



Appeal Decision

Site visit made on 28 October 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2021

Appeal Ref: APP/B5480/W/21/3270537
96 Dagenham Road, Romford RM7 0TJ

- 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 V Patel against the decision of the Council of the London Borough of Havering.
 - The application Ref P1568.20, dated 27 October 2020, was refused by notice dated 19 January 2021.
 - The development proposed is first floor rear extension to create 1 x 1 bed flat.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.
3. The existing layout of the site as shown on the submitted plans does not reflect that which I observed on my visit, particularly in relation to the extent of the means of enclosure at first floor level. For the avoidance of doubt, I have based my decision on the plans as submitted with the appeal.
4. A revised version of the National Planning Policy Framework (the Framework) and a new London Plan 2021 (the London Plan) have been published since the appeal was lodged. The Council has also adopted a new Local Plan 2016-2031 (the Local Plan). Both the Council and the appellant have had the opportunity to comment on these documents.
5. The Council has specified that the Local Development Framework has now been superseded by the adoption of the Local Plan. The Council has also stated that the presumption in favour of sustainable development outlined in paragraph 11(d) of the Framework is engaged due to the 2020 Housing Delivery Test results. I have proceeded to determine this appeal on that basis.

Main Issues

6. The main issues are the effect of the proposal on the:
 - Character and appearance of the area;

- Living conditions of nearby residents with regards to outlook and privacy; and
- Living conditions of future residents with regards to outlook.

Reasons

Character and Appearance

7. The appeal site is located to the rear of a terrace of commercial units, which have other uses including residential properties above. The site is located adjacent to an access which leads to a car park to the rear of the site. It is also located at the end of a row of garages and a service area which provides access to neighbouring properties. Despite being located to the rear of the shopping centre, the site has a relatively open aspect and is therefore readily visible from the car park and other areas to the rear.
8. The proposal would involve the construction of a flat roofed extension above a ground floor off-shoot extending to the rear of the host property. This would result in a significant increase in the scale and massing of the building to the rear of the site, although this would be mitigated to a degree by a building of an even greater scale located on the opposite side of the access. The proposal would also be subservient to the host building.
9. However, even given the scale of the adjacent buildings, the proposal would appear as an obtrusive and free-standing feature at first floor level to the rear of the terrace. The separation at first floor level from the main rear elevation of the terrace would give the proposal an unduly incongruous appearance, particularly when viewed in the context of the row of garages adjacent to the site which are set at a lower level than the proposal. Even within the utilitarian character of the area to the rear of the terrace, the proposed extension would appear as a jarring addition to the area.
10. I conclude that due to its arrangement and design, the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore be contrary to the urban design requirements of policy 26 of the Local Plan. The proposal would also be contrary to the Framework with regards to achieving well-designed places.

Living Conditions - Nearby Residents

11. The Council refers to an eastern garden area which would be located between the proposed extension and the entrance to the flat at 96A Dagenham Road. The use of this garden area would have a close-knit relationship with the access route and the entrance to the existing flat, so that users of this amenity area would have an intrusive degree of monitoring of the comings and goings of neighbouring residents. Whilst main entrances to properties may generally be overlooked by private garden spaces and the public realm, it is also common that there is a degree of defensible space between a private access and the amenity areas of neighbouring properties. Even allowing for the nature of the small window adjacent to the entrance to No 96A, I consider that the amenity area would lead to an intrusive relationship with access to the existing flat to the detriment of the privacy of residents.
12. The Council also refers to the impact on the outlook from existing flats, specifically Nos 96A and 94A. Based on what I have seen and read, these rear

windows serve habitable rooms, and have an outlook which is currently constrained by the stepped-back arrangement of the rear elevation. Even allowing for the limited relative height of the proposal and the off-set nature of the view, the proposal would exacerbate the sense of enclosure in the outlook from these windows, to the detriment of the living conditions of residents

13. I therefore conclude that the proposal would lead to significant harm to the outlook and privacy of the neighbouring flats of Nos 94A and 96A, with consequent harm to the living conditions of residents. The proposal would therefore be contrary to the amenity requirements of policies 7 and 10 of the Local Plan, and would also conflict with the Framework with regards to ensuring that developments provide a high standard of amenity for existing users of properties.

Living Conditions - Future Residents

14. The outlook from the flat would primarily be of the car park and service area to the rear of the terrace. Whilst not particularly attractive, the view from the flat and the proposed garden areas would be elevated and would be of a broadly open aspect. The outlook from the flat would therefore not be dominated by vehicle movements or commercial activity. This would also reflect the outlook from existing flats.
15. A window to the side of the proposal would look onto the flank of the building on the opposite side of the access to the car park, which would be unduly oppressive. However, the room would also be served by other windows with an open aspect, and on that basis this matter does not represent sufficient reason to withhold planning permission.
16. I conclude that the proposal would provide suitable outlook for future residents and would therefore not be harmful to their living conditions. The proposal would therefore comply with the amenity requirements of policies 7 and 10 of the Local Plan. The proposal would also not conflict with the Framework with regards to ensuring that developments provide a high standard of amenity for future users.

Other Matters

17. The proposal would add to the supply and mix of housing in the area in a sustainable location. However, the provision of 1 dwelling would be a limited contribution to this, even allowing for the Housing Delivery Test results and the provisions of the London Plan and the Framework which highlights the contribution that small sites can make to meeting housing requirements and the efficient use of land.

Conclusion

18. Notwithstanding my conclusion in respect of the living conditions of future residents, the proposal would lead to significant harm to the character and appearance of the area as well as the living conditions of neighbouring residents with regards to outlook and privacy. Due to the identified harm, I conclude that the proposal would conflict with the development plan.
19. Whilst I have had regard to the benefits of the proposal, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the identified benefits when assessed against the policies of the

Framework taken as a whole. Consequently, the proposal would not represent sustainable development and the appeal should be dismissed.

David Cross

INSPECTOR