



Appeal Decision

Site visit made on 24 September 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/Z5060/W/24/3336700

26 Marsh Green Road, Dagenham, RM10 9PR

- 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 Pavel Guzun against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 23/01593/FULL.
 - The development proposed is 2 bed new build scheme with associated parking access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council made its decision on the planning application, which is subject to this appeal, on 18 September 2024 the London Borough of Barking & Dagenham Local Plan 2020-2037 (2024) (BDLP) was adopted. Consequently, the policies contained within the Borough Wide Development Policies Development Plan Document (2011) and the Local Development Framework Core Strategy (2011) have been superseded. I am required to determine this appeal on the basis of the development plan which is in force at the time of my decision. The appellant has had an opportunity to provide their views on the new policies. This appeal has therefore been determined in relation to the policies contained within the BDLP and the London Plan (2021).

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the wider terrace and area;
 - the effect of the proposed development on the living conditions of No 24 and No 28 Marsh Green Road with particular regard to daylight, outlook, privacy and noise;
 - whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to external amenity space; and

- the effect of the proposed development on car-parking provision.

Reasons

Character and appearance

4. The appeal site is adjacent to No 26 an end-terraced property. The appeal site forms part of the Becontree Estate, identified by the Council as a non-designated heritage asset, constructed as part of the post war 'Homes for Heroes' initiative. The significance of the estate is derived in part from its repetitive designs, whereby terraced rows tend to be uniform in design, size and scale with each chain of houses sharing a single building frontage and roofscape with regular gaps between the built form.
5. Properties on the road are predominantly terraced and semi-detached with wide frontages. Whilst the terrace is no longer completely uniform due to various extensions and additions, the roofscapes remain consistent, with the end terraces featuring hipped roofs and catslides. There is also a general consistency in gaps between the terraced and semi-detached properties. The prevailing uniformity and spacing of dwellings contributes positively to the character and appearance of the Becontree Estate.
6. The proposed two storey dwelling would join the existing end-terraced property and extend to the site boundary. Owing to the plot constraints, the width of the front elevation would be narrow in comparison to the consistent wider frontages of the existing terraced properties. The rear garden space for the proposed dwelling would also be narrow, at odds with the size of surrounding gardens. Taking these points together, the development would appear incongruous, giving the proposed development a cramped appearance at odds with dwellings in the surrounding area. Whilst the proposal would respect the building line of the terrace and use matching materials, this would not sufficiently mitigate against the harm identified.
7. The proposal would replace a modest single storey outbuilding which occupies the existing space between No 26 and No 24. The scale of the proposal compared to the existing outbuilding would lead to the gap between the properties being significantly eroded. This would diminish the sense of spaciousness that is currently experienced between the properties and would be out of character with the rhythm of spacing seen between existing built form in the area.
8. The proposed pitched gable roof would be the same height as the adjoining property but it would significantly contrast and appear disjointed against the hipped roof of 26 Marsh Green Road (No 26). This would harmfully disrupt the single roofscape and roof symmetry that the terrace row currently has. Whilst the submitted plans have been annotated explaining that a hip to gable dormer extension under permitted development will be undertaken at No 26, there is no substantive evidence before me that this will take place and, in any case, there is no guarantee that the work would be undertaken. As such, the roofscape at No 26 has been assessed in its existing form. However, even if the hip to gable conversion were to take place, it would not overcome the concerns that I have identified with regards to the width of the proposal and the cramped appearance.

9. For the reasons above, I conclude that the proposed development would have a harmful effect on the character and appearance of the wider terrace and surrounding area and the significance of the Becontree Estate as a non-designated heritage asset. Consequently, it would conflict with Policy D4 of the London Plan (2021) (LP) which requires good design. It would also conflict with Policies SP 2, DMD 1 and DMD 5 of the BDLP, which together require development to positively contribute to the character of the area, having regard to the local context.

Living conditions of neighbouring occupiers

10. The proposed dwelling would be sited close to the shared boundary with No 24, in close proximity to the external amenity space at the rear of No 24. Given the scale and the position of the proposal sited to the south west of No 24 and considering the angled position of No 24, the proposal would result in a harmful loss of outlook and daylight for the occupiers of this property. This would be detrimental to the occupiers living conditions when using the habitable rooms to the rear and the external amenity space.
11. Although views towards the rear of the back garden at No 24 would be possible from the first and second floor windows of the proposed dwelling, this would be no different from views that are already possible from neighbouring properties and I do not find that the arrangement would be unusual in this residential context. Consequently, I do not consider that the proposal would have an adverse impact on the privacy of the occupiers of No 24.
12. No 28 Marsh Green Road adjoins No 26 to the south. No side windows are proposed on the rear dormer. Given that No 26 would be sited between the proposed dwelling and No 28 there would be a sufficient separation distance such that the proposal would not have a detrimental impact on the living conditions of the occupiers of No 28 with regard to privacy and daylight.
13. The Council have raised concerns that the additional dwelling would result in additional noise and waste to the detriment of surrounding properties. Whilst there would be an increase in waste and noise, I am not persuaded that the additional waste and noise generated by the comings and goings of one small household within an existing residential context, would be so harmful as to warrant dismissal on this basis alone.
14. On this main issue, I have found no harm to the living conditions of No 28 and I have also found no conflict with Policy DMS1 3 of the BDLP in relation to noise and disturbance. However, the proposal would have a detrimental impact on the living conditions of No 24 with regard to daylight and outlook. It would therefore conflict with Policy SP 2 and Policy DMD 1 of the BDLP which requires proposal to be of high quality design, considering the impact on the amenity of neighbouring properties. It would conflict with Policy DMD 5 of the BDLP which requires proposals to not significantly impact on the quality of life for neighbouring residents, and it would be at odds with Paragraph 135 of the Framework which seeks a high standard of amenity for existing users.

Living conditions of future occupiers

15. The Council have estimated the external amenity space for the proposed dwelling to be approximately 24.5 square metres. This would accord with Policy D6 of the LP, which requires a minimum of 5 square metres for a 1-2 person dwelling and an extra 1 square metre for each additional occupant.
16. On this issue, I conclude that the proposed development would provide acceptable living conditions for future occupiers in respect of external amenity space. Accordingly, the proposal complies with Policy D6 of the LP and would meet the expectations of Chapter 12 of the Framework in respect of ensuring developments create places with a high standard of amenity for future users.

Car-parking provision

17. The appeal site is located within a controlled parking zone in an area with a public transport access level of 1 (PTAL). The appeal proposal would provide 1 off street parking space and would create two off street parking spaces for No 26. This would be within the limits set out within Policy T6 of the London Plan. The Council have raised concern that the proposed development would result in the loss of an on-street parking space in the controlled parking zone (CPZ) as the development would require a dropped kerb removing a parking space.
18. However, I observed on my visit that there is no parking space at the front of the appeal site and the creation of a dropped kerb would not result in the loss of a parking space within the CPZ.
19. For the reasons above, as the proposal would not result in the loss of an on-street parking space, it would therefore accord with Policy T6 of the LP which requires accordance with maximum parking standards. It would also accord with Policy DMT 2 of the BDLP which follows a similar approach. Given that the proposal would not result in an adverse impact on the highway network it would also accord with Policy DMT 1 of the BDLP
20. Policy DMT 3 of the BDLP relates to cycling. As such, this policy has not been determinative on this main issue.

Other Matters

21. The appellant has drawn my attention to an extant permission for a two storey rear extension at No 26 Marsh Green Road. As such, they consider that concerns in relation to loss of daylight at No 24 are unfounded. I have limited information before me on the particulars of the extant permission and therefore cannot be certain of the relationship of that proposal with No 24.
22. The side extension at No 24 is set forward of the appeal site, is single storey and set away from the shared boundary and is not comparable to the appeal scheme. The presence of this side extension and any possible overshadowing effects does not alter my conclusions on the main issues in this appeal.
23. My attention has been drawn to five other developments in the area that have recently received planning permission. However, I have limited information before me on these proposals and cannot be sure of the site

specific circumstances that lead to their approval or how comparable they are to the appeal scheme. Consequently, they do not lead me to a different view in this case.

Planning Balance and Conclusion

24. The Council have set out that their latest Housing Delivery Test figure shows an undersupply of housing over the previous three years. As a result, paragraph 11 d) of the Framework is engaged, which directs 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.
25. The proposal would contribute to the housing stock. It would be reasonably well located to services and facilities. There would be some economic benefits both during the construction process and from future occupiers contributing to the local economy. However, as the scheme is only for 1 dwelling such benefits would be limited.
26. The appellant has stated that the proposal would be for affordable housing and has contacted a number of registered local providers. No further information in respect of the discussions has been submitted as part of the appeal. Furthermore, I have not been presented with a mechanism that would secure it as affordable housing. Therefore, I afford this point limited weight.
27. I have identified that the proposal would harm the living conditions of the neighbouring occupiers at No 24 and would harm the character and appearance of the wider terrace and area.
28. Additionally, having had regard to Paragraph 209 of the National Planning Policy Framework, the proposal would result in harm to features that contribute to the significance of the non-designated heritage asset, this includes the estate layout and building design. I afford this moderate weight in the planning balance.
29. Drawing my assessment together, I conclude that the adverse impacts of allowing this development through my conclusions on the main issues above would significantly and demonstrably outweigh the benefits of the proposal when considered against the policies in the Framework taken as a whole.
30. For the reasons given above, having regard to the development plan as a whole, the Framework, and all other material considerations, I conclude that the appeal should be dismissed.

T Bennett

INSPECTOR