



Appeal Decision

Site visit made on 6 February 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2024

Appeal Ref: APP/Z5060/W/23/3328582

20 Tenby Road, Chadwell Heath, Barking and Dagenham RM6 6NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Khalid Wali Patel against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 23/00847/FULL, dated 2 June 2023, was refused by notice dated 3 August 2023.
 - The development proposed is a two-storey side extension to create new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension to create new dwelling at 20 Tenby Road, Chadwell Heath, Barking and Dagenham RM6 6NB in accordance with the terms of the application, Ref 23/00847/FULL, dated 2 June 2023, subject to the conditions set out in the attached Schedule of Conditions.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but nevertheless, a different wording has been entered from that on the planning application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application.
3. The London Borough of Barking and Dagenham Local Plan 2037 is emerging (the emerging plan). I have limited information before me on the precise stage which the emerging plan is at, although it would seem to be at a relatively advanced stage. As necessary, I refer to policies within the emerging plan elsewhere in my decision.
4. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. The Council and the appellant have been given opportunity to comment on the revised Framework. I have had regard to the revised Framework in my decision.

Main Issue

5. The main issue is the effect of the development upon the character and appearance of the street scene.

Reasons

6. No 20 Tenby Road is a residential property situated at the end of a short terraced row. It adjoins properties with similar design features, including bay windows and front gable projections. However, the host property has a single storey garage outrigger to its side and this sets its appearance apart from the terraced properties it adjoins.
7. Elsewhere on Tenby Road and on neighbouring streets, there are other houses which are alike and which are grouped together. Despite this, the number of different house types represented is broad, with the design of one house type being distinctly different from another. This includes, opposite the appeal site, Nos 21 and 23 which each incorporate building materials, an approach to fenestration and a roofscape quite unlike the host property. For these reasons, although the street scene does exhibit some design cohesion, it also incorporates variety and is not uniform.
8. As the host property already has a garage outrigger to its side, it has a wider front elevation than the terraces it adjoins. Therefore, the host property's presence within the street scene markedly differs from them. Upon completion of the development, the dwelling containing 2 floors of accommodation would be clearly greater in size and scale than the existing garage but nevertheless, it would also be an outrigger to the side. Consequently, the extension would not introduce an incongruous feature.
9. The roof profile of the proposed dwelling would be hipped which would match that of the host property. The kitchen would have a flat roof and would adjoin an existing flat roofed outrigger. The plans propose that external materials would also match the existing dwelling. For such reasons, the proposed dwelling would incorporate a design which would be sympathetic to the property it would adjoin.
10. Owing to a recessed first floor front elevation and a roof ridge level set-down, the proposed dwelling would be somewhat subordinate to the host property. However, given the sympathetic design and the varied appearance of properties already within the street scene, that this would be the case and that the proposal would not be a replica of an existing house type would not be harmful.
11. For the above reasons, the development would represent high quality design with acceptable effects upon the character and appearance of the street scene. The proposal would comply with policy D4 of the London Plan (LP), policy CP3 of Barking and Dagenham's Core Strategy and policy BP11 of Barking and Dagenham's Development Policies Development Plan Document. Amongst other matters, these policies seek to achieve development with a high quality of design and layout, that protect or enhance the character of an area and which maintains the design quality of development. The development would also comply with policies DMD1 and SP2 of the emerging plan and those policies within the Framework which similarly seek to secure high quality design and ensure that development appropriately relates to local context.
12. The Council's reason for refusal also refers to policy D1 of the LP. This policy focuses principally upon processes to define an area's character and capacity for growth. The content of this policy is largely irrelevant to this main issue.

Other Matters

13. Tenby Road joins a main road which is well served by buses and which contains a range of services. Therefore, I find that the appeal site is within a quite accessible location, well connected by public transport. A driveway is within the appeal site and the plans show that parking here would be retained. I further note that the appeal site is located within a controlled parking zone with on-street parking being actively managed via permits.
14. The Council's reason for refusal included no objections related to parking. Given the above factors, I have no reason to disagree and I have no substantive evidence before me that the proposal would result in any unacceptable parking effects.

Conditions

15. The Council has chosen not to submit a list of suggested conditions. In compiling the attached schedule, I have had particular regard to the advice on the imposition of conditions contained within the Framework and the Planning Practice Guidance.
16. A standard time limitation condition is necessary, as is a condition to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area and the living conditions of existing and future occupiers, a condition to define the enclosure of the proposed back garden is necessary. In the interests of both the promotion of sustainable transport modes and the character and appearance of the area, I have imposed a condition to agree the design of cycle storage and to secure its delivery. So that appropriately designed refuse and recycling storage is also secured, I have imposed condition 5.
17. Given the scale and nature of the proposal, the effects which would arise from the demolition and construction activities involved would be likely to be short-term in nature and uncomplex. Given this, I have no reason to conclude that this phase of the development would be especially disruptive. Therefore, I find that a condition requiring the submission of a construction method statement would not be proportionate and in turn is unnecessary. However, in the interests of the living conditions of neighbouring occupiers, the hours of construction and demolition should be controlled and so I have imposed such a condition for this reason. Comprising of an existing dwelling within an existing residential area, I have no substantive evidence before me that the appeal site is likely to be contaminated. For this reason, I am not satisfied that a condition in relation to contaminated land would meet all the tests for condition imposition and so, I have not included one within my schedule.

Conclusion

18. For the reasons given above, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

H Jones

INSPECTOR

Schedule of 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: 01, 02, 03, 04 A, 05 and 06.
- 3) The dwelling hereby permitted shall not be occupied until a dedicated back garden to serve the dwelling has been provided, in accordance with details which have first been submitted to and approved in writing by the local planning authority. These details shall include;

- the extent of the garden which shall match that shown on plan 04 A
- the design and appearance of the means of enclosure to form the boundaries of the garden

Development shall be carried out in accordance with the approved details and the dedicated garden shall be retained thereafter.

- 4) The dwelling hereby permitted shall not be occupied until the proposed cycle/bike store, as shown on plan 04 A, has been implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority. These details shall include;

- full details of the design and appearance of the cycle/bike store

Development shall be carried out in accordance with the approved details and the cycle/bike store shall be retained thereafter.

- 5) The dwelling hereby permitted shall not be occupied until the proposed bin store, as shown on plan 04 A, has been implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority. These details shall include;

- full details of the design and appearance of the bin store

Development shall be carried out in accordance with the approved details and the bin store shall be retained thereafter.

- 6) Construction and demolition works, the related operation of plant and machinery and related site deliveries or site dispatches shall only take place between the hours of 08:00 and 18:00 on Mondays to Fridays inclusive and 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.