
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: 12 October 2016

Appeal Ref: APP/G5750/W/16/3148677

1A Wingfield Road, Stratford, London E15 1LP

- 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 Wayne Mead of Noble House Construction Ltd. against the decision of the Council of the London Borough of Newham.
 - The application Ref 15/03481/FUL, dated 7 December 2015, was refused by notice dated 1 March 2016.
 - The development proposed is described on the application form as 'This application seeks to construct an additional new 2nd. Floor extension to the permitted development scheme so as to add a 6th. Flat housed under a new proposed Mansard roof over the original building. The proposal would require modifications to the existing stairwell by means of extending the existing stair to provide access to the new 2nd. Floor Flat. The permitted scheme retained the existing 2 storey high building and it's pitched roof appearance, however, this applications proposal is to replace the pitched roof with a Mansard roof and dormer windows'.
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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 area; and
 - (ii) the living conditions of future occupants, with particular regard to internal living space, daylight and outlook.

Reasons

Character and appearance

3. The appeal site is a two storey development which was previously in use as an office building and was granted prior approval for conversion to 5 residential units in 2015¹. As such, the principle of residential development at the site is considered acceptable by the Council. The host building is a focal point in the immediate locality due to its relatively prominent location close to the junction of Leytonstone Road and its grey render finish. This is in stark contrast to the brick terraces of the two storey dwelling houses sited to the north and west of the appeal site.

¹ Council reference 15/00611/PRECUJ

4. I am mindful of the fact that the site has been the subject of a previous refusal for planning permission². Furthermore, I note that the appellant has aimed to address the issues for refusal within their subsequent planning application, which is the subject of this appeal.
5. From my site visit, there is no doubt in my mind that the appeal site offers sustainable living, due to the proximity of services and facilities required for daily living. I further acknowledge the proposed use of sympathetic external materials in terms of the adjacent building at 217 Leytonstone Road, which has a traditional mansard roof. Nonetheless, the proposed mansard roof design, and its disproportionate bulk, in relation to the host building is such that it would give rise to an obtrusive feature in terms of both the host building and the surrounding locality.
6. Moreover, both the scale and type of proposed fenestration would be noticeably different to that of the existing. As such, the fenestration would appear as an incoherent addition. I note the concern by the Council with regards to the proposed felt roof material extending to the edge of the flat roof. However, given the proposed height of the flat roof I consider that views of the material would be limited from within the public realm. In this instance I do not consider any significant harm would result from the material in terms of the effect on character and appearance of either the host building or the wider locality.
7. Although the aim of the proposal is to make better use of the existing host building, for the reasons set out above, the proposal would not appear subservient to the main building. Due to the location of the building the proposal would appear as an unduly dominant and incongruous feature when viewed from Wingfield Road and Leytonstone Road. Although reasonably localised in its extent, the effect of the proposal would unacceptably diminish the character and appearance of the surrounding area.
8. Due to the harm I have identified in relation to the character and appearance of both the host building and the surrounding area, the appeal proposal is contrary to the design objectives of 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), Policies S1, S2, SP1, SP2, SP3 and H1 of the Newham's Local Plan – The Core Strategy 2012 (the CS), Policies SP8 and SC5 of the Newham's Local Plan – Detailed Sites and Policies Development Plan Document 2015 (the DPD) and Policy H17 of the London Borough of Newham Saved Unitary Development Plan Policies 2012 (the UDP). The proposal would also be inconsistent with the National Planning Policy Framework (the Framework) which seeks to ensure that new development makes a positive contribution to local character.

Living conditions

9. 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 the proposed bedroom sizes meet the required Gross Internal Floor Area detailed in the Mayor of London Housing – Supplementary Planning Guidance 2012 (the SPG). However I acknowledge that the level of built in storage falls short of requirements.

² Council reference 15/02615/FUL

Notwithstanding this I concur with the view of the Council that adequate space exists within the unit to increase the level of storage provision. I therefore find that the proposed internal accommodation would be adequate for future occupiers.

10. Turning my attention to the proposed provision of private outdoor space, the evidence before me confirms that 5 square metres would be provided. As such, the proposal complies with standard 4.10.1 of the DSPG. However, I acknowledge that the proposal fails to comply with standard 4.10.3 of the DSPG which requires the minimum depth and width of balconies to be 1500mm. Despite a technical breach of standard 4.10.3, as the shortfall would be minimal I consider that overall the proposal would provide an adequate level of amenity space for future occupiers.
11. In terms of outlook, due to the proposed fenestration, an acceptable level of outlook is afforded to the proposed rooms located within the north, south and west elevations. The fenestration within the east elevation would be obscure glazed in order to ensure adequate levels of privacy for both future occupiers of the proposal and occupiers of 217-223 Leytonstone Road.
12. The Council has raised concern with regards to proposed Bedroom 2, sited on the eastern elevation. The Council considered that this space would fail to provide any outlook due to the window being obscure glazed. However drawing 496A-PA.03 indicates that this room benefits from a dual aspect, with a proposed window being located on both the east and south elevation. Accordingly, given the proposed level of fenestration I find that the proposal would provide adequate outlook for future occupiers.
13. Evidence³ provided by the appellant regarding the expected level of natural daylight within the habitable room of the proposal concludes that the level of daylight would exceed the required guidelines. Whilst I acknowledge the concern raised by the Council regarding this issue, there is no reason before me to doubt the validity of the findings. As such, I consider the proposal would provide an acceptable level of natural daylight for future occupiers.
14. For the above reasons I therefore consider that the proposal complies with Policy 3.5 of TLP, Policies S1, S2, SP1, SP2, SP3 and H1 of the CS, Policy SP8 of the DPD, Policy H17 of the UDP and guidance contained within SPG and the DSPG. Taken together these policies, amongst other things, seek to ensure buildings are of a high quality design which protect residential amenity. These policy aims are also consistent with the Framework which seeks to ensure that new development provides a good standard of amenity for future occupiers.

Conclusion

15. On balance, it is accepted that the proposal would be located within a sustainable location and would offer an additional single unit of housing. Furthermore, the proposal would offer future occupiers an acceptable level of living conditions.
16. However, the harm I have identified regarding the character and appearance of the host building and surrounding area would significantly and demonstrably outweigh the limited benefit of one additional unit of accommodation to the overall supply of housing in the Borough. For the reasons given above, and

³ Daylight Report – Daylight Levels in Proposed Development (March 2016)

taking account of all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR