
Appeal Decision

Site visit made on 12 September 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 30 September 2016

Appeal Ref: APP/G5750/W/16/3151011

347-349 Green Street, Upton Park, London E13 9AS

- 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 Hartley Hotel Holdings Ltd against the decision of the Council of the London Borough of Newham.
 - The application Ref 15/02922/FUL, dated 20 October 2015, was refused by notice dated 14 March 2016.
 - The development proposed is described on the application form as the 'Proposed removal of existing pitched roof above existing single storey structure. Construct new first floor and second floor extensions to form 3 no. self contained flats with ancillary alterations and the installation of access staircases. Formation of new entrance, alterations to window openings to ground floor and installation of powder coated aluminium windows, door and frames'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - (i) the character and appearance of the surrounding area; and
 - (ii) the living conditions of future occupants, with particular regard to internal living space, outdoor amenity space, daylight, cycle and refuse storage facilities.

Reasons

Character and appearance

3. The appeal site is located on Green Street, in the Upton Park shopping area and was originally a former bank building. The site is a part-two storey building, located at the end of a terrace of retail units. Due to the corner location and architectural properties, the appeal site is a prominent feature within the street scene and contributes to the mixed character of the surrounding area.
 4. The adjoining units consist of a variety of retail uses at ground level, with residential accommodation above. The wider terrace lacks uniformity in terms of architectural style and scale, with a combination of two and three storey buildings with mixed roof types being evident.
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5. I note that the principle of residential accommodation at the site, whilst still maintaining a commercial use at ground floor, is not contested by the Council. I have no evidence before me which leads me not to concur with this position. There is also no doubt in my mind that the appeal site is within a sustainable location and that the proposal would assist in meeting housing requirements within the locality.
6. The proposed addition of the first and second storeys would result in an increased scale and bulk of the host building. However, given the existing height of the adjoining unit at No 347 and the opposite unit at No 351, I do not consider that the removal of the existing pitched roof and the installation of the second floor with a new pitched roof would be significantly harmful to either the host building or surrounding area.
7. The appellant states that key design features would be kept or replicated where possible. However with regards to the proposed fenestration, in order to create the additional floors, it is proposed to lower the existing ceiling at ground level. As such, the sash windows would be replaced with lower single pane aluminium windows. From my site visit it was evident that the proposed aluminium windows had already been installed.
8. Furthermore, the introduction of the first floor windows would result in interruption and loss of elements of the existing stone string course. The loss of the sash window, associated splayed brick lintels and part of the stone string course would result in an unsettling and discordant effect on the proportions of the host building.
9. I accept that the fenestration proposed at the first and second storey would be in line with the windows at ground level. However given the significantly smaller scale than those of the ground floor windows, I consider they would represent incoherent additions to the host dwelling. Moreover, the small scale of the windows would result in the additional floors appearing as cramped additions to the host building.
10. Accordingly, I consider that the proposal would fundamentally alter the proportions and fail to respect the existing architectural qualities of the host building. As such, both the character and appearance of the host building and the wider area would be unacceptably diminished.
11. The proposal therefore fails to accord with Policies S1, S6, SP1, SP2, H1 of the Newham's Local Plan – The Core Strategy 2012 (the CS), Policies SP8 and SC5 of Newham's Local Plan - Detailed Sites and Policies Development Plan Document 2015 (the DPD), saved Policy H17 of the London Borough of Newham Unitary Development Plan 2001 (the UDP), Policies 3.5, 7.1, 7.4, 7.5 and 7.6 of The London Plan – Spatial Development Strategy for Greater London (consolidated with alterations since 2011) 2016 (TLP). Taken together these policies, amongst other things, seek a level of high quality design that responds to, draws inspiration from and respects local context. The proposal would also conflict with the design aims of the National Planning Policy Framework (the Framework).

Living conditions

12. It is important to ensure that the standard of accommodation provided in any development is satisfactory if it is to meet the needs and expectations of its

occupants. From the evidence before me I note that all three of the units fulfil the requirements of the minimum Gross Internal Floor Area (GIA)¹. However, whilst the overall GIA would be complied with, the bedroom of unit one fails to provide the required level of space. Furthermore, the dimensions of the bedrooms of units one and two appear to be particularly narrow and would fail to provide the required width for a double bedroom.

13. Moreover, all three of the units would fail to provide the required level of storage provision and no private outdoor amenity space is proposed. I acknowledge that the appellant contends that the lack of private outdoor amenity space is similar to many other units within the locality and that there is no evidence that such a lack of space has any detrimental effect. However, this does not justify the deficiency of provision and I find that the proposal fails to provide a level of private outdoor space for future occupiers that could reasonably be expected from such a proposal.
14. Turning my attention to the provision of daylight, I accept that the proposed fenestration on the first and second floor is of a significantly lesser scale than that on the ground floor. However, as all three of the proposed units would provide a dual aspect, I consider that an adequate level of daylight would be experienced.
15. The proposal would provide refuse and cycle storage at the rear of the communal entrance hall. I note that the proposed cycle storage offers space for three cycles; however Policy 6.9 of TLP confirms that a minimum of four spaces is required for the scale of the proposal. I accept that it may be possible to secure the provision of the additional one space by the implementation of a planning condition. However, from the evidence before me, limited extra space exists at the rear of the entrance hall. Moreover, given the lack of information provided regarding this issue, it cannot be assumed that this aspect could be achieved without adversely harming accessibility to the refuse storage area. Therefore, in the absence of details regarding dimensions, I am not persuaded that this matter could be dealt with by the imposition of a condition.
16. Furthermore, given the location of the cycle storage in proximity to the refuse storage I consider that the manoeuvring of the refuse bins would be impractical. Moreover given the internal storage of the refuse bins, there would be potential for adverse effects on residential amenity in terms of odour.
17. Notwithstanding my findings in relation to the provision of daylight, I consider that the proposed internal accommodation, lack of private outdoor amenity space and poor siting of cycle and refuse storage would provide a substandard level of accommodation which would be to the detriment of the living conditions of future occupiers of the units.
18. Accordingly, I therefore find that the proposal fails to accord with Policies S1, S6, SP1, SP2, SP3, H1 and INF2 of the CS, Policies SP8 and SC5 of the DPD, Policies H17 and EQ45 of the UDP and Policies 3.5, 5.3, 6.9, 7.1, 7.4 and 7.5 of TLP and guidance contained within the Mayor of London Housing Supplementary Planning Guidance 2012 and the Mayor of London Draft Interim Housing Supplementary Planning Guidance 2015. When taken together these policies, amongst other things, seek to ensure buildings are of a high quality

¹ Standard 4.1.1 - Draft Interim Housing Supplementary Planning Guidance 2015 -

design which protect residential amenity. The proposal would also fail to accord with the Framework which requires a good standard of amenity for all future occupants of new dwellings.

Conclusion

19. In my determination of this appeal, I have had regard to the Framework's presumption in favour of sustainable development and acknowledge that there would be sustainability benefits associated with the proposal. Specifically that the appeal site is within the built up area of Upton Park where there is a range of services, facilities required to fulfil daily living needs. Furthermore, the proposal would provide three additional dwellings in a sustainable location and would contribute towards the supply of new housing in the area.
20. However, the harm I have found to the character and appearance of both the host dwelling and wider area and the living conditions of the future occupiers is decisive and outweighs the benefits associated with the scheme. Accordingly, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR