

Appeal Decision

Site visit made on 2 October 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2024

Appeal Ref: APP/Z5060/W/24/3341823

Council Yard, 9 Bennetts Castle Lane, Dagenham RM8 3XX

- 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 M Siddique of London Development (Global Limited) against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref is 23/01200/FULL.
 - The development proposed is described on the application form as "proposed 2 new 3 bedroom houses."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Barking and Dagenham Local Plan 2020-2037 (Local Plan) was adopted in September 2024 following the refusal of the planning application. The policies of the Local Plan supersede the policies of the Borough Wide Development Plan Document and Core Strategy referred to in the reasons for refusal. Both parties had the opportunity to comment on the implications of this for the appeal and I have taken into account the comments received.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the supply of employment land in the borough;
 - the effect of the proposal on the character and appearance of the area;
 - whether safe and suitable access can be achieved for all users; and,
 - the effect of the proposal on the living conditions of the neighbouring occupiers, with particular regard to privacy.

Reasons

Employment land

4. The appeal site is a parcel of land located to the east of Bennetts Castle Lane. It is occupied by several industrial buildings which are arranged around the periphery of the site with an area of hardstanding in the centre. The site is accessed via an existing driveway between 7 and 11 Bennetts Castle Lane.

5. The appeal proposal is for the redevelopment of the site to provide a pair of semi-detached dwellings. The site was used until recently for catering equipment storage and food preparation but is now vacant. It constitutes a non-designated industrial site. The proposal should, therefore, be considered against Policy E7 of the London Plan (2021) and Policy DME1 of the Local Plan. Amongst other things, these policies seek to resist residential proposals on non-designated industrial sites unless there is no reasonable prospect of the site being used for industrial and related purposes.
6. The appellant explains that the previous tenant has relocated elsewhere, with no loss of employment, and it has enabled improved working conditions for staff and the expansion of the business. Nevertheless, the proposal would result in the loss of the existing industrial buildings and the employment use of the site. It was evident during my site visit that the existing buildings are in poor condition. However, the appellant's contention that it would be cost prohibitive to make the improvements necessary to bring the buildings up to a suitable standard has not been substantiated. Crucially, and having regard to London Plan Policy E7 and Local Plan Policy DME1, there is no substantive evidence before me, in the form of a marketing exercise for example, to demonstrate that the site is surplus to requirements or that its use for employment purposes is unviable.
7. Therefore, on the basis of the evidence before me, I am not satisfied that there is no reasonable prospect of the site being used for industrial and related purposes. The proposal would lead to the loss of the existing industrial buildings and would unacceptably reduce the supply of employment land in the borough, in conflict with London Plan Policy E7 and Local Plan Policy DME1 which seek to protect and maintain the supply of employment land.

Character and appearance

8. The area surrounding the appeal site is largely residential and is characterised by two storey terraced properties. The site is within the Becontree Estate which is identified by the Council as a non-designated heritage asset (NDHA). The significance of the NDHA derives from its development as Homes for Heroes in the period 1921 to 1934, and it was at the time the largest municipal estate in the world. Properties generally follow linear building lines with a road frontage and strong street scene presence. They tend to have open front gardens or low-level boundary hedges, walls or fencing. The consistent layout and rhythm of the street scene, relatively spacious plots and architectural forms contribute positively towards the character of the area.
9. The form and design of the proposed dwellings would reflect existing development in the area, particularly in terms of their hipped roofs and construction materials. The dwellings would maintain reasonable gaps from the site boundaries such that they would not appear cramped. However, the location of the dwellings behind the houses fronting Bennetts Castle Lane and Green Lane would be at odds with the prevailing character of area where dwellings are arranged along linear building lines fronting the road. Therefore, the proposal would not reflect the character of frontage development in the area which is one of the key characteristics of the Becontree Estate.
10. Due to its position to the rear of properties on Bennetts Castle Lane, the proposed dwellings would not be prominent. They would, nevertheless, be partially visible in the gap between Nos 7 and 11 and from neighbouring

dwelling and their gardens. Moreover, even though the development would not be prominent, this does not justify the harmful effect it would have on the established pattern of development in the area.

11. Although the existing buildings on the site are in a dilapidated condition, they are low lying structures which do not have a significant presence and, as a result, are not unduly harmful to the character of the area. Therefore, the condition of the existing buildings does not alter my reasoning as to the harm that would be caused.
12. For the above reasons I conclude that the proposal would be harmful to the character and appearance of the area and the significance of the NDHA. Therefore, it would conflict with London Plan Policies D4 and HC1 and Local Plan Policies SP2, DMD1 and DMD4, which seek, amongst other things, to preserve the character of an area. The proposal would also conflict with the National Planning Policy Framework (Framework) where this requires development to be sympathetic to local character and seeks to sustain and enhance the significance of heritage assets.
13. In considering this scheme which affects a NDHA, a balanced judgement will be required having regard to any harm or loss and the significance of the heritage asset. The limited benefits of the scheme do not outweigh the harm identified.

Access suitability

14. The proposed development would be accessed via the existing driveway from Bennetts Castle Lane. It is a relatively long, narrow access with boundary fences on both sides. Two vehicles are not able to pass each other on the driveway until within the main body of the site.
15. Given the length of the access, its restricted width, and absence of passing opportunities, once a vehicle has committed to entering the access it would likely have to reverse back onto Bennetts Castle Lane if it met another vehicle exiting the site. Such manoeuvres would be difficult, particularly for a larger vehicle such as a delivery van. In addition, there would be no pedestrian footway along the length of the access road itself, which would further increase the risk of conflict between pedestrians and vehicles. However, with the proposed traffic light system and proximity sensor lighting on the access road and taking into account the likely low number of vehicles and pedestrians using it, I am satisfied that there would not be an unacceptable conflict between vehicles and pedestrians.
16. On that basis, I consider that the proposal would provide safe and suitable access for all users. Accordingly, it would not conflict with the Framework, in particular paragraph 114, where this states that development should ensure safe and suitable access to the site can be achieved for all users.

Living conditions of neighbours

17. The rear gardens of neighbouring properties on Bennetts Castle Lane, Green Lane and Manor Square surround the appeal site. However, the layout of the development including the gaps between the dwellings and the site boundaries would allow for adequate separation distances from the neighbouring houses.
18. A number of roof lights are proposed to the front, rear and side facing roof slopes. The proposed section indicates that the roof lights would be situated

high on the roof and be a comfortable distance from the neighbouring properties. Therefore, neither these nor the other windows within the dwellings would be likely to lead to a significant perception of overlooking to the neighbours. Moreover, existing boundary treatments and new planting on the site boundaries would partially screen the development from neighbouring gardens and further mitigate the effects on the neighbours' living conditions.

19. For these reasons, I consider that the appeal scheme would not harm the living conditions of neighbouring occupiers, with particular regard to privacy. Thus, there would be no conflict with London Plan Policy D6, Local Plan Policy DMD1 or Framework paragraph 135, which, amongst other things, require development to protect the amenities of existing occupiers.

Planning Balance and Conclusion

20. The Housing Delivery Test results for the borough show an undersupply of housing over the previous 3 years. Framework paragraph 11 d) is, therefore, engaged, and 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.
21. The development would contribute towards the housing needs of the borough and economic benefits would arise through construction employment opportunities and spending in the local area by future occupiers. I have attached some weight to these factors. However, the weight attributable to these matters is limited given the modest scale of the proposal. There is no compelling evidence before me to demonstrate the appellant's contention that the reuse of the site for materials and equipment storage would be likely to result in an increase in vehicle movements in and out of the site, including larger commercial vehicles, or that any such increased vehicle movements would be harmful. I therefore give very little weight to this consideration.
22. I have concluded that the proposal would not be harmful in respect of the living conditions of neighbouring occupiers or the access arrangements. However, these are neutral matters rather than benefits of the scheme. It has not been demonstrated that there is no reasonable prospect of the site being used for industrial and related purposes, and the loss of this use would unacceptably reduce the supply of employment land and premises within the borough; in addition, it would be harmful to the character and appearance of the area, including the significance of the NDHA. I attach significant weight to the harm identified and conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal when considered against the policies in the Framework taken as a whole.
23. For the reasons given above, the proposal would not accord with the development plan and there are no other considerations that outweigh this finding. Therefore, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR