The Planning Inspectorate

Appeal Decision

Site visit made on 8 February 2022

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2022

Appeal Ref: APP/Z5060/D/21/3285495
1 Lake Close, Dagenham RM8 2TE

- 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 Sami Rahman against the decision of the London Borough of Barking and Dagenham Council.
- The application Ref 21/01551/HSE, dated 17 August 2021, was refused by notice dated 29 September 2021.
- The development proposed is double storey side extension.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The decision notice refers to the 2016 version of the London Plan (LP) and the 2019 version of the National Planning Policy Framework (Framework). Updated versions of both documents were published in 2021 before the decision was made. However, the officer's report refers to the current versions of the documents and the appellant has commented on it. I have determined this appeal based on the policies and guidance identified in the officer's report.

3. The officer's report also refers to a later version of the Council's emerging Local Plan (eLP)[1] than is specified on the decision notice. In any case, based on the evidence submitted, the eLP is yet to complete its examination in public and thus its policies attract limited weight.

Main Issues

4. The main issues are the effects of the proposal on:

   - the character and appearance of the area; and
   - the living conditions of the occupiers of 108 to 114 Winding Way in respect of daylight, sunlight and outlook.

Reasons

Character and appearance

5. The site features an end of terrace dwellinghouse with a pitched and gabled roof and an attached garage in Lake Close. The properties in the close have similar designs and a cohesive character and appearance. Notably, front and side facing gabled roofs are prevalent.

[1] London Borough of Barking and Dagenham Draft Local Plan 2037

6. The front and side of the proposed extension would be visible shortly after entering the close because of the highway's alignment. In order to accommodate the shape of the plot, the side of the extension would taper to its rear in an angular manner. This feature would be uncharacteristic of the sides of the existing buildings in the close and make the development appear cramped. Additionally, although the extension would be lower in overall height than the existing house and be subservient in that respect, it would have a shallow pitched and hipped roof. There are no comparable roof designs in the close and the development would appear as an uncharacteristic and incongruous addition to the streetscene as a consequence.

7. The appellant contends that the proposal is not dissimilar to a side extension carried out at 11 Lake Close. However, that development is located near the end of the close and has a different design. It is not directly comparable to the proposal as its location, visibility and appearance are markedly different. I have also been provided with appeal decisions for approved schemes in the Borough at 37 Fieldway, 27 Stamford Road and 328 Goresbrook. I have not been provided with full details of these developments. In any event, they are located considerable distances from the site and thus the circumstances of those developments are also not directly comparable to the proposal.

8. The proposal would harm the character and appearance of the area. It conflicts with Policy CP3 of the Core Strategy (CS) and Policy BP11 of the Borough Wide Development Policies (DP) which set out that development should achieve high quality design standards and protect or enhance the character of an area. These policies are consistent with the aims and objectives of the Framework. It also conflicts with eLP Policies SP2, DMD1 and DMD6, which have similar objectives. It is also contrary to the Residential Extensions and Alterations Supplementary Planning Document, which states that side extensions should be sympathetic in terms of their form and roof treatment. Additionally, the proposal conflicts with Chapter 12 of the Framework which, alongside other things, sets out that development should be sympathetic to local character.

9. The Council contends that the proposal also conflicts with DP Policy BP8 and LP Policies D1 and D4 in respect of this main issue. However, the former policy relates to protecting residential amenity. Therefore, it is not directly relevant to character and appearance matters. Additionally, the LP policies advise councils on defining the character of areas, meeting growth requirements and tools and methods for the delivery of good design rather than imposing criteria for individual proposals. As such, I do not find conflict with these policies in respect of this specific issue.

Living conditions

10. The Council contends that the proposal would have unacceptable adverse impacts on the living conditions of the occupiers of 108 to 114 Winding Way in respect of overshadowing of and loss of outlook from the rear rooms and gardens of those properties.

11. The rear gardens of Nos 108 to 114 vary in size but are generally modest. The extension would result in some loss of daylight, sunlight and outlook to those properties. However, as the existing house is more southerly than and relatively close to them, and the extension would have a hipped roof and be lower than the existing side wall of the house, the daylight and sunlight impacts would be limited. In addition, although the extension would project

across the rear boundary of No 112, it would not be deeper than the existing house and outward views beyond the extension from the neighbours' rear rooms and gardens would be adequate. As such, the proposal would not result in an excessive and unacceptable sense of enclosure or overbearing or therefore significant impacts on outlook.

12. The proposal would have an acceptable effect on the living conditions of 108 to 114 Winding Way in respect of daylight, sunlight and outlook. With specific reference to this main issue, the proposal accords with Policy BP8 of the DP and Policies DMD1 and DMD6 of the eLP, which set out that development should not lead to significant impacts on residential amenity.

Other Matters

13. I acknowledge that the proposal would result in the creation of a family sized home and provision of such is supported by the development plan. Moreover, I have no reason to doubt that there is a significant need for family sized homes in the Borough. Additionally, I note that the development plan and the Framework seek the efficient and optimal use of land. However, these matters do not outweigh the harm identified.

Conclusion

14. For the reasons given above the proposal conflicts with the development plan as a whole. Material considerations do not outweigh the proposal's conflict with the development plan. Accordingly, the appeal should be dismissed.

Mark Philpott

INSPECTOR