



Appeal Decision

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

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th April 2025

Appeal Ref: APP/Z5060/W/24/3344196

61 Kings Avenue, Barking and Dagenham, Chadwell Heath RM6 6BD

- 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 Dr M Rashid against the decision of the Council of the London Borough of Barking and Dagenham.
- The application Ref is 24/00152/FULL.
- The development proposed is described as the erection of new detached dwelling house.

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.

Preliminary Matters

3. The Barking and Dagenham 2037 Local Plan 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 In refusing planning permission, the Council referred to policies which have now been superseded.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. Neither of these fundamentally affect the reasons for refusal or the appellant's case in this regard. I have proceeded on this basis and referred to the most up to date development plan and Framework at the time of writing.

Main Issues

4. The main issues are the effect of the proposal on the:
 - character and appearance of the area; and
 - living conditions of the occupiers of 59 Kings Avenue with specific regard to outlook, levels of daylight, privacy, and noise; and
 - living conditions of future occupiers of the proposal with specific regard to levels of daylight and sunlight, and ventilation.

Reasons for the Recommendation

Character and appearance

5. The area surrounding the appeal site is primarily characterised by two-storey semi-detached and terraced dwellings set close to the highway creating narrow and confined streets. The dwellings along Kings Avenue and Hainault Road form linear rows, positioned back-to-back, separated by large, elongated gardens. The gardens are devoid of any development above single storey level, creating a spacious and open area between the rear elevations of the dwellings. This openness is of particular importance to the adjoining section of Sylvan Road, with the rear elevations of the dwellings framing views to the south. This area further provides a welcome break from the compact nature of the surrounding streets.
6. The appeal site forms a corner plot with a two-storey semi-detached dwelling on the corner of Kings Avenue and Sylvan Road. A long rear garden and boundary wall adjoin Sylvan Road with a single storey building and vehicular access at the very rear. The rear garden contributes to the aforementioned openness of this section of Sylvan Road, positively contributing to the character and appearance of the area.
7. The proposal would result in the demolition of the existing outbuilding to the rear of the appeal site, and the proposed two storey-dwelling would appear uncharacteristic of the layout of the area. The development would introduce a substantial form of development to the rear of the otherwise uninterrupted linear rows of dwellings and would therefore appear as an uncharacteristic addition when viewed in the context of the pattern of the surrounding built environment. The proposal would project significantly above the existing single-storey buildings within the surrounding rear gardens, appearing as a prominent and incongruous feature within the otherwise open rear gardens when viewed from Sylvan Road. It would therefore erode the open and spacious nature of this section of Sylvan Road, harming the qualities of the character and appearance of the area.
8. The proposal would conflict with the relevant provisions of Policies D3, D4, and D6 of the London Plan (2021) (LP), and Policies SP2 and DMD1 of the Barking and Dagenham 2037 Local Plan (2024) (BDLP), which when read together require development to relate to its local context and positively respond to local distinctiveness.

Living Conditions of 59 Kings Avenue

9. The proposal would adjoin the very end section of the rear garden of no. 59, which possesses a long, elongated garden. A mature tree is located close to the rear boundary, limiting the available outlook and daylight received from the very rear of the garden of no. 59. In contrast, the area of garden closest to the rear elevation of no. 59 is far more open, providing it with a greater level of daylight and outlook. Given its proximity to the main dwelling and open character, this area represents the most useable section of the rear garden.
10. The introduction of the two-storey dwelling close to the northern boundary of the end section of the garden of no. 59, would, as a consequence of the existing restricted outlook and daylight to this area, have only a limited impact in this regard. Furthermore, given the significant length of the garden, I am

satisfied that the proposal would safeguard the existing levels of daylight and outlook from the area of garden closest to the rear of no. 59.

11. A small first-floor window to a storage cupboard is proposed within the rear elevation of the proposed dwelling. Although I note that this would be to a non-habitable room, obscure glazing could be secured through condition as a means of mitigating any impact on the privacy of the occupiers of no. 59. Given the residential nature of the area, I see no reason to conclude that any resultant noise from the use of the proposal would fail to be commensurate with its surroundings.
12. The Council have assessed the impact of the proposal on the living conditions of the occupiers of no. 61, 86 Hainault Road, and 88 Hainault Road, raising no concerns. On the evidence before me I see no reason to take an alternative view.
13. For these reasons, the proposal would be acceptable with regards to its effect on the living conditions of the occupiers of no. 59 with specific regard to outlook, levels of daylight, privacy, and noise. As such, it would comply with the relevant provisions of Policy D6 of the LP and Policy DMD1 of the BDLP, which when read together require new development to consider the impact on the occupiers of neighbouring properties and provide sufficient daylight and sunlight to surrounding housing.

Living Conditions of Future Occupiers

14. Turning to the living conditions of future occupiers, the proposal would comprise two habitable rooms on each floor with a large bay window to each of these rooms. The significant size of the bay windows would allow good levels of daylight into these two habitable rooms in addition to allowing air to flow when opened, providing adequate levels of ventilation. Furthermore, the ground floor benefits from sizeable glazed, double doors opening out onto the garden. These would supply additional levels of daylight, sunlight, and ventilation to the ground floor habitable room.
15. For these reasons, the proposal would be acceptable with regards the effect on the living conditions of future occupiers of the proposal with specific regard to levels of daylight and sunlight, and ventilation. As such, it would comply with the relevant provisions of Policy D6 of the LP and Policy DMD1 of the BDLP, which when read together require new development to provide comfortable and functional layouts, in addition to sufficient levels of daylight and sunlight to new housing.

Planning Balance, Conclusion, and Recommendation

16. 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) of the Framework is engaged. There is no evidence that the proposed development would harm any areas or assets of particular importance. Therefore, paragraph 11(d)(i) of the Framework is not engaged.
17. Paragraph 11(d)(ii) of the Framework 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.

18. 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 proposal for a single dwelling would make a minor positive contribution to addressing the existing housing shortfall and as such I afford only limited weight to this as a benefit.
19. In contrast, given the importance of the appeal site's contribution to the openness of the area and the well-established pattern of development, the proposal would cause great harm to the character and appearance of the area. 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. I have concluded that the proposal would conflict with Policies SP2 and DMD1 of the BDLP, which are policies which remain consistent with the Framework, and require new development to relate to its local context and positively respond to local distinctiveness. These matters combined carry significant weight against the scheme.
20. Consequently, the harm I have identified significantly and demonstrably outweighs the 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.
21. For the reasons given above, 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.

Conclusion and Recommendation

22. For the reasons given above and having had regard to all other matters raised, the proposed development would not accord with the development plan, when taken as a whole, I recommend that the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

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

Martin Seaton

INSPECTOR