



Appeal Decision

Site visit made on 18 April 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 JUNE 2023

Appeal Ref: APP/Z5060/W/22/3311306
19 Hobart Road, Dagenham RM9 5NH

- 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 Babu Dusarlapudi against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 22/01373/FUL, dated 10 August 2022, was refused by notice dated 20 September 2022.
 - The development proposed is the construction of a new one-bedroom dwelling with associated bicycle storage and bin storage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the appeal form; I have used it preference to the wording on the original planning application form as it provides a slightly more concise description of the proposal.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area; and
 - Living conditions for occupiers of the existing dwelling at No 19 Hobart Road, with particular regard to noise and similar disturbance.

Reasons

Character and appearance

4. The appeal relates to 19 Hobart Road, a two-storey house at the end of a short terrace of four similar dwellings, and its garden. It is part of a group of three similar blocks, grouped around a pedestrian cul-de-sac on the north-east side of Hobart Road (the Council describes the arrangement as a "banjo cul-de-sac"). The proposed development is the erection of a single-storey, one-bedroom dwelling in the large side/rear garden of No 19. At the time of my site visit, the garden had been physically divided between the area intended to be occupied by the proposed dwelling, and the residual garden for No 19.

5. The appeal site sits within the Becontree Estate, and the surrounding area is predominantly residential (though not exclusively so – there are a number of community uses based on the other side of Hobart Road, and a variety of shops and services at the junction of Wood Lane and Porters Avenue). Immediately north-east of the appeal site is Summerfield House, a three-storey block of flats which was built between 2003 and 2005 and which has a correspondingly more modern appearance than most of the surrounding housing. However, I saw on my site visit that the area is overwhelmingly characterised by regularly laid-out short terraces of housing, and although front gardens are generally not deep, back gardens are often longer and this contributes to there being a sense of openness and spaciousness at the rear of houses. Within this context, the traditionally-styled No 19 and its neighbours (typical of inter-war council housing development in their appearance) and the “banjo” layout are entirely representative of the surrounding area.
6. The diminutive form of the proposed single-storey dwelling would make it akin in scale to one of the larger garages or other outbuildings in the area rather than the more substantial housing which would surround it, and it would therefore offer an unfavourable visual contrast with its neighbours. Its siting within what is currently the rear garden of No 19 would leave it hidden from the street, contrasting entirely with the layout of street-facing short terrace blocks characteristic of the area. The form and siting of the dwelling would therefore be significantly at odds with the prevailing and well-defined pattern of development for housing both on Hobart Road and within the Becontree Estate more widely. Furthermore, the separation of part of the rear garden of No 19 for the new dwelling would also reduce the sense of spaciousness at the rear of that property.
7. The proposed development would not demonstrate a high standard of design, nor would it respect or strengthen the existing local character, and I conclude that it would be harmful to the character and appearance of the area. It would therefore conflict with Policy CP3 of the 2010 Barking and Dagenham Core Strategy (“the BCS”), Policy BP11 of the 2011 Barking and Dagenham Borough Wide Development Policies Development Plan Document (“the DPD”), and with Policy D4 of the London Plan 2021; together, and among other things, these policies seek to ensure that development is well-designed, provides attractive, high-quality architecture, and protects or enhances the character of the surrounding area. For the same reasons, I find conflict with emerging Policies SP2, and DMD1 of the Draft Barking and Dagenham Local Plan (“the Draft BLP”), although I note that that plan has not yet been adopted.
8. The proposed development would also conflict with the provisions of Paragraph 130 of the National Planning Policy Framework (“the Framework”) which require development to add to the overall quality of the area, to be visually attractive, and sympathetic to local character.
9. I find no specific conflict with Policy D1 of the London Plan 2021, which addresses matters relating to understanding areas’ capacity for growth when preparing development plans, with Policy D8 of the London Plan 2021 which relates to the public realm, or with emerging Policy SP4 of the Draft BLP which relates to social and cultural facilities. These policies were referred to in the Council’s decision notice but do not appear to be directly relevant to this proposal. A lack of conflict with these policies does not, of course, negate the other conflict with the development plan which I have found.

Living conditions

10. The proposed dwelling would be accessed by the path from the street to No 19, and anyone arriving or leaving would have to pass immediately by the front door of No 19 (which, in fact, is on the side elevation). The "front garden" (and effectively the only useful garden space) of the proposed dwelling would abut the rear garden of No 19 and would accommodate bin and cycle storage facilities.
11. The activities related to the new dwelling – the comings and goings of the future occupant and any visitors, as well as regular tasks such as the putting out and taking in of bins – would therefore all have to take place in very close proximity to the front door and rear rooms and garden of No 19. Even though the proposed dwelling is intended to be for only a single occupier, in my view the noise and disturbance which would be caused would, because of the limited separation distance involved as well as the front-to-rear spatial relationship, be disruptive to the occupiers of No 19 (in particular, though it would also be likely to affect Nos 21, 23 and 25 to lesser extents).
12. I conclude that the noise disturbance arising from the proposed development would have an adverse effect on neighbours' living conditions. It would therefore conflict with Policy CP3 of the BCS, Policies BP8 and BP11 of the DPD, and Policy D4 of the London Plan 2021. Together, and among other things, these policies seek to ensure that development is well-designed and functions well, and that residential amenity is protected including from unacceptable noise disturbance. For the same reasons, I find conflict with emerging Policies SP2 and DMD1 of the Draft BLP.
13. The proposed development would also conflict with the provisions of Paragraph 130 of the Framework, in particular the requirement to create places with a high standard of amenity for existing and future users.
14. I find no specific conflict with emerging Policy DMD6 of the Draft BLP, which relates to proposals for householder extensions and alterations. Again, this does not negate the other conflict with the development plan which I have found.

Planning Balance and Conclusion

15. Section 38(6) of the Planning & Compulsory Purchase Act 1990 and the Framework state that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found that the proposed development would be harmful to the character and appearance of the area and would have an adverse effect on neighbours' living conditions. It would therefore conflict with the development plan as a whole.
16. Paragraph 11(d) and Footnote 8 of the Framework state that, where the policies which are most important for determining the application are out-of-date (including where the Housing Delivery Test ("HDT") indicates that the delivery of housing was substantially below the housing requirement over the previous three years) 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.

17. The appellant has stated that the latest HDT “reveals that the Council are not meeting housing provision targets”. However, no substantive evidence was provided to support this claim, and it does not therefore amount to a justification for making a decision other than in accordance with the development plan.
18. The proposed development would provide a single additional dwelling in a location well located for access to shops, other services and transport links. Given the very small scale of the proposal, the social and economic benefits would be correspondingly modest. However, the proposed development would be poorly designed and sited, and would be harmful to neighbours’ amenity. It would therefore conflict with the specific requirements of Paragraph 130 of the Framework. Had it therefore been demonstrated that the Council’s HDT performance meant that the provisions of Paragraph 11(d) of the Framework were engaged, I consider that the harm which would arise from the development would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. The proposal would not therefore amount to sustainable development in the terms set out in the Framework.
19. In any event therefore, my final conclusion is the same; the appeal should be dismissed.

M Cryan

Inspector