



Appeal Decision

Site visit made on 26 April 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2022

Appeal Ref: APP/Z5060/W/21/3288091

13 Cornwall Close, Barking IG11 9JF

- 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 Naseer Shabon against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/01821/FULL, dated 4 October 2021, was refused by notice dated 4 November 2021.
 - The development proposed is described on the application form as 'demolition of existing garage, partial demolition of existing kitchen and the construction of a new two-storey, three-bedroom house next to 13 Cornwall Close'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effects of the development proposed on (i) the character and appearance of the area and (ii) the living conditions of occupiers of 22-28 Westrow Drive and 13 Cornwall Close, with regard to outlook and light.

Reasons

Character and appearance

3. Cornwall Close is a residential street of short terraces of 1930s dwellings with hipped roofs regularly arranged in good sized plots. The dwellings stand in pairs within groups of four, with each pair containing a central section with broad windows curved at their outer edges. There is variation in design detailing among dwellings in Cornwall Close, particularly in relation to porches, replacement windows, rendering, and roofing materials, and most end terraced dwellings have been extended in width. Despite those differences, basic shape and form has been retained.
4. 13 Cornwall Close is an addition to the only original semi-detached pair at the northern end of the cul-de-sac, and is the only dwelling on the street with a large side garden. It stands as part of a terrace of three dwellings, and exhibits features designed to reflect those of the original pair and other dwellings on the street.
5. The proposal is the extension of the terrace to incorporate a fourth dwelling. Single storey flat-roofed elements of No.13 would be replaced with a new two-storey dwelling, wider and deeper than No.13 and other houses in the terrace and Close. I accept that in overall form and design the proposal has, to some extent, sought to emulate local character.

6. However, the proposed development would not entirely replicate the rhythm generated by pairs on the other terraces. It would read as a further dwelling of individual or atypical design, being without the central section which defines pairs on other terraces. The bow-window feature on No.13 and the new dwelling would each be a different width, and different again to others in the Close.
7. The dwelling would exceed the depth of the existing terrace, abut the northern boundary, and incorporate a distinctly different roof design with a crown roof. It would be of a different design and scale and would not reflect the simple hipped roof designs of other dwellings in the vicinity of the appeal site, or the general depth of dwellings in the area. The development would contrast with the character of the terrace of which it would be part.
8. For the above reasons the proposal would harm the prevailing consistent and ordered character and appearance, thereby conflicting with the relevant provisions of policy CP3 of the Core Strategy, policies BP8 and BP11 of the Development Policies DPD and of the Framework (including paragraph 130)¹. In summary, and amongst other things, those policies seek to ensure that development integrates appropriately with local character. Likewise the proposal would also conflict with the approach in the emerging Local Plan, notably policies SP1 and DMD1, which seek to achieve similar aims.

Living conditions

9. The side wall of the new dwelling would be 2-storeys in height and over 10.5m in length, running along the full length of 26 Westrow Drive's rear garden boundary, and part of 24a Westrow Drive's rear garden boundary. Being directly on the boundary, south of those gardens, and of substantial scale and mass, the wall would be a dominating and oppressive feature and would significantly reduce the daylight and sunlight into those gardens.
10. Although I accept there is some variety in the wider area and the existing garden here is atypically large compared to other on the Close, nevertheless the development would introduce a new inter-relationship between neighbouring dwellings with significant effects on neighbouring gardens. Relative to the prevailing inter-relationship of properties to one another, as reasoned above based on a broadly consistent pattern with good sized gardens, the scheme would be clearly overbearing in terms of outlook from those gardens and harmful in terms of loss of light. In addition, but to a lesser extent, there would be similar effects on part of the rear garden of No 28.
11. The new 2-storey dwelling would extend more than 2.5m beyond the rear of No.13 which has a partial width single storey rear extension of a similar depth. Although outlook from the first floor rear windows of No 13 would not be harmed, the development would result in a narrow recessed area with a door serving as the only window to No.13's kitchen. With the single storey structure to one side and the 2-storey structure to the other, outlook from the kitchen would be very poor.
12. I note the representations of the main parties in respect of the Residential Extensions and Alterations Supplementary Planning Document (2012).

¹ Respectively the London Borough of Barking and Dagenham Core Strategy adopted in 2010, the London Borough of Barking and Dagenham Borough Wide Development Policies Development Plan Document adopted in 2011, and the National Planning Policy Framework.

Nevertheless, that document is guidance and cannot account for each and every scenario. Whilst there is some give and some take, in my view given the prevailing nature of the area and the particular effects of the development proposed, adverse effects to living conditions would result. However, it is clear to me that the proposal would be harmful to the outlook of future occupiers of No.13.

13. For the reasons above, the development would harm the living conditions of occupiers of 22-28 Westrow Drive and 13 Cornwall Close, and conflict with the relevant provisions of Core Strategy Policy CP3, which seeks high quality design and layout, Development Policies DPD Policies BP8 and BP11, which relate to layout, function and amenity, and with chapter 12 of the Framework, which seeks to achieve well-designed places. It would also conflict with draft Local Plan Policies SP2 and DMD1 which relate to high-quality design and impacts on amenity.

Other Matters

14. The Council and appellant agree that, on the basis of the Council's 2020 Housing Delivery Test results, paragraph 11(d) of the Framework applies. One additional dwelling would make a small contribution towards increasing housing supply and family housing in an urban area, albeit in an area with relatively poor transport accessibility². Although the Framework seeks to significantly boost the supply of homes, it also aims to achieve well-designed places. The harm I identify above in relation to the character and appearance of the area and the living conditions of neighbouring occupiers and future occupiers of the development would therefore significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. Neither the benefits of the scheme, nor any other material considerations, justify allowing the appeal.

Conclusion

15. For the reasons above, having had regard to the development plan as a whole, the approach in the Framework, and to all other relevant material considerations, I conclude that the appeal is dismissed.

Peter White

INSPECTOR

² Public Transport Accessibility Level (PTAL) 2.