Appeal Decision

Site visit made on 29 October 2018

by Patrick Whelan  BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2018

Appeal Ref: APP/Z5060/W/17/3191916
19 Ashbrook Road, Dagenham RM10 7ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr A Jones against the Council of the London Borough of Barking & Dagenham.
- The application Ref 17/01252/FUL, is dated 14 July 2017.
- The development proposed is the construction of a bungalow on land to the rear of 19 Ashbrook Road.

Decision

1. The appeal is dismissed and planning permission for the construction of a bungalow on land to the rear of 19 Ashbrook Road, Dagenham RM10 7ED is refused.

Main Issues

2. Though the Council did not determine the application, its putative reasons for refusal concern the following matters which are the main issues in the appeal:
   - the effect of the development on the character and appearance of the area;
   - its effect on the living conditions of surrounding occupiers with particular regard to privacy, noise and outlook at Nos 17, 19 and 21 Ashbrook Road; and,
   - whether it would result in an unsafe and insecure environment.

Reasons

The character and appearance of the area

3. Ashbrook Road is a narrow street with tight corners, where 2-storey houses with pitched roofs have their frontages set close to the footway. The terraced houses occupy deep plots, and the houses on the external corners, with short back gardens, are set substantially apart. Despite the enclosed profile of the street, this layout gives the area a spacious character. It has a consistent pattern of development in both its layout and the form of its buildings.

4. I appreciate that No 19 occupies a plot on an internal corner, and has as a consequence, a large back garden. However, the undeveloped back gardens in Ashbrook Road make a significant contribution to the spacious character of the area. The proposal would disrupt the pattern of development which is
distinctive for its spaciousness and for its layout of houses fronting directly onto the street rather than behind it. In addition, in the context of the surrounding buildings which have pitched roofs, the flat roof of the development would appear at odds.

5. I saw that the back garden is overlooked by the flats behind the site. This is not unusual in the built-up area, and does not reduce the amenity of the garden to the degree where it justifies this proposal. In any event, the screening trees in this proposal could be planted without the development. I appreciate that the back garden demands maintenance, but this does not justify the harm identified above.

6. The modest height of the building and the screening trees would reduce its conspicuity. However, the building, its access, its drive, and its incompatibility with the pattern of development in Ashbrook Road would remain visible to surrounding occupiers. I acknowledge the environmental benefit of a sedum roof in terms of drainage, heat distribution and ecology. However, similar benefits could be attained by a more sensitive roof form.

7. I acknowledge the lawful development certificate for a garage, games room and hobby area under permitted development, which is claimed as a fallback position. Class E relates to buildings required for a purpose incidental to the enjoyment of a dwelling rather than a separate dwelling, as in this case. The effects of occupation on the distinctive pattern of development would be quite different.

8. Moreover, outbuildings under permitted development are not an unusual feature of gardens in this area, whereas houses and drives in back gardens are less a part of its character. The permitted development would have a pitched roof. This would better reflect the characteristic roofscape of surrounding development. The permitted development seems to me to be less harmful than this proposal. This limits the weight I can accord the fallback position. This proposal has addressed many of the shortcomings identified in the more recent appeal on this site. However, my findings on character in this case are similar to those of the Inspector in that appeal.

9. I conclude that the proposed development would harm the character and appearance of the area. It would conflict with London Plan 2016 (LP) policy 3.5, policies BP8 and BP11 of the Council’s Borough Wide Development Policies Development Plan Document adopted 2011 (DPD) and policy CP3 of its Core Strategy adopted 2010. These require development to enhance the quality of local places, to protect and strengthen the character of an area, to provide attractive, high quality architecture, and to create a sense of local identity, distinctiveness and place.

10. It would be at odds too with the design advice in the National Planning Policy Framework which says that developments should be sympathetic to local character, and that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

The living conditions of surrounding occupiers

11. Being set away from the site boundaries and only 2.5m high, the building would not reduce the outlook of surrounding occupiers by a harmful degree.

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The additional planting and fencing proposed would reduce the opportunity for any overlooking into neighbouring dwellings and gardens. The access drive would introduce the potential for noise from access and from manoeuvring. However, given that the development is for only one bedroom, the number of trips would be limited. A condition for appropriate fencing along the boundaries could mitigate any residual risk of disturbance.

12. I conclude that the proposed development would not harm the living conditions of surrounding occupiers with particular regard to privacy, noise and outlook at Nos 17, 19 and 21 Ashbrook Road. There would be no conflict with DPD policies BP8 and BP11 which protect the residential amenity of existing occupiers.

Unsafe and insecure environment

13. While the proposal would have less street surveillance than neighbouring houses, its street entrance would be sufficiently visible from the street not to make access unsafe. The access gates would be close to the neighbouring houses on both sides, which would give them some passive surveillance. These factors suggest that the access would not be unsafe or feel insecure. The house would be enclosed by boundary fencing and surrounding development which would overlook the site to varying degrees. It would be constructed to Secure by Design Standards. In these circumstances the house would be no less secure than neighbouring houses.

14. I conclude on this issue that the proposed development would not result in an unsafe and insecure environment. There would be no conflict with CS policy CP3 and DPD policy BC7 which require development to address the means of reducing the opportunities for crime and anti-social behaviour and to reduce the potential for the fear of crime.

Conclusion

15. The proposal would provide the modest social benefit of one additional house, in single-storey form, to local housing supply. It would bring economic benefits too, from the spending in the local economy of future occupiers who would have access to a range of local amenities and public transport which would have environmental advantages.

16. However, it would harm the character and appearance of the area, which would place it in clear conflict with the development plan. It would conflict too with the environmental dimension of sustainable development set out in paragraph 8 of the Framework, and there are no considerations which outweigh the harm identified. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan
INSPECTOR