Appeal Decision

Site visit made on 17 December 2018

by N Smith BA (hons) MA MRTPi
an Inspector appointed by the Secretary of State

Decision date: 26th March 2019

Appeal Ref: APP/Z5060/W/18/3212550
Edgefield Court, Edgefield Avenue, Barking, Barking and Dagenham IG11 9JP

- 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 Asset Rock Upney Ltd against London Borough of Barking and Dagenham Council.
- The application Ref 18/00931/FUL, is dated 29 May 2018.
- The development proposed is described as demolition of existing garages to rear – provision of 2 x 2bed maisonettes. Provision of timber cladding and trellising affixed to the exterior of the existing walkway balustrades, up to 1.6 meters to rear of existing building.

Decision

1. The appeal is dismissed and planning permission for demolition of existing garages to rear – provision of 2 x 2bed maisonettes. Provision of timber cladding and trellising affixed to the exterior of the existing walkway balustrades, up to 1.6 meters to rear of existing building is refused.

Main Issues

2. The main issues in this case are:
   - Whether the proposed development would provide a satisfactory standard of living accommodation with specific regard to internal space, amenity space and living environment;
   - The effect of the proposed development on the character and appearance of the area; and
   - The effect of the proposed development on highway safety with specific regard to refuse collection and the servicing of commercial units.

Reasons

The standard of living accommodation

3. The space between the existing and proposed buildings at the site would be limited, and the existing building would be much taller than the proposed houses. That relationship would result in a poor outlook for future occupiers and in my view, a feeling of enclosure. That would be exacerbated by the fact...
that this would be the primary view available for residents from within their homes.

4. Communal amenity space would be provided in the space between the houses and the rear of Edgefield Court. Policy BP5 of the DPD requires that amenity space for all new dwellings is private but the proposed outdoor space could be overlooked in close proximity by residents in the neighbouring flats and the result would be a poor quality of amenity space for future residents. The policy also requires that amenity space is orientated to maximise sunlight. A sunlight and daylight report has been prepared by the appellant but it does not describe whether the proposed amenity space has been orientated accordingly.

5. My concerns that the development would not provide satisfactory living conditions are enhanced by the relationship between the houses and the commercial units near to them. I was aware on my visit of noise from extraction units attached to the building and activity associated with servicing, which the appellant sets out would continue to take place from the rear and could result in disturbances because of the limited space between the buildings. It appears as though that in the absence of a dedicated footpath the use of the proposed servicing parking space, at the entrance to the site and between the refuse storage areas, could see residents or visitors prevented from entering or leaving the site conveniently whilst loading or unloading was taking place, particularly if using a buggy or wheelchair.

6. For the reasons that I have described I find that the quality of accommodation for future occupiers would be poor, in conflict with Policies BP5, BP8 and BP11 of the DPD which amongst other requirements, seek to secure acceptable living standards.

7. The appellant has provided a revised plan which seeks to show how the houses could be rearranged internally to provide for three occupiers in accordance with the internal space standards set out at Policy 3.5 of the London Plan 2016. Given my conclusions that the development would provide a poor quality of living accommodation for future occupiers for the reasons I have described, it is not necessary for me to consider that plan further.

Character and appearance

8. The pattern of development around the site is generally low-rise housing and shops fronting the road. The development would not conform with that character because it would be located to the rear of Edgefield Court, away from the highway in an area that is currently used for serving commercial units. Given the relatively secluded nature of the site, where views of it from the public realm would be limited, I do not consider that a type of development inconsistent with the established pattern of built form around it would cause harm to the character and appearance of the area in this case.

9. The proposed houses would have a footprint comparable with the garages that they would replace and whilst they would be taller, in visual terms, I do not find that the site would appear substantially more cramped than in its existing condition as a result of the development. The proposed landscaping scheme between the rear of the shops and the new houses would improve the appearance of the site in general terms, although views of it would largely be limited to those visiting it.
10. For those reasons, I find that the development would not cause harm to the character and appearance of the area and that it would be broadly consistent with Policy CP3 of the Core Strategy 2010 and Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document 2011 (DPD), which amongst other requirements, seek to protect local character and ensure an appropriate standard of design.

Refuse collection and servicing

11. The appellant has provided details as to where commercial and residential refuse would be stored and how that would be collected. There is nothing before me to suggest that those arrangements could not be carried out successfully in the way shown, which appear broadly consistent with current arrangements for commercial refuse collection at the site.

12. Similarly, the appellant’s Transport Statement describes that there would be enough space for one vehicle to park at the entrance to the site, off of the highway, to carry out loading and unloading associated with the commercial units. It says that there would be capacity in nearby on-street parking spaces to accommodate further vehicles if necessary. Whilst I note the concern raised by some traders as to these arrangements, there is nothing before me to demonstrate that they could not safely succeed and whilst the Council suggests that the proposals could ‘exacerbate on-street parking issues...causing adverse highways implications’, there is no evidence before me to demonstrate why this would be the case and I noted on my visit that there did appear to be opportunity for on-street parking in the area around the site.

13. Whilst I acknowledge that the proposed servicing arrangements may be less convenient for those working from the commercial units, in the absence of evidence to the contrary, they would appear to be workable and thereby acceptable.

14. I conclude that the arrangements proposed for refuse storage and collection and servicing would be satisfactory and in accordance with Policies BR9 and BR10 of the DPD which seek amongst other requirements, to manage parking and protect highway safety.

Conclusions

15. I agree with the appellant that the development would not cause harm to the character and appearance of the area and that waste storage and collection and servicing arrangements would be satisfactory. I also agree with the appellant that the appeal development would have regenerative benefits, would make a contribution to local housing and would improve the appearance of the site. However, I have found that that the quality of accommodation for future residents would be poor for the reasons that I have described, and I do not find that other factors outweigh the subsequent conflicts with the Development Plan that I have identified.

16. Accordingly, the appeal should not succeed.

Smith
INSPECTOR