



Appeal Decision

Site visit made on 4 January 2024 by N Unwin BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2024

Appeal Ref: APP/Z5060/D/23/3331181

153 Westrow Drive, Barking and Dagenham, Barking IG11 9BW

- 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 Mijanur Rahman against the decision of the Council of the London Barking and Dagenham.
 - The application ref. 23/00801/HSE, dated 28 May 2023, was refused by notice dated 24 July 2023.
 - The development proposed is described as a part single, part double storey rear and side extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Council has referred to and provided copies of relevant policies of the London Borough of Barking and Dagenham Draft Local Plan 2037 – Regulation 19 Submission Version, December 2021. I understand this is currently at the examination stage, but there is no indication of when it will be adopted, if any policies have been modified, or the extent of any unresolved objections. I therefore afford it limited weight and have considered the appeal scheme under auspices of the adopted development plan at the time.

Main Issues

4. The effect of the proposed development on (a) the character and appearance of the area; and (b) the living conditions of the occupiers of 155 Westrow Drive, with particular regard to outlook and levels of daylight.

Reasons for the Recommendation

Character and Appearance

5. The area is characterised by terraced and semi-detached dwellings of similar appearance. A number of the semi-detached dwellings are separated by adjoining single storey structures, providing a modest gap within the built environment at first floor level. This recurring feature provides pleasant vistas, bestowing the street scene with an open feel, contributing positively to its character.

6. Whilst much of the separation between dwellings above ground floor level has been lost through the addition of two-storey side extensions, this does not diminish the contribution to the quality of the area made by gaps that remain. The majority of the two-storey side extensions are set back from their front elevation and the roof noticeably stepped down. These create a subservience to the host, serving to delineate them from the original and preserve the properties' similitude with their surroundings, affording the built environment a satisfying congruence.
7. The appeal property is comparable in scale and design to those along this section of Westrow Drive, maintaining the area's agreeable consistency. An adjoining single-storey garage abutting that of the neighbouring property creates the aforementioned visual break between the dwellings at first floor level, beneficial to the quality of the street scene.
8. The proposed two-storey side extension would significantly reduce the existing separation with No 155 above first floor level, diminishing its valuable contribution to the open feel of this section of the street scene. The proposal would sit flush with the front elevation of the host dwelling and the hipped roof would be extended over the side extension, appearing indistinguishable from the original building. As such, the appeal property would appear much wider than the surrounding dwellings, harming the attractive consistency of the area.
9. Accordingly, the proposal would be contrary to Policy D4 of The London Plan 2021 (LP), Policy CP3 of the Core Strategy 2010 (CS) and Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document 2011 (DPD). When read together and amongst other things, these policies require new development to be of high-quality design that reflects and strengthens local character and protects views and vistas. The proposal would additionally conflict with the Residential Extensions and Alterations Supplementary Planning Document 2012 (SPD) which, amongst other things, requires side extensions to be set off the side boundary where gaps between buildings contribute positively to the area's character.

Living Conditions

10. No 155 is a two-storey dwelling of a similar scale. The second storey of the property is set back from the appeal site by a modest distance, with a single storey garage and a side and rear extension abutting the shared boundary. The rear extension projects moderately beyond the elevation of the second storey. Two first-floor windows are located within the rear elevation of No 155.
11. The proposed two-storey side and rear extension would adjoin the boundary of No 155, with the rear elevation finishing approximately in line with that of the neighbouring single-storey extension. The limited elevation of the proposal's ridge line, combined with the setback nature of the neighbouring dwelling's second storey, would sufficiently mitigate any adverse impact on the outlook for occupiers and daylight received from the first-floor rear elevation windows of No 155. Moreover, the moderate projection of the proposal beyond the first-floor windows of No 155 would further prevent any overbearing impact and maintain the current levels of daylight received by these openings.
12. Accordingly, the proposal would be acceptable in terms of its effect on the living conditions of the occupants of No 155 Westrow Drive, with particular regard to outlook and levels of daylight. As such, and in regard to this main

issue, it would comply with Policy D6 of the LP, Policy CP3 of the CS, Policies BP8 and BP11 of the DPD and the SPD. When read together and amongst other things, these policies and guidance require new development to provide sufficient daylight to surrounding housing and not lead to significant overshadowing.

Other Matters

13. The appeal scheme is required to provide additional living accommodation for a member of the appellant's immediate family with specific needs. The Public Sector Equality Duty set out in Section 149 of the Equality Act 2010 (the Act) states that disability is a relevant protected characteristic for its purposes. I have had regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not.
14. Article 8 of the Human Rights Act is also engaged as the proposal could affect the health, well-being or living conditions of persons within their home and the rights of a child. In the context of Article 8, the best interests of a child must be a primary consideration and no other consideration can be treated as inherently more significant. However, although a primary consideration, a child's interest is not determinative of the planning issue and may be outweighed by the cumulative effect of other considerations.
15. Whilst I appreciate the requirement for the additional space, this does not outweigh the harm I have identified. I am not convinced that an alternative form of development which would provide the required accommodation could not be achieved without giving rise to the extent of harm I have found.
16. I have not been supplied with any further details of the other developments and planning approvals cited by the appellant and cannot, as a result, be certain that the balance of considerations in those cases were the same as the appeal scheme. In any event, their presence does not justify the harm that would arise as it has been identified.

Conclusion and Recommendation

17. My findings on the second main issue would amount to a lack of harm which, by definition, cannot be used to weight against harm. They would accordingly be neutral. The appeal scheme would conflict with the development plan taken as a whole and there are no material considerations worthy of sufficient weight that would indicate otherwise. I therefore recommend the appeal be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR