



Appeal Decision

Site visit made on 16 August 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 SEPTEMBER 2022

Appeal Ref: APP/Z5060/W/21/3287433

Flat D, 113 Temple Avenue, Dagenham RM8 1NB

- 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 Hojat Darvishi against the decision of the Council for the London Borough of Barking and Dagenham Council.
 - The application Ref 21/01589/FULL, dated 24 August 2021, was refused by notice dated 15 October 2021.
 - The development proposed is described as "The proposal is a loft conversion with a front dormer and front roof light."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There are two linked appeals at the adjoining flat 113c Temple Avenue made by a separate appellant also against the refusals of planning permission by Barking and Dagenham Council. These appeals are for a hip to gable loft conversion on the first floor with rear dormer, front roof lights and Juliet balcony to the rear¹ (Appeal A) and a hip to gable loft conversion on the first floor with a front dormer of similar design to this appeal² (Appeal B) which are both subject to separate decisions.
3. The Council refer to the emerging Draft Local Plan (Regulation 19 Consultation version, September 2020). The Examination has concluded, and the Council are awaiting the Inspector's report. However, I have little information to suggest when the plan is likely to be adopted, if any policies have been modified, or if there are any unresolved objections. Accordingly, I attribute limited weight to the Draft Local Plan.

Main Issues

4. The main issues in this appeal are the effect of the proposal on the character and appearance of the host property, the terrace and the surrounding area; and, whether the proposal would provide adequate living conditions for future occupiers, with particular reference to internal space standards.

¹ Appeal Ref: APP/Z5060/W/21/3287442

² Appeal Ref: APP/Z5060/W/21/3287438

Reasons

Character and appearance

5. The appeal site is located in Temple Avenue, which is a suburban area, with a distinct character made up of terraced properties exhibiting gable and hipped roofs toward the street. Whilst there is slight variation in the style and materials used on the external facades, there is nevertheless a cohesive and rhythmic pattern to the properties in the immediate area. The appeal site consists of four flats, two at ground floor and two at first floor level, and it occupies a prominent corner location, as such the front, rear and flank elevation are highly visible from public views from both Temple Avenue and Torrington Road.
6. The proposal subject to this appeal is a front dormer and rooflight. The front roof slopes of properties on Temple Avenue can be seen easily from the street and are predominantly uninterrupted by any significant alterations including the appeal terrace. Given this context, the introduction of a front dormer extension at the appeal site would unduly disrupt the high degree of uniformity along the front of this terrace.
7. The appellant draws my attention to several dormers on the front roof slopes of other terraces in the vicinity, notably at 20 and 30 Torrington Road, 29 Grosvenor Road, 18 Brendon Road and 47 Temple Avenue. These limited examples do not provide an overriding influence over the character of the street scene in my view, but do detract from it, and the current proposal would exacerbate that impact. These limited examples do not preclude the need to achieve good design.
8. The proposed development would detract from the mainly unbroken front roof lines which exist on the street scene, as such would be out of character with the surrounding area and would not provide attractive, high quality architecture that protects or enhances the local character. Whilst the front dormer is inset from the eaves and flanks, and the materials proposed would be similar to that of the host property, this is nevertheless insufficient in itself to overcome the adverse effects of the design that I have described.
9. For the reasons given above, the proposal would harm the character and appearance of the host property, the terrace and the surrounding area. As a consequence, it would be contrary to Policy D4 of the London Plan, March 2021 (LP); Policy CP3 of the Planning for the future of Barking and Dagenham Core Strategy adopted July 2010 (CS); Policies BP8 and BP11 of the Planning for the future of Barking and Dagenham Borough Wide Development Policies: Development Plan Document adopted March 2011 (DPD) and Policies SP2, SP4, DMD1 and DMD6 of the Draft Local Plan (DLP) that amongst other things, seek to maintain design quality. It would also conflict with the Council's Residential Extensions and Alterations Supplementary Planning Document adopted February 2012 (SPD), which highlights that front dormer extensions in most circumstances will be out of character and will be considered unacceptable. The proposal would also be inconsistent with the National Planning Policy Framework 2021 (the Framework), which amongst other things, seeks high quality design.

Living conditions for the future occupiers

10. During the appeal, the appellant confirmed that the room located in the front roof slope would be used as a home office/hobby room rather than as a bedroom as assumed by the Council, making the proposed unit a 1-bedroom 2-person property over two floors.
11. The Government's nationally described space standard, March 2015 (NDSS) contains the minimum internal space requirements for new dwellings. A 1-bedroom, 2-person dwelling laid out over two storeys requires 58sq.m as the minimum standard. This requirement is also applied in a local context within Table 3.1 of the LP. Thus, based upon the plans before me, the proposal would provide a dwelling that would have sufficient ceiling heights, internal floor space, access to light and this would provide acceptable living conditions for the future occupants.
12. Therefore, I find the proposal would provide adequate living conditions for future occupiers, with particular reference to internal space standards. As such, the proposal would comply with LP Policies D6 and GG4. Furthermore, the development would respond to CS Policy CS3 and DPD Policies BP8 and BP11, along with DLP Policies DMSI 3 and DMD 6 and the guidance in the SPD which amongst other things, seeks to achieve high quality housing, along with the Framework, which amongst other things, seeks high quality design and a good standard of amenity for all existing and future occupants of buildings.

Other matters

13. The appellant draws my attention to the fact that no objections have been received in respect to the appeal proposal, and a letter of support has been received from a neighbouring resident, however the absence of an objection does not equate with the absence of harm. As such, there are no other material considerations of sufficient weight or importance to determine that the decision should be taken other than in accordance with the development plan.

Conclusion

14. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, including the Framework, the appeal is dismissed.

Robert Naylor

INSPECTOR