed is described as "2 bed new build house".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted a revised internal layout plan with the appeal, reducing the number of bedrooms proposed from two to one. Having regard to the principle established in the *Wheatcroft* judgment and procedural guidance on planning appeals I am mindful that it is important that what is considered at appeal is essentially what was considered by the local planning authority, and on which interested people's views were sought. While the proposed amendment seeks to overcome one of the Council's reasons for refusal, it would fundamentally alter the proposed development. The appeal process is not intended to be used to evolve a proposal, and therefore this appeal has been determined on the plans on which the Council based its decision.
3. The new London Plan was adopted in March 2021 and forms part of the development plan for the borough. The main parties have had the opportunity to comment on the new London Plan in their submissions.
4. The Government released a revised National Planning Policy Framework in July 2021. The main parties were invited to comment on the revised document.
5. The Council has referred to its draft Local Plan. This has not been submitted for examination, and therefore its policies carry limited weight in the determination of this appeal.

Main Issues

6. The main issues are:
 - Whether the proposed development would provide acceptable living conditions for future occupiers,
 - The effect on the character and appearance of the area; and,

- The availability of on-street parking in the vicinity of the appeal site.

Reasons

Living conditions

7. Policy BP6 of the Barking & Dagenham Borough Wide Development Policies Development Plan Document 2011 (the DPD) and the national Technical housing standards – nationally described space standard collectively state that a two-bedroom house should have a double bedroom of at least 11.5 square metres and an overall floor area of at least 70 square metres. The supporting text for Policy BP6 states that these internal space standards are necessary to ensure that good quality housing is provided to create a suitable and sustainable living environment for present and future generations.
8. The double bedroom to the proposed house would be approximately 10 square metres in area. This shortfall in the required floor area would result in cramped accommodation of a poor standard for future occupiers.
9. The Council states that the overall floor area of the house would be 53 square metres, while the appellant states that it would be 58 square metres. In either case, the shortfall would be significant and would also result in cramped accommodation and a poor standard of living conditions for future occupiers.
10. The appeal proposal therefore conflicts with the requirements of Policy BP6 of the DPD and the Technical housing standards identified above.

Character and appearance

11. The appeal property occupies a corner plot that is mirrored on each corner of this junction between Pettits Road and Sterry Road. Nos 33, 34, 35 and 36 Pettits Road are all semi-detached two-storey houses with hipped roofs facing onto Sterry Road and front elevations facing Pettits Road. Nos 34 and 36 have side extensions that partly fill the gap between the host dwellings and the side boundaries onto Sterry Road. However, as these extensions are single-storey, flat-roofed structures and set well in from the side boundaries, they have a limited presence in the wider street scene and only a modest visual impact on the openness of the junction.
12. The proposed house would be taller and wider than the existing extension. As a result it would be a much more prominent feature in the street scene, and would disrupt the symmetry provided by the four houses at this junction. The development would also result in a loss of openness at the side of the host dwelling, which together with that arising from the similar spacing to the other corner properties contributes to the relatively spacious character of the area.
13. The London Plan recognises that respecting character and accommodating change should not be seen as mutually exclusive. However, it also requires that an appropriate balance is struck between existing fabric and any proposed change, and that opportunities for change should be informed by an understanding of a place's distinctive character. The appellant suggests that the character and appearance of the wider Becontree Estate is varied and not homogenous, and the proposed house would be of a similar size and external appearance to neighbouring properties. However, in the immediate vicinity of the appeal site there is a distinct consistency in the appearance and layout of houses and plots which would be disrupted by the proposed development.

14. The appeal proposal would therefore be harmful to the character and appearance of the area, contrary to the requirements of Policy CP3 of the Barking & Dagenham Core Strategy 2010 and Policies BP8 and BP11 of the DPD. These policies require, amongst other criteria, that all developments protect or enhance the character of the area.

Parking

15. The appeal site is located within a controlled parking zone (CPZ) and no off-street parking spaces are proposed as part of the development. The site is fairly close to the town centre with moderate access to public transport. The Council have noted concerns regarding increased parking demand arising because of the appeal proposal. However, Policies BR9 and BR10 of the DPD collectively direct new development towards locations that are easily accessed by public transport, pedestrians and cyclists, and state that car free housing developments may be acceptable in a CPZ. As the proposal is for a single two-bedroom house, if the appeal were to be allowed then a condition could be reasonably applied to the effect that future occupiers of the proposed dwelling would not be entitled to a residents parking permit in this area. The proposed development would not therefore result in increased demand for on-street parking in the vicinity of the appeal site.

Planning Balance

16. The Council cannot demonstrate a five year supply of deliverable housing land, and has a historic shortfall in its delivery of new housing. In such circumstances, the National Planning Policy Framework (the Framework) states that a presumption in favour of sustainable development applies and that planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. The development would result in the creation of one new dwelling, supporting the Government's objective of significantly boosting the supply of homes. The proposed development involves a small, windfall site that could be delivered quickly. The appeal site is located reasonably close to the town centre and therefore future occupiers would not be dependent on cars for access to day-to-day services and facilities. The newly adopted London Plan contains support for new housing development within London generally, including on smaller sites, and sets a ten-year housing target for the borough of 19,440 new homes. The Council's strategic housing market assessment highlights a significant need for small, one or two-bedroom units to meet demand in the borough, which the appeal proposal would assist in addressing. There would be economic benefits from new construction work, as well as from community infrastructure levy revenues. These factors all weigh in favour of the appeal proposal.
18. The appellant contends that the Council is seeking to protect its existing stock of family homes by resisting conversions, and the appeal proposal would support this. One decision by the Council from 2019 has been provided to support this together with an appeal decision from 2020. This carries some additional weight in favour of the appeal proposal, which would provide a smaller unit of housing.

19. My attention has been drawn to an appeal decision at Chadwell Heath in this borough for a development of similar nature to the appeal proposal. I do not have the full details of the area before me, but I note that the appeal site was one of two similar corner plots rather than four as is the case here, and the Inspector in that case found that the development would not be visually intrusive in the street scene. My attention has also been drawn to an appeal decision in the London Borough of Hillingdon. I have no details regarding that council's development plan policies and further note that the Inspector in that case did not find that the open space at the side of the host dwelling was a defining feature such that its development would cause unacceptable harm. There are therefore material differences to the proposed development, so these decisions carry little weight in the determination of this appeal.
20. Set against the benefits of the appeal proposal, the accommodation provided would be cramped and of poor quality for a two-bedroom house. Furthermore, the proposed development would cause harm to the character of the area, including through the loss of the distinctive openness provided by the properties on all four corners of this junction. Cumulatively these considerations attract substantial weight, and in this instance would significantly and demonstrably outweigh the benefits arising from the appeal proposal.
21. There are therefore no material considerations that indicate that this appeal should be determined otherwise than in accordance with the development plan.

Conclusion

22. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR