Appeal Decision

Site visit made on 19 September 2017

by Jonathon Parsons  MSc BSc(Hons) DipTP Cert(Urb)  MRTP

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

Decision date: 05 October 2017

Appeal Ref: APP/Z5060/W/17/3176546
12 Hainault Road, Chadwell Heath, RM6 6BJ

• 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 M Ishaq against the decision of the Council of the London Borough of Barking & Dagenham.
• The application Ref 16/01992/FUL, dated 19 December 2016, was refused by notice dated 30 March 2017.
• The development proposed is 1 no. two bedroom dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on (a) the living conditions of the occupiers of 12 Hainault Road, having regard to light and outlook, and (b) the safety of highway users and the free flow of traffic.

Reasons

Living conditions

3. The appeal site comprises land between two semi-detached dwellings at 12 and 14 Hainault Road. The dwelling at No 12 has rear ‘outrigger’ addition, part two storey and part single storey, which is stepped back from the side of the dwelling and the common boundary with the appeal site. This stepping back leaves a gap which a ground floor living room window, within the main part of the dwelling, faces onto. Additionally, within the addition part of No 12, there is a kitchen window facing the gap and the common boundary.

4. The dwelling would have a single storey projection of approximately 3m immediately adjacent to the gap to the rear of No 12. The depth of the proposed rear extension at ground floor would accord with the advice of the Council’s Residential Extensions and Alterations Supplementary Planning Document (SPD) 2012. The projection would be located mainly to the north of the dwelling at No12 so the loss of sunlight to the kitchen and living rooms would be limited. By reason of its bay window design and siting along the side of the addition, the loss of ambient light to the kitchen would also be limited.

5. However, the single storey projection of the new dwelling would have a flat roof height of approximately 3m alongside the common boundary and gap with No 12. The projection of the new dwelling would also be part two storey about
1.5m back from the boundary. Together with the projection’s depth, this would result in a significant loss of ambient light to the living room window because of projecting built development either side of it. Such a situation would result in a gloomy room environment which would be detrimental to the living conditions of the residents.

6. Turning to outlook, the dwelling’s projection would result in a significant sense of enclosure for neighbours when looking out of both the living room and kitchen windows adversely affecting their living conditions. In this respect, the first floor part of the projection would conflict with the advice of the SPD because it would extend beyond a 45 degree angle as measured from the corner of the neighbouring property. Although the SPD relates to extensions to existing dwellings, this amplifies my findings on the unacceptability of the proposal.

7. The neighbouring dwelling did have a conservatory infilling the gap between the kitchen part of the addition and the common boundary with the appeal plot. However, a conservatory would have been likely to permit some ambient light and outlook by reason of its lightweight construction and extent of glazing. In any case, the conservatory has now been removed. Under permitted development rights, a fence or wall could be erected but the permitted height would be significantly less than that of the projection of the new dwelling. As a result, my concerns on the adverse loss of ambient light and outlook remain significant even after taking into account these considerations.

8. In conclusion, the development would harm the living conditions of the occupiers of the neighbouring property, with reference to light and outlook. Accordingly, the proposal would be contrary to policies BP8 and BP11 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document (DPD) 2011, which collectively and amongst other matters, require that the design of buildings and layout of new development, should maintain residential amenity, having regard to layout and function.

**Highways**

9. There are bus stops nearby with bus routes to shopping centres and transport hubs in the borough with a frequency of around every 6 to 30 minutes during peak periods. However, the site has a low Public Transport Accessibility Level (PTAL) rating of 2 which would be likely to indicate that occupiers of the development would rely upon on-street parking.

10. The Appellant’s Transport Statement (TS) details surveys to determine demand for on-street parking during the day and night. Parking stress has been calculated as the proportion of occupied spaces within an area surrounding the appeal site and individual streets within it. It concludes that the average overall parking stress based on 6 surveys, varied from 74% to 81% for the important overnight period. The parking stress survey included a road where there are parking restrictions from 700 hours to 1900 hours and the Council contends that most residents would not park here overnight. However, the parking stress assessment still shows that there is sufficient availability of street space on Hainault Road to take the extra parking provision from both the existing and proposed dwelling. In this regard, Hainault Road had maximum overnight stress levels of between 74% and 85% which indicates 14-24 spaces being available. The Appellant has also provided census evidence of low car...
ownership within the Borough and Chadwell Heath. The TS conclusions are based on extensive and detailed surveys, and the ‘Lambeth’ methodology which I find robust and comprehensive.

11. On this basis, it has been demonstrated that any resultant street car parking demands would not be severe and that there would be no harm to the safety of highway users. In this respect, the proposal would comply with policies BR9 and BR10 of the DPD, and policy 6.13 of the London Plan (LP) (with Alterations) 2016, which collectively and amongst other matters, encourage sustainable transport, maximum parking standards to take account of on-street parking, traffic flows, local environment and accessibility of the site, existing and planned public transport, and the impacts on road safety to be considered.

Other matters

12. This small–sized dwelling would provide a low cost housing opportunity in an urban location which has accessibility to services and public transport. It would meet a need for more housing set out in LP policy 3.3 and the Council’s Core Strategy (CS) 2010 policy CM2. The development would optimise the housing potential of this site by providing an additional dwelling, with associated number of bed spaces and habitable rooms in compliance with LP policy 3.4 and partly with DPD policy BP10. The scheme’s density in terms of habitable rooms and number of units would not be significantly different to the density ranges for this type of area under the LP policy. The proposal would comply with design requirements for external private outdoor space and internal room spaces in accordance with DPD policies BP5 and BP6, and LP policy 3.5.

13. There are no neighbour objections to the proposal but the lack of objection cannot be relied upon to deem a development acceptable. Planning is concerned with the living conditions of both current and future residents, and works of this nature are of a permanent long term nature.

Conclusion

14. However, the proposal’s contribution to housing need and the optimisation of a housing site in accordance with LP policies 3.3 and 3.4, CS policy CM2 and DPD policy BP10 (partly) would be limited by reason of the small scale nature of the development. In the case of DPD policy BP10, the optimisation of housing potential is further subject to the requirements of design which the proposal would fail by reason of its adverse impact on living conditions. The proposal’s compliance with space standards set out in DPD policies BP5 and BP6, and LP policy 3.5 are not overwhelming positive factors to be put in the balance. They reflect a general technical requirement to be incorporated in most residential schemes for them to be acceptable.

15. Moreover, to facilitate the creation of one dwelling, there would be an adverse impact of a significant nature on a neighbour’s living conditions in conflict with policies BP8, BP10 (overall) and BP11 of the DPD. For all these reasons, the adverse impact and policy conflict would result in an overall conflict with the development plan taking into account all the referred to policies. There are no other material considerations to outweigh the development plan conflict identified.
16. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR