
Appeal Decision

Site visit made on 3 September 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19th September 2019

Appeal Ref: APP/G5750/W/19/3230696

307, 309, 311, 313 & 315 Barking Road, Plaistow, London E13 8EE

- 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 Asad Chaudhry of Interface Properties against the decision of the Council of the London Borough of Newham.
 - The application Ref 18/02923/FUL, dated 9 October 2018, was refused by notice dated 12 December 2018.
 - The development proposed is roof alterations to form loft space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although described on the application form as set out in the banner heading above, the proposal was described by the Council, when refusing the application, as 'proposed roof alterations including mansard roof extension to form loft space at 307, 309, 311, 313 and 315 Barking Road, Plaistow, E13'. In referencing the extension, this provides a more detailed description of the proposal, although the proposal is not strictly for a mansard roof but a flat roof with gable ends and sloping planes to the front and rear.
3. The properties forming the appeal site appear to consist mostly of commercial units at the ground floor, and residential units above. Upon originally making the application, the appellant certified that no other person was the owner of any part of the land to which the application relates. Subsequently he certified that there were 5 other owners. Subsequent to that, notices were apparently served on around two dozen people identified as holding relevant interests in the land. These notices did not meet the requirements of article 13 and Schedule 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 because they did not give the recipients a date by which any representations about the proposal were to be made to the local planning authority. No further accompanying certificate of service appears to have been given. The Council determined the application slightly less than 3 weeks later, having received just one local representation on the proposal.
4. Subsequently the appeal was made, and the appellant has certified that 5 other owners have been served with notice of the appeal. The remaining two dozen owners, the vast majority of whom have addresses for service that are away from the appeal site, appear not to have been notified. The Council has notified

the local occupiers of the appeal, but these may not be the same persons as the owners, many of whom appear to be unaware of the appeal.

5. It is thus clear that the relevant procedural requirements have not been complied with, and the Council therefore query the validity of the appeal. On balance, and given my overall conclusions on the appeal, I consider that the appeal may be determined without prejudice to the interests of any landowners who may not be aware of it. Although no certificate was given of the further service at the application stage, it appears that all the relevant landowners were made aware of the proposal before the Council's determination of the application. No further representations were received by the Council prior to determining the application (one representation was received by the Council apparently in response to its own notification exercise). Although, as notices have not been served, I cannot be certain that no representations would have been received on the appeal, given the lack of response at the application stage this appears unlikely. As a result I am prepared to determine the appeal notwithstanding the serious procedural failings.

Main Issues

6. The main issues arising in the appeal are:

- The effect of the proposed development on the character and appearance of the host property and the surrounding area, including its effect on the setting of the nearby Grade II Listed Fairbairn Hall; and
- The effect of the proposed development on the living conditions of neighbouring occupiers, having particular regard to matters of noise and disturbance, outlook and enclosure; and
- The effect of the proposed development on the safe and efficient operation of the highway.

Reasons

Character and appearance and heritage assets

7. Barking Road is the busy A124, leading north east from Canning Town. The appeal properties lie on the north side of the road, set back from the carriageway by a wide pavement and a large tree in front of No 315. Nos 307 to 313 are a cohesive group of 3 storey Victorian terraced buildings, originally 'Gordon Place', with a parapet wall concealing butterfly roofs, with ornate cornice. At the time of my site visit, No 311 appeared in particularly poor condition with vegetation protruding from the roof. The upper brickwork to the western side wall of No 307 appeared to be coming away.
8. No 315 adjoins No 313, continuing the terrace, but is a much more modern construction with a slightly lower parapet, pitched roof, and consists of 4 storeys. An abundance of satellite dishes protruded from the front elevation, and the building appeared in quite poor condition.
9. Fairbairn Hall lies to the south west on the opposite side of Barking Road, overlooking the 'Glory House' and Tabernacle Avenue. It is a late Victorian ornate 3 storey red bricked building with the roof having apparently been converted to provide additional space. It is immediately adjoined to the west by a large modern block of flats and to the east by a modest terrace.

10. The appeal proposal is to insert a mansard-style roof across the top of all the properties, with dividing walls between them. The roof would be flat-topped, with steeply sloping sides down to behind the existing parapets. Two velux windows would be inserted on each of the front and rear roof slopes of Nos 307 – 313, with four windows in each of the slopes of No 315. The new roof space is marked as 'storage' on the proposed loft plan. The appellant explains that the purpose of the proposal is to provide a modern replacement to the existing valley roofs which are suffering from wear. No means of access to the loft space is shown on the plans and it is unclear what existing use of the buildings (if any) the 'storage' would relate to.
11. Although of similar frontage heights, the existing appeal properties are clearly discernible as two separate buildings; the Victorian 'Gordon Place' of Nos 307 – 313, and the more modern No 315. The addition of the proposed homogenous roof across the tops of all these properties would result in an incongruous integration of the buildings, that would adversely affect the appearance and legibility of the Gordon Place terraced block. I consider that to 'merge' the properties in this way would adversely affect the character and appearance of the terrace as a whole.
12. Additionally the design of the flat roof is unbecoming of the traditional fenestration of the Gordon Place element of the terrace. Although many of the windows in the front elevation have been replaced with modern glazing, overall the traditional appearance of the window surrounds and the building's façade contribute to the building's attractive (albeit currently somewhat dilapidated) appearance. The proposed roof would not have the modest dormers or sash windows traditional of mansard roof extensions, but would have flush top-hung velux windows that would not be in keeping with the façade below. The openings above No 313 would be particularly discordant, by failing to reflect the differing arrangement of that, slightly wider, property.
13. Policy 7.1 of the London Plan of March 2016 ('the London Plan') requires the design of new buildings to help reinforce or enhance the character and legibility of the neighbourhood. Policy 7.4 requires high quality design. Policy 7.5 requires high quality design in the public realm. Policy 7.6 repeats the theme, requiring buildings to be of the highest architectural quality, incorporating quality materials and appropriate design.
14. The Newham Local Plan of 2018 ('the LP') has similar aims. Policy SP1 expects high quality development. SP3 expects high quality urban design. SP7, applying specifically to Barking Road and other key movement corridors, seeks to improve architectural design and the public realm.
15. I conclude on this issue that the proposed roof extension would detrimentally affect the character and appearance of the host building and thus the surrounding area, contrary to the development plan policies for the area.
16. As to the Grade II Listed Fairbairn Hall, the result of more recent developments appears to me to limit the setting of that building to its immediate context and the avenue opposite. I have had special regard to the desirability of preserving the setting of this building, which is a matter to which I give considerable importance and weight. Nonetheless I was unable to identify any particular adverse impact on the setting of the building that would result from the appeal proposal.

Living conditions

17. The physical result of the proposal would be to increase the massing and height of the buildings, with the potential to affect the light and outlook of the occupiers of the rear flats behind and below. Unfortunately the application plans are insufficiently accurate or detailed to enable a proper assessment here. Other impacts on occupiers' living conditions would depend upon the use to which the roofspace was put. The appellant states that the proposed roof structure is only for a loft, but the plans are marked for a storage use and the access to the roof spaces is not shown. Without clarity as to the end user I cannot be satisfied that the living conditions of the occupiers below would not be adversely affected. LP Policy SP8 seeks to ensure neighbourly development, requiring that change brought about by development must not cause problems for existing neighbours. I have insufficient information to enable me to conclude that this policy requirement would be met.

Highways

18. The same conclusion applies to any highway impacts of the proposal. If the roof space were to be used as an independent storage facility, as the plans suggest, then the impacts of this on the highway would need to be assessed. Without certainty as to the nature of the storage use, and in the absence of any such assessment, I cannot be satisfied that the requirements of LP Policy SP8 requiring proposals to minimise parking stress, or of LP Policy SP7 to facilitate the smooth and efficient but safe movement of traffic, would be met.

Conclusion

19. Although I have found no harm to the setting of Fairbairn Hall, and the impacts on residential living conditions and the safety of the highway are uncertain, the impacts of the proposed development on the character and appearance of the existing buildings would be harmful. The proposal is contrary to the development plan for the area, and no material considerations have been raised that indicate I should take a different view. Therefore, the appeal is dismissed.

Laura Renaudon

INSPECTOR