



Appeal Decision

Site visit made on 9 May 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2023

Appeal Ref: APP/Z5060/W/22/3312798

1 Romsey Road, Dagenham RM9 6BL

- 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 Kamran Ijaz against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 22/01588/FULL, dated 19 September 2022, was refused by notice dated 8 November 2022.
 - The development proposed is described as "Demolition of garage and out building. Proposed New Dwelling house on land next to 1 Romsey Road, Dagenham, RM9 6BL".
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing garage and outbuilding and construction of a two-storey 2- bedroom dwelling adjacent to 1 Romsey Road, Dagenham RM9 6BL in accordance with the terms of the application, Ref 22/01588/FULL, dated 19 September 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 Ground Floor; 2 Proposed First Floor; 3 Front and Rear Elevation; 4 Left and Right Elevation; 5 Roof Plan; 6 Section AA & BB; 7 Site Plan; 7 3D view; and 8 Location Plan.
 - 3) Notwithstanding condition No 2, the materials to be used in the external surfaces of the development hereby permitted shall match those used in the host dwelling.
 - 4) No development above ground shall commence until details of soft and hard landscaping, including car parking layout, bicycle storage and refuse/recycling storage, have been submitted to and approved in writing by the local planning authority. The soft and hard landscaping, including car parking layout, bicycle storage and refuse/recycling storage, shall be provided in accordance with the approved details prior to first occupation of the development. The soft and hard landscaping, including car parking layout, bicycle storage and refuse/recycling storage, shall thereafter be retained.

Preliminary Matters

2. I have amended the description of development in the decision for clarity.

3. The Council has submitted the London Borough of Barking and Dagenham (LBBD) Draft Local Plan Regulation 19 Consultation Version (DLP) for examination. I am not aware of the exact stage it has reached, the extent of unresolved objections or whether the policies concerned will be considered consistent with the National Planning Policy Framework (the Framework). Consequently, in accordance with paragraph 48 of the Framework, I give it limited weight.
4. The Council has questioned whether the existing rear dormer extension on the host dwelling at 1 Romsey Road is lawful. This is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under section 192 of the Act. Any such application would be unaffected by my determination of this appeal. I have decided the appeal on its merits. In addition, the plans before me show the proposed development could be constructed whether the rear dormer on the host dwelling is present or not. Consequently, consent for the rear dormer – should it be required – would not be granted through this decision.

Main Issues

5. The main issues in this appeal are:
 - i. The effect of the proposed development on the character and appearance of the existing terrace of houses and surrounding area.
 - ii. Whether the proposed development would provide acceptable living conditions for future occupiers, with particular reference to external amenity space.

Reasons

Character and appearance

6. The appeal site comprises a corner plot at the end of a short terrace of houses. The terrace is part of the Becontree Estate, which is a very extensive inter-war municipal housing development identified by the Council as a non-designated heritage asset. The estate's significance as a non-designated heritage asset derives from its spacious, regular street layouts and high degree of uniformity in the design of its dwellings and terraces. These features also make a positive contribution to the character and appearance of the area.
7. The host property and adjoining terrace are like many in this part of the Becontree Estate, with a modest two-storey design, a mostly common front building line, pitched and tiled roofs, and a generally pebbledash finish. The house at the opposite end of the terrace from the appeal site has a hipped roof, which is typical for end of terrace properties in the area. At the appeal site end, the terrace's roof culminates in an asymmetrical gable because of the rear dormer extension on the host property.
8. The width of the proposed house would be similar to that of No 1 Romsey Road, so would not appear disproportionately large. The house would follow the building line of the terrace at first floor level. The window size, design and placement would be like those of neighbouring dwellings. In addition, the roof ridge of the new house would follow that of the host property and terrace,

- providing continuity. The new roof would culminate in a hip similar in appearance to the other end of the row.
9. At ground floor level there would be a modest projection across the front of the house. This would deviate from the prevailing building line of the terrace. However, I observed several single-storey front extensions of this type in the surrounding streets. The single-storey projection in the appeal scheme would look like others nearby and would complement the design of the host property and terrace by including a pitched, tiled roof. Consequently, I consider this element would not detract from the character and appearance of the terrace or the surrounding area.
 10. I accept the two storeys of the appeal proposal would close the gap between the host dwelling and its perpendicular neighbour at No 75 Langley Lane. However, that gap is small, and the site is currently occupied by single-storey outbuildings so does not appear as a fully open corner. The new house would be narrower than the current outbuildings. Though the side gap would diminish towards the rear of the plot, the proposal would retain substantial space between the front elevation and the site boundary, diminishing its impact on the corner. The layout of the new side garden and parking area would be like that at No 75, thereby enhancing the symmetry of the two houses' open areas. Consequently, what openness there is at the corner would not be fully lost. Any similar extension proposed at No 75 would need to be considered on its own merits through a separate planning application.
 11. The drawings indicate that the walls of the house would be finished in brickwork or white render. The application form states that the walls will use brick and render. Given the host dwelling and the rest of the terrace are finished in render, were the new house to use brick for its wall finish, it would appear incompatible with the buildings which surround it and thereby harm the appearance of the area. However, a planning condition to use materials to match the host dwelling would overcome this aspect of the proposal which would otherwise make the development unacceptable.
 12. Paragraph 203 of the Framework states that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. For the above reasons, I do not find harm to the significance of the Becontree Estate as a non-designated heritage asset.
 13. Taking all this together, I conclude the proposed development would not have a harmful effect on the character and appearance of the existing terrace of houses or surrounding area. Accordingly, I find no conflict with Policies D1 and D4 of the London Plan (LP), Policy CP3 of the CS¹, Policy BP11 of the BWDP² or the Framework. These policies seek a design-led approach to optimising site capacity, and a high standard of design that strengthens local character and respects local context. In addition, I find no conflict with Policies SP2 or DMD1 of the DLP, which also promote high quality design that takes a design-led approach to optimising site potential by responding positively to local distinctiveness and context.

¹ LBBD Local Development Framework (LDF) Core Strategy

² LBBD LDF Borough Wide Development Policies

14. I find no conflict with Policy HC1 of the LP, Policy CP2 of the CS, Policy BP2 of BWDP or the Framework, which require consideration of non-designated heritage assets in new development.
15. Policy DMD6 of the DLP and the LBBB Residential Extensions and Alterations Supplementary Planning Document do not cover new dwellings so are less relevant to this issue.

Living conditions

16. Policy D6 of the LP sets a minimum of 5m² for external amenity space but defers to higher standards in borough Development Plan Documents where they exist. Policy BP5 of the BWDP states at least 50m² of external amenity space is normally expected for a two-bedroom house, with a minimum depth of 12m for rear gardens. The combined area of external amenity space proposed would be approximately 30m², which falls short of the minimum requirement. This includes a small area to the rear of the house and the main useable area to the side. Given this configuration, the minimum depth requirement for rear gardens is more relevant to the side garden in this instance and would be broadly achieved.
17. The smaller of the two areas would be enclosed by two-storey walls and would receive little sunlight, so its useability for some activities such as children's play would be constrained. However, the larger area would be less enclosed and orientated to receive sunlight for part of the day. It would be useable and functional for activities like planting, sitting out, hanging washing and some play. Both areas would be private, safe and easily accessible from living areas. Therefore, despite the shortfall in area, most of the qualitative requirements in Policy BP5 of the BWDP would be met by the proposed space. The quality of the landscaping could be secured by condition. I also note there are two areas of public open space, with play areas, within walking distance of the appeal site. This is a material consideration to which I attribute moderate weight.
18. Policy DMNE1 of the DLP to which the Council refers covers parks and public open spaces so is less relevant to this issue. Notwithstanding this, drawing all the factors identified above together, I find the proposed external amenity space would conflict with some of the requirements in Policy BP5 of the BWDP and therefore with Policy D6 of the LP. However, I consider the other material considerations set out above outweigh this conflict. I find no conflict with the Framework, which seeks a high standard of amenity for future users of development. Under section 38(6) of the Planning and Compulsory Purchase Act 2004, this leads me to determine other than in accordance with the development plan and I conclude the proposed development would provide acceptable living conditions for future occupiers, with particular reference to external amenity space.

Other Matters

19. There is limited evidence to support concerns about loss of sunlight to, and view from, the neighbouring property at No 75 Langley Lane. The orientation of the small outside space behind that property means the sunlight it receives would only be affected by the proposal for part of the day. The proposed development would not diminish the living conditions of the occupiers of No 75 by any significant degree.

Conditions

20. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
21. A matching materials condition is necessary to integrate the appearance of the proposed house with that of the host dwelling and the terrace of which it would be a part. The condition on soft and hard landscaping is necessary to achieve high quality external spaces, promote active travel in accordance with Policy T5 of the LP, and achieve good refuse management.
22. Justification for the wholesale removal of freedoms to carry out small-scale alterations and extensions is not specific and precise enough to meet the tests of necessity and reasonableness. On this basis, I have not included a condition on this matter.

Conclusion

23. I have found that the proposal would conflict with neither the development plan nor the Framework when each is considered as a whole. It follows that, while the Council acknowledges the delivery of housing has been substantially below the housing requirement in the previous 3 years, triggering the presumption in favour of sustainable development, there are no adverse impacts which would significantly and demonstrably outweigh the benefits of this proposal. I therefore conclude the appeal should be allowed.

C Carpenter

INSPECTOR