
Appeal Decision

Site visit made on 18 November 2019

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/G5750/W/19/3237124

174 Romford Road, Forest Gate, London E7 9HY

- 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 Imran Ravat against the decision of the Council of the London Borough of Newham.
 - The application Ref 18/03274/FUL, dated 15 November 2018, was refused by notice dated 27 March 2019.
 - The development proposed is 'Single storey rear extension, Conversion and extension of existing basement to provide 1 self contained 2 bedroom residential unit including formation of new lightwells to the front and rear.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the appeal proposal on:
 - a) The character and appearance of the area;
 - b) The living conditions of future occupiers of the proposed development, with particular regard to access, outlook, light and private amenity space;
 - c) The living conditions of the occupants of the neighbouring residential property at 172a Romford Road with regard to outlook and sunlight;
 - d) Sustainable transport, with regard to on-site cycle storage facilities; and
 - e) Waste management, with regard to on-site waste and recycling facilities.

Reasons

Character and appearance

3. Several properties within the terraced block have alterations to the front, including what appear to be extended lightwells. The proposed lightwell to the front of the appeal property would have a fairly modest footprint and the metal railings at ground floor level would be of a lightweight appearance. These elements of the scheme would therefore not appear out of place in this context.
4. The back and side of the appeal property are highly visible from Elm Road. I noted during my site visit that any single storey extensions to the rear of outriggers along the terrace appear to be modest, subordinate structures.

5. By contrast, the proposed extension at the back of the outrigger would have a substantial depth and would span the full width of the plot. This, in combination with its height and incongruous flat roof form, would result in a dominant and bulky addition.
6. Whilst appropriate materials could be secured through the imposition of a planning condition, for the foregoing reasons, I conclude that the proposed single storey rear extension would have a harmful effect on the character and appearance of the area. Thus, it would not accord with the design aims of Policies S6, SP1, SP2, SP3 and SP8 of the London Borough of Newham Local Plan 2018 (LP), Policies 7.4 and 7.6 of the London Plan 2016 (London Plan), Policies D1 and D2 of the Draft London Plan 2019 (Draft London Plan), the London Borough of Newham Altering and Extending Your Home Supplementary Planning Document 2018 and the National Planning Policy Framework (Framework).
7. The Council's second reason for refusal refers to Policy 7.5 of the London Plan and Draft London Plan Policy D7. However, as they relate to the public realm, these policies are not directly relevant to the appeal proposal; I have therefore not had regard to them on this occasion.

Living conditions of future occupants of the development

8. The access to the proposed flat would be via a flight of steps from the front garden to the basement lightwell. Consequently, the development would not be readily accessible to everyone, and would not benefit from natural surveillance. Whilst there may be existing subterranean accesses in London, this does not justify the perpetuation of poor accessibility and safety in new development.
9. Outlook from the basement flat would be poor, with all habitable room windows facing directly onto substantial retaining walls situated in close proximity. The proposed kitchen and living area would have a deep floorplan, and the natural light to this space would come solely from a window opening onto the front north facing basement level lightwell. The 2 bedrooms would have windows looking onto the rear amenity space. However, this would be surrounded on all sides by the high walls of the appeal property and boundary. Based on the submitted evidence, as a consequence of its subterranean, constrained position and internal layout, the levels of natural light within the flat are likely to be inadequate.
10. The proposed private amenity space to the rear of the basement flat would be very small and enclosed by sizeable walls. This space would only be accessible through a bedroom, which would reduce its usability. Moreover, the area would be overlooked by the bedroom windows of the ground floor flat, thus reducing privacy; it has not been demonstrated that this could be successfully designed out through the use of screening or by part obscuring the fenestration.
11. For the foregoing reasons, I conclude that the proposal would have a harmful effect on the living conditions of future occupants of the development, with particular regard to access, outlook, light and private amenity space. It would thus fail to accord with the design and amenity protection aims of LP Policies H1, H4, S1, S6, SP1, SP2, SP3 and SP8, London Plan Policies 3.5, 7.1, 7.2, 7.3 and 7.6, Draft London Plan Policies D1, D2, D3, D4 and GG4, the Greater London Authority Housing Supplementary Planning Guidance 2016 (Housing SPG) and the Framework.

12. Whilst the Council's fourth reason for refusal refers to London Plan Policy 7.5 and Draft London Plan Policy D7, as these policies relate to the public realm, they are not directly relevant to the appeal proposal. Therefore, I have not had regard to them in considering this appeal.
13. The Council's first reason for refusal cites conflict with the Department for Communities and Local Government Technical Housing Standards – nationally described space standard. However, I note from the Council's Delegated report that the proposal is considered to exceed the required minimum internal floor area; based on the evidence before me I do not disagree. Therefore, I find no conflict in this regard.

Living conditions of neighbouring residential occupants

14. The proposed extension to the ground floor flat at the rear of the outrigger would be built up to the boundary with the adjoining residential property at 172a Romford Road. It would extend 4m along this boundary and, despite its flat roof form, would be substantially higher than the boundary fence. As a result, this element of the appeal proposal would be oppressive and harmful to the outlook from the neighbouring property. Given its depth, height and siting to the east of No.172a, the structure would also be likely to result in some loss of morning sunlight to the garden.
15. For the reasons above, I conclude that the appeal proposal would have a harmful effect on the living conditions of the occupants of the neighbouring residential property at 172a Romford Road with regard to outlook and sunlight. The proposal would thus fail to accord with the design and amenity protection aims of LP Policies SP1, SP2, SP3, SP8, H1, London Plan Policy 7.1, the Housing SPG and the Framework.
16. Whilst the Council's third reason for refusal refers to London Plan Policy 7.15, this relates to noise and so is not relevant to this Main Issue; I have therefore not had regard to it on this occasion.

Sustainable transport

17. The submitted details do not include provision for cycle storage. However, the front garden is within the appeal site and is capable of accommodating adequate cycle storage to serve the development. Therefore, I am satisfied that, if the appeal proposal were acceptable in all other respects, cycle storage could be secured by way of a suitably worded planning condition.
18. On that basis, I conclude that the appeal proposal would not have a harmful effect on sustainable transport, with regard to on-site cycle storage facilities, and would accord with the sustainable transport aims of LP Policies S1 and INF2, London Plan Policy 6.9, Draft London Plan Policies T1, T2, T4 and T5 and the Framework.
19. The Council's fifth reason for refusal refers to LP Policies S2, SP1 and SP3. However, it is not clear from the evidence before me how these policies relate to the provision of cycle storage, so I have not taken them into account in this instance.

Waste management

20. Although the submitted details do not include provision for waste and recycling storage, there is adequate space within the appeal site to accommodate these facilities. If the appeal scheme were otherwise acceptable, such provision could be secured through the imposition of a planning condition.
21. Accordingly, I conclude that the appeal proposal would not have a harmful effect on waste management, with regard to on-site waste and recycling facilities. It would accord with the waste management, design and amenity protection aims of LP Policies SP2, SP3, SP8, INF3 and SC5, London Plan Policies 5.17, 7.1 and 7.4 and the Framework.
22. The Council's sixth reason for refusal refers to London Plan Policy 7.5, however, this relates to public realm which is not of direct relevance to this Main Issue. Therefore, I have not had regard to it. Nor have I had regard to Policy S18 of the Draft London Plan, which, where it relates to development proposals, refers to waste sites and so is not directly relevant to waste and recycling storage in relation to individual residential properties. Reference is also made to Policy 5.3 of the London Plan; however, I have not been provided with a copy and so am not able to take it into account.

Conclusion

23. I have concluded that the proposed development would not have a harmful effect in relation to sustainable transport or waste management. However, an absence of harm with regard to these matters is a neutral factor which weighs neither for nor against the appeal proposal. I have further concluded that there would be a harmful effect on the character and appearance of the area and the living conditions of both future occupants and neighbouring residents, and that the proposal conflicts with the development plan in relation to these matters. The scheme would create an additional flat and enlarge the existing ground floor flat; I afford some weight to these benefits. However, the harm I have identified is decisive.
24. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

CL Humphrey

INSPECTOR