



## 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: 9 February 2024**

---

**Appeal Ref: APP/Z5060/D/23/3330163**

**19 Hobart Road, Barking and Dagenham, 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 Barking and Dagenham.
  - The application ref. 23/01064/HSE, dated 7 July 2023, was refused by notice dated 31 August 2023.
  - The development proposed is described as a new rear out-building for use as store and gymnasium and ancillary to the dwellinghouse.
- 

### 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 Matter

3. At the time of my site visit a foundation pad had been laid in the general vicinity of the proposed building. For clarity however, I have considered the appeal on the basis of the submitted plans.

### Main Issue

4. The effect of the proposal on (a) the character and appearance of the area; and (b) the living conditions of the occupiers of No 116 Wood Lane with particular regard to privacy.

### Reasons for the Recommendation

#### *Character and Appearance*

5. The appeal site forms part of a group of three analogous two storey terraces arranged around a pedestrian access forming an agreeable banjo cul-de-sac arrangement. Such recurring design features in combination with generous rear gardens, of which the appeal site forms part, provide the area with a gratifying consistency and strong sense of openness and spaciousness between the rows of housing which contribute positively to the character and appearance of the area.
6. The proposal would be single storey with a large footprint and thus would appear at odds with the surrounding uniform two storey terraces. Its close

relationship to the appeal property and dwellings forming the banjo cul-de-sac, would detract from the existing pleasing deliberate configuration of the built environment. Furthermore, such a large structure located within the open garden area between terraces would diminish and prejudice the quality of the area's spaciousness. The location of the building to the rear of the host and the associated limitation such would impose on it's obviousness in the public realm would not be sufficient to make it acceptable.

7. Accordingly, the proposal would be harmful to the character and appearance of the area. As such, it would be contrary to Policy D4 of the London Plan (2021) (LP), Policy CP3 of the Barking and Dagenham Core Strategy (2010) (CS), Policies BP8 and BP11 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document (2011) (DPD), and the Residential Extensions and Alterations Supplementary Planning Document (2012). When read together and amongst other things, these policies require new development to be of high-quality design that reflects and strengthens local character.
8. I find no specific conflict with Policy HC1 of the LP, Policy CP2 of the CS, and Policy BP2 of the DPD, which addresses matters relating to heritage assets. 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*

9. No 116 is a two-storey dwelling with long rear garden and low boundary fence separating it from the appeal site. The proposal would be situated close to the rear garden boundary of No 116, with two small rear windows facing this direction. Given the single storey nature of the proposal and small size of the proposed windows, any overlooking of the garden area of No 116 would be limited. Furthermore, a condition to secure obscure glazing of the windows could be attached to prevent any potential overlooking, should I be minded to allow the appeal.
10. Accordingly, the proposal would be acceptable in terms of its effect on the living conditions of the occupants of No 116 Wood Lane, with particular regard to privacy. As such, and in regard to this main issue, it would comply with Policy D6 of the London Plan (2021), Policy CP3 of the Barking and Dagenham Core Strategy (2010), Policies BP8 and BP11 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document (2011), and the Residential Extensions and Alterations Supplementary Planning Document (2012). When read together and amongst other things, these policies require new development to be designed in a manner which restricts its impacts upon neighbouring dwellings and avoids significant overlooking.

#### **Other Matters**

11. The Council has expressed substantive concerns over the size of the building and whether it would be used as proposed or as a dwelling. Referring as they do to a previously refused application for the latter, in the same location as this proposal. I agree that the building would be large, but this would not in and of itself a non ancillary/incidental outbuilding make. There are further controls that could be used to restrict its independent use should I have recommended

the appeal be allowed. I have in any case considered the appeal scheme on the evidence available to me and the nature of the planning permission sought in the first instance which is for a domestic outbuilding.

12. The appeal site is not within a Conservation Area and the building is not listed. Nevertheless, the absence of designations is not a positive factor in favour of the proposed development and an assessment as to its effects is still required.
13. Whilst I appreciate the appellant's requirement for the additional living 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. I am also mindful of the fact that the outbuilding proposed is not for living space per se and is, on the face of the plans submitted, for a gymnasium and storage.

### **Conclusion and Recommendation**

14. My findings on the second main issue would amount to a lack of harm which, by definition, cannot be used to weigh 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**

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

*John Morrison*

INSPECTOR