

Appeal Decision

Site visit made on 9 December 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2022

Appeal Ref: APP/Z5060/D/22/3304633

9 Cecil Road, Chadwell Heath, RM6 6LA

- 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 Eamonn Dunlea, Hatchlin Limited against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 22/00231/HSE dated 14 February 2022, was refused by notice dated 17 May 2022.
 - The development proposed is a two storey side extension and partly two storey rear extension, loft conversion and new porch.
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Costs

1. An application for costs was made by Mr Eamonn Dunlea against the Council of the London Borough of Barking and Dagenham. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Procedural Matters

3. The application form refers to Number 30 Cecil Road. The Decision Notice and the Appeal Forms refer to the correct address, as set out above.
4. A Certificate of Lawful Use¹ was recently received for the construction of a hip-to-gable roof extension to accommodate a rear dormer extension including two roof lights to the front to facilitate conversion of a roof space into habitable accommodation. This Certificate of Lawful Use was for a different form of development to that the subject of this appeal.
5. A planning permission² for erection of a part single/part two storey side and rear extension expired in 2021. This previous permission was for a different form of development to that the subject of this appeal.
6. Planning permission³ was granted for the construction of a front porch, a two storey side extension and a part two storey part single storey rear extension" in

¹ Reference: 21/01540/CLUP.

² Reference: 18/01516/FUL.

³ Reference: 22/0938/HSE.

August 2022. This permission is for a different form of development to that the subject of this appeal.

7. The appellant considers that the proposal effectively sought to “incorporate” the proposed developments relating to the recent Certificate for Lawful Use and the recently expired permission. However, the proposal before me, the proposal relating to the Certificate for Lawful Use and the proposal relating to the expired planning permission comprise three different proposals.
8. For clarity, this decision letter focuses upon the proposed development the subject of the refused application referenced above.

Main Issue

9. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

10. The appeal property is a two storey end-terrace dwelling. It is located along Cecil Road, in a residential area.
11. The area is largely characterised by the presence of short rows of four two-storey terraced houses of similar design, set back from the road behind short garden areas and with longer gardens to the rear.
12. Whilst many dwellings have been altered and/or extended, the similarities in their overall appearance resulting from the rhythm of development, common use of materials, the predominant presence of hipped roofs to end-dwellings and the presence of gaps between rows of dwellings, provides for a pleasant sense of uniformity.
13. Further to the above, the setting back of the dwellings behind low garden walls, the gaps between terraced rows and the sloping of hipped roofs at the end of terraces, all combine to contribute to an attractive sense of spaciousness.
14. The proposed development would include large additions to the side, rear and roof of the property. I consider that the proposed part two-storey part single-storey rear extension would combine with the proposed side extension to result in unduly large and bulky additions that would, when taken together, fail to appear subordinate to and would instead, appear to overwhelm the host property.
15. Furthermore, the proposal would, I find, result in a development of such overall size and bulk as to lead it to appear unduly dominant within the terrace of four dwellings of which it forms part, as well as appear incongruous in its immediate surroundings, where there have been no other similar additions to create a dwelling of such size and bulk as that proposed. Consequently, the proposal would appear out of keeping with and detrimental to, the identified uniform qualities of the area.
16. The harm arising from the above would be exacerbated as a result of the appearance of the proposed rooflines. In contrast to the predominantly uniform appearance of the roofscape in the area, with its simple form and hipped ends, the proposal would introduce a disjointed step of three different rooflines,

leading the appeal property to draw attention to a series of roofs that, together, would appear incongruous and in this way, would jar with its surroundings.

17. In respect of all of this, I am mindful that the proposed side extension and roof would significantly reduce the gap between the appeal property and Number 7 Cecil Road and I consider that this would be to the detriment of the area's spacious qualities.

18. Taking all of the above into account, I find that the proposed development would harm the character and appearance of the area contrary to the National Planning Policy Framework; to London Plan (2021) Policy D4; to DPD⁴ policies BP8 and BP11; to Core Strategy⁵ Policy CP3; and to the Council's Residential Extensions and Alterations Supplementary Planning Document (2012), which together amongst other things, seek to protect local character.

Other Matters

19. In support of his case, the appellant draws attention to other developments in the area. However, further to considering the evidence before me and viewing other developments elsewhere in the wider area, I find that there is no substantive evidence of another development in the area so similar in circumstance and design to that of the proposal before me as to provide for a clear precedent in favour of the development proposed. Notwithstanding this, I have found that the proposed development would result in significant harm to local character and this is not a matter mitigated or outweighed by the presence of other developments elsewhere.

20. Whilst, also in support of his case, the appellant considers that the proposals relating to the Certificate of Lawful Use and the lapsed permission referred to above "equates to the appeal proposal," this is not the case. The proposal the subject of this appeal is different to the proposed development relating to the Certificate of Lawful Use and is different to the proposal relating to the lapsed permission. I also note above that the application granted planning permission in August of this year was also different to the proposal before me.

Conclusion

21. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

⁴ Reference: Barking and Dagenham Borough Wide Development Policies Development Plan Document (2011).

⁵ Reference: Barking and Dagenham Core Strategy (2010).