



Appeal Decision

Site visit made on 22 June 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2022

Appeal Ref: APP/Z5060/W/21/3285037

794 Rainham Road South, Dagenham RM10 8YU

- 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 Ondorski against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/00296/FULL, dated 18 February 2021, was refused by notice dated 20 April 2021.
 - The development proposed is 2 new 3 bedroom 3 storey terraced houses and 1 new 1 bedroom chalet bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have referred me to policies of the emerging Local Plan. These are evidently draft policies of an emerging plan which I understand has been submitted for examination. I am unclear, based on what I have seen, as to how far away these policies are from adoption or indeed in what form they will be adopted post examination. I can therefore only afford them very limited weight. I have determined the appeal having regard to the adopted development plan at the time.

Main Issues

3. The main issues are:
 - i) The effect of the development proposed on the character and appearance of the area;
 - ii) Whether the development proposed would provide an acceptable standard of accommodation for future occupants with regard to internal space;
 - iii) The effect of the development proposed on sustainable transport and parking provision;
 - iv) The effect of the development proposed on the living conditions of the occupants of nearby properties, with particular regard to noise and disturbance, and the effect on the natural light, outlook and privacy of the occupants of 792 Rainham Road South.

Reasons

Character and Appearance

4. The character of the wider area is mixed and includes tall developments of contemporary design adjacent to the main carriageway of Rainham Road South. By contrast, the appeal site sits back from the main carriageway and lies at the eastern end of a group of two storey terraced houses which are largely consistent in their scale and bulk, but with some varying design features including front projecting bays. These properties generally have consistent ridge and eaves heights, and have pitched roof forms which, together with the gaps between the terraces, create visual breaks in the street scene. Together, these features contribute positively to the character and appearance of this part of the street.
5. The appeal scheme would extend to nearly the full width of the site, with the exception of a gap against the western boundary. It would incorporate half-hipped roof forms in three positions across the development and a maximum eaves and ridge height that would sit below those of the other properties in this group to the west. The width of the proposed properties would be narrower than others on the street, and the use of a yellow stock brick to the elevations would be inconsistent with the established character of the properties on this side of the road. In combination, and as a result of these features, the appeal scheme would appear prominent and incongruous, and would detract from those feature of the street scene which contribute positively to its character.
6. I have had regard to the earlier appeal decision relating to development on this site¹, which similarly considered matters of character and appearance. For the reasons given I find that the concerns of that Inspector have not been overcome by the revised proposal.
7. The Council have raised concern for the impact of the removal of the on-street parking bays on the character and appearance of the area. However, I do not consider those bays to make any particular contribution to the character of the area. Given the abundance of off-street parking to the properties on this side of Rainham Road South, I do not find visual harm would arise through the loss of those bays. The impacts on the availability of parking are considered in turn below.
8. For the reasons above, however, the proposed development would cause harm to the character and appearance of the area. It would thus conflict with Policy CP3 of the Core Strategy 2010 (the CS) and Policy BP11 of the Borough Wide Development Policies Development Plan Document (the BWDP) which together require new development to achieve high quality design that protects or enhances the character of the area. It would also conflict with design objectives of the National Planning Policy Framework (the Framework).
9. I do not find conflict with Policy D8 of the London Plan 2021 (the LP) which relates to the design of new public realm. The Council have referred to Policies D1 and D4 of the LP, however these appear to relate to the Council's consideration and assessment of an area's character, rather than being specific to how they might assess development proposals in relation thereto. I do not therefore find conflict with them in respect of this main issue.

¹ APP/Z5060/W/21/3270361

Living Conditions- Future Occupants

10. The proposals would provide three residential units, where the two larger units would fail to meet the minimum gross internal floor areas set out in the Technical Housing Standards 2015 and the LP. In addition, those two units would each have one substandard sized bedroom and inadequate internal storage, which further conflicts with the Technical Housing Standards.
11. The appellant disputes the Council's conclusion. However, there is not substantive evidence before me to contest the Council's calculations. On the basis of the evidence before me, I find that the two larger units would fail to provide an acceptable standard of accommodation for future occupants through failure to achieve the minimum floorspace standards.
12. The appeal scheme would therefore conflict with Policies D5 and D6 of the LP, which together seek to achieve high quality and inclusive housing which meets the minimum standards set out. It would conflict with the objectives of the Technical Housing Standards 2015 and the Framework, which requires at paragraph 130 that planning decisions create places with a high standard of amenity for existing and future occupiers.
13. Insofar as this main issue is concerned, I do not find conflict with Policy D4 of the LP, which relates to good design.

Parking Provision

14. The appeal scheme would provide three off-street parking spaces, one to each of the proposed new houses. The provision of one parking space for the one bedroom unit would result in the appeal scheme exceeding the maximum parking standard. Policy T6 of the LP and Policy BR9 of the BWDP state that new residential development should not exceed the maximum parking standards set out. The parking standards take account of the accessibility of the area to public transport and seek to reduce car dependence in accessible locations.
15. While other properties within the area benefit from off street parking, I do not have evidence before me of the circumstances under which they received planning permission, and the other houses on this side of the road are likely to pre-date current planning policy.
16. The two existing on-street parking bays immediately outside the appeal site would be removed to facilitate the creation of the proposed off street parking. This would result in the loss of parking opportunities for the wider public. The appellant states that just one of the on-street parking bay would be lost with an adjustment to the markings. However, I do not have evidence before me to demonstrate how this would be achieved alongside the proposed development. I do not have evidence before me to substantiate the claim that the existing on street bays compromise safe access and egress to Dagmar Road.
17. For the above reasons, the proposal would conflict with Policies BR9 and BR10 of the BWDP which relate to maximum parking standards and require that parking provision takes account of on-street parking availability. It would also conflict with Policy T6 of the LP which also contains maximum parking standards for new residential development, and the objectives of the Framework insofar as it seeks to promote sustainable means of transport.

18. I note that the loss of the on-street parking bays formed one of the Inspectors considerations under the earlier appeal decision² and that the proposals were found to be harmful in that respect. That Inspectors concerns have not been overcome insofar as this issue is concerned.
19. I do not find conflict with Policy BR11 of the BWDP, which relates to other means of sustainable transport. The proposal would not conflict with Policy T5 of the LP relating to cycling, particularly as the Council have identified that cycle storage could be secured by condition if the appeal scheme were otherwise acceptable.

Living Conditions- Nearby Occupants

20. With regard to the impact on the occupants of 792 Rainham Road South, any impact would be derived from the proposed single storey rear projection. This relationship was considered under the earlier appeal decision, and due to the depth and height of that projection, it would not cause unacceptable harm to the living conditions of those neighbouring occupants in terms of impacts on daylight or outlook. As the proposed new windows would have a direction of outlook over the proposed rear gardens, any views towards No 792 would be at oblique angles and would not cause a harmful loss of privacy.
21. The proposals would intensify the use of the site by providing additional housing and their associated gardens and parking areas. This is likely to result in more noise and movement arising from the site than currently exists. However, based on the findings of my site visit, given the density of nearby developments and proximity to the main carriageway of Rainham Road South, any additional noise and disturbance alone is unlikely to cause unacceptable harm to the living conditions of the nearby occupants.
22. For the above reasons the appeal scheme would preserve the living conditions of nearby occupants and would comply with Policy BP8 of the BWDP, which seeks to protect residential amenity, and also Policies GG1, GG3 and D14 of the LP which together seek to provide inclusive communities, improve health and avoid significant adverse noise impacts on health and quality of life. Insofar as this main issue is concerned, the proposals also comply with the Framework where it requires development to provide a high standard of amenity for existing users.

Other Matters

23. The Council accept that it has a shortfall in housing delivery and this was substantially below the housing requirement over the previous three years. As such the provisions of paragraph 11 of the Framework are relevant to the appeal. The most important policies are deemed to be out of date and the Framework requires that I should grant planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
24. In terms of the main issues of the case before me, I have found that harm would arise in terms of the character and appearance of the area, the standard of the proposed accommodation and the implications relating to parking. The result of these harms would be significant and long lasting, and result in conflict with the Framework. I ascribe these harms substantial weight.

² APP/Z5060/W/21/3270361

25. The proposed development would contribute additional units to the Council's housing stock, but, as two of those units would provide a substandard size of accommodation, I ascribe this benefit minimal weight. There would be economic benefits through the creation of employment opportunities during the construction phase, and spending by future occupants, to which I attach moderate weight given the scale of the scheme. The proposal would not cause harm to the living conditions of the nearby property, but as a lack of harm, this cannot be considered beneficial.
26. Consequently, the benefits identified would not be sufficient to outweigh the harms I have found for the reasons I have given, and the adverse impacts on granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. The appeal scheme would not therefore benefit from the presumption in favour of sustainable development.

Conclusion

27. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I therefore conclude that the appeal should be dismissed.

C Shearing

INSPECTOR