
Appeal Decision

Site visit made on 16 May 2017

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 11 July 2017

Appeal Ref: APP/G5750/W/16/3162665

72A Tennyson Road, Stratford, London E15 4DR

- 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 James Leane against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/00876/FUL, dated 22 March 2016, was refused by notice dated 15 August 2016.
 - The development proposed is erection of a new 2 bed dwelling house on vacant land adjacent to 70 Tennyson Road with loft conversion, rear dormer and 1 velux window to front elevation, incorporating the renewal of external staircase to adjoining flats.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr James Leane against the Council of the London Borough of Newham. This application is the subject of a separate Decision.

Procedural matter

3. During the course of the appeal the Local Planning Authority asked for the appeal to be withdrawn. The Local Planning Authority cannot withdraw reasons for refusal and as a result the appeal remains valid and I have determined it accordingly.

Main Issues

4. These are:
 - (i) whether future occupiers would be provided with an acceptable standard of accommodation; and,
 - (ii) the effect of the proposal on the living conditions of the neighbouring occupiers, with particular regard to daylight, outlook and bin storage.

Reasons

Standard of accommodation

5. Policy 3.5 of the London Plan¹, together with standard 24 in the SPG² set out minimum space standards for new residential development. It is not clear from the planning application details how many persons the proposed dwelling would serve; the Council suggests that it would serve four persons. In the absence of any evidence to suggest otherwise and given the size of the bedrooms proposed which could each accommodate a double bed, I concur with the Council. The dwelling would provide a shortfall of at least 3 sqm of the 79 sqm required by policy 3.5 of the London Plan and standard 24 of the SPG for a two storey, two bedroomed, four person dwelling.
6. In referring to internal space standards, the Council raise particular concern for the loft bedroom. This bedroom would have space for a single or double bed, storage units and space to move around. Whilst the internal floor area of the property overall does not meet policy standards, I find no reason to consider that the loft bedroom would be inappropriately sized.
7. The site location plan before me shows that the appeal site is similar in size to other plots within the street. However, this does not directly translate into the proposed dwelling having the same internal floor area as existing properties, not least because the outline of the building proposed is not highlighted on the site location plan for comparison purposes. Any precedent set by existing properties for internal floor areas, therefore, does not weigh in favour of the development proposed.
8. Criterion D of policy 3.5 of the London Plan states that, where development proposals compromise the delivery of the policy, *they may be permitted if they are demonstrably of exemplary design and contribute to achievement of other objectives of this Plan*. The development would be of good quality design and visually acceptable. Whilst these objectives are welcome, they do not amount to a proposal that would be of exemplary design to comply with criterion D.
9. The development would provide a functional dwelling that would add to the variety and quantity of housing within the borough. The intention to provide a good quality development that is in-keeping with its surroundings is welcome. Together with its accessible location, the development would meet the objectives of the National Planning Policy Framework (the Framework) and the Council's development plan policies which seek well designed housing in appropriate locations. The appellant suggests that the site is vandalised but I have no details of this to know the extent of the problem. However, I accept that the site, in its current form, is liable to vandalism and undoubtedly developing the site would remove this risk and improve the visual and environmental quality of the area. Nonetheless, whilst giving weight to the contribution the development would make to other objectives of the London Plan, I have found that the development would not be of an exemplary design for the development to be acceptable under criterion D.
10. For the reasons given, the development would be contrary to policy 3.5 of the London Plan and standard 24 of the SPG as indicated, and policies S6, SP2 and

¹ The London Plan, The Spatial Development Strategy for London, Consolidated with Alterations since 2011 (March 2016)

² Housing, Supplementary Planning Guidance (March 2016). London Plan 2016, Implementation Framework

SP3 of the Core Strategy³ which seek development that improves the quality of housing within Newham.

Living conditions

11. Adjoining the rear elevation of No 70 Tennyson Road is a single storey rear conservatory which is glazed, albeit the majority of panels on the shared boundary with the appeal site are opaque. The development proposes a single storey kitchen that would abut this conservatory.
12. A solid wall abutting the conservatory would undoubtedly limit levels of daylight into it. However, given the limited size of the conservatory it is not a living space that is central to the house overall. Together with the conservatory continuing to receive light on three of its faces, the loss of daylight would not have a discernible effect on occupier's living conditions to cause harm. Similarly, given that the development would be north of the existing conservatory, it would not overshadow the latter to have harmful consequences for living conditions.
13. Currently, views from the conservatory are largely into the garden of No 70; the opaque panels on the boundary with the appeal site restrict outlook in this direction. Whilst the new dwelling would be visible from within the conservatory, views into the garden would not be affected. The development would not, therefore, create a sense of enclosure such that the living conditions of the occupiers would be harmed.
14. Standard 23 of the SPG seeks to ensure that the storage facilities for waste and recycling containers are provided in accordance with Local Authority requirements. Furthermore, policy SP8 of the DPD⁴ seeks to ensure that all development achieves neighbourliness. There is nothing within the evidence to suggest that the bin storage would be substandard and would not meet Local Authority requirements. However, the position of the bins would restrict pedestrian access to the open yard to the adjoining property and therefore would not be neighbourly, contrary to policy SP8. Parties are in agreement to the matter of bin storage being rectified by a condition on any planning consent. A condition requiring the appellant to submit further details in this regard would be reasonable, would meet the tests set out at paragraph 206 of the Framework and would overcome the conflict with policy SP8.
15. In all, therefore, I find that the development would not have a harmful effect on the living conditions of the neighbouring occupiers, with particular regard to daylight, outlook and bin storage and therefore would not be contrary to policies 7.1 or 7.6 of the London Plan which seek development that enables people to live healthy lives, nor standard 23 of the SPG or policy SP8 of the DPD as indicated.

Other matters

16. Planning permission was granted in July 2012 for the same form of development as proposed, but this permission has since lapsed. Since this time there have been changes in planning policy, not least the adoption of the

³ The London Borough of Newham Local Plan: Core Strategy 2012 (January 2012)

⁴ The London Borough of Newham Local Plan: Detailed Sites and Policies Development Plan Document (Adopted 20 October 2016)

Council's DPD, the Government's Technical Housing Standards⁵ and alterations to the London Plan. The change to internal space requirements as set out in the Technical Housing Standards is a material change in planning policy and therefore any precedent set by way of an earlier permission on the site carries little weight.

17. I recognise the intention to build the development to a high environmental standard. Solar panels, double glazing and appropriate levels of insulation are to be encouraged. Nevertheless, these measures do not overcome the harm found with regards to space standards.
18. The proposed development has been the subject of pre-application discussions. However, advice given at the pre-application stage is informal advice that does not prejudice the Council's decision on a subsequent planning application. In any event, it falls to me to assess the merits of the development proposed.

Conclusion

19. The development would not provide future occupiers with an acceptable standard of accommodation. For this reason the proposal would be contrary to the development plan as indicated. The other matters put forward in favour of the appeal, including my finding that the proposal would not be harmful to the living conditions of the neighbouring occupiers, do not outweigh this harm. As a result, and for the reasons given, the proposed development would be contrary to the development plan and none of the material considerations indicate that the decision should be made, other than in accordance with the plan. The appeal is, therefore, dismissed.

R Walmsley

INSPECTOR

⁵ Department for Communities and Local Government, Technical Housing Standards – nationally described space standard (March 2015)