



Appeal Decision

Site visit made on 16 August 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 SEPTEMBER 2022

Appeal Ref: APP/Z5060/W/21/3287482

44, Rugby Gardens, Dagenham, London RM9 4BA

- 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 George Le Port against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/00607/FULL, dated 6 April 2021, was refused by notice dated 26 May 2021.
 - The development proposed is a new 1 bed 2 person M4(3) bungalow dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effects of the development on the character and appearance of the area; and (ii) whether the proposed development would provide suitable living conditions for future occupiers, with particular regard to privacy and light.

Reasons

Character and appearance

3. The appeal site lies within the Becontree Estate, which is identified in development plan policies as having historic significance for its role as a large interwar 'Homes for Heroes' planned estate.
4. Rugby Gardens is a cul-de-sac with short terraces of houses and flats in a symmetrical layout. Rendered two storey buildings with hipped tiled roofs and tall chimneys conform to a simple homogenous style, with each dwelling having an equal presence from the street. Relatively open front gardens provide a sense of openness, with private gardens for each house and flat to the rear or side. Gaps between the short terraces provide glimpses of dwellings of a similar style beyond. The appeal site is the garden of a first floor flat known as 44 Rugby Gardens. It is part of a corner plot, accessed through a gap between buildings.
5. The previous scheme related to a single storey detached dwelling with a flat roof. The previous appeal decision¹ found that such a building would disrupt the pattern of development in the cul-de-sac and appear as an incongruous dwelling.

¹ APP/Z5060/W/20/3255008

6. The design before me differs from that considered previously. However, despite its rendered elevations and hipped tiled roof, the proposed single storey detached dwelling would contrast with the simple rectangular form and homogenous style of the two-storey buildings in the area. It would also be set back from buildings on either side, thereby disrupting the symmetry and uniformity of the estate, from which much of its character is derived. Only part of the proposed dwelling would be visible from the street, through the gap between existing buildings, but the single storey hipped roof would nonetheless visually conflict with the prevailing style and form, and harm from the area's distinctive character. From the rear it would appear as a large single storey building, with a horizontal form and complex roof structure, detracting from the simplicity and regularity of form within its context of gardens and two-storey dwellings.
7. The entrance door of the proposed dwelling would be located on the front elevation, alongside a bedroom window. Its frontage would therefore not be inactive in the context of this area, particularly considering the prevalence of side doors serving flats. But siting of the proposed building behind the building lines of each flat on either side, mean its partially hidden frontage would be out of character in this area, where equality of buildings in the street scene is a characteristic element of the estate.
8. The proposed development would therefore harm the character and appearance of the area and harm its historic significance. It would conflict with London Plan (2021) (LP) Policies D4 and HC1, London Borough of Barking and Dagenham Core Strategy (2010) (CS) Policies CP2 and CP3, London Borough of Barking and Dagenham Borough Wide Development Policies DPD² (2011) (BWDP) Policies BP2 and BP11, which together require high quality design appropriate to an area's character and heritage. It would also be contrary to Section 12 of the National Planning Policy Framework (the Framework), which relates to achieving well-design places. In addition, it would conflict with emerging London Borough of Barking and Dagenham Draft Local Plan 2037 (eLP) Policies SP2, SP4, DMD1 and DMD4, which together relate to design and heritage matters. In its decision notice the Council also referred to other policies which I have not found to be relevant to this development.

Living conditions for future occupiers

9. The proposed dwelling would be a single storey building on a narrow plot with close boarded timber boundary fencing. The bedroom would benefit from a reasonably sized window near the front of the proposed dwelling, adjacent to the front door, and an obscure glazed window on its western side. It would be sited in relatively close proximity to the neighbouring two-storey flats to the south and west, and light into that window would be limited. However, even north-facing windows are generally considered acceptable for bedrooms, and I have not seen compelling evidence that levels of daylight into the proposed bedroom would be unacceptable, particularly in combination with the proposed eastern window.
10. There is also nothing particularly unusual about a bedroom window adjacent to the front door of a dwelling, and there would be no need for obscure glazing. In this case it would also be set back from the site entrance and the boundary opposite so acceptable privacy would be likely to be ensured.

² Development Plan Document

11. I therefore conclude, in relation to this issue, that the development would provide suitable living conditions for future occupiers, with particular regard to privacy and light. It would accord with the relevant provisions of CS Policy CP3, BWDP Policy BP11, which together require high quality functional design. It would also accord with Section 12 of the Framework, which relates to achieving well-designed places, and eLP Policies SP2 and DMD1, which together seek to secure well designed homes.

Other Matters

12. The appellant claims that an outbuilding of similar design and scale could be constructed under Class E of the General Permitted Development Order³, but those provisions do not apply to flats. I also note the appellant's view that the London Plan now specifically encourages backland development in order to achieve a step change in housing delivery but have not seen that evidenced specifically in the information put before me.
13. The Council has achieved less than 75% of its Housing Delivery Test target over the previous 3-year period. Paragraph 11(d)(ii) of the Framework therefore applies and planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
14. The proposed development would make a small contribution of one new dwelling towards increasing housing supply. It would also provide a wheelchair user dwelling to meet Requirement M4(3) of the Building Regulations. The Framework acknowledges that small and medium sized sites can make an important contribution and are often built out relatively quickly. I have attached some weight to these factors, but given the modest scale of the development proposed, the weight attributable to them is limited.
15. Nevertheless, the Framework also states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It expects planning policies and decisions to ensure developments add to the overall quality of the area, are sympathetic to local character and history, and maintain a strong sense of place. Although I have not found there would be unacceptable living conditions for future occupiers, the harm I identify to the character and appearance of the area, including the harm to its historic significance, would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. The presumption in favour of sustainable development does therefore not apply.

Conclusion

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

Peter White

INSPECTOR

³ The Town & Country Planning (General Permitted Development) (England) Order 2015