



Appeal Decision

Site visit made on 23 January 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2023

Appeal Ref: APP/Z5060/W/22/3305968

80 Flamstead Road, Dagenham, Essex RM9 4JL

- 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 Elez Sufa against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 22/00205/FULL, dated 10 February 2022, was refused by notice dated 31 March 2022.
 - The development proposed is to demolish existing detached garage and erection of 1 bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has provided an amended plan with this appeal to reconfigure the proposed parking and refuse storage arrangements to the front of the property. The changes proposed go beyond what I can reasonably accept as part of this appeal without prejudicing other interested parties who have not been consulted. The change is also related to the second reason for refusal and the appeal process should not be used as a means of addressing reasons for refusal. Consequently, this appeal has been determined based on the same proposal the Council considered.
3. The Council has also referred in its decision to policies within The London Borough of Barking and Dagenham's Draft Local Plan 2037 (Regulation 19 Submission Version, December 2021) (BDDLPL). I note that the draft plan is at Examination, and therefore at an advanced stage. However, at the current time it does not form part of the statutory development plan and I have not been made aware as to whether there are any unresolved objections in relation to the cited policies. I therefore attach limited weight to those policies in my decision.

Main Issues

4. The main issues are:
 - The effect of the proposed dwelling's siting upon the character and appearance of the Becontree Estate; and,
 - The suitability of the access and parking arrangements for the existing and proposed dwelling.

Reasons

Character and appearance

5. No. 80 Flamstead Road is an end terraced hipped roof two storey detached property with a detached single garage to the side, which due to its modest scale and height allows views beyond it, into Flamstead Gardens.
6. Flamstead Gardens is a 'banjo' cul-de-sac. The narrow cul-de-sac is served by a small circular vehicle turning area, leading onto a central path with terraces of two storey housing on all three sides. This cul-de-sac has an open and spacious character assisted by the appeal property and No. 78 (on the opposite side of the cul-de-sac entrance) having relatively wide side gardens. The side elevations of No.'s 80 and 78 Flamstead Gardens are also parallel with the front elevations of the inner terraces on the sides of the cul-de-sac, which all combine to create a uniform and symmetrical arrangement of properties.
7. Although there is some relatively new residential development opposite the appeal site, the wider area including the appeal site and the nearby terraces are mainly characterised by terraced and semi-detached properties of a similar style mainly having hipped roofs in a distinctive form. This being part of the Becontree Estate, an extensive interwar housing development of 'Homes for Heroes', which the Council identify to be locally distinctive and historically important. There are also several other very similar 'banjo' cul-de-sacs elsewhere on the Becontree Estate.
8. There is no objection to the demolition of the existing detached garage to the side of the appeal site, as it is of no architectural or historic merit. I also note the appellant's comment that it is too narrow for modern use. However, as the garage is single storey, with a relatively low and shallow roof pitch, it allows views beyond it, into Flamstead Gardens. Furthermore, because of its small size and scale, it does not adversely affect the spacious open character or the symmetry of the terraces in the cul-de-sac.
9. The proposed dwelling would be prominently positioned at the entrance to the 'banjo' cul-de-sac, and its siting close to the side boundary of the property would significantly narrow the entrance into Flamstead Gardens and restrict views from Flamstead Road into and out of the cul-de-sac. It would also significantly disrupt the established symmetry and rhythm within this part of the streetscene. Furthermore, the inappropriate siting of the proposed dwelling would be forward of the established building line within Flamstead Gardens, significantly at odds with the strongly defined pattern of terraces, which would detract from the open and spacious character of the area and would also undermine the legibility of this part of the Becontree Estate.
10. To conclude, the siting of the proposed dwelling would be harmful to the character and appearance of the Becontree Estate, contrary to Policy CP3 of The Planning for the Future of Barking and Dagenham, Core Strategy (CS), adopted July 2010, and Policy BP11 of The Planning for the future of Barking and Dagenham, Borough Wide Development Policies, Development Plan Document (DPD), adopted March 2011, which amongst other things, expects new development, to be high quality and respect the character and historical significance of the area, and reflect its local distinctiveness. In addition, the proposal also conflicts with Policies SP2, DMD1 and DMD6 of the draft BDDL, P,

and paragraph 130 of the National Planning Policy Framework (the Framework), which have similar objectives to the above policies.

11. The Council's decision notice refers to Policies D1, D4 and D8 of The London Plan, adopted March 2021 (the LP). Policy D1 is a strategic character appraisal policy aimed at plan making; Policy D4 concerns the use of tools for design analysis, design review processes and maintaining design quality through to completion; and Policy D8 is concerned with areas of public realm. I did not find these policies to be relevant.

Access and parking arrangements

12. To the front of the appeal property is a small front garden enclosed by a fence, with a pedestrian access on the front and a crossover to the side of this front area, at the entrance to Flamstead Gardens. The crossover provides vehicular access to a small parking area at the side of the host property and also access to its garage. There is a Controlled Parking Zone (CPZ) capable of accommodating two cars located partly in front of the site, which extends in front of the adjoining property, No. 82 Flamstead Road.
13. The proposed plan shows two car parking spaces in front of No. 80 Flamstead Road; one parallel to the front boundary between No. 80 and No.82 and one space diagonally across the site in front of the existing crossover.
14. Whilst noting the Council's concern in respect of the proposal's possible effect on the nearby Controlled Parking Zone (CPZ), it clear from appellant's submissions that both car parking spaces would use the existing crossover. I have assessed the proposal on this basis.
15. The use of the existing access by vehicles associated with the existing and proposed dwellings would be likely to result in the space to the front of No 80 not being accessed/exited when a vehicle was in the space to the front of the new dwelling. As a consequence, there would be a high probability that vehicles associated with No 80 would park in the highway, including within the CPZ to the front of this property. No evidence has been provided to demonstrate that there is parking stress in the locality or that additional on street parking would result in harm to highway safety.
16. Two separate refuse storage areas are proposed to the front and side of the appeal site. Both the proposed refuse storage areas can be accessed free of obstruction from the parking spaces. Based on the location of the current crossover, the proposed parking space nearest Flamstead Gardens could affect the manoeuvring of refuse bins into and out of the site for collection. However, there is sufficient space on the appeal site's frontage to accommodate two separate refuse areas, should either refuse area need to be relocated. There is also a separate pedestrian gate onto Flamstead Road allowing access to the highway, independent of the crossover. Furthermore, it is reasonably expected that any potential access problems to the refuse areas could easily be resolved practically by the respective occupier(s).
17. I therefore conclude that whilst a suitable access to the parking space at the host property would not be achieved as proposed, there would be no harm to highway safety as a result. Moreover, suitable arrangements for refuse storage would be achieved. The proposal accords with Policy BR15 of the DPD that amongst other things seek to ensure that the design and layout of new

development supports sustainable waste management. In addition, the proposal is also consistent with paragraph 111 of the Framework which states that development should not be refused on highway safety grounds unless there are unacceptable impacts upon highway safety, or the residual cumulative impacts on the road network would be severe. I also find the proposal to be consistent with the requirements of Barking & Dagenham Council's Planning Advice Note 3: Refuse and Recycling Provisions in New and Refurbished Residential Developments dated 21/5/2021, insofar as it requires each house to have a hard surfaced space for two bins accessible from the highway on collection days.

18. The Council has referred to the proposal being contrary to Policy BR9 of the DPD and Policy DMT3 of the draft BDDL and Policy T6.1 of the LP. These policies amongst other things, are concerned with parking provision, car free development, car-lite schemes, along with the delivery of these measures and relevant mitigations. I did not find any conflict between these policies and the proposal. The Council has also determined that the proposal is contrary to Policy D4 of the LP, a summary of this policy has already been provided above, I also found this policy is also not relevant to the access and parking arrangements on this appeal.

Other Matters

19. I note the appellant's comments that the appeal site is not listed or within a Conservation Area, neither is it within the Green Belt; and that there are no in-principle planning policy objections to the proposal. However, these are neutral matters which neither weigh in favour or against the proposal.
20. The appellant's comments regarding the environmentally friendly drainage and energy reduction features of the dwelling; that it would be designed to reflect the existing terrace with a matching hipped roof, similar fenestration, along with a blank flank side; the proposed soft and hard landscaping improvements; that the appeal site is located in a well-connected area with good access to local services and facilities; and the provision of bicycle storage facilities in the rear garden are also noted, however such criteria would be likely required for any well designed and located development and these matters therefore attract limited weight in favour of the proposal.
21. The appellants have made me aware of a two-storey side extension that has been built at No. 143 Stamford Road, an end terraced property at the entrance to another a 'banjo' cul-de-sac elsewhere on the Becontree Estate. This extension does affect the pattern of the distinctive terraces, it also interrupts the symmetry of the buildings and adversely affects the openness on the entrance to the cul-de-sac, and creates a sense of enclosure. The Council has commented to state that the planning permission for this extension, which is said to be a similar width to the host property was approved in 2001 and was considered against different planning policies. Whilst I note some similarities, the presence of this extension does not alter my opinion of the appeal proposal or outweigh the identified harm.
22. The appellant has submitted that a proposal for a side extension would have been granted planning permission, and that could have a similar effect as the appeal proposal upon the character and appearance of the area. An application for a side extension would still have to be considered against the same development plan, including those policies specifically aimed at protecting the

distinctive character and appearance of the Becontree Estate. Consequently, I do not attach any weight to that argument.

Planning Balance and Conclusion

23. The Council has stated that it does not have a 5-year supply of housing, and in reference to the Housing Delivery Test that it has delivered substantially below (less than 75%) its housing requirement over the previous 3 years. I attach considerable weight to the lack of housing supply. In such circumstances, the Framework indicates at paragraph 11 d) that permission should be granted unless certain criteria applies, including where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
24. The proposal would make an efficient use of land and deliver an additional house in an area close to facilities, services and public transport and would make a contribution, albeit limited, to the Government's objective of significantly boosting the supply of homes. There would also be economic benefits during the construction phase of the development and a likely, but relatively small, contribution to the wider local economy following occupation of the dwelling. Future occupiers of the proposal could also contribute to the membership of local community groups and places of worship, although the likelihood of this occurring is variable and such a contribution would likely be very small from the additional 1-bedroom house.
25. Against these benefits is the harm that would be caused to the character and appearance of the area, and in this regard the Framework makes it clear that developments should be sympathetic to local character and history. It also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Furthermore, it states that good design is a key aspect of sustainable development, to create better places in which to live and work and helps make development acceptable to communities, and that development that is not well designed should be refused. I regard the identified harm to the character and appearance of the Becontree Estate to be significant.
26. Accordingly, when assessed against the policies in the Framework taken as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
27. The development plan policies that I have found the appeal proposal conflicts with relate to protecting the character and appearance of the area, which specifically recognise the distinctive characteristics of the Becontree Estate. Although they are deemed to be out of date in relation to the approach set out in Framework paragraph 11 d), this does not mean that they carry no weight, and the amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. In this instance, although the shortfall in housing land supply attracts considerable weight, I am satisfied that the relevant policies are broadly consistent with the Framework, and I attach significant weight to the conflict I have identified with them.
28. Accordingly, for the reasons outlined above, the proposed development conflicts with the development plan taken as a whole. There are no other considerations, including the Framework which indicate a decision other than in accordance with the development plan. I therefore dismiss the appeal.

A Hunter

INSPECTOR