
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: 19 July 2022

Appeal Ref: APP/Z5060/W/21/3289191

Land to the rear of no.2 Lancaster Avenue, Barking IG11 7RB

- 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 Mohammed Khurshid, Seven Ways Properties Ltd against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/01713/FULL, dated 13 September 2021, was refused by notice dated 8 November 2021.
 - The development proposed is demolition of existing building and compound and construction of one bedroom accessible bungalow, gardens and parking. Improvement and use of access to Lancaster Avenue - resubmission of 21/00476.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effects of the development proposed on the character and appearance of the area.

Reasons

3. Properties fronting Lancaster Avenue are consistently two storey brick properties arranged in standard fashion facing the pavement, and which share a common origin and understated design. To the east, a housing estate comprising multi-storey blocks of flats and their grounds stands beyond the appeal site and rear gardens of dwellings on Lancaster Avenue. Part of the appeal site is a parcel of land once part of the rear garden of No 2, which has been in separate ownership for a number of years. It contains a yard and a building, which the appellant states was previously in use as an office. The existing building, with its shallow felt roof, is not dissimilar to a large domestic outbuilding. Visually it therefore sits relatively comfortably among gardens.
4. To the south, buildings fronting Ripple Road are of a similar design to those on Lancaster Avenue. Despite some commercial units, and the housing estate referenced above, the area nevertheless has a strong consistency deriving from the form of buildings and its planned origins.
5. By contrast, the existing building and yard on the appeal site is accessed from a narrow service road to the rear of units on Ripple Road. That is essentially commercial or industrial in character, consistent with uses beyond. With heavy steel gates at its entrance, it is unsurfaced and bounded by concrete fencing, patchwork walls of mixed materials, steel roller shutters, open service yards, and structures of various styles and sizes. At the time of my visit a line of cars

and commercial vehicles were parked on the service road, making it almost impassable.

6. The proposed detached bungalow would be accessed from the service road. The appellant states that many of the existing flats above shops on Ripple Road are accessed from the service road, although this is disputed by the Council. Even if some existing flats are accessed solely from the track, at my site visit I saw no letterboxes or references to addresses at the entrance to the track, and I noted that most flats had pedestrian access directly, or via alleyways, from Ripple Road. Residential access via the service road would, in that context, be uncharacteristic and discordant.
7. The proposed detached bungalow would be of a wholly different form to other residential buildings in the area, as described above. I saw no other single storey residential buildings in the area, and a hipped roof bungalow of suburban character, with gabled bay windows and a tiled roof would contrast and conflict with the broadly coherent character of residential buildings in the area.
8. In design terms, it would not sit well in the area of terraced two storey dwellings where design uniformity is a characteristic of the area, or with the tall buildings in spacious surroundings. It would also appear incongruous facing the commercial/industrial service road (despite the proposed resurfacing and lighting improvements) and the yards of commercial shop units. It would be more prominent than the existing building and harmful to the character and appearance of the area.
9. I therefore find that the proposed development would harm the character and appearance of the area and would conflict with the relevant provisions of The London Plan (2021) Policy D8, which relates to the relationship between the space surrounding buildings and their uses, London Borough of Barking and Dagenham Borough Wide Development Policies DPD (2011) policy BP11, which requires attractive high quality architecture which protects or enhances the character and amenity of the area. It would also conflict with chapter 12 of the National Planning Policy Framework, which seeks well-designed places, and London Borough of Barking and Dagenham draft Local Plan Policies SP2 and DMD1 which promote high-quality design.
10. The appellant claims a fallback position whereby they consider the change of use of the existing building would be 'permitted development' under Part 3, Class MA of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Class MA is subject to a number of conditions and limitations and I have insufficient information before me in relation to this case to determine whether that would apply; and in any event I note that such a proposal would necessitate an application to the Council for their prior approval of various matters. However, if that option is open to the appellant, then use of the existing building without additional works would have a more limited impact on the character and appearance of the area, and would not justify the greater harm I identify to the character of the area in relation to the proposed development, even with the appellant's proposed improvements to the access track.

Other Matters

11. The appellant contends that the Council's housing land supply is only 3.7 years, although the Council claim a supply of 5.7 years. Nevertheless, the main parties agree the Housing Delivery Test (HDT) results demonstrate the Council has met only 57% of its housing delivery requirements over the last 3 years. Paragraph 11(d) of the Framework is therefore engaged.
12. In favour of the development, one additional dwelling would make a small contribution towards increasing housing supply. A small site could also be built relatively quickly. There would also be modest economic benefits associated with the development of the site and the expenditure of future occupants in the local area. It would make use of brownfield land, although I have not found the development suitable in terms of the character of the area and I note that the site has poor accessibility (a PTAL rating of 1b¹).
13. I note the appellant proposes a wheelchair accessible dwelling, which would contribute to an identified need, but I also note the absence of direct access from the street, the length and nature of the access track (despite the proposed access track surface improvements), and the presence of large gates.
14. I also attribute very limited weight to reduction in hard surfacing², biodiversity improvements, and modern building standards, cycle parking and energy efficiency, CIL and Council tax receipts, which would apply to any new dwelling.
15. Against the proposal, I have found the development would harm the character and appearance of the area and conflict with the development plan. The development would also conflict with the requirements of the Framework to achieve well-designed places. Together these matters would significantly and demonstrably outweigh the limited benefits of the development.

Conclusion

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

Peter White

INSPECTOR

¹ TfL Public Transport Accessibility Level

² the existing yard was overgrown at the time of my site visit and appeared permeable