Appeal Decision

Site visit made on 13 September 2017

by Gwyn Clark  BSc DipTP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd November 2017

Appeal Ref: APP/Z5060/W/17/3177338
84 Westminster Gardens, Barking, Essex IG11 0BL

- 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 John Avers against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 16/01272/FUL, dated 4 August 2016, was refused by notice dated 8 December 2016.
- The development proposed is construction of a new one bedroomed bungalow on land adjacent to 84c Westminster Gardens, Barking, Essex IG11 0BL.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the development on i) the character and appearance of the area ii) the living conditions of residents and iii) highway safety.

Reasons

Effect on the character and appearance of the area

3. The appeal site is accessed through a narrow gap, currently gated, between Nos 86 and 84c Westminster Gardens. These two dwellings are each situated at the end of a row of terraced two story houses. The two rows are set at an oblique angle to one another where Westminster Gardens turns a corner. They also overlap one another with No 86 standing much further forward toward the road. No 84c has a side projection and No 86 has been extended to the rear. This arrangement has an enclosing effect such that the proposed bungalow would be for the most part concealed from view.

4. Policy CP3 of the London Borough of Barking and Dagenham Core Strategy 2010 (CS) requires amongst others a high quality standard in relation to design of new buildings, respecting local character and providing a sense of place. Policies BR3, BP8 and BP11 of the Borough Wide Development Policies Development Plan Document 2011(BWDP) set out requirements for new development to preserve and enhance the natural environment, to have regard to the local character of the area, and to provide attractive, high quality architecture.
5. The character of the area is largely made up of two story terraced houses with shallow front gardens and on-street car parking. The bungalow would only be glimpsed through the narrow gap that exists between the front terraced houses and the view would be of a simply designed modest building constructed in materials that are common to the area. For these reasons I consider that the proposed development does meet the requirements of policy CP3 of the CS and those of policies BR3, BP8 and BP11 of the BWDP because there would be no harm caused to the character and appearance of the local area.

6. I have no evidence before me to suggest that the appeal site is significant to the biodiversity of the area. It has the appearance of an unkempt garden. Therefore I conclude that no harm would arise to the natural environment and that the development would meet the requirements of policy BR3 of the BWDP and policy 7.19 of the London Plan 2016.

Effect on the living conditions of residents

7. The appeal site is shallow in depth and with the exception of a narrow strip of amenity space at the rear of the proposed bungalow, which would be dominated by the high embankment that separates this site from the industrial estate beyond, the entire bungalow plot including its side amenity space, would be overlooked.

8. Policy CP3 of the CS requires new development to achieve high quality standards in relation to the layout of new buildings and spaces. Policy BP8 of the BWDP sets out to protect residential amenity, achieved by avoiding significant overlooking. Policy BP11 establishes as a principle of new development the maintenance of residential amenity. Significant harm would arise to the living conditions of the occupiers of the bungalow as a result of its close proximity to the rear of Nos 84c and 86 Westminster Gardens and the overlooking and lack of privacy that would ensue. For this reason I consider that the proposed development would be contrary to policy C3 of the CS and policy BP8 and BP11 of the BWDP.

9. I have no evidence before me to suggest that the development would be susceptible to crime in this ‘backland’ setting. Although the gap through which access would be taken is narrow, natural surveillance is afforded by No 84c and No 86 and by houses situated in the immediate area. Therefore I consider that there is no conflict with policy BC7 of the BWDP which seeks to reduce crime and anti-social behaviour.

10. BP8 of the BWDP seeks to avoid unacceptable levels of general disturbance arising, amongst other things, from traffic movement. The access would be very lightly used and therefore I do not consider that use of the access to the proposed development would give rise to harm to the living conditions of the neighbours. Therefore I do not find that the proposed development would be contrary to this policy.

Effect on highway safety

11. The access to the bungalow is situated at a point on Westminster Gardens where the road turns a corner. Despite vehicle parking taking place on the road visibility at the junction is good. The gap between No 84c and No 86 is narrow but it is wide enough to be negotiated by a car and other larger vehicles with
care. As it would only serve the bungalow the frequency of use would be low and due to its narrowness vehicle speeds would be very low.

12. Policy BR9 of the BWDP applies parking standards to development and seeks to ensure that car parking design takes account of the local environment and accessibility of the site, access and amenity impacts. I find there is no evidence to demonstrate that harm would arise to highway or pedestrian safety and conclude that the requirements of policy BR9 of the BWDP are met.

**Conclusion**

13. I attach significant weight to the fact that the proposed development would offer accessible accommodation, widen the mix of houses available and contribute towards meeting the need for new houses, and in particular smaller dwellings, in the area. I also conclude that the proposed development would not harm the character and appearance of the area and I have not identified harm to highway safety.

14. However these factors do not outweigh the substantial harm that I have identified in respect of the effect of the development upon the living conditions of the occupiers of the proposed development due to being exposed to significant overlooking. Consequently I dismiss the appeal.

*Gwyn Clark*

INSPECTOR