
Appeal Decision

Site visit made on 29 May 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/G5750/W/19/3221782

270 Barking Road, East Ham, London E6 3BA

- 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 Dr Russell Sullman against the decision of the Council of the London Borough of Newham.
 - The application Ref 18/03087/FUL, dated 29 October 2018, was refused by notice dated 14 December 2018.
 - The development proposed is described as change of use of existing rear outbuilding to B1(a) office including a new pitched roof and access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework was revised in February 2019 (the Framework). I have also taken this into account as part of the determination of this appeal.

Main Issues

3. The main issues are:
 - Whether the appeal proposals would be compliant with relevant development plan policies in respect of its location;
 - The effect the proposals would have on the character and appearance of the area, and
 - The effect the proposals would have on the living conditions of existing and future neighbouring occupiers.

Reasons

Compliance with the development plan

4. The appeal site is situated to the rear of 270 Barking Road which is an end of terrace property which has a dental surgery on the ground floor. The appeal site is a derelict out-building that is accessed via a small courtyard to the rear of the dental surgery. Bartle Road, a residential street, runs along the side of the appeal site. The access to the proposed office would be from this street via a new pedestrian doorway.

5. The site is within a residential street, falling outside of an identified town or local centre, as well as Micro Business Opportunity Areas (MBOAs) and Local Mixed Use Areas (LMUAs), as defined in policy J2 (Providing for Efficient Use of Employment Land) in the London Borough of Newham Local Plan (2018) (LP). Policy SP6 (Successful Town and Local Centres) of the LP seeks new office development should be 'consolidated' within such town and local centres.
6. The appellant has made the case that there are other similar proposals within the Borough that were supported by the Council. However, the Council have responded stating that most of these decisions were issued prior to the adoption of the LP, and the remaining examples were already located within town centres and therefore in accordance with the relevant policies of the LP.
7. I consider that the redevelopment of the site would create job opportunities and this counts in favour of the proposal. However, given the size of the proposed office, these benefits would be limited.
8. The appellant makes the case that the new office would 'counterbalance' what they consider to be a significant number of betting shops occupying town centre units. However, given that betting shops are subject to different planning policy constraints, I do not consider they have an impact in respect of the determination of this appeal, and I have determined it on its own merits.
9. The appellant has not provided sufficient justification as to why the proposals would warrant a departure from the relevant policies of the development plan. To that end, I consider the proposals are in conflict with policy SP6 (Successful Town and Local Centres), the spatial strategy policies INF5 (Town Centre Hierarchy and Network) and S6 (Urban Newham) of the LP, as well as policy 2.15 (Town Centres) of the London Plan (2016), all of which seek to focus commercial development in town centres.

Character and Appearance

10. The character of Bartle Avenue is predominantly residential, being bay-fronted two storey Victorian dwellings arranged in a terrace. Being a flat-roofed timber building in very poor condition, the appeal site does not currently positively contribute to this character and detracts from it.
11. The proposed office building would replace the existing building on a similar footprint, but its scale would be more discernible from Bartle Avenue, because of the addition of the new pitched roof. This would add a harmful mass to the overall proposal, resulting in an incongruous scheme that would not, in my view, positively contribute to the character and appearance of the area.
12. I do consider that some effort has been made to reduce the mass of the roof, by hiping it, it would, in my view appear as a significant addition to the street scene.
13. Whilst I am sympathetic to the appellant's arguments and do afford the benefits of the redevelopment of a site in poor condition some limited weight, I consider the proposals to be harmful to the character and appearance of Bartle Avenue, contrary to policy SP8 (Ensuring Neighbourly Development) of the LP which seeks development that integrates with its surroundings and policies 7.1 (Lifetime Neighbourhoods) and 7.6 (Architecture) of the London Plan (2016) which seek quality design in new development that positively contributes to the wider character of the area.

Living Conditions

14. The appeal site directly abuts the neighbouring dwelling at 3 Bartle Avenue. The proposed office would continue to sit forward of the established building line within the terraced dwellings along Bartle Avenue, as is the case with the existing outbuilding.
15. No 3 has a double bay window (on the ground and first floor) to the front elevation which projects close to the rear boundary of the appeal site. Whilst the overbearing effect to the ground floor window of this property would remain the same as the current situation, the overall height of the proposed new office would have a harmful effect on the living conditions of the occupiers of 3 Bartle Avenue, resulting in harm to their outlook from the first floor bay window.
16. I note the contents of the letter from Mr Barry Thompson, the occupier of 3 Bartle Avenue and his support for the proposals. However, I must consider the wider public interest which includes protecting the living conditions of future, as well as current occupiers of neighbouring properties.
17. I therefore find the proposals to be contrary to policies SP2 (Healthy Neighbourhoods), SP3 (Urban Design within Places) and SP8 (Ensuring Neighbourly Development) of the LP which, amongst other things, seek to improve the health of residents through good neighbourly design and create places people are proud of. I also find the proposals contrary to policies 7.1 and 7.6 of the London Plan (2016) which seek to secure quality design that complements existing development and does not harm living conditions in relation to privacy and overshadowing.

Conclusions

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal is dismissed.

Sian Griffiths

INSPECTOR