

Appeal Decision

Site visit made on 4 October 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 26th October 2016

Appeal Ref: APP/G5750/W/16/3151665

53 Stratford Road, Plaistow, London E13 0NF

- 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 Majed Ismail Chaudhry against the Council of the London Borough of Newham.
 - The application Ref 16/00539/FUL, is dated 23 February 2016.
 - The development proposed is a roof extension to form 1 self contained flat and associated internal layouts.
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Decision

1. The appeal is allowed and planning permission is granted for a roof extension to form 1 self contained flat and associated internal layouts at 53 Stratford Road, Plaistow, London E13 0NF, in accordance with the terms of application Ref: 16/00539/FUL, dated 23 February 2016, subject to the conditions set out in the attached schedule to this decision.

Procedural Matter

2. The appeal relates to the failure of the Council to determine the application, Ref: 16/00539/FUL, within the statutory time period. The Council has not provided an appeal statement on the merits of the case. Furthermore, I note that this appeal proposal has sought to address concerns raised in connection with a previous proposal relating to the host property. Whilst I have given such matters due consideration, I can confirm that I have determined the appeal before me based on the evidence provided and on my assessment of the individual merits of the appeal proposal.

Main Issue

3. In the absence of any Council statement on the merits of the proposal, from all the evidence I have seen and read, I consider the main issue to be the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal site is located on the south side of Stratford Road on a corner plot at the junction of Stratford Road and Libra Road. The appeal property has a flat roof with a parapet wall visible from street level. It is a three storey mixed use building with a convenience store on the ground floor and four residential units split between the first and second floors. The proposed development
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would provide a further residential unit on the rooftop of the existing building. The locality has experienced a high level of redevelopment in recent years, particularly of three and four storey residential buildings. These are located mostly along Stratford Road and near to the appeal building. In contrast, there are also some traditional single and two-storey properties in the area, some of which are situated next to the appeal property.

5. Policies S1 and S6 of the Newham Core Strategy (CS) seek to create stable, mixed and balanced communities. Policy H1 of the CS and H6 of the Draft Detailed Sites and Policies Development Plan Document (DPD) seeks to provide high quality accommodation and neighbourhoods by providing a balance of housing sizes and tenures in response to its urban context.
6. The proposal would create a modern addition to the original building which would reflect the character and appearance of many nearby larger buildings in the area. The glazed rooftop extension would be in contrast with the brickwork of the appeal building. However, this would not be such a juxtaposition as to result in being discordant or intrusive to the host building. Furthermore, at street level the visible effect of the proposal on the building would be limited. The proposal would build upon the existing flat roof and parapet wall of the property and its design would reflect this with the proposed roof design and glazed panels continuing the building line of the original building.
7. The property is in a prominent corner position and as such the proposal would be visible in long views along nearby streets. Notwithstanding this, I find that the proposed extension would be in keeping with its surrounding context and would be consistent in overall design and appearance with other nearby properties of a similar scale, particularly when viewed from the east along Stratford Road. I appreciate that there are smaller one and two storey properties of a domestic scale neighbouring the appeal site which would strike a contrast in scale and design with the appeal property. However, from the site visit I find that such a contrast is a common feature of the surrounding area and I consider the addition of a further storey to the building in this case would have a limited adverse effect on the streetscene. As a result, I find that the proposal would cause no material harm to the surrounding area.
8. Whilst the buildings immediately surrounding the appeal property do not have a consistent or prevailing character or appearance, the appearance of the proposed rooftop extension would bring it more closely in line with other nearby properties of a similar scale and would reflect the style of the more recent development, particularly along Stratford Road.
9. Having had regard to the above, I find that the proposed development would create a new dwelling in an established residential area and would be of a design and style which reflects and complements the recent residential developments which have taken place nearby. I find that the proposed development would not be of such a discordant design as to be materially harmful to the character and appearance of the host building. Nor would it be a visually intrusive development which would appear out of scale and character with the host building, neighbouring properties and the prevailing pattern of development in the area.
10. Consequently, I conclude that the proposal would comply with Policies S1, S6, SP1, SP2, SP3, INF9 and H1 of the CS and Policies SP8 and H6 of the DPD. Furthermore, it would accord with Policies 3.1, 3.3, 3.4, 3.5, 3.8, 6.9, 6.10,

6.13, 7.1, 7.2, 7.4, 7.6 and 7.15 of The London Plan 2015, Policies EQ45 and H17 of the London Borough of Newham Unitary Development Plan (saved in 2007) and the National Planning Policy Framework 2012.

Other Matters

11. I note that the amount of open private space proposed, the roof terrace, would provide almost twice the amount of space identified for such a dwelling in The London Plan. Accordingly, I consider that the provision of an appropriately worded condition would be suitable and reasonable to ensure that such space is provided and retained as part of the development.
12. Concerns have been raised previously by the Council in relation to the provision of cycle storage and private outdoor space. The Design and Access Statement (DAS) submitted by the appellant in relation to the proposal before me indicates that vertical racks for the storage of bicycles would be located at the entrance to the building. During the site visit I saw that these cycle racks had been provided in the ground floor vestibule in the entrance stairwell of the appeal building. The appellant has stated that further racks would be provided in order to comply with cycle parking standards set out in The London Plan. As a result, I am satisfied that such provision can be ensured and retained by planning condition.

Conditions

13. I have imposed the standard three year time limit (1) and plans (2) conditions necessary for the avoidance of doubt. Furthermore, I have included a condition requiring the submission of samples of materials for external surfaces (3) for reasons of character and appearance. Conditions relating to the provision and retention of private outdoor space (4) and cycle storage (5) are necessary and appropriate in the interests of the living conditions of future occupiers and for reasons of sustainability.
14. It is necessary that the requirements of Condition 3 are agreed prior to development commencing to ensure an acceptable development in respect of the character and appearance of the local area.

Conclusion

15. In conclusion, I find that no material harm would result from the proposed development with regard to its effect on the character and appearance of the host building and the surrounding area. Therefore, for the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Andrew McCormack

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: Drawing No: 140401-01-P2 – 'Existing and Proposed Plans and Elevations'; 'Drawing No: 140401-02-P1 – 'Proposed Sections' and Drawing No: 140401-03-P1 – 'Proposed 3D Models', all dated 17 July 2015.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall thereafter be carried out in accordance with the approved details.
- 4) The private outdoor space (the roof terrace) hereby permitted shall be provided in accordance with the approved plans set out in Condition 2. Furthermore, the private outdoor space hereby permitted shall be retained for such use thereafter.
- 5) The development hereby permitted shall not be occupied until details of the cycle storage facilities within the appeal building, which must comply with bicycle parking space standards set out in The London Plan, have been submitted to, and approved in writing by, the local planning authority. The facilities shall thereafter be carried out in accordance with the approved details.

END OF SCHEDULE