
Appeal Decision

Site visit made on 11 April 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2023

Appeal Ref: APP/Z5060/D/22/3312810
2 Lillechurch Road, DAGENHAM, RM8 2BG

- 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 Shyqyri Ferizolli against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref. 22/01429/HSE, dated 19 August 2022, was refused by notice dated 10 October 2022.
 - The development proposed is a part ground floor infill rear extension, first floor side and part first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form a different wording has been entered, but as the parties have not provided written confirmation that a revised description of development has been agreed I have used the one given on the original application.

Main Issues

3. The main issues are the effect of the proposal on (1) the character and appearance of the appeal property, the terrace of which it forms part and the wider area; and (2) the living conditions of neighbouring residents, with particular reference to outlook, access to daylight and sunlight, and privacy.

Reasons

Character and Appearance

4. The appeal property is an end-terrace dwelling located in a prominent position towards an entrance into Lillechurch Road. It is part of a short terrace of four properties of an original design and form that is found throughout the surrounding Becontree Estate, an interwar public housing development that has a distinctive local character. The symmetry of the terrace has already been altered by a hip-to-gable loft extension and single-storey additions to the appeal property.
5. Policy BP2 of the Council's Borough Wide Development Policies Development Plan Document 2011 (DPD) and Policy CP2 of the Core Strategy 2010 (CS)

both identify the Becontree Estate as a locally distinctive and historically important area which should be celebrated and promoted, with encouragement for the preservation, reinstatement and enhancement of locally distinctive features. In particular, Policy CP2 requires development proposals to be of a high quality that respect and reflect the historic context and assets.

6. In this context, the existing dwelling has single-storey extensions that wrap around the rear and side of the dwelling (this includes the 'proposed' single storey rear infill). The Council does not oppose the design of individual elements of the proposal, but considered cumulatively the proposed first-floor side and rear extensions would materially add to the scale and bulk of the dwelling, and would further disrupt the symmetry of the terrace. Although the appellant indicates that the proposal would reinstate symmetry by replacing the current gable roof with a hip, it would appear that the angle of the roof pitch would be different to that at the opposite end of the terrace. Moreover, the increased width of the building at first-floor level would also affect the balanced appearance of the building group.
7. The side elevation of the dwelling is visible from Lillechurch Road in views across gardens of neighbouring properties, and I do not share the appellant's view that the majority of the development proposed would be concealed from public vantage points. The increased two-storey depth of the building would be apparent, and would appear disproportionate relative to the modest scale of the original building. The combination of the existing dormer window and the proposed side and rear extension would overwhelm the original building, to the detriment of its character and appearance and that of the terrace of which it forms part; and in so doing, the character of the wider Becontree Estate. Whilst the rear extension would have a lower ridge height, it would create an awkward roof arrangement with the main roof and dormer window, at odds with the simplicity of the terrace form.
8. I accept that sufficient visual gap would be retained from the dwellings fronting Ilchester Road, but this would not resolve the effect of a development of the scale proposed on the host house and terrace. The use of matching materials would not mitigate the impact of the proposal.
9. The appellant has drawn attention to other extensions built in the surrounding area, some of which appear more integrated in the street scene than others. However, limited information has been provided of the permissions granted and the reasoning behind the decisions taken. Nevertheless, none appeared to be directly comparable to the appeal proposal and/or its context, and as such they offer only limited support.
10. I therefore conclude that the proposal would detract from the character and appearance of the appeal property, the terrace of which it forms part and the wider area. It would conflict with the design objectives of the National Planning Policy Framework (the Framework) and Policy D4 of The London Plan 2021 (TLP), as supported by design guidance in the Housing Design Quality and Standards' Supplementary Planning Guidance 2020 (SPG); and with CS Policies CP2 and CP3, which seeks to secure a high quality built environment which respects and strengthens local character and history and provides a sense of place. It would conflict with DPD Policy BP2, and the requirements in DPD Policies BP8 and BP11 to have regard to local character and to provide

attractive high quality architecture that protects or enhances the character and amenity of the area.

11. Although the proposal would comply with elements of the guidance in the Council's 'Residential Extensions and Alterations' Supplementary Planning Document 2012 (SPD), cumulatively the proposal would conflict with the requirement for design to be sympathetic to the original house.
12. I have placed more limited weight on the draft policies of the Council's Regulation 19 Local Plan given its stage in the examination process.

Living Conditions

13. The parties agree that the gardens of properties fronting Ilchester Road are approximately 10m deep. The orientation means that the proposed first-floor elements would have some impact on daylight and sunlight, and in the case of 170 Ilchester Road I am not convinced that this would be materially greater than the effect of the existing dwelling. The appellant has provided some shading diagrams, although the source of the calculations is not specified. Having regard to this information, I consider it likely that the additional first-floor rear extension would add to overshadowing of the rear garden of No.168.
14. I agree with the appellant that loss of view is not material to this proposal, but it is appropriate to consider the effect on the immediate outlook enjoyed by neighbouring residents. The proposed increase in the first-floor depth of the dwelling and its closer proximity to the boundary would create a more dominant building in the outlook from Nos. 168 and 170 Ilchester Road and their gardens. This additional built form would be unacceptably overbearing at this reasonably close range. I do not consider that the separation distance is sufficient to avoid such harm, nor that the outbuilding in the garden of No.170 would buffer the impacts of the proposal.
15. I note the Council's view that no loss of privacy would result as no side windows are proposed, but this was a matter raised in representations by neighbouring residents. The proposal would introduce a rear-facing bedroom window in a position closer to the shared boundary with adjacent gardens, whereas the closest existing first- and second-floor windows serve bathrooms, according to the submitted layout plans. In my assessment, this could give rise to the potential for more direct overlooking of private garden areas than exists at present.
16. I therefore conclude that the proposal would diminish the outlook for neighbouring residents and result in the potential for loss of privacy to a degree that living conditions would be harmed. This would be contrary to the Framework, DPD Policy BP8, which seeks to ensure that extensions do not lead to significant loss of privacy and immediate outlook or overshadowing and loss of daylight and sunlight, and DPD Policy BP11, which requires development to maintain residential amenity.
17. On this particular matter I find no conflict with TLP Policy D4 and the SPG, CS Policies CP2 and CP3 and DPD Policy BP2.

Other Matters

18. The appellant advises that the refused scheme was the subject of negotiation and revisions sought by the Council. Whilst I appreciate this may have given an

expectation that the development was acceptable, for the reasons outlined above I find the formal decision of the Council to be justified.

19. Third party comments were made on the application which included matters relating to land encroachment and maintenance. However, these are private matters between the parties and not for consideration as part of this appeal.
20. Whilst I appreciate the appellant's requirements for the additional accommodation, for the reasons outlined above the harm arising from the design and form proposed would outweigh this need.

Conclusion

21. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR