

Appeal Decision

Site visit made on 7 December 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 11 January 2017

Appeal Ref: APP/G5750/W/16/3158934

Actual Cleaning Services Ltd, 79 Prince Regent Lane, Plaistow, London E13 8RW

- 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 Alan Yarwood against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/00294/FUL, dated 2 February 2016, was refused by a notice dated 12 April 2016.
 - The development proposed is a new development of 8No contemporary apartments arranged over five storeys.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Newham's Local Plan, Detailed Sites and Policies Development Plan Document (DSPDPD) 2016 has been adopted since this appeal was submitted. The appellant has had an opportunity to make further representations, so neither party has been prejudiced. I have determined the appeal on this basis.

Main Issue

3. The main issues in this case are the effect on:
 - Housing need provision within the Borough in the light of relevant local policies;
 - The character and appearance of the area; and
 - The effect on highway safety, with particular regard to parking.

Reasons

Housing need

4. Policy H1 of the Newham's Local Plan, Core Strategy (CS) 2012 deals with Building Sustainable Mixed Housing Communities, including housing mix and type. The supporting text to this Policy acknowledges that many larger family homes have been lost through conversions, and that many new developments provide few houses with three bedrooms or above. Evidence shows a need to improve the rate of provision of family units which will generally be regarded as
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3 bedroom. Policy H1 *'seeks 39% of the number of new homes to be 3 bedroom for families subject to the 'mix and tenure considerations' set out in Box H1.'* Paragraph 6.121 of the reasoned justification to this Policy advises that all development should aim to meet the 39% target with schemes only capable of accepting lower on-site family housing levels incorporating measures to secure provision off site.

5. The proposed development is for eight new residential units and should therefore provide three family sized units. However, only one of the proposed units would be a 3 bedroom unit. The appellant considers that the site does not lend itself to developing family units due to its constrained frontage and deep linear shape which would make it difficult to provide suitable amenity space for family dwellings. I recognise that the site has some limitations in providing a conventional housing layout; however I am not convinced that it would not be possible to provide a different layout that would enable a development to be policy compliant. Furthermore, the appeal proposals are not supported by any viability analysis nor are any contributions proposed towards off-site family housing provision in lieu of the appeal proposals.
6. I therefore conclude that the proposed development would fail to meet the housing need requirements for Newham in the light of relevant local policies. The proposal would not accord with the provisions of the development plan, and particular would conflict with Policy 3.8 of the London Plan, Policies H1, S1, S6 and SP2 of the CS and Policy H5 of the DSPDPD which aim, amongst other things, to provide mixed and balanced communities to meet the housing needs of the Borough.

Character and appearance

7. The appeal proposal would replace an existing three-storey building with a substantial four and part five-storey apartment block. It would have a contemporary design with a flat roof. Its materials of external surface materials would be predominantly render with some brick panels, and the fifth floor element would be faced in zinc with a standing seam. The site does not lie within a conservation area.
8. NewVic Sixth Form College is being redeveloped opposite the appeal site and its contemporary design and scale reflects its institutional use. However, the predominant character of Prince Regent Lane, in the vicinity of the site, is residential in nature. Despite there being some slight variations in the height of properties within the street, in general the scale is two-storey.
9. Existing development flanking the appeal site is set well back from the road and consequently the existing building on this site is visually prominent within the street scene. Whilst I accept that this building does not display any exceptional design qualities, its pitched roof, form, height and traditional brickwork generally respect the character and appearance of the area. The proposed development would be sited even further forward on the site and the overall height, bulk and use of stark white render as an external surface material would result in the proposed building having an even greater visual dominance. Moreover, its uncharacteristic form and mass would conflict sharply with the existing residential scale and form of development on this side of the street.

10. I recognise that the appellant has sought to break up the bulk of the building by the using contrasting materials and introducing contemporary balustrades, full height glazing and a recessed fifth floor. However, the flank elevations of the proposed building would be particularly conspicuous when traveling along Prince Regent Lane. The sheer scale of these walls would be emphasised by the large expanses of render and poor composition of the fenestration, which would be particularly evident on the proposed northerly elevation. Consequently the proposed development would diminish the existing visual qualities and character of this part of the street. In view of the need to have a holistic approach to the design and use of external surface materials for a building of this scale, I do not think it would be appropriate to leave the agreement of those matters to a condition.
11. I conclude that the proposed development would have a harmful effect on the character and appearance of the area. The proposed development would not accord with the development plan, and in particular it would conflict with Policies 7.1, 7.4 and 7.6 of the London Plan which are consistent with the National Planning Policy Framework in seeking high quality design. I also find conflict with Policies S6, SP1, SP3 and H1 of the CS and Policy SP8 of the DSDSP which aim to ensure that new development, amongst other criteria, reinforces local character and the specific attributes of the site, seeking to reinforce local distinctiveness and securing integration and coherence with the local context.

Highway Safety

12. There does not appear to be any disagreement between the parties that on-street parking is at near saturation level within the vicinity of the site. The Parking Stress Survey Report,¹ prepared to support the application, suggests that there is some spare parking capacity during non-operational hours of controlled parking spaces, but those spaces vary in location to the site. Taking into consideration the accessibility of the site to public transport and the current parking stress, it is the Council's opinion that three on-site parking spaces are required. The appeal proposals do not include any on-site provision but provide dedicated cycle spaces.
13. It is the appellant's opinion that in view of the modest scale of the development the concerns over parking stress could be mitigated by way of a planning condition that would preclude the future occupiers of the development from applying for a car parking permit and thereby manage demand for car ownership.
14. Although it may be possible for a negatively worded condition requiring a planning obligation or other agreement to be entered into to secure the development as car-free, Planning Practice Guidance advises that this should only be done in exceptional circumstances for more complex and strategically important development where there is clear evidence that the delivery of development would otherwise be at serious risk. Moreover, in this case the controlled parking zone is not in 24 hour operation and consequently the condition is unlikely to be effective.

¹ Parking Stress Survey Report, Ref: SHF.1262.001.TR.R.001 by enzygo.com

15. The site is located on a busy main road and in an area where parking stress levels are particularly high. It is clear to me that by not providing any on-site parking spaces, for the use of future occupiers, this proposal would lead to further congestion on the adjoining highway and neighbouring streets which would not be in the best interests of highway safety. For the reasons given above, I do not consider that in this case it would be appropriate or effective to impose a condition requiring the development to be car-free.
16. I conclude that the proposed development would have a harmful effect on highway safety, with particular regard to parking and would not accord with the development plan. Whilst I have considered all the policies referred to by the Council in its reason for refusal, the proposal is in particular conflict with Policy 6.13 of the London Plan and the National Planning Policy Framework which seek to ensure that local parking standards take account of, amongst other criteria, the accessibility of the development and a clear requirement to manage the local road network.

Conclusion

17. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR