

Appeal Decision

Site visit made on 1 November 2016

by David Walker MA MRTPI

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

Decision date: 30 November 2016

Appeal Ref: APP/G5750/W/16/3156522

Rear of 205/207 Browning Road, Manor Park, London E12 6NX

- 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 Ishbir Singh Rakhra against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/01178/FUL, dated 19 April 2016, was refused by notice dated 29 June 2016.
 - The development proposed is described as 'proposed development of land to provide 1 no 2 bedroomed dwelling'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have amended the address of the proposal to reflect that provided by the appellant within the appeal form and by the Council in its decision notice in the interests of accuracy and consistency.

Main Issues

3. The main issues in the appeal are the effect of the proposal on:
 - i) the character and appearance of the area; and
 - ii) the living conditions of residents of Browning Road in relation to scale and proximity, and having regard to outlook, the availability of light, and privacy.

Reasons

4. The proposed dwelling would be provided on the site of a small block of four domestic garages, to be demolished, positioned at the rear of existing houses along Browning Road. It would be two storeys high in a 'Z' shaped building with a ridged roof that would be mostly obscured by a parapet wall. Access would be obtained via a narrow private lane leading off from Kensington Avenue.
 5. Although Kensington Primary School and its associated manager's accommodation are large detached buildings, the prevailing pattern of development is of terraced houses in linear plots. There are numerous outbuildings in rear gardens but from what I saw at my site inspection and from the evidence provided to me these are used ancillary to the occupation of
-

- dwellings. The area, accordingly, has the quiet ambience to be expected from an enclosed back garden situation.
6. In this context, the introduction of a new dwelling and the patterns of movement and activity from its full-time permanent occupation would be out of keeping with the low-key character of its position. I acknowledge the existing access is available for use seven days a week, however the poor condition of the lane and the inconvenience of locked gates indicates it is not heavily used.
 7. Being positioned deep behind existing houses and a high wall on Kensington Avenue the proposed dwelling would not be prominent in streetscene views. However, it would be highly visible from the many properties along Browning Road from where the scale and massing of its two storey height would jar with the small scale of the existing garden structures.
 8. The design concept employed would go some way to reduce the perceived bulk and there would be a backdrop provided by the substantial school buildings. Matching materials would also go some way towards integrating the appearance of the proposal with the design of existing dwellings. However, these factors would not sufficiently offset the harm to the character and appearance of the area from the discordant pattern of development that would result. I do not therefore find the good design required by paragraph 65 of the National Planning Policy Framework to mitigate for the incompatibility with the existing townscape I have identified.
 9. As a result, the proposal would not accord with the requirements of Policies 3.5, 7.1 and 7.4 of the London Plan 2016 (the LP) to take into account context and local character, and have regard to the pattern and grain of existing areas, amongst other things. There would also be conflict with the objectives of Policies S6, SP1, SP3, SP5 and H1 of Newham's Local Plan: Core Strategy 2012 (the CS) and Policy H17 of the Newham Unitary Development Plan 2001 (the UDP) to respect and enhance local character.
 10. The Council's decision notice refers to emerging Policy SP8 of Newham's Local Plan: Detailed Sites and Policies Development Plan Document 2015. However, the document remains the subject of an independent examination and as I cannot be sure that the policy will not change it attracts only limited weight.
 11. Turning to living conditions. With generous gardens along Browning Road I am satisfied that sufficient separation distances would exist to prevent a harmful loss of outlook or loss of natural light. Upper floor windows of the proposed dwelling would be obscure glazed to avoid giving rise to the overlooking of neighbouring gardens. While my attention has also been brought to the potential for overlooking of the primary school playground, I have not been pointed to any policy or guideline that seeks to avoid such an effect and against which I can reach a finding of harm.
 12. In relation to living conditions, therefore, I do not find the proposal to result in a harmful loss of privacy, outlook and natural light to conflict with Policy H17 of the UDP, or unacceptable noise pollution under Policy EQ45 of the UDP and Policy 7.15 of the LP.
 13. In reaching my determination I acknowledge that the proposal would deliver a unit of low cost housing at a location with good access to a range of services and transportation options. There would undoubtedly be some social and

economic benefits from the additional population, in local expenditure and construction jobs. Having regard to the concerns expressed by interested parties there would also likely be security benefits from a dwelling in close proximity to the lane to deter antisocial behaviour and crime. I find the latter to accord with the designing out crime objectives of Policy 7.3 of the LP.

14. However, such benefits as would be limited from the provision of one additional dwelling would not outweigh the significant harm to the character and appearance of the area I have identified, and the further conflict with Policy S1 the CS which seeks to prioritise quality new housing over smaller residential units.

Conclusion

15. For the reasons given above, and with regard to the development plan read as a whole, I conclude that the appeal should be dismissed.

David Walker

INSPECTOR