

Appeal Decisions

Site visit made on 6 September 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 22 September 2016

Appeal Ref: APP/G5750/W/16/3152424

12 Pilgrims Way, East Ham, London E6 1HW

- 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 P Gunby (B Bailey and Co Limited) against the decision of the Council of the London Borough of Newham.
 - The application Ref 15/03618/FUL, dated 16 December 2015, was refused by notice dated 7 April 2016.
 - The development proposed is development to the rear to provide 1 no. 1 bedroom flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. whether the proposal provides suitable welcoming, safe and secure access arrangements;
 - ii. the effect of the proposal on the character and appearance of the area; and
 - iii. the living conditions of the occupants of nearby properties with particular reference to outlook.

Reasons

Access arrangements

3. The proposal is to provide access to the proposed flat via an existing narrow path off Ron Leighton Way. The path which is accessed through a wooden gate runs along the rear boundary of the terrace of properties on Pilgrims Way of which the appeal site is part. It is currently in a poorly maintained and untidy condition with poor surfacing, litter and dumped waste. It is bounded on both sides by high walls and fences.
 4. Beyond the existing high rear wall there is an area of public open space adjacent to a public car park. Seating within the public realm immediately adjacent to the rear wall could quite easily be used as a means of gaining access into the enclosed pathway which is not currently lit other than by borrowed light from a nearby street light. There is a lack of passive surveillance from nearby properties. However, due to the location of the site
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close to shops and other public facilities, the proximity of the gateway to a bus stop and the busy pedestrian path running along Ron Leighton Way there is activity around the entrance to the pathway.

5. In its current state, as a consequence of the poor condition of the pathway, poor lighting, lack of surveillance and its vulnerability for crime and anti-social behaviour the pathway would not provide a welcoming, safe and secure access for potential future occupants of the development.
6. The appellant has indicated that the current proposal would provide an opportunity to improve the condition of the path and carry out alterations, including the replacement of the existing high rear wall with open metal railings to ensure future users have a welcoming, safe and secure entrance. However, the pathway is outside the appeal site and there is no evidence that the appellant would have appropriate control over the land to undertake these works. In these circumstances it would not be appropriate to impose a condition.
7. Therefore, on this issue I conclude that the proposal would not provide suitable welcoming, safe and secure access arrangements. As such it is contrary to the design, safety and security provisions of Policies 3.5, 7.1, 7.3 and 7.6 of the London Plan Consolidated with Alterations Since 2011 (March 2015), Policies S1, S6, SP1, SP2, SP3 and H1 of Newham's Local Plan – The Core Strategy Adopted Version January 2012 (CS), Policy SP8 of Newham's Local Plan Detailed Sites and Policies Development Plan Document Proposed Submission Draft (DPD), Policy H17 of the London Borough of Newham Local Plan Saved Unitary Development Plan Policies February 2012 (UDP), London Plan Housing Supplementary Guidance March 2016 and National Planning Policy Framework (the Framework).

Character and appearance

8. The appeal site is situated to the rear of a terrace of two storey properties on Pilgrims Way in East Ham Town Centre. The rear of properties in the immediate vicinity have traditional two storey pitched roof outriggers and a variety of single storey extensions and other alterations. The rear elevations have a range of materials, including brick, render, pebble dash, slate pitched roofs and felt flat roofs.
9. The property currently has a single storey flat roofed extension which runs the length of the rear of the plot. It is located immediately adjacent to the Primark retail store, which is a large and bulky modern flat roofed retail unit comprising stock brick immediately adjacent to the appeal with white render above. The proposed development would abut this wall of Primark.
10. The appeal site is not visible from Pilgrims Way and as such the front elevation of the property and the overall setting of these buildings from the pedestrian street to the front of property would not be affected by the proposal. However, the site is in a prominent location clearly visible from the nearby public realm and car park, Ron Leighton Way and surrounding residential and commercial properties.
11. The proposal would have a mono-pitched roof design and a long, blank flank wall which would be particularly prominent from the public realm. Other than a parapet wall and three roof lights, the lack of architectural detailing along this

elevation is a matter of some concern in the context of the two storey terrace of properties of which it would be part. However, I observed on site that not all of the flank wall would be visible from outside the immediate area as it would be seen in part above existing built form in the vicinity.

12. In relation to the host property the proposal would have significant massing, and does show some weakness in terms of how its form would respond to its immediate surroundings. For example, the large mono-pitched roof is long and high in relation to the existing host terraced property.
13. However, as well as the proposal being seen in the context of the two storey terrace it would be seen against the adjoining Primark building, which is a typical modern town centre retail store which very much dominates the appeal site in terms of scale, bulk and massing. Against this backdrop the proposal would appear subservient and a relatively sympathetic and subservient extension which would be a transition feature between Primark and the Pilgrims Way terrace.
14. Proposed materials would match the host property, including brick with slate style roof, PVCu windows, brick soldier courses and stone sills. The materials would also be sympathetic to those used on the adjoining Primark building. The development would follow the roofline of the existing building and the roof pitch would match others in the area.
15. Therefore, I do not consider that the proposal would be excessive in terms of its size and bulk within its local context. Furthermore, its design is sympathetic to its surroundings, including some architectural detailing, materials and overall form. As such it would not appear as an incongruous feature within the street scene or harm the character and appearance of its immediate surroundings or the wider townscape.
16. On this issue I conclude that the proposal would not harm the character and appearance of the area and accords with the design requirements of Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, Policies S1, S6, SP1, SP2, SP3 and H1 of the CS, Policy SP8 of the DPD, Policy H17 of the UDP and the Framework.

Living conditions

17. With regard to living conditions the main concern expressed by the Council relates to the outlook from surrounding properties. However, the closest window to the appeal site does not appear to serve the habitable room of a residential property. Other windows in the rear of the terrace would neither be affected by the proposal. Properties on the opposite side of Ron Leighton Way would look towards the site, but from a long distance.
18. As such, and given my conclusions with reference to the design and appearance of the proposal I do not consider that the proposal would harm the living conditions of the occupants of nearby properties with particular reference to outlook. The proposal is therefore in accordance with the amenity requirements of Policies 7.1 and 7.6 of the London Plan, Policies SP1, SP3 and H1 of the CS, Policy SP8 of the DPD and the Framework.

Other matters

19. I have noted the appellant's concerns regarding the policies to which the local planning authority refers in its decision notice. However, I find their decision to be soundly based on the up to date development plan.
20. I have also noted the appellant's comments regarding housing need and the principle of housing development. However, this is not a matter of dispute given that the local planning authority is supportive of the provision of residential development on this site in principle.

Conclusion

21. Although I have found that the proposal would not harm the character and appearance of the area or the living conditions of the occupants of nearby properties, I have found that the proposal would not provide suitable welcoming, safe and secure access arrangements. That is the prevailing consideration. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR