Appeal Decision

Site visit made on 18 February 2019

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 March 2019

Appeal Ref: APP/Z5060/D/18/3216925
82 Frizlands Lane, Dagenham, RM10 7YJ

• 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 Andrius Bakys against the decision of the Council of the London Borough of Barking and Dagenham.
• The application Ref 18/01185/FUL, dated 4 July 2018, was refused by notice dated 3 September 2018.
• The development proposed is described as the erection of a one storey first floor rear and side extension.

Decision

1. The appeal is dismissed.

Reasons

2. Frizlands Lane is a long straight road of semi-detached and terraced dwellings set on a mostly regular building line. The gaps between buildings provide some relief to the uniformity of built development and make a positive contribution to the street scene. No 82 is an end terrace dwelling whose garage is attached to that of the neighbouring dwelling at no 84.

3. The proposed first floor side extension would extend above the garage but would be set back from the front wall of the garage and set back further from the front wall of the main part of the house. The ridge line would be set below the main ridge line of the house. Whilst this would reduce its massing and it would not be unduly dominant in the street scene, the siting of the extension would reduce the gap significantly and this would harm the character and appearance of the street scene. Furthermore, it would set a precedent by which it would be difficult for the Council to resist further similar applications and this would have a cumulatively harmful impact. I saw at my visit a similar extension at no 66 which the appellant has said was granted permission in 2006 under reference 06/00537/FUL. Although I have no further details of that application, it was approved prior to the government’s National Planning Policy Framework which places increased emphasis on the importance of good design. I am not therefore persuaded that the extension at no 66 provides justification for this proposal. For these reasons, I conclude that the proposed extension would significantly harm the character and appearance of the street scene and the area.

4. On the rear elevation, the proposal would extend above an existing ground floor extension. The plans show that it would project forward of the existing
first floor by some 3.5m. Although the Council has said that it would breach a line of 45° from the corner of no 84, the proposal would be separated from rear-facing windows of no 84 by the garage at that property and I agree with the appellant that it would not breach a line of 45° from those windows. Furthermore, no 84 has a reasonably sized garden and although the proposal would be positioned to the south, the size of garden would enable a satisfactory standard of amenity to be maintained. As such, there would not be a harmful impact in terms of outlook, overshadowing or overbearing to no 84 and I conclude, therefore, that the proposal would not cause harm to the living conditions of the neighbouring occupiers. In this respect, it would accord with policy CP3 of the Council’s Core Strategy Development Plan Document (CS) and policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (BWDP) which, amongst other things, seek to ensure that residential amenity is protected.

5. Although I have concluded that the proposal would not harm the living conditions of the neighbouring occupiers, I have concluded that it would harm the character and appearance of the area and for this reason the development is contrary to the policies in the development plan as a whole, including CS policy CP3 and BWDP policies BP8 and BP11 which also seek to ensure that development protects the character of an area. There are no material considerations that justify determining the appeal otherwise and the appeal should be dismissed.

Sarah Colebourne
Inspector