Appeal Decision

Site visit made on 22 May 2018

by H Miles BA(Hons) MA MRPI
an Inspector appointed by the Secretary of State

Decision date: Monday, 11 June 2018

Appeal Ref: APP/Z5060/W/18/3193295
44 Rugby Gardens, Dagenham, RM9 4BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr George Leport against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 17/01275/FUL, dated 21 July 2017, was refused by notice dated 15 November 2017.
- The development proposed is a new 2 bedroom house (chalet) adjacent to 44 Rugby Gardens.

Decision

1. The appeal is dismissed

Procedural Matter

2. The second reason for refusal relates to the quality of the proposed garden space, but refers to Policy BP6 of the London Borough of Barking and Dagenham Development Plan Document 2011 (the Development Plan Document) which relates to internal space standards. It is clear from the evidence that the Council should have referred to Policy BP5 of the Development Plan Document which discusses external amenity space. I have been provided with a copy of Policy BP5, and the appellant has addressed it in their statement. Therefore I am satisfied that considering Policy BP5 would not prejudice either party in terms of the openness and fairness of this process. I will therefore consider this appeal on this basis.

Main Issues

3. The main issues are: the effect of the appeal proposal on the character and appearance of the surrounding area; and whether the proposed new dwelling would provide acceptable living conditions for future occupiers, particularly in relation to the garden space.

Reasons

Character and Appearance

4. Rugby Gardens is a T-shaped cul-de-sac characterised by a regular layout of what appear to be semi-detached and terraced houses, although a number of these are maisonettes. Spacing between these pairs and groups is a key part of the character and, although these gaps may offer views to built development
beyond, they provide important breaks and visual relief within the pattern of development.

5. Many of the properties in Rugby Gardens share common design features including a regular pattern of windows to front elevations, with a horizontal emphasis, and hipped roofs to the end properties of each group or pair.

6. The appeal site sits in the corner of this T shape. It is the garden for 44 Rugby Gardens (an upper floor maisonette) and is bounded on two sides by the maisonettes at 42/43 and 44/45 Rugby Gardens. These properties have doors facing onto the appeal site.

7. The proposed dwelling would infill the existing open space between 42/43 and 44/45, which would remove this gap, compromising the pattern of development and eroding this positive feature of the layout of this road.

8. The chalet would have a different design approach compared with the other properties in the road. Whilst its height, assessed against the neighbouring buildings, would achieve subservience, the gable end roof form would be out of character. The windows to the front elevation would have a vertical emphasis which is not in keeping with the character of the nearby properties and, at ground floor, the single window would do little to break up the large areas of blank wall. The most publicly visible corner of the house would have little visual interest and the property would not address the street, with the main entrance located further along the side elevation.

9. For the reasons above the proposed dwelling would cause harm to the character and appearance of the surrounding area and in this respect would be contrary to Policies BP8 (Protecting Residential Amenity) of the Development Plan Document which, in part, requires development to have regard to the local character of the area, BP11 (Urban Design) of the Development Plan Document and Policy CP3 (High Quality Built Environment) of the London Borough of Barking and Dagenham Core Strategy 2010.

Living conditions

10. The size of the proposed garden space falls below the standard of 50sqm set out in policy BP5 of the London Borough of Barking and Dagenham Development Plan Document 2011. It would be to the rear of the proposed house, directly accessed from the living/dining area, and regular in shape. It could be fully enclosed by a suitable boundary treatment. These factors contribute to its privacy, usability and accessibility. A green roof is also proposed above the single storey rear projection. Whilst this would not be accessible as usable amenity space it would provide further ‘greening’ of the site and visual amenity at the upper level.

11. The location, shape and usability of the garden area leads me to conclude that this would be of a sufficient size and functionality to meet the needs of the likely number of occupiers of this property. In this respect the proposal would provide appropriate external amenity space in line with the aims of Policy BP5 (External Amenity Space) of the London Borough of Barking and Dagenham Development Plan Document 2011.
Other matters

12. The lack of a proposed front and side boundary treatment would result in a wider gap outside the entrances to the adjoining maisonettes than the current situation between these doors and the existing boundary fence. Due to the gable end design of the front elevation, the building would not present itself as two-storey for the whole length of this elevation, reducing its impact. Therefore the proposed building would not have a significantly harmful impact on the living conditions of existing occupiers with regard to the approach to the front doors of the neighbouring properties.

13. The appeal proposal would contribute one additional dwelling to the Borough’s housing stock. However, taking into account the scale of the contribution that this scheme would make, this benefit does not outweigh the harm to the character and appearance of the area identified above.

Conclusion

14. For the reasons set out above, and having regard to all other matters raised including precedent, this appeal is dismissed.

H Miles
INSPECTOR