
Appeal Decision

Site visit made on 25 April 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 22 May 2017

Appeal Ref: APP/G5750/W/16/3168063

44 Nelson Street, East Ham, London E6 2RL

- 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 Malcolm Golding against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/01922/FUL, dated 22 June 2016, was refused by notice dated 28 July 2016.
 - The development proposed is 2 bedroom detached house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. From the evidence before me I am aware that the policy from the Unitary Development Plan referred to by the Council in its decision notice has been superseded by the Detailed Sites and Policies Development Plan Document (DPD), which was adopted following the determination of the planning application. I have determined the appeal on the basis of the development plan in place at the present time. As such the appellant has had the opportunity to comment on these policy considerations.

Main Issues

3. The Council's decision notice indicates that, in addition to concerns about the proposal in terms of living conditions and design, information about the site provided in the application does not identify its size with sufficient clarity. I will return to this matter following consideration of the following main issues:
 - Whether the proposal would provide satisfactory living conditions for future residents with particular reference to space standards, access to light and outlook;
 - The effect of the proposal on the character and appearance of the area.

Reasons

Living Conditions

4. The proposed two storey two bedroomed dwelling would be located on a small plot on the southern side of Nelson Street, which is currently occupied by a garage. It would incorporate a narrow side garden running the length of the plot to the east.
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5. Whilst the first floor plan illustrates both bedrooms having double beds, given the small size of bedroom 2, I agree with the Council's suggestion that this should be viewed as a three person property. In accordance with the *Technical housing standards*¹ the level of internal space within such a dwelling is required to be a minimum of 70m². Whilst the appellant states that the dwelling would have a floor area of around 72m², the actual figure appears closer to the Council's estimate of 64-65m², particularly as the bedrooms which occupy most of the first floor, excluding only the stairs, are shown as having a combined area of 25.8m². As such, noting also the lack of storage space, the proposed dwelling would not provide its occupants with the required area of living space necessary to ensure that the accommodation is sufficiently flexible and robust to meet a range of needs and requirements.
6. Light levels within the ground floor of the dwelling would be restricted due to the absence of windows on the rear elevation. In particular, the rear kitchen area would be reliant on the window on the front elevation and a small side window close to the front door for light. Notwithstanding the open plan nature of the ground floor accommodation, such restricted levels of natural light would not be satisfactory. I also share the Council's concerns regarding the poor outlook from this living area, which is largely limited to the road to the front of the property. In this respect it is clear that the side garden area has not been well integrated into the design of the dwelling, as access to and visibility of this area is limited to the front door and two small windows serving the staircase.
7. I therefore conclude that the proposed dwelling would not provide satisfactory living conditions for future residents with particular reference to space standards, access to light and outlook. In this respect it would conflict with the Newham Core Strategy 2012 (CS) Policies S1, S6, SP1, SP2, SP3 and H1, the DPD Policy SP8, the London Plan Policy 3.5, and the Housing Supplementary Planning Guidance 2016 (the SPG), which taken together seek to secure a high standard of accommodation. It would also be contrary to the National Planning Policy Framework (the Framework) Paragraph 17 which seeks to secure a high standard of amenity for existing and future occupiers of land and buildings.

Character and appearance

8. The appeal site adjoins a pair of traditional terraced properties. It appears that the proposed dwelling would share a front building line with these dwellings and its western side wall would abut its neighbour. As such they would be seen as a small group in local views. However, whilst the appeal dwelling would have a gable roof and be brick built, the plans do not demonstrate how these dwellings would relate to each other in terms of floor and roof heights and other aspects of detailed design.
9. I accept that the front elevation would have a similar pattern of openings to those seen in the existing dwellings, though the proposed rectangular windows would not reflect the tall narrow windows, or distinctive ground floor bays of these neighbouring houses. In these respects the proposal would not contribute to or reinforce local character.
10. There are other modern developments in this local area. However the close relationship of the proposed dwelling with those adjacent means that this aspect of local character defines the design parameters of this site. In this

¹ Technical housing standards – nationally described space standard DCLG 2015

respect it has not been demonstrated that the proposal responds to or reflects the local context. Whilst the garage presently on this site does appear somewhat rundown, this consideration is not of sufficient weight to overcome concerns about the design of the current proposal.

11. On this matter I conclude that the proposal would have a detrimental effect on the character and appearance of the area. As such it would conflict with the CS Policies S1, S6, SP1, SP2, SP3 and H1, the DPD Policy SP8, the London Plan Policies 3.5, 7.1, 7.4, 7.5 and 7.6, and the SPG, which taken collectively seek high quality design that supports local distinctiveness. It would also conflict with those aspects of the Framework which require good design that responds to local character.

Other Matters

12. I am aware that a previous approval for a dwelling on this site has expired², though no further details have been provided. The Council does not object in principle to housing development on this site, and I accept that the proposal would provide an additional unit of accommodation which would support local and national housing policies. However such considerations are not sufficient to outweigh my conclusions on the main issues in this case, which indicate that the present proposal is not of an acceptable standard.
13. I share the Council's concerns about the discrepancies between the site area illustrated on the location plan, and the area covered by the proposal. In this respect the proposal appears to extend over part of what is presently public pavement. Given my findings on the main issues in this case it is not necessary to consider this matter further here. Nevertheless it is clear that the appellant must resolve this matter before further planning applications can be fully considered by the Council.
14. I note the appellant's frustration about the lack of contact from the Council, but such procedural matters do not alter my conclusion in this case.

Conclusion

15. I have found that the proposal would not provide future occupiers with satisfactory living conditions, and also that it would have a harmful effect on the character and appearance of this area. As material considerations do not indicate that I should conclude other than in accordance with the development plan taken as a whole, the appeal is dismissed.

AJ Mageean

INSPECTOR

² 06/00972/FUL