



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/21/3273566

66 Burdetts Road, Dagenham RM9 6XY

- 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 Jamal Sadek against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/00136/FULL, dated 25 January 2021, was refused by notice dated 19 March 2021.
 - The development proposed was originally described as a '1 bedroom detached house'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the application form. However, the appeal form gives a revised description of 'one bedroom dwelling house on land to side of number 66 Burdetts Road'. This is broadly consistent with the revised description on the Council's decision notice, albeit worded slightly differently and more concisely, and I consider it a more accurate representation of the proposal. I have therefore determined the appeal with regard to these revised descriptions.
3. Since the determination of the planning application, the London Plan 2021 (LP) was published and supersedes Policies of the London Plan 2016 referred to within the Council's decision notice. The appellant's evidence details the policies of the LP that they consider relevant to the appeal, and the Council had the opportunity to address this through appeal submissions. I am therefore satisfied that no prejudice would be caused by my determination of the appeal giving full weight to the policies of the LP, and I make no further reference to the previous iteration.
4. I have also noted references by the main parties 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 (i) the effect of the proposal on the character and appearance of the area; and (ii) the effect of the proposal on the living conditions of the occupiers of 68 Burdetts Road with particular regard to outlook.

Reasons

Character and Appearance

6. Near to the appeal site, Burdetts Road and the surrounding streets include a mix of flats, semi-detached and terraced dwellings which are arranged on stepped building lines. Some have garages or other single storey development to the side, but there are usually fairly generous spaces between neighbouring buildings, particularly at first floor level. These gaps, together with gaps formed by the layout of street junctions, provide for visual breaks to the otherwise fairly close-knit development and a degree of spaciousness. In combination with the similar architectural designs and mirrored features to many of the buildings, this pattern provides for an overall sense of coherence and contributes positively to the character and appearance of the area.
7. The appeal proposes an attached dwelling to the side of 66 Burdetts Road, extending the small terrace formed by this dwelling and Nos 58-64 Burdetts Road. The appeal site widens a little towards the street, but the rear elevation of the dwelling would effectively fill the width of its plot at this point and would extend up to the boundary with 68 Burdetts Road which is part of the adjacent terrace. No 68 is also positioned close to the boundary with the site, and while the development would be set forward of No 68, it would substantially close the gap between the two terraces here. This gap currently has a positive impact on the street scene, contributing to the general sense of spaciousness and pattern of gaps between small groups of buildings which is characteristic of the surrounding area. Its loss would be materially harmful to this section of the street, and would not be compensated for by the retained spacing to the side of No 58 at the other end of the terrace.
8. Moreover, the dwelling would project considerably forward of No 68. I acknowledge that No 66 already steps similarly forward and that staggered building lines are a feature of the area. Even so, steps between separate buildings are not generally so pronounced as would result here, nor at such close proximity. The very close relationship of the development with No 68 would bring the juxtaposition in their alignment into stark relief, and in my view would compound the visual impact and prominence of the development in the street scene.
9. The appellant comments that several terraces in the estate already merge in corner positions. However, I was not directed to any specific examples, and while I noted outriggers to the front of some buildings, I did not see instances of separate buildings in similarly close proximity alongside one another as would result from the appeal. In any event, I have considered the proposal before me on its own merits, and found that it would cause harm.
10. For these reasons, I conclude on this main issue that the development would unacceptably harm the character and appearance of the area. The site is not within a conservation area, but that does not mean its character and appearance is of no importance. The harm I have identified would be significant, and would result in conflict with Policy CP3 of the Core Strategy 2010 (CS), Policy BP11 of the Borough Wide Development Policies Development Plan Document 2011 (BWDP) and Policies D1 and 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, it would be contrary to the National Planning Policy

Framework (the Framework) insofar as it seeks development that is sympathetic to local character and that adds to the overall quality of an area.

Living Conditions

11. The neighbouring property at 68 Burdetts Road is on a slightly different orientation to the proposed dwelling, but the difference in angle is fairly small and outlook from windows to its front would include significant views across the appeal site. Given this relationship and the projection of the development forward of No 68, a considerable proportion of the solid flank wall of the dwelling would be appreciable. In my judgement, the substantial depth of the development projecting forward of No 68 at two-storey height and in such close proximity would be a highly dominant and overbearing feature, and would result in a marked sense of enclosure. The consequent harm to outlook for the occupiers of No 68 would detract significantly from their living conditions.
12. I acknowledge that 58 and 76 Burdetts Road nearby sit forward of their attached neighbours, but I saw at my visit that only part of their depth projects beyond the front of the neighbouring dwelling. Accordingly, the relationships are not directly comparable to the appeal proposal where nearly the full depth of the development would extend forward of No 68.
13. The appellant's Daylight, Sunlight and Overshadowing Assessment indicates that the development may not cause a noticeable change in light levels to neighbouring occupants. However, while there can be a relationship with factors which also affect light levels, outlook is a distinct concept, and accordingly I do not find the maintenance of satisfactory levels of light to be compelling evidence that neighbouring living conditions would not be significantly harmed.
14. For these reasons, I conclude on this main issue that the proposal would cause significant harm to the living conditions of the occupiers of 68 Burdetts Road through loss of outlook. It would therefore conflict with Policy BP8 of the BWDP which broadly includes a requirement that development protects residential amenity. It would similarly be contrary to the Framework which seeks a high standard of amenity for existing and future users.

Other Matters

15. The Council's officer report raises concern that the development would reduce visibility for vehicles using Burdetts Road, and that occupiers of the dwelling would be likely to be dependent on use of a car with an adverse affect on parking demand in the area. However, these concerns do not form part of the reasons for refusal, and neither party has provided substantive evidence on the points raised as part of the appeal. Nevertheless, as these are not matters which would alter my findings on the main issues or overall conclusions, it has not been necessary for me to consider them further as part of my decision.

Planning Balance

16. The appellant advises that the Council is unable to demonstrate a 5 year supply of housing, and refers to an Interim Five-Year Housing Supply Statement: For the five-year period commencing 1 April 2019 which indicates a supply of 3.7 years. Against this, the Council suggests that it currently has a 5.7 year housing land supply, but very limited information has been provided to substantiate this position. In any event, there is no dispute between the parties

that the current Housing Delivery Test result indicates that only 57% of the required housing has been delivered over the previous three year period. The presumption in favour of sustainable development test set out in paragraph 11(d) of the Framework is therefore engaged. This provides 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 Framework identifies an objective to significantly boost the supply of housing, and highlights that small and medium sized sites such as the appeal site can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. It also indicates that great weight should be given to the benefits of using suitable sites within existing settlements for homes.
18. The LP similarly identifies a significant need for housing in London, and confirms that boroughs should seek to achieve and exceed minimum housing targets, including targets within Policy H2 which establish a requirement to significantly increase the contribution of small sites to meeting housing needs. The LP further advises that all parts of London will need to embrace and manage change, and emphasises the importance of making the best use of land. In support of these objectives, the Mayor of London has additionally consulted on guidance entitled 'Good Quality Homes for All Londoners' (GQH). The guidance has not yet been adopted which limits the weight that I afford to its detailed provisions, but I nonetheless acknowledge that it seeks generally to support optimisation of housing capacity from small sites.
19. Against this backdrop, the proposal would make effective use of the site. The delivery on a small site of a new dwelling would be an important benefit, and in light of the clear objectives within the Framework and LP and the past undersupply of housing which the appellant indicates has persisted for some time, I afford it great weight. My attention has also been drawn to the Council's Strategic Housing Market Assessment 2019 which identifies the greatest proportion of need as for one-bedroom dwellings. The proposal would contribute to meeting this need for smaller properties, including for households downsizing, and I have no reason to doubt that it could thereby assist in reducing pressure for conversion of larger homes suitable for families to otherwise meet demand. It would therefore accord with Policy H10 of the LP which highlights the role of smaller dwellings in freeing up existing housing and helping to reduce pressure on conversion of existing stock. Nevertheless, even if I were to accept the appellant's position that the future supply of housing is only around 3.7 years, the modest scale of the proposal would limit the contribution made to the overall supply and mix of housing, and consequently the extent of these benefits.
20. Moreover, while I note that infilling within existing terraces is one of the examples given within the GQH as an opportunity for small housing development, this guidance does not provide that such development will always be appropriate. The general support for residential intensification within the Framework, LP and draft guidance is qualified against the need to ensure that development respects its context and delivers well designed places with a high standard of amenity for existing users. For the reasons set out above, I do not consider that the proposal achieves those aims.

21. There would be some short-term economic benefits through the construction of the development, as well as support for the local economy by future occupiers and associated social benefits to the community. These benefits would also be restricted by the small scale of the development though, and I afford them modest weight. I further note that the LP identifies Dagenham Heathway Town Centre as a strategic area for regeneration, and advises that opportunities should be sought for residential growth in and around town centres. Nevertheless, the site is not within the centre, and while the appellant suggests it is within 800m of the boundary, the distance to the majority of services and the station is greater. In this regard, I do not find the proximity of the site to Dagenham Heathway to weigh strongly in favour of the proposal.
22. Against these benefits, the Framework identifies achieving well-designed places as a key aspect of sustainable development, and the proposal would conflict with requirements seeking development that is sympathetic to local character and a high standard of amenity for existing users. The resulting harm would be considerable, and in the context of paragraph 11(d) of the Framework, I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development within the Framework.
23. I appreciate that the proposal would comply with many of the policies of the development plan, and as highlighted within the appellant's evidence, it would advance a number of the objectives contained within the LP, including those seeking a step change in the delivery of housing across London, generally increased densities and the best use of land. However, it is not unusual for policies to pull in different directions. In this case, the development would unacceptably harm the character and appearance of the area and the living conditions of neighbouring occupiers in conflict with Policy CP3 of the CS, Policies BP8 and BP11 of the BWDP and Policies D1 and D4 of the LP such that I find there would be a fundamental conflict with the development plan when it is read as a whole. Insofar as these policies seek development that is sympathetic to local character and which protects residential amenity, they are broadly consistent with the expectations of the Framework. Having regard to paragraph 219 of the Framework and the evidence before me, I do not find cause to reduce the weight that I afford to the conflict with the development plan.
24. Even taken together, I find that the benefits of the proposal are insufficient to outweigh the harm to the character and appearance of the area and the living conditions of neighbouring occupiers and the conflict with the development plan taken as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan.

Conclusion

25. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR