
Appeal Decision

Site visit made on 3 September 2016

by Gareth W Thomas BSc(Hons), MSc(Dist), PgDip, MRTPI

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

Decision date: 17th October 2016

Appeal Ref: APP/G5750/W/16/3155681
70 Selwyn Road, Plaistow, London E13 0PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr S Master against the Council of the London Borough of Newham.
 - The application Ref 16/00726/FUL, is dated 9 March 2016.
 - The development proposed is for extensions.
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Decision

1. The appeal is allowed and planning permission is granted for extensions at 70 Selwyn Road, Plaistow, London E13 0PY in accordance with the terms of the application, Ref 16/00726/FUL, dated 9 March 2016, subject to the conditions attached to the Schedule to this decision.

Preliminary matters

2. The Council had intended to formalise its views on the appeal proposal but was unable to have the proposal considered by the Council's Planning Committee within the necessary timeframe of this appeal. The officer's report to the Planning Committee has been prepared and I have considered this document on the basis of the views of the planning officer rather than the formal views of the Council.

Main Issues

3. The main issues in this appeal are: (i) whether the community based facility should be located in a designated Centre; (ii) the effects of the development on the character and appearance of the area, and; (iii) the effects of the development on the living conditions of existing occupiers of neighbouring properties.

Reasons

Whether should be located in a designated Centre

4. The development plan for the purposes of this appeal is the London Borough of Newham Core Strategy (NCS) adopted January 2012, the saved policies of the Newham Unitary Development Plan (UDP) adopted in 2006 and the London Plan (TLP) adopted in 2016. In addition, the Proposed Submission Draft Detailed Sites and Policies Development Plan Document (DPD) has been
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presented for Examination and is therefore at an advance stage in the development plan process for which I attach moderate weight. The National Planning Policy Framework (the Framework) provides the national planning policy context and after the primacy of the adopted Development Plan is the primary material planning consideration as a matter of Government policy.

5. The site lies outside any designated District, Town or Local Centre. Importantly in the context of this appeal is Policy INF8 that requires all community facilities to be located in places that are accessible with the prioritisation of Town and Local Centres. Policy INF5 establishes the town centre hierarchy and network recognising their function as a component of social infrastructure.
6. Paragraph 70 of the Framework advises that planning decisions should plan positively for community facilities such as places of worship and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs. Policy INF10 of the Draft DPD states the importance of demonstrating the local need for intensified facilities through evidence.
7. The proposal would see the provision of extensions to basement, ground and first floor together with the conversion of the attic and extension to provide a link between No's. 70 and 72/74 Selwyn Road. Planning permission already exists for part of the development, including the two storey link extension and part of the extension at basement and upper ground level under a previous Council approval and which remains extant. The large existing single storey extension at the rear at basement ground level would be extended across most of the former garden of No.70 to form a women's prayer hall and associated facilities. At the upper ground floor, a further extension incorporating a mansard roof would extend some 6m from the rear elevations of all three properties to provide crèche room and classroom. The extension is cut back at either end to reduce the impact of essentially a two storey extension to existing properties either side. The attic areas would be converted to provide a classroom and storage room. The Council acknowledges that the site is in a sustainable location.
8. There are five daily prayers that take place at the mosque for the local community. The Friday mid-day prayer attracts the largest numbers of attendees (between 350 and 450). Otherwise the numbers attending other prayers during the week range from 35 to 75. Evening Islamic teaching also takes place between 5pm-7pm Monday-Friday. Essentially, the proposed facilities are intended to provide a more conducive environment for teaching and to provide segregated and dedicated facilities for women.
9. The appellant claims that the additional facilities will not increase the numbers attending the mosque. My site visit coincided with an event taking place for women. It was clear that the space being provided was a sectioned off area of the upper ground floor, which appeared to me not to be convenient or indeed equitable for that matter. The teaching area that was also available also appeared to be inadequate.
10. The Council maintains that community facilities such as this should be located at a Town or Local Centre. However, this does not preclude existing community facilities expanding provided they do not create adverse impacts on the local neighbourhood and that they can demonstrate a local need for the facility and which can be used by other sectors of the community. However on

the local need aspect, I am satisfied that the proposal is required to provide dedicated space for certain sections of the congregation of the existing mosque community rather than a proposal to enable the expansion of the existing congregation per se.

11. Whilst the Council's officer may be correct in her assertion that the additional space may not be multi functional and accessible by other sectors of the local community, this situation already exists and is a policy that to my mind has greater resonance to the provision of entirely new community facilities where joint use can be encouraged and planned. Importantly however is that the specific needs within this particular mosque community will not lead to significant additional increase in attendance levels. In other words, the status quo in terms of activity will prevail whether or not the extensions take place as this is a well established mosque that has hitherto enjoyed the support of the local planning authority.
12. From the evidence before me and what I observed during my site visit, I am therefore satisfied that the local need has been demonstrated in accordance with NCS Policies SP1, SP2, INF5 and INF8 and also INF10 of the Draft DPD. The policy requirement to generally locate community facilities within recognised Centres should not therefore apply in this case.

Character and appearance

13. The local neighbourhood has a pleasant outer suburban residential character of substantial mainly semi detached Edwardian villas with most having ground floors at a raised level with basements at road level. The dwellings are set back from the street in a spacious and verdant setting. From the street, the appeal buildings retain their domestic character.
14. The extensions proposed are to the rear. The existing prayer hall already occupies much of the former rear garden space to No's 74-76 but is generally set a lower level than neighbouring properties to line up with the basement ground level of the original properties. From the garden to the neighbouring property, No.68 the single storey extension would extend much in the same way as a domestic garden wall running the length of the side garden, in this case, a 2.3m brick wall dropping to 1.8m towards the rear.
15. Taking all these matters into account, there would be no material harm to the character and appearance of the area. There is no conflict with TLP Policies 5.3, 7.3, 7.4 and 7.6 that expect all development to be of good quality design and with NCS Policies SP1 and SP3 and Draft DPD Policy SP8 which indicate that proposals should not prejudice visual amenity and the character of the surroundings.

Living conditions

16. Whilst the Council's officer contends that the substantial structure would be viewable from adjacent gardens, the height of the structure would not be oppressive despite its bulk. As stated above, I am mindful that some of the taller parts to the extensions already have planning permission. Whilst this aspect of the proposals are set back and the roofline angled away from the neighbouring properties either side, it would have some additional effect on the outlook from No. 68 in particular. This additional effect however is small and not sufficient to warrant dismissal of the appeal on these grounds.

17. Given that permission already exists for the taller structures, I therefore conclude that the remainder of the proposal either by itself or in tandem with the extensions already approved would not cause material harm to the living conditions of neighbouring properties. The development in this respect does not conflict with Policies 7.1 and 7.15 of TLP or with Policies S1, S6, SP1 and SP2 of the NCS which in combination seek high quality design that creates healthy neighbourhoods and avoidance of bad neighbourly developments. The proposed scheme would also comply with Saved UDP Policy EQ45 that seeks to resist developments where harm is caused in terms of noise and with Draft DPD Policy SP8 that also seeks to achieve neighbourly developments.
18. The development plan is broadly compatible with the objectives of the Framework in this respect. Paragraph 17 of the Framework indicates that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The proposal meets the objectives of the Framework in relation to this.

Conditions

19. Neither party has suggested conditions. I have had regard to the Planning Practice Guidance on the use of conditions in planning. A condition is necessary specifying a time limit for commencement of development in the interest of certainty. Similarly a condition specifying approved drawings is also necessary to provide certainty. A condition requiring the use of matching materials is necessary in the interests of preserving the character and appearance of the area. Conditions are also necessary to ensure that development is carried out in an acceptable manner and at acceptable times of the day in the interests of protecting living conditions of existing occupiers.

20. **Conclusion**

21. For the above reasons and having regard to all other matters raised, this appeal is allowed.

Gareth W Thomas

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) No machinery shall be operated, no process including demolition works shall be carried out and no deliveries taken at or despatched from the site outside the following times 08:00-18:00 Mondays to Fridays, 08:00-13:00 hours Saturdays nor at any time on Sundays, Bank or Public Holidays.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

END OF SCHEDULE