



Appeal Decision

Site visit made on 13 February 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 MARCH 2023

Appeal Ref: APP/Z5060/W/22/3308391

26 Naseby Road, Dagenham RM10 7JP

- 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 Bledar Ramadani against the decision of the London Borough of Barking and Dagenham.
 - The application Ref 22/00232/FULL, dated 15 February 2022, was refused by notice dated 6 April 2022.
 - The development proposed is construction of a 2 bedroom 3 person residential dwelling and all associated works on land adjacent to 26 Naseby Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There was some confusion as to the title of the emerging local plan¹ (ELP) upon which the Council determined the planning application, and I sought clarification. I am satisfied that no parties have been prejudiced by any confusion that may have arisen.
3. The Council advised that Policy SP4 of the ELP was incorrectly applied to the decision notice and is not relevant to the application. This policy concerns the delivery of social and cultural infrastructure facilities. I am satisfied that this policy is not relevant to the proposed development, and I have not therefore considered this policy in my decision.
4. In addition, the decision notice refers to the *Residential Extensions and Alterations Supplementary Planning Document, 2012*. However, given its purpose, I do not consider this to be directly relevant to the proposed development.

Main Issues

5. The main issues are the effects of the proposed development upon: -
 - the character and appearance of the surrounding area;
 - the living conditions of neighbouring occupiers at 26 Naseby Road (No.26) and 1 Glencoe Drive (No.1), with particular regard to outlook, levels of daylight, and the provision of external private amenity space; and

¹ London Borough of Barking and Dagenham Draft Local Plan 2037, Second Revised Regulation 19 Consultation Version (Autumn 2021)

- the living conditions of future occupiers, with particular regard to the provision of external amenity space.

Character and appearance

6. The host property (No.26) is a two-storey 3 bedroom end terrace property on a corner plot in a residential area. The surrounding area is characterised by two-storey short-terraced rows with modest front gardens. The design of the terraces provides a pleasant rhythm to the street scene. The duo-pitched roofscape of the central terraced forms is finished by a half hip roof to the corner forms. Corner plots are wider than their adjoining neighbours, and their rear gardens abut the adjacent terrace of the adjoining street. Consequently, the rear amenity spaces of corner plots provide a gap between built forms within an otherwise dense layout. Therefore, the character of corner plots is such that they provide a significant and positive contribution to the openness of the area, and as such, the area feels suburban, pleasant and open.
7. While some corner plots have side extensions &/or garages within the rear of the plot, such built forms do not detract from the sense of openness that corner plots provide. The host property, with its single storey side extension and rear garage, is typical of the local character in this regard.
8. The proposed two storey detached dwelling would be sited at the rear of No.26, with its frontage facing Glencoe Drive. Due to its siting within a corner plot, together with its height, width and depth, the proposed dwelling would drastically reduce the sense of openness that would otherwise exist without such a built form. Thus, a fundamental aspect of the character and appearance of the wider area would be significantly eroded by the proposed development.
9. The proposal would result in the host property having a much shallower corner plot size. The proposed dwelling would have a much shallower plot than its neighbours along Glencoe Drive, which have long gardens. The proposed dwelling would be positioned to abut the rear boundary of its own plot. Therefore, the proposal would be discordant with the prevailing plot form and development pattern of the area.
10. The proposed dwelling would front Glencoe Drive. As a detached form, with a central pitch (pyramid) roof, it would be in sharp contrast to the prevailing terraced forms and roofscape, and thus appear incongruous and undermine the rhythm of the streetscene, notwithstanding compatible design features such as a two-storey angled bay.
11. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the surrounding area. It would conflict with Policy D4 of the London Plan 2021 (LP), Policy CP3 of the London Borough of Barking and Dagenham Core Strategy 2010 (CS); and Policies BP8 and BP11 of the London Borough of Barking and Dagenham Borough Wide Development Policies Development Plan Document, 2011 (DPD). Taken together, these policies seek to ensure that development is of a high quality design and has due regard to local character in order to create a sense of local identity, distinctiveness and place. It also conflicts with paragraphs 124 and 130 of the National Planning Policy Framework (the Framework), which seek to ensure that development takes into account the desirability of maintaining an area's prevailing character and setting (including residential gardens); and is sympathetic to local character.

12. I cannot be certain that Policies DMD 1 and DMD 6 of the ELP are in their final form. These emerging policies seek to ensure that development makes a positive contribution to the character of the surrounding area; and avoids or minimises harm to local character. As such, these policies would not materially change the approach of the adopted development plan insofar as they are related to this main issue. Therefore, the precise weight which should be attached to the emerging plan is not a determinative factor in my consideration of this main issue.

Living Conditions – neighbouring occupiers

13. Views from the rear of No.26 play an important part in the outlook from the rear first floor bedroom and the ground floor habitable rooms along the rear elevation, and from the partially glazed conservatory. The rear elevation of No.26 would directly face the western elevation of the proposed dwelling, due to its siting.
14. Regardless of the dispute between the main parties as to the distance between No.26 and the proposed dwelling, the proposal would result in a two-storey built form much closer to the rear elevation of No.26 than the existing situation. The proposal would also result in a close boarded boundary fence of some 1.8m high with trellis above at a point between the western flank of the proposed dwelling and the rear elevation of No.26.
15. Although there would be views away from the proposed dwelling and fence, it would nonetheless be an imposing feature in the direct outlook from the rear habitable rooms of No.26. While I agree that the proposed roof and small setback at first floor level would be less harmful than the previously refused scheme in this regard, the appeal scheme would nevertheless appear as visually intrusive and overbearing to the rear habitable rooms of No.26.
16. The separation distance between the western flank of No.1 and the eastern flank of the proposed dwelling would be about 1.5m. The western flank of No.1 includes an obscurely glazed window serving the stairwell/landing area, and an extremely small opening window positioned just below eaves height. Consequently, there would be no loss of outlook from these windows. I was unable to ascertain whether the small window serves a habitable room. Given the very small size of this window, it would be highly unlikely to be the only source of daylight. While the closeness of the proposed dwelling would result in a reduction in the level of daylight afforded to these windows, I do not consider this to be so significant as to be unacceptable.
17. The main parties are in dispute on the quantum of external private amenity space that would remain to No.26 (the remaining space). From the Council's officer report, the remaining space would be 45 sq m. The appellant contends that 50 sq m is provided². Regardless of the dispute, the quantum would be short of the required minimum standard of 60sq m for a 3 bedroom house as required by Policy BP5. This policy also states "*Rear gardens of houses should have a minimum depth of 12 metres.*" Neither of the main parties has provided any substantive evidence to this appeal to demonstrate compliance with this part of the policy.

² Appellant's Statement of Case, paragraph 4.3

18. The appellant argues³ that the Council has failed to include a further 13 sq m at a covered patio; that a side garden area of 10 sq m exists at the side of the host property; and that the third bedroom at No.26 is 4 sq m, which would not meet the required internal space standards. In any event, these claims are not supported by substantive evidence. Whilst the third bedroom at No.26 might be very small, as a matter of fact the house has three bedrooms and as such it is appropriate to apply the relevant external amenity space standard.
19. The appellant suggests that the standards within Policy D6 of the more recent LP would supersede those of Policy BP5, but the supporting text is clear that Policy D6 applies where there are no higher local standards. Furthermore, the proximity to public open space does not set aside the requirements of Policy BP5. Consequently, from the evidence before me, the proposal fails to demonstrate that the host property would meet the required standard of Policy BP5.
20. The appellant contends that that the southern aspect of the appeal site along Glencoe Drive would provide uninterrupted sunlight to the remaining space. However, the remaining space would be of a shallower depth, reducing the proportion of remaining space that would be open to the southerly aspect. The proposed dwelling, due to its siting, scale, height and depth would overshadow the remaining space. The proposed boundary fence, due to its siting, scale, height and length would also create overshadowing to the remaining space. Taking these factors together, the proposed development would result in overshadowing to a significant proportion of the remaining space for a substantial period of the day. This would undermine the usability of the remaining space and undermine the ability of existing occupiers at No.26 to access the benefits of outdoor private amenity space to ensure their health and well-being.
21. I therefore conclude that the proposed development would not unacceptably harm the living conditions of 1 Glencoe Drive with particular regard to outlook and levels of daylight. However, the proposed development would result in unacceptable harm to the living conditions of neighbouring occupiers at 26 Naseby Road, with particular regard to outlook, and the provision of external private amenity space.
22. The proposed development conflicts with Policy D6 of the LP; Policy CP3 of the CS; and Policies BP5 and BP8 of the DPD. Taken together these policies seek to ensure that development is of a high quality design and meets design standards (including those to ensure the delivery of high quality usable amenity space); protects residential amenity; does not lead to loss of immediate outlook; and improves health and well-being. It also conflicts with paragraphs 124 and 130 of the Framework, which seek to ensure that development takes into account the importance of securing well-designed, attractive and healthy places; and has a high standard of amenity for existing and future users.
23. I cannot be certain that Policies SP 2, DMD 1 and DMD 6 of the ELP are in their final form. Taken together, these emerging policies seek to ensure that development is of a high quality design and considers the impact upon neighbouring amenity. As such, these policies would not materially change the approach of the adopted development plan insofar as they are related to this main issue. Therefore, the precise weight which should be attached to the

³ Appellant's Statement of Case, paragraph 6.28

emerging plan is not a determinative factor in my consideration of this main issue.

Living Conditions – future occupiers

24. The main parties agree that the proposed two bedroomed dwelling would have 50 sq m of external private amenity space (the proposed space), positioned to the side of its westerly elevation, and this would meet the requirements of Policy BP5 of the DPD. However, I note that there is an inconsistency in the submitted plans with regard to the siting of the proposed boundary fence to enclose this proposed space.
25. Drawing BL/DRG/220211/04 shows a fence running at a point from the westerly flank of the proposed dwelling towards Glencoe Drive, annotated with the quantum of 50 sq m. While this layout is depicted in drawing number BL/DRG/220211/04.4 (Proposed Axo View 01), drawing number BL/DRG/220211/04.5 (Proposed Iso View 02) depicts a fence in a different location, running from the principal elevation of the proposed dwelling towards the proposed fence between the proposed dwelling and the host property. If this latter drawing were to be correct, the required quantum standard would be exceeded. If I were to allow the appeal, the matter of the siting of the proposed fence could be controlled by a suitable condition.
26. The appellant contends that that the southern aspect of the appeal site along Glencoe Drive would provide uninterrupted sunlight to the proposed space. However, the proposed space, due to its siting, width and depth would present a narrow edge to the southern aspect, regardless of the discrepancy I refer to above.
27. The proposed space would abut the western flank of the proposed dwelling, which due to its scale, height and depth would create overshadowing to the proposed space. The proposed space would be bounded by a close boarded fence of some 1.8m high with trellis above to the west towards the host property, which would also result in overshadowing to the proposed space. Taking these factors together, the proposed space would be unacceptably overshadowed for a substantial period of the day. This would undermine the usability of the proposed space and undermine the ability of future occupiers to access the benefits of outdoor private amenity space to ensure their health and well-being.
28. I therefore conclude that the proposed development would not provide acceptable provision of external amenity space for the future occupiers.
29. The proposed development conflicts with Policies D4 and D6 of the LP; Policy CP3 of the CS; and Policy BP5 of the DPD. Taken together these policies seek to ensure that development is of a high quality design and accords with prescribed standards (including those to ensure the delivery of high quality usable amenity space); to protect residential amenity; and to improve health and well-being. It also conflicts with paragraphs 124 and 130 of the Framework, which seek to ensure that development takes into account the importance of securing well-designed, attractive and healthy places; and has a high standard of amenity for existing and future users.
30. I cannot be certain that Policies SP 2, DMD 1 and DMD 6 of the ELP are in their final form. Taken together, these emerging policies seek to ensure that

development is of a high quality design and considers the impact upon neighbouring amenity. As such, these policies would not materially change the approach of the adopted development plan insofar as they are related to this main issue. Therefore, the precise weight which should be attached to the emerging plan is not a determinative factor in my consideration of this main issue. I note that Policy DMD6 relates to householder extensions and alterations, and as such is not directly relevant to the proposal before me.

Planning Balance

31. The main parties agree that the Council's 2020 Housing Delivery Test indicates that the delivery of housing was 57% of the housing requirement over the last three years, and as such, paragraph 11d) ii applies, whereby planning 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.
32. The adverse impacts I have identified are unacceptable harm to the character and appearance of the surrounding area; and to the living conditions of neighbouring and future occupiers.
33. Paragraph 124 of the Framework requires me to take into account the desirability of maintaining an area's prevailing character and setting (including residential gardens) and the importance of securing well-designed, attractive and healthy places. Paragraph 130 seeks to ensure that developments are sympathetic to local character, and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
34. The proposal would contribute to the government's objective of significantly boosting the supply of land for homes. The benefit of an additional dwelling would make a small contribution to housing supply, and it could be built out relatively quickly. The proposed dwelling would meet an identified need for 2 bedroomed properties. These benefits would be small and limited.
35. Drawing together the above, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development.

Conclusion

36. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR