



Appeal Decision

Site visit made on 16 August 2022

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2022

Appeal Ref: APP/Z5060/W/21/3286351

264 Westrow Drive, Barking IG11 9BU

- 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 Shah Ali against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/01552/HSE, dated 17 August 2021, was refused by notice dated 11 October 2021.
 - The development proposed is described as the erection of the two-storey outbuilding within the rear garden, ground floor plus basement.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The latest iteration of the National Planning Policy Framework (the Framework) was published on 20 July 2021 however the Council's delegated report and decision notice refer to the 2019 publication. I am satisfied that the new iteration of the Framework, particularly paragraphs 127 and 128 as referenced by the Council are broadly consistent with the earlier iteration and therefore no parties have been prejudiced.
3. The proposed development will provide a gymnasium in the basement together with a living area, small kitchen, bathroom and storage area on the ground floor for the personal use of the appellant and their family.
4. The accommodation, whilst detached is located within immediate proximity of the associated dwelling and would share the same access and outdoor space. Notwithstanding the scale of the accommodation and provision of kitchen and bathroom facilities, subject to a condition, I find it unlikely that the outbuilding would be used independent of the main house. Accordingly, I have determined the appeal on the basis that the outbuilding would be used ancillary to 264 Westrow Drive.

Main Issues

5. The main issues are;
 - the effect of the proposed development on the character and appearance of the surrounding area; and,
 - the effect of the proposed development on the living conditions of the occupants of 266 Westrow Drive with particular regard to sunlight and outlook.

Reasons

Character and Appearance

6. The residential area surrounding the appeal site is characterised by a mix of semi-detached properties and small terraces. Linear gardens feature to the rear of the properties with domestic outbuildings being common features. This structured pattern of development positively contributes to the suburban character and appearance of the area.
7. The appeal property lies within a terrace of 4 dwellings and occupies a prominent, corner position. The compact, rear garden lies adjacent to the highway and is enclosed by a boundary wall. The existing single storey, mono-pitched outbuilding lies parallel to the rear site boundary and extends into the rear part of 266 Westrow Drive. By virtue of its height, the existing building is largely screened by the walled boundary.
8. The proposed outbuilding would have an extended footprint, bringing the side elevation closer to the roadside boundary whilst a pitched roof would be introduced, increasing the overall height and visibility of the building. Notwithstanding the proposed materials, by virtue of its scale and form, the proposed building would not be subservient to the dwelling house and would dominate the rear garden. Accordingly, the outbuilding would be an incongruous form of development, detrimental to the character and appearance of the surrounding area.
9. My attention has been drawn to developments within the area, which the appellant contends are commensurate in scale to the proposal. Whilst not within immediate proximity of the appeal property, the prevailing pattern of development and corner location is similar for both 112 Cavendish Gardens, 62 Woodbridge Road and the appeal site. Reference is also made to 8 Upney Lane, which despite the basement element, is fundamentally an extension and therefore differs to the appeal proposal. Similarly, whilst acknowledging the height of the outbuildings permitted at 6 Upney Lane and 16 Ventnor Gardens, owing to the larger garden areas and mid row location, they do not compare to the appeal proposal. I therefore give these examples limited weight.
10. The building located at 112 Cavendish Gardens has a single pitched roof which is lower in height than the appeal proposal whilst the floor area would also appear to be smaller. The building at 62 Woodbridge Road is set back from the roadside boundary and abuts neighbouring buildings of similar height. Accordingly, the respective buildings integrate into their surroundings and do not read as dominant or intrusive features. Therefore, they do not compare to the appeal proposal.
11. In concluding this matter, I find the development would harm the character and appearance of the area, contrary to Policies D1 and D4 of the London Plan 2021, Policy CP3 of the Planning for the Future of Barking and Dagenham Core Strategy 2010 (the Core Strategy), Policies BP8 and BP11 of the Planning for the future of Barking and Dagenham Borough Wide Development Policies Development Plan Document 2011 (BWDP) and Policies SP2, DMD1 and DMD6 of the Draft Local Plan. Amongst other aspects, these policies seek to ensure that development is of a high quality design in order to protect and enhance the character of the area. I also find the proposal to be inconsistent with the Framework which, amongst other objectives seeks to secure well designed places. The proposal is

also inconsistent with the Council's Residential Extensions and Alterations Supplementary Planning Document 2012 (SPD) which promotes complementary design.

Living Conditions

12. No 266 is located to the north of the appeal site and features a modest garden with a patio area to the rear of the property and grassed area beyond. The proposal, by reasons of its height, scale and location would overshadow the garden area of No 266, this being the only private space available to the occupants for outdoor leisure and play. Furthermore, owing to proximity and height, the proposed building would be visually intrusive from the garden area and habitable room windows on the rear of the property, adversely effecting outlook. The combined loss of light and outlook would result in an oppressive form of development, harmful to the living conditions of the occupants of No 266.
13. I am advised by the appellant that the only change from the perspective of No 266 would be the roof form and colour of the façade; however, the Councils' delegated report suggests otherwise. Even if I were to accept the appellant's assurance in this respect, the harm to living conditions resulting from the height and proximity of the building would still be unacceptable.
14. Accordingly, I find the proposal would harm the living conditions of the occupants of No 266 Westrow Drive with particular regard to sunlight and outlook. As such, it would be in conflict with Policies D1 and D4 of the London Plan, Policy CP3 of the Core Strategy, Policies BP8 and BP11 of the BWDP and Policies SP2, DMD1 and DMD6 of the Draft Local Plan. The proposal is also inconsistent with the Framework and SPD which, amongst aspects seek to ensure high quality design and layout which safeguards appropriate living conditions.

Other Matters

15. I am told that the Council failed to proactively engage with the appellant in an effort to resolve the matters of conflict. Whilst having regard to the comments made, I am required to assess the proposal in accordance with the development plan. In this instance, I am not in a position to offer judgement regarding the Councils' actions in determining the application.
16. Mention is also made by the appellant to compensatory planting. The Council's delegated report raises no concern regarding the loss of existing planting given that ample greenery/garden would remain. Therefore, whilst acknowledging the appellant's intentions in respect of new planting, this does resolve the harm identified in the matters above. I therefore afford this limited weight.

Planning Balance

17. Whilst acknowledging the particular circumstances concerning the appellant's son together with his current and future needs, personal circumstances rarely outweigh general planning matters because the effect of the development would remain long after the personal circumstances cease to apply. As such, whilst having regard to the evidence provided, I do not consider that this outweighs the harm identified above. I have therefore given only limited weight to the personal circumstances of the appellant in my considerations.

Conclusion

18. In concluding this appeal, for the reasons outlined above, I find harm to the character and appearance of the surrounding area and the living conditions of the occupants of No 266. Therefore, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal is dismissed.

H Wilkinson

INSPECTOR