



Appeal Decision

Site visit made on 15 March 2019

by N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2019

Appeal Ref: APP/G5750/W/18/3216156

550A Romford Road, manor Park, London, E12 5AF

- 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 B Edwards against the decision of London Borough of Newham.
 - The application Ref 18/02020/FUL, dated 12 July 2018, was refused by notice dated 6 September 2018.
 - The development proposed is proposed first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Newham Local Plan 2018 was adopted after the planning application that is the subject of this appeal was determined by the Council. The Council addressed what they saw as that relevant, at that time, emerging policies in their report and the appellant had an opportunity to comment on them in their own statement. Accordingly, I am satisfied that neither party has been prejudiced by this development.
3. For the avoidance of doubt, the Council has confirmed that the policies of the London Borough of Newham Local Plan: Core Strategy 2012 and the London Borough of Newham Local Plan: Detailed Sites and Policies Development Plan Document 2016 have been superseded. I have assessed this appeal on that basis.

Main Issues

4. The main issues in this case are:
 - Whether the effect of the proposal on the character and appearance of the area would be acceptable; and
 - Whether the effect of the proposal on living conditions at neighbouring properties would be acceptable.

Reasons

5. The appeal site is a two-storey, mid-terraced building with a commercial use at ground floor and a flat above. The building appears to have been extended at

ground floor and the appeal proposal is that the ground floor extension would be mostly, but not entirely mirrored at first floor level.

6. The extension would span the full width of the property at first floor level, rendering the existing layout and design of the rear of the building, with its characteristic two-storey outrigger addition, largely illegible. The extension, with a flat roof in contrast to the pitched roof of the main building, would not relate well to the proportions, layout or design of the property and would cause harm to its appearance. I do not consider that the proposal could be described as good design.
7. Visibility of the rear of the building would be limited, owing to the street layout, but there would be some views of the extension, including from the platforms of the nearby train station.
8. There are a number of additions to the rear of properties along the terrace, including a very substantial, two storey extension to No 552. I accept that the proposal would be viewed in the context of that addition, but it strikes me as a very poor example of design, and I do not think that it should be used as justification for other poorly designed extensions.
9. For these reasons, I find that the design of the extension would not be of the high quality required by policies S6, SP1 and SP3 of the Newham Local Plan 2018 or policies 7.1, 7.4 or 7.6 of the London Plan 2016, in so far as they relate to seeking to secure a high quality of design.
10. The Council has referenced NLP Policy SP7 in its reason for refusal, but I do not have that before me and 7.5 of the London Plan, which appears to be related to public realm, rather than the development of private land. References are also made to policies of the Draft London Plan 2017 but I have relied upon policies in the current Plan, given the relative status of the draft document.
11. I have also had regard to paragraph 130 of the Framework, which says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The Council has also directed me to the Altering and Extending your Home Supplementary Planning Document 2018. Whilst it appears to relate principally to extended houses, rather than flats above shops, it reinforces the importance of good design and my overall conclusions on that matter.
12. The extension would partially enclose a side facing first floor window at No 552 Romford Road. The parties agree that this is currently used as a commercial gym, where access to natural light is less important than if the space was used as a dwelling. Further existing windows along that elevation would remain unobstructed.
13. The Council's concern is that the first floor at that property could at some point, be used as a dwelling, when the impact on the affected window could then prove problematic.
14. In the absence of any evidence to suggest that the use of that space could change at any point in the future, I concur with the appellant that the effect of the proposal on light entering and outlook from the upper floor at No 552 would be acceptable. I am satisfied that the proposal would be consistent with policies SP2, SP3 and SP8 of the Newham Local Plan 2018 and policies 7.1 and

7.6 of the London Plan 2016 in so far as they relate to protecting living conditions.

15. That said, that the extension would be built directly up to and would partially obscure an existing window adds to my concerns as to the quality of the design of the appeal proposal.

Other Matters

16. I have carefully considered the benefits associated with the proposal, including increasing the quality of accommodation provided by the existing flat at the site, but not find that these outweigh the concerns that I have described as to the design of the development.

Conclusions

17. Whilst I have found with the appellant in terms of the effects of the development on living conditions for neighbours, the effect of the development on the character and appearance of the area would be unacceptable and as such, the proposal would be in conflict with the Development Plan, when taken as whole.
18. Accordingly, the appeal is dismissed.

N Smith

INSPECTOR