
Appeal Decision

Site visit made on 11 July 2017

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 28 July 2017

Appeal Ref: APP/G5750/W/17/3173526

85-87 Woodgrange Road, London E7 0EP

- 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 Majid Khan against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/01030/FUL, dated 6 April 2016, was refused by notice dated 15 March 2017.
 - The development proposed is the demolition of the existing two storey building, and in its place, construction of a part 3, part4 storey building to accommodate a Class A1 ground floor retail unit and 8 flats on the first, second and third floors.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposed development on the stock of family sized houses in the borough;
 - whether the proposed development provides a satisfactory standard of accommodation for future residents with particular regard to internal living space, outlook, sunlight /daylight, ventilation and private amenity space;
 - whether the proposal would conserve or enhance the character or appearance of the Forest Gate Town Conservation Area;
 - whether the proposal provides adequate cycle storage and parking facilities;
 - whether the development provides appropriate refuse and recycling storage and disposal facilities.

Reasons

Family Housing

3. The appeal proposes the demolition of the existing building and its replacement with a part three storey part four storey building with retail

- premises on the ground floor and 8 flats to the upper floors. The flats would comprise 2 studio units, three 1 bed flats and three 2 bed flats.
4. The Council has identified a shortage of family housing in the borough and in order to address this, Policy S1 of the London Borough of Newham Local Plan: Core Strategy 2012 (CS) aims to prioritise quality new family housing over smaller residential units. CS Policy H1 seeks 39% of new homes to be three bedrooms for families subject to mix and tenure considerations. These include amongst other things, scheme viability, the existing mix of housing in an area and the individual circumstances of the site in terms of site conditions, local context and site features.
 5. The appellant has interpreted Policy S1 as referring to major developments only. However the policy wording does not make such a distinction. As I have outlined above, Policy H1 makes reference to the consideration of mix and tenure considerations. The supporting text to this Policy in paragraph 6.116 states that individual schemes should be assessed on a case by case basis.
 6. The appellant has argued that the location of the site, close to other commercial uses on a busy road junction does not lend itself to family housing. Furthermore there are difficulties in providing external amenity space for young children.
 7. Whilst I accept that the site is in a busy town centre location this does not mean that family housing cannot be provided. The Council have brought my attention to a scheme on a neighbouring site, 89-93 Woodgrange Road where four family size residential units have been approved. This demonstrates that family housing is appropriate in this location. I am also advised that this scheme includes external amenity space. Whilst I accept that this site is larger than the appeal site, I have no evidence before me to indicate why the appeal scheme could not provide 3 bed family size units within the mix. Not all family structures will have young children. In terms of the provision of amenity space, balcony features could be suitable and appropriate to provide for the needs of future occupants.
 8. I recognise that there will be a need for smaller sized accommodation in the area which the scheme would provide. However the proposal would not contribute to meeting the need for family housing in the area. Accordingly the proposal fails to comply with Policy 3.8 of the London Plan 2016, CS Policies S1, S6 and H1, Policy H5 of the London Borough of Newham Local Plan :Detailed Sites and Policies Development Plan Document 2016(DSPDPD) and Housing Supplementary Planning Guidance 2016. These policies aim to address the need for family housing and to secure quality mixed and balanced communities. The proposal would also conflict with the National Planning Policy Framework (the Framework) which in Section 6 aims to deliver a wide choice of high quality homes and encourage local planning authorities to identify the size and range of housing required in particular locations reflecting local demand.

Standard of accommodation

9. The Council has assessed the internal layout of the proposal development in relation to the Government's Technical housing standards, nationally described

space standards for new dwellings. These standards are required to be met by Policy 3.5 of the London Plan and the supporting Housing Supplementary Planning Document (SPG). The assessment concludes that the two studio flats would be below the required space standard. The Council has assessed these units against the requirements for one bedroom 2 person apartments, ie 50 square metre internal gross floor area, as double beds are shown on the submitted plans. I am aware that one person studio flats with a shower room would require a gross floor area of 37 square metres. Even on this basis, the proposed flats would be substandard as they have a floor area of 36.9 square metres. Whilst I accept that this is only marginally below the standard, the standard is the minimum requirement for accommodation of this type. I consider that providing accommodation below that does not provide high quality accommodation for future occupants.

10. The Council has also raised concern with regard to outlook, sunlight/daylight and ventilation to the proposed flats. The appeal proposal includes a light well which would provide light to Flats 2 and 5, to the bedrooms of Flats 3, 6 and 8 and the dining/kitchen area of Flat 7. The light well would be around 6 metres wide and 4.8 metres deep with enclosed sides, a central green wall and open to the top.
11. The Council has applied the BRE Guidelines to assess the acceptability of the light provided by the light well. It is concluded that this provision would not meet the 25 degree test outlined in the guidelines. The appellant has argued that at least a quarter of the floor area would receive sunlight penetration at some point during the day between March – October complying with BRE guidance. However the appellant has not provided a sunlight /daylight report to support the position that the development would provide adequate sunlight and daylight to all rooms in the proposed flats.
12. I accept that the studio flats would be just over 7 metres deep and that the proposed windows would be around 2.4 metres in height. This would assist to maximise sunlight and daylight to these units. However the bedroom areas to these flats would be partially screened by a partition wall which would hinder light penetration to this part of the accommodation. Nevertheless I consider that on the basis of the evidence before me, it has not been adequately demonstrated that the appeal proposal as designed would provide acceptable sunlight and daylight to the proposed flats.
13. Furthermore I consider that the central green wall to the light well, as a result of its close proximity to facing windows, would be an overbearing feature providing a poor outlook for future occupants. This is particularly the case for Flats 2 and 5 which are single aspect and have no external windows.
14. With regard to ventilation I acknowledge that this matter would be subject to Building Regulation approval and I have no evidence to indicate that the scheme would be inadequate in this regard.
15. In terms of outdoor amenity space none of the proposed flats would have access to such provision. The appellant has argued that the spacious layouts and sizable windows compensate for the lack of such space and in any event there is no policy requirement for amenity space in small schemes.
16. However Policy SP8 of the DSPDPD makes reference to the standards and guidance that new development should meet. This includes the Mayor's

Housing SPG 2016 which specifies a minimum of 5 square metres of private amenity space for a 1/2 person dwelling. It further indicates that in exceptional circumstances where site constraints make it impossible to provide private open space that a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of private amenity space requirement. There is clearly a policy requirement to provide amenity space for all schemes.

17. I acknowledge that there are open space and leisure facilities close to the appeal site which future occupants could enjoy. However I have not been provided with evidence of any exceptional circumstances why the proposal could not provide amenity space. The scheme could be designed to include the provision of balconies or terraces. Whilst some of the proposed flats exceed the gross internal floor space requirements and therefore this could be considered to compensate for the lack of private amenity space as outlined in the Housing SPG, this would not be the case for all flats in particular the Studio units.
18. Bringing all the above points together, I therefore conclude that the development would provide substandard accommodation in terms of internal living space, daylight/sunlight, outlook and private amenity space. These deficiencies would adversely affect the living conditions of the future occupants. The proposal would therefore fail to comply with Policy 3.5 of the London Plan 2016, CS Policies S1, S6, SP1, SP2, SP3 and H1, DSPDPD Policy SP8 and the Housing SPG 2016. These policies all aim to provide high quality development providing a good standard of accommodation. The proposal also fails to meet the requirement of the Framework which in paragraph 17 aims to achieve high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Preservation or enhancement of the Conservation area

19. The appeal site is located within the Forest Gate Town Conservation Area. The property is a two storey rendered building and is located at the northern end of a group of two storey and single storey terraced properties. The area is mixed in terms of architectural style and uses. Many of the original Victorian buildings in the area have been altered and extended from their original form. Immediately to the north of the appeal site is a car sales yard and beyond is a terrace of two storey properties with ground floor commercial uses many of which have single storey front additions. Looking to the east of the appeal site the buildings are predominantly two storey faced in either brick or rendered with front elevation parapet wall treatments with butterfly roofs behind. In the wider area there is a mix of modern and older properties with a range of building heights and design.
20. The appeal building does not hold any architectural merit that would warrant its retention. Therefore its demolition and replacement would in principle be acceptable. The proposed scheme includes the erection of a four storey building faced in brick to the front elevation, timber framed sash windows and a decorative cornice with pediment. The overall design is aimed at reflecting the Victorian character of the area. At the rear the building would be rendered at ground floor with timber cladding to the upper floors and power coated aluminium sliding doors.

21. The four storey height of the proposed building would contrast sharply with the generally two storey properties in the neighbouring area. The site is in a very prominent position as it forms a focal point for views from Sebert Road to the east. I consider that a building of the height proposed, seen in the context of predominantly 2 storey properties, would appear incongruous and adversely affect the character and appearance of the conservation area.
22. The proposed Victorian design would reflect the architectural character and Victorian history of the area. This would be in line with the requirements of the Forest Gate Town Centre Conservation Area Character Appraisal and Management Document. However I consider that the proposed cornice and pediment to the front elevation, would as a result of its ornate design, create in an overly grand building, which would appear out of place against the simpler designed buildings in the immediate vicinity.
23. At the rear the proposed building would have a very modern appearance. The proposed timber boarding would introduce a material not currently found in the area. The Council has raised concern about the durability of this material and also that of the proposed ground floor render as they can quickly lose the quality of their appearance over time. However I consider that this matter can be resolved by the appropriate maintenance of the building. This does not form a planning issue and is not determinative to my consideration of this appeal.
24. Whilst not provided at the time of the original planning application, the appeal submission includes a north side elevation drawing. It is proposed that this side elevation would be blank with no proposed window openings and constructed in lower white render with brick above. Whilst the materials proposed assist to visually break up this elevation, I am mindful that this northern elevation would be prominent in the street scene when looking south down Woodgrange Road and looking from the east from Sebert Road. The lack of detailing would create an unattractive elevation which fails to take the opportunity to improve the character and appearance of the conservation area.
25. I acknowledge that the Character Appraisal and Management Proposals Document identifies the appeal property and the immediately neighbouring buildings as being of negative value to the conservation area. This lends support to the buildings demolition. However I consider that the appeal proposal would create a building of a height and design which would fail to relate to the surrounding built environment. It would adversely affect the street scene and fail to preserve or enhance the character or appearance of the conservation area.
26. The National Planning Policy Framework (the Framework) in paragraph 132 requires great weight to be given to the conservation of designated heritage assets, which include conservation areas. In paragraphs 134 and 135 it draws a distinction between substantial harm and less than substantial harm to such an asset. Given the scale of the appeal proposal and its effect on the conservation area as a whole, I consider this harm would be less than substantial in this case.
27. In line with guidance, this harm must be weighed against the public benefits of the proposal. The appellant has argued that the proposed scheme would respect the architectural and historic interests of the area and provide a residential development in an area in need of high quality 21st Century

housing. The scheme would also provide a new vista and improve a key part of the conservation area which currently detracts from the street scene.

28. Whilst I agree that the area in which the appeal site is located would benefit from regeneration and improvement, I have found for the reasons outlined above that the appeal scheme would not be acceptable to preserve or enhance the character or appearance of the conservation area. I agree that the proposal would provide much needed housing in the area and would also provide a modern commercial unit. However I do not consider that these public benefits would outweigh the harm of the proposal to the character and appearance of the conservation area.
29. Accordingly the appeal proposal fails to comply with Policies 3.5, 7.1, 7.4, 7.5, 7.6 and 7.8 of the London Plan, CS Policies S6, SP1, SP3, SP5, SP6 and SP7, DSPDPD Policy SP8 and the Forest Gate Conservation Area Appraisal and Management Plan. These policies aim to ensure a high quality design and the conservation and protection of the historic environment. I consider these policies to be generally consistent with the Framework in particular Section 12 and paragraphs 17 and 56 which have similar aims.

Cycle storage and parking

30. As part of the appeal submission, the appellant has provided a revised plan to show the provision of a cycle store accommodating 6 cycles. This is below the 11 cycle parking spaces required by the Council and does not provide at least one space for each flat. The appellant has suggested that as there would be a lift proposed as part of the scheme, additional cycles could be taken to the individual flats to be securely stored. However I consider that this alternative solution would be impractical and would not be acceptable to encourage cycle use. Accordingly the proposed provision would be inadequate to serve the development.
31. In this regard the appeal proposal would conflict with Policy 6.9 of the London Plan 2016, CS Policies SP2 and INF2, DSPDPD Policy SP8 and the Housing SPG. These policies aim to promote sustainable transport options in line with Section 4 of the Framework.

Refuse storage and disposal

32. A bin store area of just under 20 square metres would be provided to the rear of the site, accommodating up to 12 Eurobins for both residential and commercial waste. The appellant has provided an assessment of the waste storage capacity required to serve the development and I have no reason to conclude that the waste generated by the development could not be accommodated.
33. The bin store would open out onto Whitehall Place. I noted on my site visit that this forms a narrow rear alley and I am advised that it is inaccessible by the Council's refuse vehicles. With regard to waste collection, the appellant proposes that the bins would be moved to a point on Whitehall Place/Kuhn Way where the Council's collection service would be able to access them. However it is unclear how this arrangement would be managed. In addition the submitted plans do not indicate how the bins would be secured to prevent fly tipping in the area. Furthermore the positioning of at least 12 Eurobins on

Whitehall Place/Kuhn Way on collection day, would cause clutter and form a potential obstruction to this narrow access road.

34. The above points lead me to the conclusion that the proposed waste arrangements are inadequate to serve the development. The proposal would therefore conflict with Policies 3.5, 5.3, 7.1, 7.4 and 7.5 of the London Plan 2016, CS Policies SP2, SP3 and INF3, DSPDPD Policies SP8 and SC5 and the Housing SPG. These policies seek to minimise or mitigate the impact of waste transport and management on the environment and promote sustainable waste management.

Conclusion

35. I have found that the appeal proposal would not contribute to the stock of family housing in the borough and would not provide a satisfactory standard of accommodation for future occupants. In addition it would cause harm to the character and appearance of the Forest Gate Town Conservation Area and fail to make appropriate provision for cycle parking and refuse storage and disposal.
36. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR