



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/17/3172875

353 Upton Lane, Forest Gate, London E7 9PT

- 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 Mrs A Sher against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/02331/FUL, dated 26 July 2016, was refused by notice dated 4 October 2016.
 - The development proposed is internal alterations, layout and improvements to the three existing flats and erection of three storey extension to provide additional new 1 x 4 bedroom house including landscaping, access improvements, refuse storage and cycle parking on the ground level.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the original planning application documents differs from that stated on the appeal form. As this latter description better reflects the development proposed I have used this in the banner heading above.

Main Issues

3. The main issues in this case are:
 - the adequacy of the submitted plans;
 - the effect of the development on the character and appearance of the area;
 - whether the proposal would provide acceptable living conditions for future residents having regard to the provision of natural light, outlook and outdoor amenity space;
 - the effect of the development on highway safety with particular regard to car parking provision.

Reasons

Adequacy of plans

4. The Council's first reason for refusal relates to the adequacy of the submitted

drawings and inconsistencies between plans and elevations. The Council considers that this has inhibited their ability to fully assess the proposals. Nevertheless the Council has assessed the scheme and refused planning permission for a number of reasons. Whilst I acknowledge there are errors and omissions in the submitted plans, I consider that the submission is adequate to understand the scheme proposed. I have determined the appeal on this basis.

Character and appearance

5. The appeal building is located at the corner of Boleyn Road and Upton Lane in Forest Gate opposite West Ham Park. It forms the end property in a terrace of three dwellings. The front elevation has the appearance of a two storey property with a double height front bay, however to the side and rear the property has a three storey extension. The appeal proposes alterations and enlargements to the three existing flats and the demolition of a single storey side extension to allow the construction of a new 4 bedroom property on the site.
6. The area is characterised by two storey properties some faced in brick others rendered with two storey front bays. The development proposes a three storey front bay which would break through the front eaves of the property. This would be out of character with the other properties in the neighbouring terrace and the wider area. The creation of a patio area to serve the top floor Flat D and the recessing of the windows at first floor creating a balcony for Flat C, would also introduce features that are not currently present in the area. These additions would be incompatible with the architectural style of the host building and surrounding properties. The proposed extension to the existing two storey height bay on the side elevation of the building facing Boleyn Road, would also introduce a bay window feature higher than others in the area. This would increase the visual prominence of the building and have an adverse effect on the street scene.
7. The appeal proposal also includes the provision of two lower level garden areas to serve Flat A. Whilst these features would provide amenity space for the future occupant of this flat, they would not be in keeping with the established character of the area. Furthermore the sunken garden to the front of the building would be visible from Upton Road and together with the downwards extension of the existing front bay, would introduce a feature at odds with the character and appearance of the surrounding area.
8. Turning to the proposed three storey side extension, this would project further forward of neighbouring properties on Boleyn Road and as a result of its scale and height, would appear overly dominant in the street scene. The design of the extension with full size patio doors on all floors and balcony features at first and second floor would be out of keeping with the established local character. Furthermore the fenestration of the side extension would be inconsistent with the design of existing windows in the host building. The proposal would therefore fail to assimilate with the design of the existing property and would have an adverse impact on the visual amenity of the area.
9. Overall, I consider that the appeal proposal would result in a building of poor design causing harm to the character and appearance of the host building and the surrounding area. The development would fail to comply with Policies 3.5, 7.4, 7.5 and 7.6 of the London Plan 2016 and Policies S6, SP1, SP2, SP3, SP5 and H1 of the London Borough of Newham Core Strategy 2012 (CS), Policy SP8

of the Proposed Submission Detailed Sites and Policies Development Plan Document 2016, Saved Policy H17 of the London Borough of Newham Unitary Development Plan and the Council's Supplementary Planning Document 'Altering and Extending Your Home'. These policies aim to achieve high quality development that responds to local character. The proposal would also conflict with paragraphs 17, 56 and Section 7 of the National Planning Policy Framework (the Framework) which seek to secure high quality design.

Living conditions

10. As I have already referred to above, the scheme includes two sunken garden areas to Flat A. The windows of the two double bedrooms to this flat, look out onto the retaining walls of these amenity spaces. The close proximity of the windows to these walls would result in a poor outlook for future occupants of this flat.
11. The proposed side extension which accommodates the 4 bed Flat B lies at an angle to the original dwelling. In terms of its impact on the bedroom windows of Flats C and D, I consider that there would still be sufficient outlook and light to serve these rooms. However in relation to Flat A on the ground floor, the bedroom lies next to the covered entrance to the building and also close to the boundary wall. I consider that in this position the outlook and light to the bay window serving this bedroom would be adversely affected.
12. In relation to the provision of outdoor amenity space, the development makes appropriate space to meet the Council's requirements. With regard to the lower level garden areas proposed for Flat A, whilst these may have less light than the proposed ground level garden space or balconies, I do not consider that this makes them unusable as outdoor amenity space. The Council has expressed concern that these areas would be prone to fly tipping. However I have no evidence to suggest that fly tipping is a problem in the area and in any event, the maintenance of these areas would be a matter for future residents.
13. I note that the proposed flats would comply with the internal space standards of the London Plan and are designed to Lifetime Homes Standards. Nevertheless, whilst I consider that the proposal would provide acceptable outdoor amenity space, I have found that it would result in unacceptable living conditions for the future occupants as a result of poor outlook and light.
14. The appeal proposal would therefore conflict with Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, CS Policies S6, SP1, SP3 and H1, Saved Policy H17 of the Newham Unitary Development Plan 2007, Policy SP8 of the Proposed Submission Detailed Sites and Policies Development Plan Document 2016 and the Council's Supplementary Planning Document 'Altering and Extending Your Home'. These policies aim to provide high quality design in new housing consistent with paragraph 17 of the Framework which seeks to ensure a good standard of amenity for all existing and future occupiers of land and buildings.

Highway safety

15. The appeal site is located within a Controlled Parking Zone. The submitted plans do not show any on site car parking provision. However the appellant

has stated that it is proposed to relocate the existing crossover so that car parking could be provided adjacent to the entrance to Flat B. Additionally the appellant advises that a disabled car parking space could be created on the road outside the property.

16. Whilst I accept that some car parking may be possible on the site, I have been provided with no plans to show the exact position of such a space or its access point. I am therefore unable to assess whether this provision would be acceptable.
17. A deficiency in on-site car parking would result in the need for vehicles to park on the road. It has not been demonstrated, for example through a car parking survey, whether there is sufficient on street provision in the area to serve the development and the area as a whole. Accordingly I must conclude that the proposal would increase pressure for on street car parking causing harm to highway safety. The scheme would fail to comply with Policy 6.13 of the London Plan, CS Policy INF2 and Policy SP8 of the Proposed Submission Detailed Sites and Policies Development Plan Document 2016. These policies aim to ensure that new development does not cause any adverse impact on the highway network and encourage neighbourly development minimising parking stress.

Conclusion

18. I have found that the appeal proposal would cause harm to the character and appearance of the area, the living conditions of the future occupants of the proposed flats and highway safety through inadequate car parking.
19. For the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR