



Appeal Decisions

Site visit made on 16 August 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 SEPTEMBER 2022

Appeal A Ref: APP/Z5060/W/21/3287442

Flat C, 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 Mihaela Croitoru against the decision of the Council for the London Borough of Barking and Dagenham Council.
 - The application Ref 21/01585/FULL, dated 24 August 2021, was refused by notice dated 15 October 2021.
 - The development proposed is described as "hip to gable loft conversion on the first floor with rear dormer, front roof lights and Juliet balcony to the rear."
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Appeal B Ref: APP/Z5060/W/21/3287438

Flat C, 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 Mihaela Croitoru against the decision of the Council for the London Borough of Barking and Dagenham Council.
 - The application Ref 21/01584/FULL, dated 24 August 2021, was refused by notice dated 15 October 2021.
 - The development proposed is described as "The proposal is a hip to gable loft conversion on the first floor with a front dormer."
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. There is an appeal¹ at the adjoining flat 113d Temple Avenue also against the refusal of planning permission by Barking and Dagenham Council made by a separate appellant. This appeal is for a front dormer and front roof light of similar design to Appeal B and is subject to a separate decision.
4. 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 (DLP).

¹ Appeal Ref: APP/Z5060/W/21/3287433

Main Issues

5. The main issues on both appeals A and B are the effect of the proposals 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.
6. With regard to Appeal A, there is an additional main issue of the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

Character and appearance

7. 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.
8. The proposal subject to Appeal A is a hip to gable roof extension, providing an L-shaped dormer extension over the main roof and the outrigger and incorporates a Juliette balcony and two rooflights. The appellant considers that there is no harm to the character, given other examples constructed in the vicinity, including the recently approved scheme at the rear of adjoining property of 113d Temple Avenue². The appellant also draws my attention to other hip to gable extensions in the vicinity including, but not limited to, several along Temple Avenue, some of which have been undertaken utilising permitted development rights.
9. The Councils Residential Extensions and Alterations Supplementary Planning Document adopted February 2012 (SPD) highlights that dormer extension should not dominate the existing property, and that hip to gable and front dormer extensions in most circumstances, would be out of character with the surrounding area and will be considered unacceptable. Furthermore, 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) and Policy BP11 of the Planning for the future of Barking and Dagenham Borough Wide Development Policies: Development Plan Document adopted March 2011 (DPD) amongst other things, also seek to maintain design quality.
10. Whilst the rear dormer over the main roof does not comply with the design guidance set out in the SPD, in that it would dominate the roof of the existing property, due to the prevalence of other examples in close proximity, this element of the extension would not appear out of character and a departure is justified. Notwithstanding this, the proposed roof extension over the outrigger would significantly alter the roof form of the existing dwelling, providing a bulky and dominant form of development at roof level. This part of the

² Barking and Dagenham Planning Ref: 21/01591/FULL

proposal would appear out of proportion and too large in relation to the host dwelling and the surroundings. As a result, the proposed extension would cause harm to the local character and would not be compatible with building proportions and form.

11. Appeal B is for 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.
12. 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.
13. 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.
14. In relation to the first main issue, the development proposed by both Appeal A and Appeal B would harm the character and appearance of the host property, the terrace, and the surrounding area. As a consequence, they would be contrary to LP Policy D4; CS Policy CP3; DPD Policies BP8 and BP11 and DLP Policies SP2, SP4, DMD1 and DMD6 that amongst other things, seek to maintain design quality. It would also conflict with the Council's 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

15. Appeal A provides a 3-bedroom 5-person unit, with an internal floor area of 70.5sq.m. The Government's nationally described space standard, March 2015 (NDSS) contains the minimum internal space requirements for new dwellings. A 3-bedroom, 5-person dwelling laid out over two storeys requires 93sq.m as the minimum standard. This requirement is also applied in a local context within Table 3.1 of the LP. The floor area proposed would be significantly less than the 93sq.m required in either document, as the minimum floorspace for a dwelling of this size. As a result, it would provide oppressively confined and unsuitable living conditions for future occupiers.
16. The appellant has drawn my attention to a similar approved rear roof extension at the adjoining flat 113d Temple Avenue³. The appellant contends that a

³ Barking and Dagenham Planning Ref: 21/01591/FULL

precedent has been set, as the Council granted planning permission despite non-compliance with the NDSS in respect to the floorspace provision. However, in approving the scheme, the Council gave weight to the fact that this was a modest 2-bedroom unit with a shortfall of 5.5sq.m. in floorspace, and on balance was found appropriate.

17. However, the circumstances here are different. The scheme is significantly short, in excess of 20sq.m, of the required space standards to provide a 3-bedroom family sized development. Given that these figures are minimum standards which are intended to act as a benchmark for high design quality, the shortfall in floorspace is not appropriate, and the proposal conflicts with both the NDSS and the LP in this regard.
18. In relation to Appeal A, the living conditions of future occupiers would be unsuitable due to inadequate internal space. As such, because the highest internal qualities of housing would not be provided, the proposal would not comply with LP Policies D6 and GG4. Furthermore, the development would not respond to CS Policy CS3 and DPD Policies BP8 and BP11, along with DLP Policies DMD 1 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.
19. In regard to Appeal B, during the appeal the appellant has 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. Therefore, the proposed unit subject to Appeal B would be a 1-bedroom 2-person property over two floors. As such, the NDSS and LP requirements for a property of this nature would be 58sq.m. and the appeal scheme would comply with these standards.
20. Based upon the plans before me, Appeal B 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 in accordance with the NDSS, LP Policies D6 and GG4, DPD Policies BP8 and BP11, along with DLP Policies DMD 1 and DMD 6 and the guidance in the SPD and the Framework, that all seek a good standard of amenity for all existing and future occupants of buildings.

Living conditions of existing occupiers

21. In respect to Appeal A only, the Council are concerned with the impact on neighbouring residential amenity of adjoining properties as a result of a potential increase in noise generated from the comings and goings and general disturbances associated with the proposal.
22. The existing property is a flatted development, and there are no proposed changes to the existing first floor layout at No 113c, albeit the provision of stairs over the existing staircase to the proposed upper floor. I have no information before me indicating the room layout of the flat below, however given the retention of the existing first floor layout, any impact of noise on bedrooms and living rooms is unlikely to change significantly. Whilst a larger flat is likely to intensify the use to an extent, given the existing residential use at the property any minor increase in occupants is unlikely to have any significant harm to the existing occupiers living conditions.

23. Accordingly, with regard to this main issue the Appeal A proposal would have an acceptable effect upon the living conditions of neighbouring occupiers with regard to noise and disturbance. This would be compliant with LP Policy D14; CS Policy CP3 and DPD Policy BP8 and DLP Policies DMSI 3 and DMD 6, which seek to ensure all development proposals do not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential units. In this regard Appeal A would also comply 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

24. 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

25. I have found that the development proposed in Appeal A and Appeal B would cause unacceptable harm to the character and appearance of the host property, the terrace, and the surrounding area.

26. I have also found that in respect of Appeal A the proposal would have an unacceptably harmful effect on the living conditions of future occupiers and would be unsuitable due to inadequate internal space.

27. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, including the Framework, the appeals are dismissed.

Robert Naylor

INSPECTOR