



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: 12 November 2021

Appeal Ref: APP/Z5060/W/21/3270534

20 Brockdish Avenue, Barking IG11 9DS

- 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 'Begum' against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/02369/FULL, dated 3 December 2020, was refused by notice dated 29 January 2021.
 - The development proposed was described as 'conversion of detached garages to single storey dwelling'.
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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 proposal is more accurately described on the appeal form and the Council's decision notice as 'demolition of detached garages and construction of a single storey 1x bedroom dwelling', and because it is used by both main parties, I have considered the appeal on this basis.
3. Since the Council determined the application but before the appeal was submitted, the London Plan 2021 (LP) was published and supersedes policies of the London Plan 2016 referred to within the reasons for refusal. The reasons for refusal and the Council's officer report included reference to policies of the then emerging LP, and it was open to the parties as part of their appeal statement to raise any comments on the published version of the LP if they considered it affected their case. In the circumstances of this appeal and the main issues, I am satisfied that the policies have not substantively changed or significantly altered the context for the appeal. Moreover, my decision does not turn on policies within either iteration of the London Plan and it has not been necessary to rely on them further. As a result, and because the parties had an opportunity to comment, I am satisfied that the parties are not prejudiced by the publication of the LP.
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 and I can have little confidence that policies will be adopted in their current form. It therefore 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) whether or not living conditions for occupiers of

the development would be acceptable with particular regard to the provision of external amenity space.

Reasons

Character and Appearance

6. The appeal site is located at the junction of Brockdish Avenue and Cavendish Gardens, and includes an end-of-terrace dwelling as well as a pair of garages which adjoin the side of 24 Cavendish Gardens. Near to the site, the surrounding residential streets are predominantly characterised by a fairly close-set arrangement of short terraces of similar overall appearance and proportions. The regular layout and scale of the dwellings, common design features including hipped roofs and two-storey front bay windows, and consistent patterns of fenestration combine to create a strong sense of rhythm and attractive uniformity to the street scenes, contributing significantly to the area's distinctive character and appearance.
7. The proposed dwelling would be of similar, albeit slightly larger, scale to the garages that it would replace. However, while I saw some examples of other garages and extensions to dwellings nearby and acknowledge the presence of built form on this part of the site currently, the occupation of the development independently of the existing dwelling on the site would be likely to be appreciable from the street. It would be generally subordinate in scale to its neighbours, but as a dwelling, the single-storey height and small size of the development would contrast strikingly with the two-storey scale and form that is characteristic of other dwellings in the area. The design of the windows to the front of the building, as well as the shallow pitch of the roof and rather plain elevation would additionally be out of keeping with the typical detailing and appearance of nearby dwellings. I note the suggested use of sympathetic materials, but the above factors would nevertheless result in an incongruous and alien addition that I find would detract significantly from the distinctive pattern and uniformity of the area.
8. I have no reason to find that the existing garages are of particular architectural merit. Nevertheless, they sit comfortably on the site as modest features and do not diminish the overall character or appearance of the street scene to any significant degree. In this context and given the harm that I have identified above, I do not consider that their replacement, nor potential for soft landscaping to the front of the site, would offer an enhancement overall.
9. I note the examples of other developments referred to by the appellant in support of the appeal. However, while these demonstrate that there have been some changes to buildings locally, the majority concern extensions or alterations to existing properties rather than separate dwellings. The examples at 2 and 10 Sandringham Road do involve additional dwellings, but were both certificate of lawfulness applications and therefore would not have been assessed in light of the development plan. Accordingly, none illustrate development directly comparable to the proposal before me. Given also that these developments do not form part of the immediate street scene to the appeal site, they do not offer significant support for development that would harm the character and appearance here.
10. For these reasons, I conclude on this main issue that the proposal would integrate poorly with its surroundings and it would cause unacceptable harm to

the character and appearance of the area. As a consequence, it would conflict with Policies CP3 of the Core Strategy 2010 and BP11 of the Borough Wide Development Policies Development Plan Document 2011 (BWDP) which together 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 requirements within the National Planning Policy Framework seeking high quality development that is sympathetic to local character and that adds to the overall quality of an area.

Living Conditions

11. Policy BP5 of the BWDP sets out an expectation that 1 bedroom flats would be served by a minimum of 20sqm external amenity space. I accept that there is no standard specified for 1 bedroom houses as proposed by the development and that the small size of the dwelling means it is unlikely to be occupied by families. Nevertheless, I see no reason that the needs of occupiers of 1 bedroom dwellings, whether flats or houses would be likely to be significantly different. I therefore consider 20sqm a reasonable indication of the level of space that would be appropriate to meet the needs of the development.
12. There is no dispute between the main parties that the area of suggested amenity space would satisfy this minimum standard. However, it would be positioned to the front of the dwelling and open to the street in direct view of passers-by. The resulting lack of privacy would significantly limit the attractiveness and likely use of this space such that I consider its value to occupiers of the dwelling would be very limited. While the site may be close to public open spaces, these would not offer a substitute for private space for the exclusive enjoyment of occupiers of the development and would not therefore compensate for the lack of suitable on-site provision.
13. In my judgement, the lack of private external amenity space would harmfully diminish the quality of life of occupiers of the dwelling. It would conflict with Policy BP5 of the BWDP which requires appropriate external amenity space for all new dwellings that is private, usable, functional and safe; and I therefore conclude on this main issue that the proposal would fail to provide acceptable living conditions for occupiers of the development.

Other Matters

14. The proposal would make effective use of the site to deliver a 1 bedroom dwelling, adding to the supply of housing locally and contributing towards targets requiring new housing in the borough. There would also be some social and economic benefits associated with both the construction and occupation of the development, including through employment opportunities. However, the proposal's contributions in these regards would be qualified by the modest scale of the development for a single dwelling. Even taken together, I find that the very modest benefits of the proposal would be significantly and demonstrably outweighed by the harm that I have identified to the character and appearance of the area and to the living conditions of future occupiers.

Conclusion

15. 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