



Appeal Decision

Site visit made on 7 January 2025

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2025

Appeal Ref: APP/Z5060/D/24/3349361

28 Walfrey Gardens, Dagenham, RM9 6JB

- 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 Kingsley Nwaobilor against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref is 24/00451/HSE.
 - The development proposed is construction of a two storey side extension including the relocation of the entrance door to the front elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development above has been taken from the Council's decision notice and the appellant's appeal form. Whilst normally it would come from the original application form, the above more accurately reflects the extent of the development requiring express planning permission.
3. Since the appeal was lodged a revised National Planning Policy Framework (the Framework) has been published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal, and that proceeding without seeking further comments from the parties on this matter would not be prejudicial to their cases.
4. In September 2024, the Council adopted the London Borough of Barking and Dagenham Local Plan 2020 – 2037 (LP). Draft policies SP2, SP4, SPP6, DMD 1, DMD 4 and DMD 6 of that document were listed in the reasons for refusal.
5. As a result of the adoption, Policies CP2 and CP3 of the Council's Core Strategy (2010) and Policies BP2 and BP11 of the Borough Wide Development Policies Development Plan Document (2011) are no longer in force.
6. The text of the draft policies listed above is largely unchanged insofar as they relate to this appeal, although Policy DMD 6 has been renumbered as Policy DMD 5 in the adopted Local Plan. The text of draft Policy DMD 4 is more altered, but does not materially change the policy as it relates to the proposal. The Council has confirmed that Policy SP4 is no longer relevant. The appellant was given the opportunity to comment on the adopted policies prior to the determination of the appeal.

Main Issues

7. The main issues are the effect of the proposal on (1) the character and appearance of the appeal property, the terrace of which it forms part and the street scene within the Becontree Estate, a non-designated heritage asset; and (2) the living conditions of neighbouring residents, with particular reference to outlook and privacy.

Reasons

Character and Appearance

8. The appeal property is a terraced house located towards the end of a cul-de-sac. It is within the Becontree Estate, an inter-war housing development that the Council advises is a non-designated heritage asset. This estate appears cohesive as a result of repeated house types and the distinctive road layout, including a pattern of cul-de-sacs such as Walfrey Gardens. The dwellings in this particular cul-de-sac are grouped around a central parking courtyard, and this combined with large corner plots create a sense of space in the street scene.
9. The appeal property forms one end of a balanced terrace of six dwellings, with shared front entrances to the central properties, and side entry for those at the ends. Although the proposed extension would follow the roof profile of the host house and terrace, it would almost double the width of the dwelling. As a result, it would appear as a disproportionately large addition to the house itself, but would also significantly alter the balanced appearance of the terrace of which it forms part. The relocation of the entrance door from the side elevation to the front would also disrupt the pattern of openings to the terrace. It would conflict with the requirement in LP Policy DMD 5 for any extension or alteration to a property to be sympathetic and subordinate to the design of the original dwelling with regards to scale and detailing. The use of matching materials would not compensate for the adverse visual impact of an extension of the size and scale proposed.
10. As noted above, a characteristic feature of this cul-de-sac is the reasonably generous spacing between dwellings at the corners. In contrast, the proposal would significantly reduce the gap between the appeal property and 29/30 Walfrey Gardens to the southeast, creating a cramped arrangement at odds with the character of the cul-de-sac and the wider estate. This would be contrary to LP Policy SPP6, which requires all development within the Becontree Estate to integrate with the existing character of the area. The appellant has drawn attention to similar spacing between Nos.18 and 20 Walfrey Gardens, but the gaps between terraced rows are narrower, and therefore not comparable in context.
11. Although located at the end of the road, the extension would be visible across the communal parking area and path to the group of housing of which this forms part. LP Policy DMD 5 seeks to ensure that an extension does not have a harmful visual impact upon the street scene, noting that consideration should be given to avoiding the loss of space between properties. This is reinforced in guidance at paragraph 5.4.5 of the Council's SPD¹, which advises that particular care needs to be taken where the house is located at the corner of a cul-de-sac, and that an extension that compromises the openness of the plot could have a detrimental impact on the street scene. The retention of a generous garden area to the rear of the appeal dwelling would not mitigate the loss of the characteristic gap in street scene terms.

¹ 'Residential Extensions and Alterations' Supplementary Planning Document 2012

12. As required by paragraph 216 of the Framework and LP Policy DMD 4, I have taken into account the scale of the harm or loss arising from the proposal and the significance of the Becontree Estate as a non-designated heritage asset. In this case, whilst I note the appellants wish to provide additional family accommodation, and the aim to make more efficient and effective use of the land, these factors would not outweigh the harm outlined above.
13. I therefore conclude that the proposal would detract from the character and appearance of the appeal property, the terrace of which it forms part and the street scene within the non-designated heritage asset of the Becontree Estate. This would conflict with the Framework, with the design and conservation requirements of Policies D1, D4 and HC1 of The London Plan 2021 and LP Policies SP2, SPP 6, DMD 1, DMD 4, and DMD 5, as supported by the SPD.

Living Conditions

14. The appeal property has a large garden as a result of its position at a corner of the cul-de-sac. The entrance doors of neighbouring 29/30 Walfrey Gardens face towards the appeal site, and there is also a recessed doorway/balcony at first-floor level above. As a result of its close proximity to Nos. 29/30, the proposal would be apparent from their front-facing windows, as well as on approach to the side entrances, creating a dominant and overbearing addition. This would materially reduce the outlook from Nos. 29/30. The proximity and position of front windows in the extension would also give rise to a perception of overlooking, even if the angles of vision to habitable rooms would be oblique. This would conflict with LP Policy DMD 5, which seeks to ensure that proposals do not significantly impact on the quality of life for neighbouring residents.
15. Due to the boundary alignment, the rear garden of 27 Walfrey Gardens is partly to the rear of the appeal property. Whilst the proposed extension would be visible to people using the garden of No.27 I do not consider that it would be so close as to appear overbearing. Moreover, there is an existing first-floor bedroom window which has the potential to overlook the garden, and the provision of a second rear-facing bedroom window, further away, would not result in an unacceptable loss of privacy. The separation distance from properties to the rear of the site would also avoid such harm arising.
16. I therefore conclude that the proposal would diminish the outlook and privacy of residents of 29/30 Walfrey Gardens to a degree that their living conditions would be harmed. This would conflict with the Framework, which seeks the creation of places with a high standard of amenity for existing and future users; with the requirement in LP Policy DMD 1, to consider the impact on the amenity of neighbouring properties, with LP Policy DMD 5, and the SPD, which provides guidance on matters of privacy and outlook. On this issue, I find no conflict with Policies D4 and D8 of The London Plan, but that does not alter my conclusion.

Conclusion

17. For the reasons given above the appeal should be dismissed.

H Lock

INSPECTOR