



Appeal Decision

Site visit made on 1 February 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2022

Appeal Ref: APP/Z5060/W/21/3275411

25A Bentry Road, Dagenham, RM8 3PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Imran Alam against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref: 20/01930/FULL, dated 29 September 2020, was refused by notice dated 1 December 2020.
 - The development proposed is described as erection of two storey 2 bedroom houses.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new version of the London Plan (LnP) was published in March 2021 and a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of these new policy documents in relation to the appeal, and so will not be disadvantaged by my consideration of them.
3. The emerging draft new London Borough of Barking and Dagenham Local Plan 2037 is yet to be finalised and adopted, which limits the weight it carries. For the purposes of my decision, the Barking and Dagenham Core Strategy (CS), Barking and Dagenham Borough Wide Development Policies (DP), together with the LnP, constitute the local development plan.

Main Issues

4. The main issues in this case are the effect of the proposal on:
 - The character and appearance of the area;
 - The living conditions of neighbouring residents, with particular regard to light and whether the proposal would have an overbearing effect on outlook from No 23 Bentry Road;
 - Local car parking capacity and highway safety; and
 - The living conditions of future occupiers of the proposed dwelling, with particular regard to internal living space and storage.

Reasons

Character and appearance

5. The Becontree Estate in which the appeal site is located, was designed as an interwar 'Homes for Heroes' estate. As described in Historic Environment Policy CP2 of the CS, it is one of the important symbols of the borough's past. Symmetrical terraced rows of two-storey 'cottage style' dwellings with pitched roofs, with repeating roof and chimney forms, doorway arches and fenestration are a noticeable distinguishing characteristic of the neighbourhood. Repeating, approximately U-shaped configurations of terraced rows facing onto pedestrian 'banjos' further reinforce the sense of townscape repetition and rhythm. This architectural rhythm helps to articulate the recognisable design ethos of this interwar 'Homes for Heroes' estate, thereby contributing to the distinctiveness of the area.
6. Within this context, the proposal would entail the addition of a detached dwelling beyond the ends of two terraced rows. This would deviate from and disrupt the distinctive repeating pattern of terraced rows fronting onto the banjo, and distract from the symmetry of the neighbouring row's roofscape. These impacts would be noticeable looking into the banjo from the street, walking up the banjo approaching the appeal property, and from various neighbouring properties. This would distract from the localised appreciation of the townscape within, and in the vicinity of the banjos, which is a distinctive aspect of how the estate's character is appreciated. Furthermore, this would erode the coherence of the distinctive design ethos of the Becontree Estate and its associated contribution to the historic local identity of the area. Consequently, the proposal would harm the character and appearance of the area.
7. I therefore conclude that the proposal would harm the character and appearance of the area. As such, it would conflict with Policies CM1, CP2 and CP3 of the CS, and Policy BP11 of the DP which together seek to ensure that development complements and reinforces local character and distinctiveness, including its historic environment.
8. Policy D4 of the LnP focuses on design methodology, rather than design substance. As such, the identified harm, which concerns design substance in this instance does not conflict with this policy.

Living conditions of neighbours

9. With the proposed building's position to the north and east of the neighbouring property, much of the southern part of No 23's garden is unlikely to experience significant loss of sunlight from the proposal. Given this, the relatively spacious garden sizes of Nos 23 and 25 Bentry Road, and the proposed pitched roof profile, the proposal would be unlikely to harmfully reduce daylight and sunlight to the garden of No 23.
10. Also, some of No 23's garden would be no closer to a building facade than commonly occurs in the neighbourhood, as a result of the proposal. Nevertheless, the proximity of the proposed dwelling's southern elevation, to the northern elevation and side alley leading to the entrance door of No 23, would result in a cramped relationship between the dwellings, with two closely

facing main end elevations with windows. This would appear overbearing from the south-eastern corner of No 23's garden, the approach to its entrance and windows in its northern elevation.

11. In conclusion, the proposal, would harm the living conditions of neighbouring residents at No 23 Bentry Road, in terms of an overbearing effect on outlook. As such, the proposal would conflict with Policy GG3 of the LnP and Policy BP11 of the DP, which together seek to ensure that development safeguards the living conditions and wellbeing of residents.
12. Policies GG1 and D14 of the LnP together focus on inclusivity and noise, and do not specifically address the neighbouring living condition matters of light and outlook. Thus, these policies are not engaged in relation to this main issue.

Car parking and highway safety

13. From what I saw during my site visit, albeit a snapshot in time, on-street parking appears to be in some demand in the locality, even during the daytime when some motorist residents are likely to be away from home. However, the absence of parking on the appeal site and immediately outside the property, given its pedestrian banjo foreground, would be evident to prospective residents, potentially deterring car use. Furthermore, Valence Avenue and Green Lane are well-served bus corridors, located within convenient walking distance of the appeal site, which provide connection to various facilities, including Chadwell Heath railway station, King George Hospital and several town centres. Also, the four secure cycle parking spaces at the proposed dwelling would encourage cycle use.
14. Thus, notwithstanding the location's PTAL 1b rating, various alternatives to private car use would be available to future occupants of the proposed dwelling. Consequently, the proposed house without on-site carparking is unlikely to generate a level of parking demand that would harm local parking capacity and highway safety.
15. In conclusion, the proposal would not harm local car parking capacity and highway safety. As such, it would not conflict with Policies D3, T3, T6, T6.1 and Table 10.3 of the LnP, and Policy BR9 of the DP, which together seek, among other things, to ensure that development encourages and facilitates more environmentally friendly travel modes.
16. Table 6.1 of the LnP relates to employment development and so is not engaged in this instance.

Living conditions of future occupiers

17. Given the two proposed similar sized bedrooms, four person occupancy of the dwelling is likely. The proposal to provide four cycle spaces further indicates this.
18. Policy D6 of the LnP and guidance in the Technical Housing Standards - Nationally Described Space Standard include the following requirements. Two bedroom, four person, two storey dwellings should have a minimum gross internal floor area (GIA) of 79 sq.m. Also, two bedroom, two storey dwellings should provide at least 2 sq.m of built-in storage. Furthermore, Policy BP6 of the DP seeks provision of storage cupboards for dwellings for two or more people. Through providing less GIA than this and no built-in storage, the

proposal would not meet these standards. This indicates that the proposed internal living space and storage would not be adequate to meet the needs of future occupants.

19. In conclusion, the proposal would harm the living conditions of future occupants, in terms of internal living space and storage. As such, it would conflict with Policies D5 and D6 of the LnP, and Policy BP6 of the DP, which together seek to ensure that development provides high quality, people-focused accommodation that safeguards residents' living conditions.
20. Policy BC2 of the DP focuses on major and strategic housing schemes, and so is not engaged in this single dwelling case.

Other Matters

21. Some neighbouring residents have expressed concerns about impact on privacy, wildlife and drainage, which go beyond the reasons for refusal. As I am dismissing the appeal on other grounds, it is not necessary for me to consider these matters further in this instance.

Planning Balance and Conclusion

22. Given the continued housing delivery shortfall in the borough, as measured through the housing delivery test, the tilted balance as set out in paragraph 11 of the Framework applies.
23. The proposal would contribute to local housing supply in the form of one two-bedroom dwelling, with associated socio-economic benefit during and after construction. These benefits would be limited in scale.
24. I appreciate that the Framework sets out a presumption in favour of sustainable development but even where the tilted balance is engaged, the benefits of additional housing do not necessarily outweigh all other concerns. Moreover, case law has found that even where policies can be considered out of date, this does not mean they carry no weight. The balancing exercise remains a matter of planning judgement.
25. Given the totality of harm identified above, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefit, when assessed against the policies in the Framework taken as a whole.
26. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR