



Appeal Decision

Site visit made on 9 October 2023

by C Livingstone MA(SocSci) (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2023

Appeal Ref: APP/Z5060/W/23/3320222

100 B Salisbury Avenue, Barking and Dagenham, Barking IG11 9XS

- 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 Mario Demetriou against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 22/02107/FULL, dated 8 December 2022, was refused by notice dated 2 February 2023.
 - The development proposed is change of roof profile and new dormer and front skylight.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The officer report states that the outbuilding is currently being utilised as an independent unit of residential accommodation and represents a breach of planning control. For the avoidance of doubt, my assessment is based on the application as submitted and my role is not to investigate the existing use of the building or to make a formal determination on issues of lawfulness. As such, I have determined this appeal on the basis that the proposal is for an extension of the outbuilding for use as ancillary living accommodation.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect on the living conditions of the occupiers of the appeal property and neighbouring properties (100 and 100 A Salisbury Avenue) in relation to privacy and sunlight; and
 - whether the development would provide acceptable living conditions for existing and future occupants.

Reasons

Character and appearance

4. The application site is in a residential area, mainly comprising of two-storey terraced houses with long rear gardens. Most properties in the area have sheds or outbuildings that occupy a small proportion of the rear garden. The appeal property is a first floor flat that was erected as part of a development of two flats, to the side of a pair of semi-detached properties. The curtilage of the

property is relatively modest and includes a large flat roofed outbuilding, garages, a storage shed and car parking area.

5. The proposal is for the formation of a hipped roof over the existing outbuilding and includes a box dormer across most of the rear roof slope. As a result, the height of the outbuilding would be significantly increased. This would increase the visual dominance of the building, which already takes up a large area of the rear garden. The addition of a dormer window would also result in the new roof appearing overly bulky and top heavy. Further, a box dormer is typically a residential design element and would appear incongruous on an ancillary building.
6. The garden associated with the appeal property is relatively modest and has already been developed extensively. The resultant ancillary building would appear overly assertive in terms of scale and massing and would not be comfortably accommodated within the site. The constrained arrangement would not reflect the wider pattern of development.
7. For these reasons, the proposed development would be harmful to the character and appearance of the area. Consequently, in this regard, it would conflict with Policy D4 of the London Plan (LonP), Policy CP3 of the Core Strategy (2010) (CS) and Policy BP11 of the Borough Wide Development Policies Development Plan Document (2011) (DPD). These policies are consistent with the National Planning Policy Framework in seeking high quality design that reflects local character. I find no conflict with policy D1 of the LonP which relates to the elements that should be covered as part of borough wide area assessments.

Living conditions for occupants of parent property and neighbours

8. The rear garden of the appeal property is distinctly separate from 100 and 100 A Salisbury Avenue and is bounded by high close boarded timber fencing and a brick wall. Tall mature trees run along the southern boundary of both the appeal property and 100 Salisbury Avenue. The outbuilding to which the application relates is adjacent to the southern boundary. Beyond this to the south is a public car parking area. A large flat roofed timber shed extends along across the southern end of the garden of 100 Salisbury Avenue.
9. The pitched roof would increase the height of the building and introduce windows at a higher level, a small roof light to the front and a dormer to the rear. The size, angle, and position of the rooflight would be such that it would not result in a material degree of overlooking. The rear dormer would have an outlook across the public car park. As such the proposal would not result in harm to the privacy of the occupiers of the appeal property or 100 and 100 A Salisbury Avenue.
10. Given the path of the sun, any overshadowing would be limited to part of the garden of the appeal property and the southern end of the garden of 100 Salisbury Avenue. However, the existing shed on the southern boundary would limit the impact to the rear garden of 100 Salisbury Avenue, as overshadowing would be restricted to the roof of the existing shed. The existing line of mature trees on the southern boundary will continue to block sunlight (as at present), therefore additional overshadowing from the development would be limited.

11. For the reasons detailed above the proposal would not have a harmful impact on the living conditions of the occupiers of the appeal property or neighbouring properties 100 and 100 A Salisbury Avenue in relation to outlook and privacy. Consequently, in this regard, it would not conflict with Policy D6 of the LonP, DPD Policies BP8 and BP11 and the associated guidance in The Residential Extension and Alterations Supplementary Planning Document (SPD), insofar as these policies relate to the living conditions of the occupants of neighbouring properties.

Living conditions within the building itself

12. The appellant states within the evidence that their child occupies the outbuilding. The submitted floor plans do not show a bathroom, which indicates that any occupant would be sharing the bathroom facilities of the appeal property. Based on the evidence before me the outbuilding would be providing accommodation that is ancillary to the appeal property. As such, the space standards required for a separate dwelling would not apply.
13. Based on its use as ancillary accommodation the development would provide acceptable living conditions. Consequently, I find no conflict with Policy D6 of the LonP or DPD Policies BP5 and BP6 as these policies relate to the required standards for residential dwellings rather than ancillary accommodation.

Conclusion

14. I have found the proposal to be acceptable in terms of the standard of ancillary accommodation it would provide, and the effects on the living conditions of the occupiers of the appeal property and neighbours. However, my conclusion that the proposal would be materially harmful to the character and appearance of the area brings the scheme into conflict with the development plan taken as a whole. There are no material considerations to justify a decision otherwise than in accordance with the development plan. For this reason, I conclude that the appeal is dismissed.
15. For the reason given above I conclude that the appeal is dismissed.

C Livingstone

INSPECTOR