

Appeal Decision

Site visit made on 20 August 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 SEPTEMBER 2024

Appeal Ref: APP/Z5060/W/24/3338837

27 David Road, Dagenham RM8 1RH

- 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 Mohamed Bharadia against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 23/01303/FULL.
 - The development proposed is proposal for the construction of a 1 bed 1 person dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Mohamed Bharadia against the Council of the London Borough of Barking & Dagenham. This application is the subject of a separate Decision.

Preliminary Matters

3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. A direction of travel has been outlined within the Written Ministerial Statement (WMS) 'Building the homes we need', which I give significant weight as a material consideration.
4. The Council's reasons for refusal refer to the emerging Draft Local Plan¹. The Council has confirmed that the Planning Inspectorate has advised that the Draft Local Plan is likely to be capable of being found legally compliant and sound, subject to Main Modifications. I have been provided with a copy of the proposed Main Modifications. Given the advanced stage of preparation of the Draft Local Plan, I give it significant weight in my consideration of this appeal.
5. Both the Council and the appellant have been given the opportunity to comment on these matters, and I have had regard to the comments made.

¹ London Borough of Barking and Dagenham's Draft Local Plan 2037

Background and Main Issues

6. The Council's fourth reason for refusal relates to the location of cycle storage. However, the Council has accepted that this matter can be addressed by a condition.
7. On that basis, the main issues are:
 - The effect of the proposal on the character and appearance of the appeal site and the area, with due regard to heritage assets;
 - The living conditions of residents in respect of space and ventilation; and
 - Car parking.

Reasons

Character and Appearance

8. The appeal site is a semi-detached dwelling located on a corner plot. The dwelling and its attached neighbour are of an understated design of a pleasant symmetry. The garden to the side of the dwelling is relatively large, albeit with an angled boundary. This layout gives the appeal site an open spacious character which is representative of corner plots in the vicinity on this estate.
9. The appeal site is located on the Becontree Estate which the Council sets out was originally built as 'Homes for Heroes' during the period from 1921 to 1934, and at the time was the largest municipal estate in the world. The Council considers the Estate to be a non-designated heritage asset as it is part of the local history of the area. Even allowing for alterations to buildings within the Estate, the original pattern and form of housing development is still apparent, including the spacious and open layout of corner plots, which contributes to its significance as a non-designated heritage asset.
10. The new dwelling would be attached to the side of the existing building. The side entrance of the existing dwelling would be moved to an extension to the front which would also project along the front elevation of the new dwelling. This design and arrangement would disrupt the symmetry of the existing pair of semi-detached dwellings, with significant harm to their character and appearance.
11. Furthermore, the new dwelling would have the incongruous appearance of being located in an extension to the host building, rather than being a dwelling that reflects the pattern and grain of development in the estate. Although the ridge of the roof would be lower than that of the main building, the upper front elevation of the proposal would be flush with that of the host building. The rear elevation would also be set back from the host building, which would give the proposal an incongruous offset layout, which would be readily apparent due to the location of the site on a prominent corner plot. Due to its design and layout, the proposal would appear as an awkward and contrived extension to the building set within a constrained site, rather than being a dwelling in its own setting.
12. The massing of the 2-storey proposal would also lead to a reduction in the openness of this corner plot. The open character arising from the

arrangement of dwellings on this estate is an important characteristic of the area, including a number of plots of a similar layout in the immediate vicinity. Due to its scale and prominent location, the proposal would lead to significant harm to the contribution that the site makes to the character of the area.

13. My attention has been drawn to the Lymington Fields development which is located adjacent to this pair of semi-detached dwellings, and which is of a different design and layout compared to the estate containing the appeal site. However, despite its proximity to the site, the Lymington Fields development is distinctly separate from this pair of semi-detached dwellings and the estate, and it does not establish a context which detracts from the character of the appeal site or the wider estate.
14. I conclude that due to its design and location, the appeal proposal would lead to significant harm to the character and appearance of the appeal site and the area. Although it only relates to a single site within the Becontree Estate, due to its prominent location and incongruous design the proposal would lead to moderate harm to the significance of the Estate as a non-designated heritage asset.
15. The proposal would therefore be contrary to Policy HC1 of the London Plan 2021; Policies CP2 and CP3 of the Core Strategy²; and Policies BP8 and BP11 of the DPD³ with regard to a high-quality built environment, local character, and the harm to the heritage asset of the Becontree Estate. The proposal would also be contrary to the Framework in respect of achieving well-designed and beautiful places.
16. The proposal would also be contrary to Policies SP2, DMD1 and DMD4 of the Draft Local Plan in respect of promoting high quality design, and harm to heritage assets. For the reasons stated previously, I give these emerging policies significant weight.
17. The appellant has specified that Policy D1 of the London Plan is not directly applicable as it relates to the preparation of area assessments and development plans and based on the evidence before me I see no reason to disagree. Policy D4 of the London Plan is not relevant as it relates to the process of delivering good design rather than specifying assessment criteria. Policy DMD6 of the Draft Local Plan is also not relevant as this relates to householder development rather than new dwellings.

Living Conditions

18. The Council states that these matters have been addressed by a subsequent planning application. However, I must determine the appeal based on the plans before me.
19. The existing dwelling is set within a large garden and amenity area, which exceeds the minimum 50sqm of external amenity space required for a 2-bedroom house in Policy BP5 of the DPD. The proposal would lead to a significant reduction in the amount of external amenity space available for the existing dwelling.

² Local Development Framework (LDF) Core Strategy 2010

³ Local Development Framework (LDF) Borough Wide Development Plan Document 2011

20. The Council's Officer Report refers to various figures for private amenity space for the existing dwelling, although this appears to relate only to the area to the rear of the dwelling, whereas based on the submitted evidence I consider that the extent of external amenity space specified in Council policy relates to all external areas including areas to the front. However, the site plan submitted by the appellant specifies that, following the development, the extant dwelling would have an amenity area of 25sqm to the rear and 16sqm to the front. This would total 41sqm which would be significantly below the 50sqm required by Policy BP5.
21. The appellant refers to surplus shared outside amenity space to the side as per section B9 in the Housing Design Standards LPG. Policy BP5 of the DPD also refers to communal space. However, given that the existing space for the dwelling is private amenity space, I am not persuaded that communal space would be appropriate mitigation for its loss. This is particularly so as the dwelling would remain as a 2-bedroom property which could house a family who could expect a reasonable amount of private amenity space. Based on what I have seen and read, even when both the front and rear external amenity areas are assessed, the proposal would result in a substandard extent of private external amenity space for residents of the existing dwelling.
22. Although this issue may have been addressed in a subsequent planning application, it has not been demonstrated that the circumstances of that scheme are the same as the appeal before me.
23. Despite the description of the development, the Council's Officer Report considered that the proposal could be occupied by 2 people. However, the Council now accepts that the proposal should be assessed as being for single person occupancy and that it would provide suitable internal living space on that basis.
24. Reference has been made to the size of a window on the upper floor of the rear elevation and whether it would be openable, with the result that this may reduce the potential for passive ventilation. However, this could be addressed by a condition requiring further details and amendments to the window.
25. Notwithstanding my conclusions in respect of the living space and ventilation for the proposed dwelling, I conclude that the proposal would not provide appropriate living conditions for residents of the existing dwelling with regards to external amenity space. The proposal would therefore conflict with Policy BP5 of the DPD.
26. Policy D6 of the London Plan refers to a minimum of 5sqm of private outdoor space to be provided for 1-2 person dwellings and an extra 1sqm for each additional occupant; but this is only where there are no higher local standards in the borough Development Plan Documents. Policy D6 does not therefore negate my conclusions in respect of Policy BP5 of the borough's DPD.
27. Part 6 of Policy DMNE1 of the Draft Local Plan is not relevant as this relates to the delivery of publicly accessible and communal open space, rather than private amenity space.

Car Parking

28. The appeal site contains an off-street parking space for the existing dwelling, although no further off-street parking would be provided. In its Statement of Case, the Council has assessed the proposal as being for a 1-person unit, and given the site's PTAL⁴ rating then Table 10.3 of the London Plan refers to a maximum provision of 0.75 spaces per dwelling.
29. The site has a low PTAL rating, and on that basis residents of the proposal are likely to rely on the private vehicle to access services and employment. Although the London Plan refers to a maximum of 0.75 spaces per dwelling, it is appropriate to apply this as 1 parking space as opposed to requiring no off-street parking.
30. Given that no further off-street parking is proposed, the appeal proposal would be likely to add to on-street parking in the area, although as the proposal relates to a single dwelling the increase in parking would be very limited.
31. However, the Council refers to issues of parking stress in the area and the cumulative effect of other permissions. Parking congestion is also referred to in comments from third parties on the proposal.
32. The appeal site is also located close to a junction, a sharp bend in the road and a pedestrian route to a nearby estate. Given the sensitivity of this location, the inconsiderate parking that may arise as a result of parking stress could lead to unacceptable harm to highway safety.
33. There were on-street parking spaces available at the time of my visit. However, I am mindful that my visit took place during the day whereas the greatest demand for parking in this residential area is likely to be in the evening and at weekends.
34. The Council has requested that a parking stress survey is submitted to demonstrate that the proposal would not have an unacceptable impact on the availability of parking in the area. Based on the evidence before me, I consider that a parking survey is required even allowing for the limited scale of the proposal.
35. National and local planning policy encourages the use of sustainable modes of transport and a reduction in reliance on the private car. But there is no certainty that residents of the proposal would use such sustainable modes of transport given the poor accessibility rating of this location.
36. I therefore conclude that insufficient evidence has been submitted to demonstrate that the proposal would make suitable provision for car parking and that it would not lead to an increase in demand for on-street parking, with resultant harm to highway safety and access to on-street parking that nearby residents could reasonably expect. The proposal would therefore be contrary to Policies T6 and T6.1 of the London Plan; Policies BR9 and BR11 of the DPD; and Policy DMT2 of the Draft Local Plan in respect of car parking standards, highway safety and effective public routes.

⁴ Passenger Transport Accessibility Level

37. Policy DMT3 of the Draft Local Plan is not relevant to this main issue as it relates to cycle parking.

Other Matters

38. The Council's Housing Delivery Test results indicate a persistent undersupply of housing. The 'tilted balance' of paragraph 11(d) of the Framework is therefore engaged which sets out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.
39. I am mindful of the contribution that small sites can make to housing supply, and that development of these sites is supported in local and national planning policy, including Policies H1 and H2 of the London Plan. The appellant highlights that the Council will fail to meet its Small Sites target over the 10-year period 2019-2029 by a materially significant 57% margin. However, the development of small sites should still be undertaken in a suitable manner, including in respect of the main issues of this appeal.
40. Although not all sites will be suitable for the provision of family housing, there is an identified need for family housing in the area, and the fact that the proposal would not represent this form of housing limits the weight I give to its contribution to housing supply. Furthermore, due to the effect on external amenity space, the proposal would harm the quality of accommodation provided by an existing family dwelling.
41. The Council refers to moderate weight to be given to the contribution of the proposal to housing land supply. But due to the particular circumstances of the proposal, including the form of dwelling proposed and the effect on existing family housing, I conclude that the contribution of the proposal to the supply and mix of housing in the area should only carry limited weight as a benefit. That is the case even allowing for the policies of the Framework which seek to deliver a sufficient supply of homes, the aim of the WMS and the encouragement of development on small sites.
42. Reference is also made to the Mayor of London's Small Site Design Codes LPG and Optimising Site Capacity: A Design-led Approach LPG. Although the proposal may meet some elements of these guidance documents, this does not outweigh or lead me to different conclusions on the harm I have identified in respect of the proposal. Similarly, although the efficient use of land is encouraged, this should not be at the expense of considerations including character and appearance, living conditions and parking provision.
43. I have been provided with details of a number of planning applications and appeal decisions in the area. However, it has not been demonstrated that these are a direct parallel to the appeal proposal on matters including the design of the existing and proposed dwelling, the layout of the area, planning history, the relationship with site boundaries, and the form of accommodation proposed. This includes the large side extension to the property on the opposite side of the road, which is not of the same design and layout as the appeal proposal. In any event, I have determined this appeal on its own merits.

44. The character of the non-designated heritage asset of the Becontree Estate may evolve over time, as demonstrated in the various permissions provided by the appellant. But nevertheless, the effect of individual proposals on this character should still be assessed.

Planning Balance and Conclusion

45. I have concluded that the proposal would be harmful to character and appearance; living conditions in respect of the external amenity space of the original dwelling; and that insufficient evidence has been provided in respect of parking provision. I give significant weight to the harm arising from those matters. The proposal would therefore conflict with the Framework which seeks to achieve well-designed and beautiful places, provide a high standard of amenity for existing and future users of development, and promote sustainable transport including with regards to parking and highway safety.
46. Even allowing for the Council's HDT results and the emphasis of the WMS, the benefits arising from the proposal would only be limited, including in respect of the contribution to housing land supply from this small site and the efficient use of land.
47. The proposal would lead to moderate harm to the non-designated heritage asset of the Becontree Estate, and benefits arising from the proposal would not be sufficient to outweigh that harm. In reaching a balanced judgement in respect of this heritage asset, the proposal would conflict with the Framework regarding conserving and enhancing the historic environment.
48. Considered individually and cumulatively, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
49. For the reasons given, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR