
Appeal Decision

Site visit made on 28 November 2017

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 12 December 2017

Appeal Ref: APP/G5750/W/17/3181686

3-7 Windmill Lane, Stratford, London E15 1PG

- 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 A Charles against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/03509/FUL, dated 8 November 2016, was refused by notice dated 7 February 2017.
 - The development proposed is part 2 storey extension and new 3rd and 4th floor with mansard roof combining existing residential into a new large HMO.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - the effect of the proposal on the living conditions of the surrounding occupiers with particular regard to noise and disturbance.
 - whether the site provides a suitable location for the proposed development, having particular regard to planning policies which seek to promote a wide choice of housing.
 - whether adequate provision would be made for cycle parking.

Reasons

Character and appearance

3. The appeal site comprises a group of three older style terraced properties on the southern side of Windmill Lane. Two of these properties (No's 3 and 5) are three storey buildings which are used as a House of Multiple Occupation (HMO). The first and second storeys of these properties feature relatively ornate frontages. The adjoining property (No 7) has a two storey frontage and is a disused workshop. Together with other properties in the terrace, the appeal site forms part of a group of locally listed buildings (No's 1-13). The site is therefore deemed to be of some local architectural merit even though the buildings have been subject to alterations in the past.

4. There are various forms of development in the vicinity of the appeal site. This includes some relatively large buildings such as Marlin Apartments immediately to the south of the site, as well as a block of flats further to the east along Windmill Lane. I also note that the Railway Tavern Public House on the corner of the street has planning permission for a hotel development.
5. However, while some of these larger buildings are visible from the appeal site, this particular part of Windmill Lane is characterised by more modest forms of development. Indeed, the older style terrace that includes the appeal property mostly contains two storey dwellings. On the opposite side of Windmill Lane there are also rows of two storey terraced houses. These run perpendicular to the street frontage and are of a more contemporary appearance. While there are some small business premises towards the western end of the street they are not particularly conspicuous. Hence, although architectural styles are somewhat mixed, the street scene in the immediate vicinity of the site is mainly defined by two storey dwellings.
6. It is proposed to add additional floors to No's 3-7 so that they would become five storeys in height along the Windmill Road. As a result, No's 3-7 would appear markedly taller than neighbouring properties in the terrace, with the height increase extending across a relatively large part of the street frontage. Although the upper storey would take the form of a mansard roof extension, this would do little to reduce the perception of height. Considering that the majority of other properties in this part of the street are only two stories in height, the development would appear unduly dominant and out of keeping with the prevailing character of the street scene. I appreciate that other large buildings can be seen from the appeal site, but these are not characteristic of this particular part of Windmill Lane.
7. Whilst the development would maintain some original features, the additional floors would nonetheless dominate the host properties, distracting from their historic interest. I recognise that the terrace is not a designated heritage asset and paragraph 135 of the National Planning Policy Framework (the Framework) advises that a balanced judgement will be required having regard to the scale of any harm. In this particular case, I consider that the harm to the architectural significance of the host buildings would be exacerbated by the impact of the development on the wider street scene.
8. I therefore conclude on this issue that the proposal would harm the character and appearance of the area. There would be conflict with Policies SP1 and SP5 of the Newham Core Strategy 2012 which require developments to respect local distinctiveness, including non-designated heritage assets. There would also be conflict with Policy 7.4 of the London Plan 2016 which requires development to respect local character.

Living conditions

9. Although parts of the appeal site are already used as a HMO, the proposal would represent a substantial increase in the number of potential occupants. Policy H7 of the Newham Detailed Sites and Policies Development Plan Document (the DPD) refers to the distribution of specialist accommodation in the Borough, including multiple occupancy housing. The supporting text of policy notes in paragraph 4.20 that multiple-occupancy housing can result in impacts beyond those of conventional housing. For example, through increased trip generation or the amount of waste and noise generated. These impacts

may be further exacerbated when the multiple occupancy is made up of a specific demographic, such as students.

10. Hence, although there are other high intensity residential uses in the vicinity of the site (such as Marlin Apartments to the rear) this would not necessarily have the same impact as a 28 bedroom HMO. In my view, the proposal would have potential to significantly increase levels noise and disturbance in Windmill Lane through increased comings and goings, use of outdoor communal space and general activity. Consequently, adverse impacts would be likely to arise even if soundproofing levels within the HMO were improved. I recognise that the existing workshop could be brought back into use, but any noise generated would be likely to be confined to working hours, whereas a HMO has potential to generate levels of disturbance for more prolonged periods of time.
11. Given the location of the site in a predominantly residential area, I therefore conclude on this issue that the proposal would harm the living conditions of surrounding occupiers. There would be conflict with Policy SP8 of the DPD which seeks neighbourly development. There would also be conflict with Policy 7.15 of the London Plan which aims to minimise the impact of noise.

Location

12. The DPD indicates that multi-occupancy housing is most appropriately located close to local services, infrastructure and public transport. For this reason, Policy H7 states that HMO conversions should be directed to either Town and Local Centres or Key Movement Corridors. While the appeal site is relatively close to a Key Movement Corridor, it nonetheless falls outside its boundaries. Consequently, this is not a location where the conversion of a building into a HMO would normally be supported.
13. However, in this particular case the site is highly accessible. It has good public transport links and is within relatively easy walking distance of central Stratford where there are a wide range of shops and services. Furthermore, parts of the site are already being used as a HMO and the development would not lead to the loss of family housing. Hence the proposal would not undermine the overarching objectives of Policy H7. Nor would it compromise the delivery of a mixed and balanced housing supply.
14. I therefore conclude on this issue that the site would provide an appropriate location for the proposed development. Although there would be conflict with Policy H7 of the DPD, this would not result in harm. There would be no conflict with Policy H5 of the DPD which aims to achieve an appropriate housing mix and protect family housing from HMO conversion. For the same reasons, there would be no conflict with Policy 3.8 of the London Plan 2016 or Policies S01, H1 or H4 of the Core Strategy which have similar objectives. The proposal would also comply with the aim of the Framework to deliver a wide choice of homes to address the needs of different groups within the community.

Cycle parking

15. The development would provide 16 cycle parking spaces. This is below the minimum number of spaces required by the London Plan 2016. However, in the event of the appeal being allowed, a planning condition could be imposed requiring additional cycle parking. In my view, the site would be physically

capable of accommodating the 28 spaces which the Council indicate would be necessary for a HMO of the size being proposed.

16. I therefore conclude on this issue that, subject to an appropriately worded planning condition, adequate provision would be made for cycle parking. There would be no conflict with Policy 6.9 of the London Plan 2016 which requires developments to provide cycling facilities. There would also be no conflict with Policies SP2 and INF2 of the Core Strategy or Policy SP8 of the DPD. Amongst other things, these policies promote cycling and sustainable transport.

Conclusion

17. I have found that the proposed development would maintain an appropriate mix of housing and, in this regard, the location would be acceptable. Subject to a planning condition, it would also provide adequate cycle parking spaces. However, this does not outweigh the harm with regard to living conditions and character and appearance that I have identified. As such, it is not sustainable development for which the Framework says there is a presumption in favour.
18. For the above reasons, and having regard to all other matters raised, the appeal should be therefore be dismissed.

Colin Cresswell

INSPECTOR