



Appeal Decision

Site visit made on 24 January 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2023

Appeal Ref: APP/Z5060/W/22/3294706

Land Adjacent to 20 Frizlands Lane, Dagenham RM10 7YH

- 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 Narinder Singh against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/02281/FULL, dated 13 December 2021, was refused by notice dated 11 February 2022.
 - The development proposed is described as the erection of a two bed new built on land adjacent to 20 Frizlands Lane, Dagenham, RM10 7YH, following demolition of existing out-buildings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the application form and is different to that used by the Council on the decision notice. Nevertheless, the proposed development is clear from the submitted plans and I am satisfied that assessing the appeal on this basis would cause no prejudice to any party.
3. The Council considers that significant weight should be attached to Policy SP2 of the emerging London Borough of Barking and Dagenham Draft Local Plan 2037, due to its advanced stage of preparation. However, the evidence before me does not detail whether there are any unresolved objections to Policy SP2. As such, I cannot be certain that the policy will be adopted in the form submitted in evidence and I therefore afford it limited weight in determining this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is the garden of a semi-detached house (No 20 Frizlands Lane), that occupies a corner plot fronting Frizlands Lane at the junction with Sedgemoor Drive, and within an area that is predominantly residential in character. The appeal proposal is to extend the host property onto the side garden and towards the boundary with Sedgemoor Drive to create a new two storey dwelling with parking to the front.

6. The corner plot on the opposite side of the entrance junction with Sedgemoor Drive to the appeal site, is occupied by a semi-detached dwelling (No 18 Frizlands Lane) that is substantially identical in scale, form and appearance to the host dwelling, and set on the same building line. Both dwellings (No 18 and 20) are set back significantly from their side boundaries with Sedgemoor Drive, leaving equally spaced gaps between their side walls and the Drive. These gaps create a sense of spaciousness and uniformity to the layout of the buildings at the entrance to the junction.
7. The uniformity of the layout and appearance of the respective corner plot dwellings creates a symmetrical arrangement of buildings that frame the entrance to Sedgemoor Drive in views from Frizlands Lane. The residential buildings on the corner plots on the entrance to Crescent Road, opposite the appeal site, also display a symmetrical entrance arrangement in views from Frizlands Lane. As such, the symmetrical arrangements of buildings at the entrances to these roads, including at the appeal site, is a distinctive and attractive characteristic of the street scene.
8. Whilst the proposed dwelling would be sited in line with the front elevations of the host property and No 18 opposite, and would closely reflect the scale, form and appearance of the host property, it would significantly encroach into the existing gap between it and Sedgemoor Drive. The side wall of the proposed dwelling would be positioned in close proximity to the appeal site boundary with Sedgemoor Drive. In this position the proposed dwelling would erode the spacious character of this corner plot and disrupt the attractive symmetry of the buildings that frame the entrance to Sedgemoor Drive, which is a distinctive characteristic of this part of Frizlands Lane.
9. The appellant has drawn my attention to housing developments on corner plots at Naseby Road and Marston Avenue. However, the properties referred to would not be visible in conjunction with the appeal development and therefore would have no bearing on its setting. Furthermore, I have no details of any planning permissions for those developments, the policy context prevailing at the time, or the conditions that existed at those properties prior to development being carried out. As such, I am not persuaded that the examples cited provide a compelling consideration in favour of the appeal proposal.
10. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area, and it would conflict with Policy BP11 of the Council's Borough Wide Development Policies, Development Plan Document (2011) (DPD), and Policy CP3 of the Council's Core Strategy (2010) (CS), which require the design and layout of buildings to respect and strengthen local character, amongst other objectives.
11. It would also conflict with the objectives in paragraphs 126 and 130 of the National Planning Policy Framework (2021) (Framework), of ensuring development is well designed and sympathetic to the surrounding built environment, and contributes positively to the quality of an area, amongst others.
12. I have had regard to the guidance in paragraph 5.4.5 of the Council's Residential Extension and Alterations Supplementary Planning Document (February 2012). However, the guidance applies to residential extensions on corner plots and not new dwellings. Given my conclusion on the main issue, I find that the appeal does not turn on this guidance.

13. Policy D4 of The London Plan (2021), which is also referred to in the Council's decision notice, sets out the process for assessing the design quality of development, including through tools such as design coding and review panels. The wording of Policy D4 does not set design objectives that new developments should achieve and therefore I do not find Policy D4 to be determinative in reaching a decision on this appeal.

Other Matters

14. The socio-economic benefits of the appeal proposal are that it would make efficient use of land in an area of London where there is access to a range of services and employment opportunities. It would provide a small home, which in turn would generate short term employment opportunities during construction and longer term benefits through residents supporting the economy. However, these benefits would be modest given the small scale of the development and they weigh only moderately in its favour.
15. The proposed development could have the effect of better insulating the gable end wall of the host property (No 20), improving energy efficiency and reducing carbon dioxide emissions and energy costs for the occupiers. However, I have no substantive evidence before me to demonstrate whether any environmental benefit to be drawn from reducing carbon dioxide emissions at No 20, would be offset by the emissions produced by occupation of the proposed dwelling. As such, this matter does not weigh in favour or against the proposal.
16. The appeal site is located in a suitable location for housing development and the appeal proposal would have an acceptable effect on the living conditions of neighbouring occupiers. In addition, the appellant has brought to my attention that the appeal proposal would meet relevant standards for interior and exterior space, accessibility, water usage, parking provision and bin storage. Surface water drainage could be effectively managed through permeable surfacing. Heritage assets would not be affected. However, these are policy requirements applicable to nearly all well designed housing developments and they do not weigh positively in favour of the appeal scheme.
17. For these reasons, taking account of the benefits of the proposed development, and the harm it would cause to the character and appearance of the area, I find that the proposal would fail to comply with the development plan when considered as a whole.

Paragraph 11.d)ii. of the Framework

18. The Council has stated that it currently has a housing land supply of 5.7 years. However, given the latest Housing Delivery Test results show only 57% of the housing requirement was delivered over the previous three years, the presumption in favour of sustainable development set out within paragraph 11.d)ii. of the Framework should be applied. This says that planning permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
19. While the presumption in favour of sustainable development has been triggered by the Housing Delivery Test results, as outlined above, I nevertheless attach significant weight to the conflict with Policy BP11 of the DPD and Policy CP3 of the CS.

20. Although the proposed new dwelling would make efficient use of land for housing and make a small contribution to the housing supply in the area, I have already found that there would be modest economic and social benefits attributed to the construction and occupation of the proposed property. Even taking account of the Framework's objective of boosting housing supply, I find there would be conflict with the Framework in so far as the proposal would not be sympathetic to the surrounding built environment or add to the quality of the area.
21. Consequently, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. As a result, the proposed development does not benefit from the Framework's presumption in favour of sustainable development.

Conclusion

22. For the reasons given above, I conclude that the proposed development conflicts with the development plan as a whole and there are no material considerations of sufficient weight, including the provisions of the Framework, to outweigh this finding. Accordingly, the decision should be made in accordance with the development plan and the appeal should be dismissed.

G Sylvester

INSPECTOR