



Appeal Decision

Site visit made on 26 October 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 NOVEMBER 2021

Appeal Ref: APP/Z5060/W/21/3269750
93-99 New Road, Dagenham RM10 9NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Cloister Properties PLC against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 20/02394/PRIADB, dated 27 November 2020, was refused by notice dated 27 January 2021.
 - The development proposed is described as '*prior approval- part 20, Class AB: New dwellinghouses on terraced buildings in mixed use*'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice and the appellant's appeal form describe the proposed development as a '*prior notification application for the construction of new dwellinghouses on terrace buildings in use as commercial or mixed use. The proposed development involves the construction of two additional storeys on top of the terrace buildings to create 7 new units*'. I have determined the appeal on the basis of this description of development as it is more precise.

Main Issue

3. The main issue is whether the proposed development is acceptable in respect of all of the conditions detailed in paragraph AB.2 (1) (a) to (j) of Class AB of Part 2 of Schedule 2 of the GPDO and, in particular, AB.2 (e) (i) (aa) and (bb) which relates to the external appearance of the building including the design and architectural features of the principal elevation and any side elevation that fronts a highway.

Reasons

4. As part of the determination of the prior approval application the Council considered the effects of the development in respect of the detailed assessment criteria in paragraph AB.2 (1) (a) to (j) of Class AB of Part 2 of Schedule 2 of the GPDO. Other than in respect of AB.2 (1) (e) (i) (aa) and (bb), the Council were satisfied that the proposal was acceptable in terms of its effects with reference to all the other detailed assessment criteria. Taking into account the technical documents submitted by the appellant, as well as my site

visit observations, I have no reason to disagree with the assessments made by the Council.

External appearance

5. The appellant considers that in considering the '*external appearance of the building*' this should be confined solely to the building in question and not to its wider context. Firstly, I would point out that AB.2 (e) refers to the '*external appearance of the building including...*' and to this extent it is not a closed list. Secondly, and, in any event, it is a matter of planning judgment as to whether consideration is given to the effect in terms of the building's intrinsic design and/or to the effect in terms of the building's relationship with adjoining or nearby properties. In this case, the appeal building is located within a wider terrace of closely related buildings and to that extent I do not consider it to be appropriate to consider the external appearance of the building in a vacuum or in isolation. The neighbouring development and sites are, in this case, a relevant aspect of the consideration of the effect of the development on the external appearance of the building.
6. It is proposed to erect two additional floors on top of an existing three storey terrace building. The appeal site is in a prominent corner location where New Road meets Ballards Road. It is currently in mixed use and comprises ground floor commercial units, first floor offices and 4 second floor flats. Seven additional flats would be formed as a result of the additional floorspace. In respect of the use of proposed materials and window design/proportions, I am satisfied that the proposal would suitably reflect the intrinsic design of the existing building.
7. The appeal building is seen within a wider terrace of buildings which, apart from the Mountains of Fire and Miracles Ministries building (MFMM) which the evidence indicates was built in 1932, has a consistency and rhythm in terms of height. The MFMM is much higher than the rest of the properties in this long terrace. It projects forward of the building line of the rest of the terrace and is seen as a wide and imposing building which, in design terms, breaks up the otherwise more subservient and consistent lower level development on each of its wings.
8. In the context of the above, the proposed development would, particularly when seen from parts of New Road and Ballards Road, appear as a high, dominant, bulky and incongruous addition to the appeal building. It would visually compete with the MFMM and would materially detract from the consistency and balance afforded to the otherwise lower level development within the wider terrace which is positioned around the imposing MFMM building.
9. For the above reasons, I find that significant harm would be caused to the external appearance of the building. In this respect, the proposal would not accord with paragraph 126 of the National Planning Policy Framework 2021 which seeks to create high quality, beautiful and sustainable buildings and places.

10. The proposal, therefore, would not be acceptable in so far that it would not fully accord with all of the requirements of paragraph AB.2 (1) (e) (i) (aa) and (bb) of Class AB of Part 2 of Schedule 2 of the GPDO. Consequently, I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR