
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: 12 January 2017

Appeal Ref: APP/G5750/W/16/3159677
7 & 9 Bowers Walk, Beckton, London E6 5RP

- 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 Reece Fedden against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/00740/FUL, dated 15 March 2016, was refused by a notice dated 9 June 2016.
 - The development proposed is a new dwelling adjacent to Nos. 7 & 9 Bowers Walk.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Policies from The London Borough of Newham Unitary Development Plan, 2001 referred to by the Council in its decision notice have been superseded by policies from Newham's Local Plan, Detailed Sites and Policies Development Plan Document (DSPDPD) 2016 which has been adopted since this appeal was submitted. The Council has confirmed that DSPDPD Policy SP8: Ensuring Neighbourly Development and DSPDPD Policy SP9: Recognising Cumulative Impact are relevant policies and 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 Issues

3. The main issues in this case are:
 - Whether or not the proposal would provide acceptable living conditions for future occupiers, with particular regard to internal living space; and
 - The effect on the living conditions of 7 & 9 Bowers Walk, with particular regard to daylight/sunlight, outlook and external amenity space.

Reasons

Whether or not the proposal would provide acceptable living conditions for future occupiers, with particular regard to internal living space.

4. Policy H1 of the Newham's Local Plan, Core Strategy (CS) 2012 seeks to ensure that all new homes meet the internal space standards of the London Plan as a minimum. Minor Alterations to the London Plan (MALP), adopted March 2016
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bring the London Plan in line with the National Described Space Standards (NDSS)¹ for housing and Policy 3.5 and Table 3.3 of the MALP set out those minimum space standards. These are also endorsed by the Mayor of London's Housing Supplementary Planning Guidance (SPG) 2016.

5. The appeal proposal would create a two bedroom three person (2b3p) two-storey dwelling as an addition to an existing end terraced property. The Council state that the accommodation shown on proposed plans would only provide 59.85m² Gross Internal Area (GIA) and with no storage space. This would fall below the MALP requirement of 70m² GIA and a requirement for 2.0m² of built-in storage for a 2b3p two-storey dwelling. The appellant states that the proposed accommodation meets the minimum requirements of the London Plan and furthermore believes the layout configuration and room sizes are commensurate with Nos. 7 & 9 Bower Walk.
6. The appellant has not provided any supporting evidence during the appeal process to demonstrate that the proposed dwelling would meet the NDSS as set out in the MALP for a 2b3p two-storey dwelling. It seems to me, from the evidence I have before me, that the GIA of the dwelling would be substantially below the minimum GIA specified in the development plan and required for a property of this type. Furthermore, the gable wall of the dwelling would be set an angle due to the site boundary constraint, and this would compromise the layout and flexibility of the internal space provided.
7. I recognise that Nos. 7 & 9 Bower Walk may not meet the NDSS for internal space; however these properties were constructed prior to the adoption of these standards. The development plan is clearly seeking to improve standards of living accommodation within the Borough, and the space provided in this proposal would result in cramped and inflexible living conditions for future occupiers.
8. I conclude that the proposed dwelling would not provide acceptable living conditions for future occupiers, with particular regard to internal living space, and for these reasons it would not accord with the development plan. Whilst, I have considered all policies referred to by the Council in its reasons for refusal, the proposal is in specific conflict with Policy 3.5 of the MALP, the SPG and Policy H1 of the CS, the aims of which are set out above. I also find conflict with Policy SP3 of the CS which aims to support high quality accommodation.

Living conditions for Nos. 7 & 9 Bowers Walk

9. Nos. 7 & 9 Bowers Walk are back to back properties. They are situated at the end of the terrace and the proposed dwelling would abut their gable wall to extend the terrace. Furthermore, it would occupy the whole width of their side garden area. The terrace fronts onto a private walkway and is not overlooked.
10. No 7 currently has an enclosed front garden area which from my inspection of the site would seem to provide its sole external amenity space. The side garden area provides access to No 9 and is separated from the front garden

¹ DCLG. Technical housing standards-nationally described space standards, 2015.

of No 7 by a fence. It also provides access to the garden at the rear of No 9 which appears to be for the sole use of the occupiers of No 9.

11. As a consequence of the proposal, the existing garden area to the side of Nos. 7 & 9 would be lost. However, No 7 would retain all the private external space it currently enjoys. This space is a reasonable size and would provide space for sitting out, drying clothes and some play. Furthermore, it is not unduly overlooked and is in a peaceful location away from any roads. The existing private garden area to No 9 would be divided between the existing occupiers of No 9 and the future occupiers of the proposed development. The existing garden is however quite large, and once divided would provide each of these two properties with at least 40m² of private garden area. I am therefore satisfied that it would be of a reasonable size and quality to meet the needs of the existing occupiers of No 9 and the future occupiers of this development.
12. The existing living accommodation for the occupiers of Nos. 7 & 9 has the benefit of being dual aspect. The accommodation is served by windows on the primary elevations as well as within the gable wall overlooking the side amenity area. As a result of the proposed development each of these properties would lose their aspect over the side amenity area. Not only would this restrict the outlook from their internal accommodation, but it would also reduce the amount of daylight and sunlight available to it. Standard 29 of the SPG makes it clear that developments should avoid single aspect dwellings which are north facing. In this case all the accommodation in No 9 would be single aspect and north facing. Furthermore the property would lose its open and attractive entrance and porch area.
13. The existing internal living space to Nos. 7 & 9 is constrained in size. However, its current dual aspect and relatively spacious setting at the end of the terrace provides some compensation for the size of the internal space. Therefore, whilst although the existing and future occupiers of the proposed development would be provided with an acceptable amount of external amenity space, the overall living conditions of the occupiers of Nos. 7 & 9 would be harmed by reason of the appeal proposal which would reduce their outlook to a single aspect with a consequent loss of daylight and sunlight, in particular for the occupants of No 9.
14. I conclude that the proposed dwelling would not provide acceptable living conditions for the existing occupiers of Nos. 7 & 9 Bowers Walk, with particular regard to daylight, sunlight and outlook, and for these reasons it would not accord with the development plan. Whilst, I have considered all policies referred to by the Council in its reasons for refusal, the proposal is in specific conflict with Policy H1 of the CS and Standard 29 of the SPG, the aims of which are set out above. I also find conflict with Policy SP3 of the CS and SP8 of the DSPDPD which aims to support, amongst other criteria, high quality accommodation and ensure adequate access to daylight and sunlight.

Other Matters

15. The Council is concerned that the proposed development has failed to make provision for cycle and bin storage/collection facilities for the future occupiers of the proposed development. The appellant contends that there is sufficient space within the site to accommodate a suitable cycle store and that the

existing communal bin storage facilities would be available for future occupiers. Furthermore the appellant suggests that both of these matters could be dealt with by condition.

16. The proposed development would have a reasonable sized private front and rear garden area and which would accommodate cycle storage facilities. Furthermore, I saw on my site visit that there is large enclosed bin store within a short walk of the property and which I understand provides the refuse and recycling facilities for the existing occupiers of Bowers Walk. There would appear to be sufficient capacity within this storage building to provide refuse storage facilities for the use of future occupiers of the proposed development. Consequently, I am satisfied it would be possible to secure both cycle and bin storage facilities by a condition.

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