
Appeal Decision

Site visit made on 28 February 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 7th March 2017

Appeal Ref: APP/G5750/W/16/3165032
74A Katherine Road, East Ham, London E6 1EN

- 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 Khalid Mirza against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/01172/FUL, dated 31 March 2016, was refused by notice dated 14 July 2016.
 - The development proposed is loft dormer extension.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The evidence before me indicates that the status of Local Plan policies has been updated since the planning application was determined. Policy H17 of the Unitary Development Plan¹ is no longer of relevance, but Policies SP8 and SP9 in the Detailed Sites and Policies Development Plan Document² (DPD) have been adopted.
3. The description of development on the application form refers to a loft dormer extension. However, the plans submitted indicate that the development would comprise an extension to an existing dormer as well as the construction of a separate dormer. I have based my reasoning on the development shown on the plans.
4. Since the Council's decision the appellant has submitted revised plans³ which show the proposed dormer with a slight roof pitch and cladding to match materials on the host dwelling. As these are minor amendments that I do not consider would prejudice the interests of third parties who have not been consulted, I have based my reasoning on the amended plans.

Main Issues

5. The main issues are the effect of the development on:
 - the character and appearance of the area;

¹ London Borough of Newham, Saved Policies, Unitary Development Plan, 2007

² London Borough of Newham, Detailed Sites and Policies Development Plan Document, adopted October 2016

³ L2-02, L2-03

- the living conditions of future occupiers of the dwelling with particular regard to internal living space.

Reasons

Character and appearance

6. The appeal site comprises the first and second floors of a terraced dwelling with a commercial premises on the ground floor. The site is flatted accommodation with a modest kitchen, bathroom and three other rooms. The bedroom on the second floor has an existing dormer window on the rear roof slope.
7. The development would comprise an extension to the existing dormer as well as an upstanding box dormer on the roof of the first floor projection. The upstanding box dormer would be some 1.5 metres above the existing roof at its rear and some 2.2 metres at the front, and the existing dormer would be extended forwards by about 1 metre. The appellant argues that the development would not be seen from the public domain but I disagree as I noted it was visible from Oldfield Road and this view is included in the appellant's statement⁴. Having viewed the site from the rear I concur with the Council that the run of largely unaltered roof forms, particularly of the two-storey rear projections, contributes to local distinctiveness.
8. The two dormers would be excessively large and bulky, and would appear disproportionately large and incongruous in the context of the existing roof forms. There is a locally listed public house (PH) adjoining the host dwelling to the immediate south of the site and the proposed dormer would be seen against its flank wall. I appreciate that the site is at the end of a row of four terraces but this does not reduce its contribution to the consistency of form along the terrace. Nor does the presence of the PH's flank wall justify the building of a structure on top of the adjoining projection. I appreciate that the dormers would not be prominent in the public domain but they would nonetheless be visible, and would be discordant with the underlying building form.
9. The appellant states that the development would create a gradual cascading of the roof line. However, the abrupt juxtaposition of the PH's flank wall and the more modest scale of the appeal site and adjoining terrace is entirely characteristic of the underlying building pattern and is a distinctiveness feature of the setting of the PH. I appreciate that the amended plans have sought to address some of the Council's concerns, but these minor amendments would not disguise the development's overall scale and bulk.
10. The appellant also argues that the existing dormer indicates that the Council has accepted the principle of dormers along this terrace. However, the size of the existing dormer is proportionate to the roof and it is largely screened from the viewpoints on Oldfield Road by other buildings. Furthermore, its roof is lower than the ridgeline of the roof slope in which it sits, which would not be the case for the proposed dormer on the rear projection.
11. I appreciate that Katherine Road has a mixed character, but as noted above, rear views of this terrace indicate that there is an underlying consistency in the building pattern. As such, the development would fail to respect the character of the host dwelling and its neighbouring buildings.

⁴ Figure 2, labelled as view from Outram Road

12. The appellant has drawn my attention to similar extensions approved by the Council. Whilst I appreciate that the designs are similar, there is no information before me to enable me to consider their specific locational and planning context. Consequently, I am unable to conclude whether they are directly comparable. In any case, every appeal is determined on its own merits. The appellant has also referred to permitted development rights, but as this development has been submitted for planning permission I conclude that it could not be built under permitted development rights.
13. Reference has also been made to the lack of objections from interested parties but this does not alter my reasoning, as there may be many reasons why people do not object to the Council. It is not necessarily indicative of an absence of harm.
14. The SPG⁵ states that dormers should have a substantial proportion of the existing roof around them and should not give the impression of being full width or full height, or bulky and out of proportion. Neither dormer proposed here would comply with the SPG guidance. Taking the guidance into account along with my observations on site, I conclude that the development's scale, size and positioning would be detrimental to the character and appearance of the area.
15. In the light of the above, I conclude that the development would be contrary to Policies SP1 and SP3 of the Local Plan⁶ (LP) which taken together support high quality design and local distinctiveness. The development would also fail to comply with the design and place-making aims of Policies 7.1, 7.4 and 7.6 of the London Plan⁷ (LOP), and Paragraphs 17, 56 and 64 of the National Planning Policy Framework (the Framework) which taken together set out a requirement for good design.
16. Although I appreciate that the development would be seen against the PH only from limited viewpoints, there would be minor conflict with the sections of LP Policies SP5, S6 and LOP Policy 7.8 that are concerned with the enhancement of heritage assets and their setting.
17. DPD Policy SP9, which states that uses which draw in large numbers of people will not be supported, is of little relevance here as the development would result in a limited increase in floor space in one existing dwelling. Similarly, LP Policy S6, which encourages the de-conversion of family-sized homes that have been sub-divided, is irrelevant to my reasoning. I also consider Policy SP2 (CS) to be of limited relevance as it is primarily concerned with health and living conditions, rather than design issues. Although I acknowledge that DPD Policy SP8 is concerned with neighbourliness, it is a more general policy and as such I consider it carries less weight than others I have referred to.
18. The appellant argues that Policy S1 (CS), which prioritises the creation of mixed and balanced communities, supports the development as it would provide a choice of accommodation. However, I suggest the text is taken out of context, as the sentence from which it is taken is referring to the delivery of new homes, not flat extensions.

⁵ London Borough of Newham, Altering and Extending your Home

⁶ London Borough of Newham, Local Plan Core Strategy, adopted January 2012

⁷ London Plan, March 2016

Living conditions

19. The evidence before me indicates that there is a family of seven currently living in the flat, and on my visit I observed that the living conditions were cramped and that there was insufficient storage space. The current accommodation comprises a kitchen large enough to hold a small table, a small bathroom, two bedrooms and a living room that contained two settees of a size suitable to be used as beds. The development would add some 3.5 sqm to the existing second floor bedroom as well as a room of some 9.5 sqm⁸, and a separate toilet and basin.
20. The appellant states that the existing floor space exceeds current spatial requirements for new dwellings for a 4 person, 2 bedroomed dwelling. However, as the appellant's argument is based largely on the fact that the family comprises seven persons, I give this argument little weight. In any case, the national space standards⁹ indicate that accommodation for seven people in a two-storey dwelling should have a floor space of 115 sqm. The existing flat has approximately 72 sqm¹⁰ and even if the development was allowed, it would bring the total up to 85.3 sqm¹¹ which would still be considerably less than the national standards for seven persons. I appreciate that the national space standards are for new dwellings, but they nonetheless give an indication of what constitutes acceptable living space.
21. On the basis of my observations and also using the national space standards as a general guide, I conclude that current living conditions are cramped and overcrowded for the existing occupiers. Although the development would provide about 13 sqm of additional space, the total floor space of the flat would still be significantly less than current standards indicate are generally required for a family of this size. It would also have fewer bedrooms than considered acceptable. Furthermore, although the number of the people currently living at the dwelling would not change, I concur with the Council that the development would result in an additional room, which would be an intensification of use in planning terms.
22. Moreover, given the limited size of the existing bedroom on the first floor and the presence of only two single beds in the second floor bedroom, I am not satisfied that the living room is not also currently being used as bedroom accommodation. Consequently, I conclude that the accommodation arising from the development would be cramped and overcrowded, and that there would also be inadequate internal amenity space. This would be to the detriment of the living conditions of future occupiers.
23. As such, the development would be contrary to LP Policies S6 and SP2 which seek to improve housing quality, and LOP Policies 7.1 and 7.6 which taken together, require development to enable people to live healthy lives and provide high quality indoor spaces. It would also be contrary to Paragraph 17 of the Framework which seeks to secure a good standard of amenity for existing and future occupants of land and buildings, and LP Policy SP3 which requires high quality accommodation.

⁸ Labelled as a study on the plans.

⁹ Technical Housing Standards, Department of Communities and Local Government, March 2015

¹⁰ The Council considered the proposed floor space to be 85.3 sqm; the area of extension on the second floor is some 13 sqm.

¹¹ Quoted in the officer's report and the statement of case.

24. LP Policy S1 is not relevant here as it is a borough wide spatial strategy for new housing supply, and LP Policy SP1 is not concerned with living conditions other than as a supporting text for LP Policy SP2. LOP Policy 7.4 is concerned with design aims rather than living conditions and as such I do not consider it of particular relevance in this section of my reasoning. I have also disregarded LP Policy SP5 as it is concerned with heritage assets, and given lesser weight to LP Policies SP8 and SP9 which are not principle policies in relation to living conditions.

Conclusion

25. I appreciate the appellant's dilemma in respect of the difficulties of finding appropriate accommodation. Nonetheless, although there would be a marginal improvement in floor space, I am not satisfied that the development would provide a satisfactory solution in respect of living conditions. Furthermore, I have identified significant harm in respect of the character and appearance of the area.

26. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR