



Appeal Decision

Site Visit made on 2 November 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal Ref: APP/Z5060/W/21/3273231

1 Ben Tillet Close, Barking IG11 9NT

- 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 Brati against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/02283/FULL, dated 18 November 2020, was refused by notice dated 16 December 2020.
 - The development proposed is erection of a two-storey two-bedroom house on the land adjacent to 1 Ben Tillet Close.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Although expressed differently on the appeal form and the Council's decision notice, neither of the main parties has provided written confirmation that a revised description of development from that entered on the original application form has been agreed. I have therefore used this description in the banner heading above.
3. Since the Council determined the planning application, the London Plan 2021 (LP) was published and supersedes Policies of the London Plan 2016 referred to within the reasons for refusal. Both parties have had the opportunity to comment on any implications for the appeal of the LP, and I have therefore given full weight to the policies within it.
4. I have noted references to the Council's emerging Local Plan. However, from the evidence before me, this has not yet reached examination stage. It is therefore subject to change, and I can have little confidence that policies will be adopted in their current form. Consequently, it carries limited weight in my decision.

Main Issues

5. The main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of 57A and 57B Keir Hardie Way with particular regard to light and outlook.

Reasons

Character and Appearance

6. Ben Tillet Close and other nearby residential streets to the west side of Keir Hardie Way are predominantly characterised by terraced dwellings of mostly

similar scale, external materials and architectural designs. The runs of terraces vary somewhat in length, and there are also some semi-detached pairs. Nevertheless, and despite some extensions and alterations, the majority of buildings retain a high degree of symmetry in their form and appearance. In addition, they are generally positioned on steady building lines set back from the street with relatively generous gardens to their rear. This provides for a degree of spaciousness, which is more pronounced at corners where gardens often wrap around to the sides of buildings and wide verges are typically present to one or both sides of the junctions. Together with the overall consistency in the appearance of the buildings, this results in an attractive rhythm and sense of uniformity to the street scenes, and a distinctive character to the area.

7. The appeal proposes an attached dwelling to the side of 1 Ben Tillet Close, extending the existing terrace here to 5 dwellings. Given the varying length of terraces nearby, I am satisfied that the number of dwellings would not in itself be striking. However, there is currently a strong symmetry to the host terrace, including as a result of the single roof form and mirrored arrangement of 4 chimneys. The proposal would result in a greater extension of the building and roof beyond the retained chimney between No 1 and 2 Ben Tillet Close, and the contrast relative to the other end of the terrace would be plain, significantly unbalancing its overall form and appearance. The loss of symmetry would be particularly jarring seen together with the other terraces on Ben Tillet Close which are also of similar symmetrical appearance and proportions, and I find that the development would be conspicuous in the street scene.
8. The incongruous nature of the proposal would be further compounded by the unusually close proximity of the side of the development to the rear of dwellings fronting Keir Hardie Way. The relationship would be readily apparent including in views from Ben Tillet Close and Keir Hardie Way, and would be significantly at odds with the layout and generally more spacious setting afforded between other buildings around corners nearby. Moreover, the development would be positioned on the boundary with the adjacent verge to the front of the site. I note the appellant's suggestion that nearby flats have no formal front gardens, but I was not directed to any specific examples, and the buildings that I saw in the vicinity of the site typically had some defensible space around them providing a degree of set back from adjoining public areas. Although there would be parking and landscaping provided within the area of the existing frontage to No 1, the lack of a defined garden or parking to the front of the development would be uncharacteristic, and would deprive the dwelling of a proper setting. In my judgement, the development would therefore appear cramped within the site, and it would significantly diminish the openness of its surroundings.
9. In support of the appeal, the appellant refers to angled walls and extensions to the sides of terraced properties. However, I did not see nearby examples of similarly close overlapping relationships between the side and rear of adjacent buildings at corners as would result from the appeal. I note that there is some variety in the spacing around corners, and gaps between some of the buildings on corners of Meadow Road are limited. However, these instances are for the most part focused within a small area some distance from the appeal site, and in my view do not alter the overall spacious character and appearance of the surrounding area. I have therefore determined this appeal on its own merits.

10. I find for these reasons that the development would be a prominent and incongruous feature which would significantly diminish the openness typical around buildings on corners nearby, causing unacceptable harm to the character and appearance of the area. It would therefore conflict with Policy CP3 of the Core Strategy 2010 (CS), Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document 2011 (BWDP) and Policy D4 of the LP. Collectively, these policies broadly seek high quality design and require, amongst other things, that development protects or enhances local character. For the same reasons, there would be conflict with the National Planning Policy Framework (the Framework) which seeks development that is sympathetic to local character and that adds to the overall quality of an area.

Living Conditions

11. The proposed dwelling would be set in from the boundary to the rear of 57A and 57B Keir Hardie Way. Even so, the gardens to these neighbours are shallow, and separation between the development and windows to their rear, and particularly windows to their deeper ground floor projections, would be limited. Views from these windows would be towards the solid flank wall of the dwelling where the two-storey height and depth of the building would result in a fairly large bulk and mass, despite the hipped roof design. In my judgement, the height and scale of the dwelling in such close proximity to Nos 57A and 57B would be dominant, imposing significantly on their available outlook. It would as a result be overbearing.
12. The appellant has provided a Daylight and Sunlight Report (DSR) which considers the effect of the proposal on light to neighbouring properties. While the DSR refers to the closest neighbouring dwellings as '55 Kier Hardie Way' and '57 Kier Hardie Way', it is clear from the included plans and details that the analysis actually relates to Nos 57A and 57B. The Council has offered no compelling challenge to the conclusions of the DSR that the proposal would not have a significant effect on daylight or sunlight enjoyed by these neighbours, and I therefore see no reason to depart from its findings. However, the lack of identified harm to neighbouring occupiers through loss of light does not outweigh or overcome the harm that would be caused to their outlook.
13. I therefore conclude that the proposal would be overbearing and would cause unacceptable harm to the living conditions of the occupiers of 57A and 57B Keir Hardie Way. Accordingly, it would conflict with Policy CP3 of the CS, Policies BP8 and BP11 of the BWDP and Policy D4 of the LP which together broadly require high quality design and that development protects residential amenity.

Other Matters

14. I note that the appellant has made changes from an earlier scheme that was dismissed at appeal, including reductions in the scale of the development. However, this is not a factor which alters my consideration of the planning merits of the appeal that is now before me.
15. The appellant asserts that the design is in keeping with the Council's guidance for extensions, but from the evidence before me I can have no certainty that a proposal for an extension of similar mass and scale would be granted planning permission. In any event, an extension to the existing property would not be

directly comparable to the appeal proposal for a separate dwelling, and as such this is a matter of negligible weight.

16. The appellant also suggests that the development would reduce overlooking, but in the absence of compelling evidence to show that the host dwelling suffers inadequate levels of privacy and to clearly demonstrate how this would be addressed by the proposal, I afford limited weight to this factor.
17. The proposal would make effective use of the site to provide an additional dwelling suitable for a small family, adding to the supply and mix of housing locally and offering an alternative to flatted developments. However, the contribution would be limited by the modest scale of the proposal. Moreover, while the Framework seeks to significantly boost the supply of housing to meet needs, this is balanced against requirements that development also delivers well designed places and a high standard of amenity. The proposal would not achieve these objectives. The harm that would be caused to the character and appearance of the area and to the living conditions of neighbouring occupiers are matters that attract significant weight, and I find that they outweigh the benefits associated with the proposed development.

Conclusion

18. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR