



Appeal Decision

Site visit made on 3 April 2019

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/G5750/W/19/3220496

34 Fulmer Road, West Beckton, London, E16 3TF

- 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 Ms Elena Kvasniova against the decision of the Council of the London Borough of Newham.
 - The application Ref 18/00918/FUL, dated 26 March 2018, was refused by notice dated 24 July 2018.
 - The development proposed is described as "development of the land adjacent to the main semi-detached dwelling house. Demolition of the semi-detached garage which partly occupies the land. Erection of a new single family dwelling which will replace the garage and will partly occupy the land next to it".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the refusal of permission for the proposed development the Newham Local Plan 2018 (LP) was adopted in December 2018. It replaces the London Borough of Newham Local Plan: Core Strategy (January 2012) and London Borough of Newham Local Plan: Detailed Sites and Policies Development Plan Document (October 2016). I have therefore dealt with the appeal on the basis of the up to date policies in the adopted plan. The policies in the LP were carried forward from the Newham Local Plan: Secretary of State Submission Version (February 2018) (draft LP) as referred to in the reasons for refusal, with minor modifications.
3. The Council's reasons for refusal referred to policies in The London Plan: The Spatial Development Strategy for Greater London - Draft for public consultation (December 2017) (Draft London Plan). Given the current status of the Plan, I have given it minor weight in my consideration of the appeal.

Main Issues

4. The main issues are:
 - whether the proposed development would provide adequate living conditions for its occupants, with particular regard to meeting their functional needs in terms of internal living space and external amenity space;
 - the effect of the proposal upon the character and appearance of the area; and

- whether the proposed development would provide adequate bicycle storage.

Reasons

Living Conditions

5. The proposed development would replace an existing garage and adjoining side garden with a 1-bedroom, 2-storey house. The gross internal floor area (GIA) falls significantly below the minimum internal space standards for a 2-storey, two-person, 1-bedroom house, as set out in the London Plan-The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (March 2016) (the London Plan). The standards are intended, amongst other things, to ensure new housing meets the functional needs of occupants by providing sufficient space for furniture, access, and activities in relation to the number of residents. I note the London Plan allows space standards to be relaxed where the proposal is of an exemplary design and contributes to the achievement of other objectives of the Plan. However, I do not consider the proposed design is exemplary, or that the contribution it would make towards meeting the housing requirement for the area outweighs the harm it would cause to the living conditions of its occupants. The appellant has suggested that the internal space standards would be suitable for one person living in the house and that this could be controlled by a planning condition. However, a planning condition restricting occupancy to one person would not be reasonable and would be difficult to enforce. As such it would fail to meet the tests in the National Planning Policy Framework (2019) (the Framework).
6. A strip of land in front of the property would provide external amenity space. It would be open to views from the street and thus would not provide the privacy that external space standards set out in the Greater London Authority Housing Supplementary Planning Guidance (March 2016) (SPG) seek. In exceptional circumstances, where useable private amenity space cannot be provided because of site constraints, the SPG allows for an increase in internal space to compensate for it. However, as noted, the internal space standards already fall below that which is acceptable and necessary to meet the functional needs of its occupants. Furthermore, the proximity to public open space would not, as the appellant suggests, provide an acceptable alternative to on site provision.
7. I therefore conclude that the proposed development would fail to provide adequate living conditions for its occupants in terms of providing internal living space and external private amenity space to meet their functional needs. It would therefore be contrary to: The proposal would conflict with the most relevant policies of the development plan, which are London Plan Policy 3.5, which deals with the quality and design of housing, and LP Policies SP2, SP3 and H1, which respectively deal with healthy neighbourhoods, quality urban design and building sustainable mixed communities. It would also conflict with Policies D4 and GG4 of the Draft London Plan, which in turn deal with housing quality and the delivery of homes, and with the SPG referred to above.

Character and Appearance

8. The appeal site is in a residential street comprising a mix of mainly 2-storey detached and semi-detached houses of different sizes and design. Most have attached garages. These are usually in pairs set back from the road and fill the gap between houses, or pairs of houses, such that there are few breaks between them. The street scene is thus largely characterised by an unbroken

line of buildings, but with a rhythm created by the variation in height between the two storey houses and their linked single storey garages, and the gaps they create at first floor level. Exceptions to this pattern of development occur at junctions, and curves in the road where there tend to be gaps between the pairs of garages and the neighbouring property, as is the case with the appeal site. The orientation of buildings where the road bends increases the gap at their frontage. As a result, the appeal site includes a wedge of garden space between the front of the garage and house, which tapers back to the rear of the site. This openness provided by breaks between buildings at the appeal site and other similar locations also contributes significantly to the character and appearance of the street scene.

9. The proposed development would close the gap between no 34 and the neighbouring property. The remaining garage would provide a small break at first floor level. However, the proposal would reduce the openness provided by the garden and garage and thus harm the character and appearance of the street scene to which it contributes. The proposed development would therefore be contrary to policies in the development plan, the most relevant being Policies 7.4 and 7.6 of the London Plan, which deal with local character and architecture, as well as with Policies SP1, SP3, and H1 of the LP which respectively deal with place-making, quality urban design, and building sustainable mixed communities. The proposal would also conflict with Policies D1 and D2 of the Draft London Plan, which deals with London's form and characteristics and delivering good design.

Cycle Storage

10. The appellant has suggested that there is sufficient space in the front curtilage to provide cycle storage and that a planning condition could require details to be agreed. No details have been provided for me to consider and in any case cycle storage may not be visually sympathetic or secure in a front garden area. The proposal has therefore failed to demonstrate adequate provision of cycle parking contrary to: Policy 6.9 of The London Plan which specifically deals with cycling and Policy LP SP3 of the LP that deals with healthy neighbourhoods. It would also conflict with Policies T2, T5 and D1 of the Draft London Plan which respectively concern healthy streets, cycling and London's form and characteristics. It would also conflict with the SPG to which I have referred above.

Other Matters

11. The appellant has suggested that a nearby approved scheme sets a precedent for this type of proposal. However, from the information provided the house appears to be significantly larger and with private amenity space at both the rear and front of the property. The design is very different and not directly comparable to the appeal proposal. In any case, I have come to my own view regarding the development rather than relying on the approach the Council may have taken elsewhere.
12. Third party representations raised concerns regarding increased housing density, overshadowing, parking flooding, noise and disturbance and the impact of the proposal on property values. However, these do not add to my reasons for dismissing the appeal.

Conclusion

13. The proposal would harm the living conditions of future occupants of the building and the character and appearance of the area and failed to demonstrate that adequate cycle parking can be provided and therefore conflicts with the Development Plan. The contribution that small sites can make towards meeting local housing requirements, identified in the Framework, does not outweigh the harm. Therefore, for the reasons given, I dismiss the appeal.

P D Sedgwick

INSPECTOR