



Appeal Decision

Site visit made on 7 November 2024 by N Unwin BSc (hons) MSc MRTPI

Decision by R Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Appeal Ref: APP/Z5060/W/24/3345112

44 Rugby Gardens, Barking and Dagenham, Dagenham RM9 4BA

- 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 George Le Port against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 24/00024/FULL.
 - The development proposed is described as the construction of a new 1 x bed 2 person dwelling with associated external amenity area, parking, bicycle spaces and waste storage at land to side of 44 Rugby Gardens Dagenham RM9 4BA.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for costs

3. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Preliminary Matters

4. The London Borough of Barking and Dagenham Local Plan 2020-2034 (2024) (BDLP) was adopted by the Council on 18 September 2024. In refusing planning permission, the Council referred to policies which have now been superseded. Furthermore, a new version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. I have proceeded on this basis and referred to the current development plan and Framework at the time of writing.
5. The appellant has been made aware of the new development plan position in addition to the new Framework, having the opportunity to provide further comments.
6. The Council's officer report identifies Becontree Estate (the Estate) as a non-designated heritage asset which is disputed by the appellant. The supporting text to Policy SPP6 of the BDLP refers to the preparation of a Design Code that will help to preserve the Estate as a non-designated heritage asset. However, that appears to be an indication of the intention to identify the Estate as a non-designated asset rather than explicitly stating that it is one. I note that there is

no reference to its status as such within the policy itself. A recent appeal decision (125 Cornworthy Road) considered the Estate as a non-designated heritage asset, albeit the evidence that was before that Inspector and informed that approach is not before me.

7. The Planning Practice Guidance advises that information on non-designated heritage assets should be accessible to the public so that they can clearly be identified. Also, that up to date information about such assets should be included on the local historic environment record. However, this does not appear to be the case here. Moreover, whilst non-designated heritage assets may be identified through decision-making on planning applications there remains a lack of clarity on the matter here. In the absence of clear evidence that it is a non-designated heritage asset, I consider that it is not for the purposes of this appeal.

Main Issues

8. The main issues are:

- the effect of the proposal on the character and appearance of the area; and
- whether it has been demonstrated that the proposal is acceptable in the absence of any car parking provision.

Reasons for the Recommendation

Character and Appearance

9. The appeal site is located in an area that is characterised by short blocks of symmetrical terraces, semi-detached housing, wide verges and small open spaces. Due to its distinctive pattern of buildings and spaces between, it has the appearance of being in an area that has been planned as such. This homogenous pattern of development is a defining positive feature of the character and appearance of the area. Whilst considered not to be a non-designated heritage asset for the purposes of this appeal, this uniformity to the layout and scale of buildings within the Estate remains evident and is worthy of preserving.
10. The T-shaped cul-de-sac in which the appeal site is located is comprised of relatively homogenous blocks of dwellings with defined front building lines. The blocks are generously spaced offering views between them, creating a welcome sense of space in an otherwise relatively high density area. The appeal site forms a gap between two blocks of dwellings set at right angles, contributing to the spacious character of the street scene. As such, it accords with the planned character of the Estate.
11. The scale of the proposed detached one-and-a-half storey dwelling would appear at odds with the consistency of two storey dwellings in the locality. Moreover, features such as the projecting front gable and dormer roof form would seem alien when viewed in the context of the understated hipped roofs that are prevalent here. The front elevation of the proposal would be noticeably set back from that of the adjacent terrace, disrupting the existing uniform building line. Its location would also erode the open aspect between the blocks of terraces, resulting in harm to the existing spacious layout of the built environment.

12. Despite it's set back nature, the proposal would remain visible from the pedestrian walkway of the cul-de-sac and would be particularly prominent when viewed from the rear windows and gardens of many of the surrounding dwellings. In my view the cumulative experience from multiple private vantage points amounts to a legitimate matter of public interest here. When viewed from these areas the proposal would appear cramped, interrupting the attractive planned nature of the surrounding properties, diminishing the consistency of layout and form on this section of the Estate.
13. The appellant references a development at 24 Lynnett Road. However, the layout of houses on Rugby Gardens appears more spacious than at Lynnett Road. As such, the gaps between adjacent houses at the corner of Rugby Gardens are larger and thus a more prominent feature of the character of the road. Whereas on Lynnett Road, houses are closer such that there is a sense of overlapping of building lines on corner plots even without the development permitted in that case. Consequently the circumstances of that scheme are not sufficiently comparable to indicate that a different conclusion would be justified on this matter.
14. With regard to the permission at 8 Neville Gardens, that is not a pedestrianised cul-de-sac thus is not directly comparable to the layout and context of the appeal scheme. In any event the presence of other houses erected on garden land in the locality does not justify allowing a proposal that I have found to result in a harmful conflict with the prevailing pattern and scale of surrounding development.
15. Therefore, the proposal would harm the character and appearance of the area. Accordingly, it would conflict with the relevant provisions of Policy D4 of the London Plan (2021) (LP), and Policies SP2 and DMD1 of the BDLP. When read together these require that new development achieves high quality design that responds sensitively to local distinctiveness, context and character. For the reasons given, policies HC1 of the LP and DMD4 of the BDLP which address the historic environment are not relevant to this main issue.

Car Parking

16. The proposal is for a one-bedroom dwelling with no allocated off-street parking. Policy T6.1 of the LP requires that maximum parking standards are not exceeded. Therefore the proposal does not conflict with that policy. Policy DMT2 of the BDLP requires car free development to be the starting point for all proposals where they are well-connected to facilities by public transport, walking and cycling. Neither the BDLP nor the LP set out minimum levels of parking required for such development and therefore each case should be assessed on its merits. The appeal site is located within an area with a low Public Transport Accessibility Level (PTAL) rating. Nevertheless, the proposal would be a relatively short walk from Becontree underground station, in addition to bus stops along Lodge Avenue and Gale Street. Consequently, future occupiers of the proposal would have some access to public transport to carry out their day-to-day activity without being entirely reliant on a private vehicle.
17. However, Rugby Gardens is subject to a Controlled Parking Zone (CPZ) which indicates that it experiences parking pressures. Furthermore, to be effective as a car free development, a mechanism is required to ensure that future residents of the appeal scheme would not be eligible for a residents parking

permit. In the absence of a suitable mechanism to secure this, even if future occupants have the option to travel by sustainable modes, it is reasonably likely that they would opt to park on local roads and would seek to secure a parking permit within the CPZ. This would increase pressure for parking in an area where the CPZ indicates there are already considerable parking pressures. There is no substantive evidence, such as an on-street parking survey, to indicate otherwise.

18. The appellant has drawn attention to the planning history of the appeal site where a lack of parking provision has not previously been a reason for refusal. However, those decisions were made prior to the introduction of the CPZ. Moreover, the Council references an appeal decision for 125 Cornworthy Road. Although not identical to the circumstances of this appeal in all respects, I share the Inspector's view that the presence of the CPZ is indicative of pressure for parking in the area.
19. The appellant refers to a number of other decisions including those relating to 68 Ivyhouse Road, 237 Grafton Road, 189 Blackborne Road, 24 Lynnett Road, 8 Neville Gardens and 168 Albion Road. However, each of these differ relative to the circumstances of the appeal scheme in respect of matters such as their PTAL rating and availability of on-street parking. For example the Ivyhouse Road site was found to have a higher sustainability rating (PTAL) and therefore required a lower number of car parking spaces per dwelling. Also, the Grafton Road site was not located in a CPZ.
20. Similarly, the scheme at 429 Porters Avenue differs in that it is said to relate to a scheme where there was an existing parking demand, and was also within a neighbourhood centre where there would likely be access to facilities on the doorstep that could materially alter the likelihood of occupants using a car. The circumstances for the appeal at 435 Porters Avenue are likely to be similar with respect to proximity to local facilities.
21. As such, these decisions are not sufficiently similar to indicate that I should alter my findings on this matter. In any event, and acknowledging that consistency in decision-making is important, each proposal must be considered having regard to the circumstances specific to each site and accompanying evidence. In this case, there is insufficient evidence that the proposal would not cause additional parking pressure in an area that the presence of the CPZ indicates is already under parking stress.
22. Therefore, it has not been demonstrated that the proposal is acceptable in the absence of any car parking provision. As reasoned above, the proposal would not conflict with Policy T6.1 of the LP. However, without a mechanism to secure the development as car free, it would conflict with LP Policy T1, which seeks to ensure developments make the most effective use of land having regard to accessibility to public transport. It would also conflict with Policy DMT2 of the BDLP in failing to adequately demonstrate how the proposal would promote sustainable transport use.

Other Matters

23. The Framework definition of brownfield/previously developed land excludes land in built-up areas such as residential gardens. The appeal site is located on a section of residential garden within a built-up area of the Estate. As such, the

proposal does not meet the definition of brownfield land and would not benefit from the substantial weight attributed to this.

Planning Balance, Conclusion, and Recommendation

24. The latest Housing Delivery Test indicates that the Council's delivery of housing was substantially below the housing requirement over the previous three years. Therefore, paragraph 11(d)(ii) of the Framework is engaged. This confirms that in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. The Framework seeks to boost the housing supply and highlights the important contribution small and medium sized sites can make, whilst supporting development which makes efficient use of land. The contribution of small sites is also supported by Policy H2 of the LP and supporting guidance. The proposal for a single dwelling in an existing residential area would make a small contribution to addressing the existing housing shortfall in an area where there has been under delivery for a number of years. There would be small economic advantages of construction of the proposal which would be short term and a further modest benefit from occupation of the dwelling and associated spending in the locality. Nonetheless, given the scale of the proposal I afford only modest weight to the combination of its benefit.
26. In contrast, the proposed development would result in enduring harm to the character and appearance of the area. It would also fail to prioritise sustainable transport over use of the private car, resulting in increased pressure for on-street parking. The Framework identifies good design as a key aspect of sustainable development, requiring development to be sympathetic to local character and maintain a strong sense of place. It also seeks to ensure proposals prioritise sustainable transport modes. Therefore I afford considerable weight to these harms.
27. Accordingly, the support for new housing in the Framework is not at the expense of ensuring that all development is appropriately designed and integrates suitably with its surroundings. Therefore, whilst the contribution to housing supply is a modest benefit alongside other modest benefits, the harm to the character and appearance of the area, and in respect of its ability to prioritise sustainable transport use, would be of considerably greater significance.
28. Consequently, the harms I have identified significantly and demonstrably outweigh the combination of its benefits, when assessed against the policies in the Framework taken as a whole. It therefore follows that the proposal does not benefit from the presumption in favour of sustainable development.

29. I have concluded that the proposal would conflict with both LP and BDLP policies in respect of its effect on the character and appearance of the locality and with regard to parking. Accordingly, the proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

30. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

R Hall

INSPECTOR