

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: 24 October 2024

Appeal Ref: APP/Z5060/W/24/3342452

18 - 20 Goresbrook Road, Dagenham RM9 6UR

- 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 Daniel Adler c/o Greatglen Estates Ltd against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 23/01680/FULL.
 - The development proposed is for the construction of rear dormer extension to facilitate the conversion of roof space into 1no 1 bedroom flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans have been submitted which includes the addition of a conservation rooflight to the front elevation. This is to overcome one of the reasons for refusal in relation to the kitchen. The procedural guide for planning appeals advises that the appeal process should not be used to evolve a scheme as it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage. The Council have not commented on the amended plans and I consider that interested parties would be prejudiced should I accept it. Therefore, I have determined the appeal based on the plans submitted with the planning application to the Council and upon which the views of interested parties were sought.
3. Since the Council made its decision on the planning application, which is the subject of 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Policies Development Plan Document (2011) and the Local Development Framework Core Strategy (2011) have been superseded. The appellant has had an opportunity to provide their views on the new policies. I am required to determine the appeal on the basis of the development plan which is in force at the time of my decision. As such, this appeal has been determined in relation to the policies contained within the BDLP and the London Plan (2021) (LP).

Main Issues

4. The main issues are:

- the effect of the development on the character and appearance of the host property and the Becontree Estate;
- whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to daylight and ventilation; and
- the living conditions of neighbouring occupiers with particular regard to internal space

Reasons

Character and appearance

5. The appeal site comprises part of a mixed-use terrace with a restaurant on the ground floor and flats on the first and second floors. It is located close to the junction of the A1306 and Heathway. The front of the terrace has a pleasing symmetry and although fenestration and roof materials between the individual properties vary, it still retains an overall uniformity. To the rear of the terrace are a series of flat roof outriggers. However, the main hipped roof across the terrace is largely unaltered with no dormers, retaining the original uniformity.
6. The appeal site lies within the Becontree Estate, a non-designated heritage asset. I have not been provided with any information from either party as to the significance of the non-designated heritage asset. However, based on my observations of the area, I determine the significance of the estate to be derived in part from its repetitive designs of the properties, being regularly spaced, generally uniform terraced properties with hipped roofs at either end.
7. The front of the appeal property would not be altered by the proposal. However, the addition of the large flat roof rear dormer on the terrace would significantly disrupt the existing uniformity of the main hipped roofscape. It would thus appear as an incongruous and unduly prominent addition, at odds with the character and appearance of the host property and result in harm to the features that contribute to the significance of the NDHA, of which includes the building design. The use of a flat roof to match the outriggers does not mitigate against the harm identified.
8. The outriggers at the rear of the terrace would partially conceal the rear dormer. The concealment would be considerably greater when viewed from the carparks at the rear of the terrace, and adjacent retail unit. However, when viewed from gaps in the built form on Nutbrowne Road and Heathway, as well as from the rear of the residential properties that face the appeal site, the proposed dormer would remain highly visible above the outriggers.
9. On this issue, I conclude that the proposal would harm the character and appearance of the host property and the Becontree Estate. It would therefore conflict with Policy SP 2, DMD 1 and DMD 4 of the BDLP and Policy HC1 of the LP. Read together these, amongst other matters, require high quality design

that relates to and respects the local context and positively contributes to the character of the area and not detract from the significance of heritage assets.

10. The council refer to policy D4 of the London Plan in their reasons for refusal. This policy is concerned with strategic design review and analysis, as such I have not found this be determinative in this case.

Living conditions – future occupiers

11. The kitchen in the proposed flat would not have any windows. This would result in no natural daylight in this room. Whilst the appellant contends that a kitchen is not normally classed as a habitable room, the LP sets out that a habitable room is any room used or intended to be used for sleeping, cooking, living or eating purposes. Furthermore, it would be a room that future occupiers would spend time in preparing meals. With only artificial light in this room this would not provide for pleasant living conditions for future occupants.
12. As cooking would be undertaken in the kitchen, with no window it could result in cooking odours lingering and the kitchen getting warm. Whilst mechanical ventilation, which could be secured via a condition, may mitigate the effects of this, as the dwelling would be single aspect it would not provide the means of passive ventilation, a requirement specified under Policy D6 of the LP.
13. For the reasons above, I conclude that the proposal would not provide acceptable living conditions for future occupiers. It would conflict with Policy D6 of the LP which requires development of high quality design which provides comfortable and functional layout with access to sufficient daylight and passive ventilation. It would also conflict with Policy DMD1 of the BDLP. This, amongst other matters, requires proposals to have regard to the National Design Guide which seeks well-designed homes which provide good quality internal space.

Living conditions – neighbouring occupiers

14. To access the loft floor flat, access is proposed via a staircase from the second floor. To accommodate the staircase, the proposed plans show that the second floor flat would need to be reduced in size. I have not been provided with any information as to the current number of occupiers of the affected flat. Notwithstanding this, the Council have set out that the overall gross internal area (GIA) of the second floor flat would be reduced to 41 square metres, and the bedroom would have a reduced area of 8 square metres. The appellant has not disputed these figures.
15. Given the floor area of the bedroom in the second floor flat, the bedroom would only be suitable for a single bed space. On this basis, Policy D6 of the London Plan requires a 1 bedroom, 1 person dwelling to have a GIA of 39 square metres. The second floor flat would meet these minimum requirements.
16. For the reason above, I conclude that the proposal would not harm the living conditions of the occupiers of the second floor flat and would on this issue consequently accord with Policy D6 of the LP which requires, amongst other matters, adequately sized rooms.

Planning Balance and Conclusion

17. 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.
18. The proposal would contribute to the supply and mix of housing, in an accessible location, close to services and facilities. There would be some economic benefits both during the construction process and from future occupiers contributing to the local economy. This weighs in favour of the scheme.
19. The proposal would not harm the living conditions of the neighbouring occupants; however, an absence of harm in this regard is a neutral consideration in this planning balance.
20. I have identified that the proposal would harm the character and appearance of the host property and 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. I afford this moderate weight. The proposal would also not provide acceptable living conditions for future occupants.
21. 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.
22. 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