



Appeal Decision

Site visit made on 6 December 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2023

Appeal Ref: APP/Z5060/W/22/3295554

Ashdown Court, Harts Lane, Barking IG11 8LE

- 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 C Gluck of Downsize at Home Ltd against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/02302/FULL, dated 23 November 2021, was refused by notice dated 14 February 2022.
 - The development proposed is Construction of additional third floor level to the side wings of the existing building to provide 4 new residential units.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Another appeal¹ for this site is also before me. The appellant has suggested that a condition could be imposed preventing this development from being carried out until the other scheme has commenced or been completed. I have considered this with regard to the tests set out in paragraph 56 of the National Planning Policy Framework (the Framework) and the advice in the Planning Practice Guidance (PPG) regarding the use of conditions. That advice sets out circumstances where planning conditions should not be used² and that includes requiring development to be carried out in its entirety. In my view, such a condition would be difficult to enforce for the reasons given in the PPG, namely that there is a range of factors that can influence a decision whether or not to carry out a development. It may also be unreasonable if, for example, the development was not able to carry out our one development before the other for commercial reasons. Moreover, for whatever reasons, the appellant has decided to split the proposed extensions over two different applications and I shall consider them on their merits as separate proposals.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

4. Ashdown Court is a part four/ part three storey block of flats, consisting of a central four storey section, to each side of which are two 'wings' which form

¹ Appeal Ref: APP/Z5060/W/22/3295555

² Use of planning conditions Paragraph 006 Reference ID 21a-006-20140306 Revision date 06 03 2014

the three storey parts of the building. It is these wings which are the subject of this appeal.

5. The building is of a considerable mass and scale, particularly when viewed along Harts Lane. However, this is mitigated primarily by the stepped design of the building, which has the outermost wings set back from the front elevation, and by the wings being three storeys high beside the central four storey block. The front elevation of the building has a symmetrical appearance arising from the stepped heights and the definition provided by the varying materials used on different 'sections' of the building.
6. The form and detailing combine to give the building a distinctive appearance which makes a positive contribution to the character of the area. Further, the proximity of Ashdown Court to the modest scale of the two and three storey buildings opposite and the five storey Britannia Court to the rear means the stepped proportions of the building are important in linking the surrounding, varied scales of development into a cohesive street scene.
7. Increasing the height of the side wings to match the height of the central section of the appeal building would increase its mass and means it would lose much of its proportional appearance, particularly in the longer views along Harts Lane. This would be detrimental to not only the character and appearance of the building, but to the surrounding area due to the value of the stepped proportions in creating a cohesive street scene.
8. I acknowledge that the effect on the street scene would be lesser in the views from North Street and Gurney Close. This would be due to the shorter views limiting the extent to which the appeal site would be viewed in the context of the character of the surrounding area and being of the smaller elevations of the building. There are surrounding buildings of notable scale, particularly the four storey flats on Gurney Close and three storey flats on Harts Lane which, although of modest height, have a sprawling footprint. However these buildings have been designed in such a way as to minimise the effects of their scale. They also do not perform the same linking function in the street scene that Ashdown Court does through its stepped appearance.
9. I acknowledge that the appearance of the proposed extensions would be well related to the existing building, particularly with regard to fenestration patterns and the use of materials. Nevertheless, these design attributes would not mitigate the harm that I have identified above. I also note that planning permission has been granted (Ref: 19/01341/FUL) to add another floor to the two wings, but that was in combination with also adding another floor to the central section of the building. Thus, the stepped proportions of the building would have been maintained, which would not be the case here. The planning permission therefore has little weight.
10. The Council's decision notice refers to the London Plan adopted March 2021 Policies D1, D4 and D8. Policy D1 sets out requirements for Boroughs to undertake character area assessments and plan for growth when preparing development plans. Policy D4 concerns the use of tools for design analysis, design review processes and maintaining design quality through to completion. Policy D8 seeks to ensure a well-design public realm and how this can be achieved. I find none of these are directly relevant to the main issue in this case.

11. The Council has also referred in its decision to policies within the Draft Local Plan 2037 Second Revised Regulation 19 Consultation Version (Autumn 2021). While the plan is at Examination, and therefore an advanced stage, I note the document before me is a second revised consultation version and I have no indication as to whether there are unresolved objections in relation to the cited policies. I therefore attach limited weight to them.
12. For the reasons above, I therefore conclude that the proposed development would have a detrimental effect on the character and appearance of the host property and the surrounding area. It would not achieve the high quality of architecture or in the built environment, nor preserve or respect local character as sought by Core Strategy (CS) adopted July 2010 Policy CP3 and the Borough Wide Development Policies Development Plan Document (DPD) adopted March 2011 Policy BP11.

Other Matters

13. I acknowledge there would be benefits from the provision of additional dwellings, irrespective of the Council being able to demonstrate more than a five year housing land supply. Additional housing on a brownfield site in a location that benefits from good access to public transport, services and facilities also weighs in support of the proposed development. There would also be economic benefits arising from the development, from both the economic benefits of construction and spending by the occupants of the flats.
14. I also note that the Council had no concerns regarding the principle of the development, the mix and quality of the resulting accommodation, refuse, living conditions of surrounding residents and transport. However, the lack of harm in relation to these issues renders them neutral factors.
15. The previous appeal decision³ on the site related to an application under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and was for an additional two storeys above the central section of the building. This has limited bearing on my decision as the proposed development was markedly different from that before me in this appeal and fell to be assessed against the relevant provisions of the GPDO.

Planning Balance and Conclusion

16. The Council has confirmed that it has delivered 66% against the Housing Delivery Test over the past three years. While it can demonstrate a 5.7 year supply of deliverable housing land, there remains a considerable shortfall in delivery. In accordance with footnote 8 of the Framework, paragraph 11 d) is therefore engaged. Having regard to footnote 7, there are no policies in the Framework which would provide a clear reason for refusing the development. Paragraph 11 d) ii. sets out in these circumstances that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. I acknowledge that the proposal would result in the delivery of an additional four dwellings which would contribute to the shortfall in housing delivery and that the site has ready access to public transport and facilities. There are also

³ Appeal Ref: APP/Z5060/W/21/3289540 dismissed 10 May 2022

associated economic benefits which would arise. While these factors weigh in favour of the scheme, the benefits associated with four dwellings would be limited.

18. The proposal would conflict with CS policy CP3 and DPD policy BP11. These require development to be of a high design quality, which is consistent with the Framework which is clear that the creation of high quality and beautiful places is fundamental to what the planning and development process should achieve. The proposal would be harmful to the character and appearance of the host property and the surrounding area for the reasons I have given above. I attach significant weight to this harm.
19. I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. I therefore find that the proposal does not benefit from the presumption in favour of sustainable development.
20. For the reasons above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR