
Appeal Decision

Site visit made on 23 January 2017

by Brendan Lyons BArch MA MRTPI IHBC

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

Decision date: 22 February 2017

Appeal Ref: APP/G5750/W/16/3158979

15 Columbia Road, Plaistow, London E13 8EW

- 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 Oliver Sims against the Council of the London Borough of Newham.
 - The application Ref 16/00127/FUL is dated 10 January 2016.
 - The development proposed is described as demolition of a dilapidated and unused garage within a residential area in order to build a high quality three storey residential dwelling consisting of a basement level, ground floor level and first floor level (rear of 15 Columbia Road).
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of development set out in the heading above, which is taken from the appeal form, has been used as it more accurately reflects the appeal proposal than the description on the planning application form, which referred to a single-storey dwelling.
3. The appeal is made against the Council's failure to issue a decision on the planning application. The Council has subsequently considered the application and has set out in its appeal statement the reasons for which it would have refused planning permission and also other concerns. I have taken these into account in my consideration of the appeal.

Main Issues

4. The main issues in the appeal, having regard to the Council's statement, are:
 - whether the proposed dwelling would provide satisfactory living conditions for future occupants;
 - the effect on the living conditions of adjoining residents, in respect of outlook and overshadowing;
 - whether the proposal would make adequate provision for refuse and recycling.
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Reasons

5. The appeal site lies in a residential area, made up of a mix of nineteenth-century and more recent terraced housing and small blocks of maisonettes or flats. The site is currently occupied by a flat-roofed single-storey garage, with an area of 22.7 sqm, which opens directly onto the footway of Croydon Road. The garage sits behind 15 Columbia Road, which is a wide-fronted house, now converted into two flats, that forms the end of a two-storey terrace. The garage fills the width of the plot, so that it backs onto the short rear garden of 13 Columbia Road. To the other side, the garage is flanked by the front garden of 73 Croydon Road, which is the end unit of a short terrace of three-storey houses, set back slightly from the road.
6. Permission is sought to replace the garage with a small house, comprising two storeys over a basement. The house would fill the entire footprint of the plot, so that it would have blank walls on three sides and would derive its light from rooflights along two edges of the roof and from the narrow street frontage, which would be formed of glazing behind a perforated brick screen, with a recessed entrance door.

Living conditions of future residents

7. The submitted Design and Access Statement ('DAS') confirms that the house would provide accommodation for two persons. The plans show a shared bedroom on the first floor, with living space at street level and a kitchen/ 'multi-function space' in the basement.
8. The government's national space standards¹ have been adopted by Policy 3.5 of the London Plan 2016 ('LP'), which is endorsed by Policy H1 of the Newham Core Strategy 2012 ('CS'). The standards do not specify a minimum gross internal area for three-storey two-person dwellings. The rooms on the lower two floors might be adequate in size for two persons, if devoted to living space rather than shared as workspace, as suggested by the DAS. But the Council's estimate that the bedroom would have a floor area of 9.36 sqm, which is not disputed by the appellant, would be substantially below the requirement of 11.5 sqm set by the national standards. The plans suggest the use of a folding wall bed and sliding doors to the bedroom and bathroom, which tends to confirm that space would be confined. I consider that the national standard is relevant to the proposal and that there is no clear reason why it should be set aside in this instance.
9. Even if adequate in size the use of the lower two floors as living space would be greatly constrained by the limited availability of natural light. I share the Council's concern about the contribution made by the frosted glazing behind the brick screen across the staircase. The domestic examples of this form of construction shown in the DAS appear to come from countries with probably higher levels of daylight and sunlight than the UK. Its use across a limited extent of north-facing glazing in a London setting would be likely to be considerably less effective. Daylight in the ground floor room would be supplemented by some light from the roof glazing above, but concentrated around the staircase corner rather than the area of the room to the rear. The basement would rely on light through the staircase and a small glass panel in the floor above, and would almost certainly in my view require constant

¹ Technical housing standards – nationally described space standards DCLG March 2015

artificial lighting. The levels of daylight provided would fall below what should be provided in a newly built dwelling. The DAS also states that these rooms would derive ventilation from the front, but it appears to me that at least the basement would be heavily reliant on mechanical ventilation.

10. The bedroom could be ventilated through the rooflight and, contrary to the Council's assessment, I consider that this would also provide adequate daylight. However, there would be an absence of outlook from this room. This might be acceptable if there were good outlook from other rooms, but because of the frosted glazing and brick screen, and the fully enclosed nature of the basement, there would be no clear outlook whatsoever.
11. This poor sense of contact with the outside would be compounded by the lack any outdoor amenity space. Even if local provision of public open space was exceptionally good, of which no evidence has been provided, it would not readily compensate for the absence of even a small private outdoor space.
12. One of the core principles of national policy set out in the National Planning Policy Framework ('NPPF') is the achievement of a good standard of amenity for all existing and future occupants of land and buildings. For all of the reasons set out above, I find that the proposal would not provide satisfactory living conditions for its future occupants. It would not accord with the NPPF principle or with the objectives for quality, healthy housing set by LP Policy 3.5 and CS Policies H1 and SP2.

Living conditions of neighbouring residents

13. The existing garage is low in profile and has very limited impact on neighbouring properties. The appeal proposal would result in a considerably more prominent cube-like form of building. Although its two storeys would be slightly lower than the Columbia Road terrace, the introduction of a tall blank rendered wall so close to the rear elevation of No.15 would have a significant adverse effect on outlook from the two existing flats, which have habitable room windows facing the rear. The additional bulk of building would also have an overbearing effect on the use of the use of No.15's garden, and cause some loss of sunlight during part of the day.
14. There would also be likely to be some adverse effect on outlook and use of rear garden space at No.13, but in the absence of a detailed site inspection it is not possible to conclude that this would be serious enough to warrant dismissal of the appeal in its own right. The effect on outlook from 73 Croydon Road would be acceptable, and there would be no overlooking of adjoining property.
15. The adverse effect on neighbours' living conditions would be contrary to the NPPF guidance and to Policy SP8 of the Newham Detailed Sites and Policies Development Plan Document ('DPD'), which seeks to secure neighbourly development.

Refuse and recycling storage

16. CS Policy INF3 requires proposals for residential development to demonstrate arrangements for on-site waste management, including appropriate size of storage facilities. The plans show a bin store next to the entrance door, which appears large enough to hold a small wheeled bin. The Council refers to lack of provision for recycling facilities but has not specified what would be required.

In the absence of more information, and given the possibility for storage of boxes above a bin, I cannot conclude any clear conflict with the CS policy.

Other matters

17. Although not included as a notional reason for refusal, the Council considers that the proposed rendered treatment of the side elevation to Croydon Road, which I take to mean the more visible elevation adjoining No.73, would be an incongruous feature, out of character with the street scene. While the predominant material in the area is brick, there is a variety of other materials to be found nearby, including horizontal boarding and render, both painted and unpainted, textured and smooth. In that context, I consider that the use of render would in itself be incongruous.
18. The Council raises concern about the absence of cycle storage, as required by LP Policy 6.9, CS Policies SP2 and INF2 and DPD Policy SP8, but considers that the matter could be addressed by a condition. I find no reason to disagree.

Balance of considerations

19. The appellant outlines a number of perceived benefits of the proposal. There would be an addition to housing stock in an area of need, but the Council's priority is to secure family-sized dwellings of a good standard. The proposal's small size and failure to meet standards would count against it.
20. The DAS shows evidence of some structural problems with the existing building, but whether these are sufficiently serious to prevent its productive use is not clear. There is conflicting evidence about the termination of past uses. The building is not of any visual merit, but it forms an unassuming functional element of the wider street scene. There is no firm evidence to support the suggestion that the building is starting to attract anti-social behaviour. The opening of a new design consultancy in the borough might well be positive, but would not require the proposed dwelling to facilitate it.
21. For these reasons, I consider that the benefits offered by the proposal would be very limited, and would be clearly outweighed by the adverse impacts outlined above. The examples provided of two other small dwellings in London suggest that modest infill development can be successful in the right circumstances, such as a location next to the flank wall of an existing house, but do not provide compelling support for the appeal proposal.

Conclusion

22. For the reasons set out above, and having taken all representations into account, I conclude that the appeal should be dismissed.

Brendan Lyons

INSPECTOR