
Appeal Decision

Site visit made on 28 January 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/G5750/W/19/3240382

119, 1 Best Court, East Road, Stratford, London E15 3QS

- 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 Sidd Mahajan, Tulip Estates Ltd, against the decision of the Council of the London Borough of Newham.
 - The application Ref 19/02440/FUL, dated 26 August 2019, was refused by notice dated 25 October 2019.
 - The development proposed is erection of a part additional storey to accommodate 1 two-bed self-contained flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It has been confirmed that the name of the appellant corresponds with the name on the application form.
3. The Council refer to the proposal being contrary to various policies in the Draft London Plan—consolidated suggested changes version, published July 2019 (DLP). Although the policies referred to include some proposed changes, the broad aims and objectives of these policies are consistent with the National Planning Policy Framework (the Framework). Given the advanced stage at which the emerging London Plan is at, in accordance with paragraph 48 of the Framework, I afford the policies referred to substantial weight.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the host building and the area, and
 - the effect of the proposal on the living conditions of future occupants, with particular regard to internal space.

Reasons

Character and appearance

5. The appeal building is a detached, three-storey property which occupies a backland location in an area which is characterised by two and three-storey

terraced dwellings. Whilst there are other forms of development in the area, such as a tower block and industrial premises, the appeal site is enclosed by terraced properties and it is these dwellings that form the context within which the proposed development would be constructed.

6. The proposal consists of increasing the height of the building from three to four storeys. I note that the design has been amended from the previous scheme, which was dismissed at appeal in July 2019, Ref: APP/G5750/W/3211067. This scheme was a revision of a previous scheme that was also dismissed at appeal, Ref: APP/G5750/W/18/3206153.
7. As with the last scheme, the mansard-style roof is set further in from the eaves of the existing building than the previous dismissed scheme. I note the plans illustrate that the proposed extension would not be significantly visible from the positions shown. However, the extension would be clearly visible from other public vantage points, such as many of the windows in the block of flats north-east of the site, the car park associated with the block of flats and the rear gardens of several properties on East and Brooks Roads. At four-storeys high the building would be out of scale with the immediate neighbouring properties. Consequently, I conclude that the proposal would disrupt the proportionality of the existing building and would be out of keeping with the established character and appearance of the area.
8. As such, the proposal does not accord with policies S1, S6, SP1, SP3, SP8 and H1 of the Newham Local Plan 2018: A 15 year plan looking ahead to 2033 (December 2018) (NLP), policies 7.4 and 7.6 of the London Plan: Spatial Development Strategy for Greater London, consolidated with alterations since 2011, (March 2016) (LP), policies D1B and D2 of the DLP or paragraph 127 of the Framework¹. Collectively these policies seek to achieve high-quality development through high-quality design, having regard to, among other things, scale, and to secure development that responds to and/or enhances local character.

Living conditions – future occupiers

9. The proposal would create a 1-storey, 2-bedroom, 3-person flat. The Technical Housing Standards-Nationally Described Space Standards (DCLG, March 2015, amended August 2018) (NDSS), are included in Policy 3.5 of the London Plan, which forms part of the development plan for Newham. The Council and the appellant agree that the Gross Internal Floor Area (GIA) would be 60 sqm, when the minimum requirement is 61 sqm; in addition, no built-in storage space would be provided, and the minimum requirement is 2 sqm.
10. Hence, the proposed GIA falls below the required standard and as no storage space is provided the proposal is also below standard in this regard. I acknowledge that the 1 and 2 sqm figures appear relatively small. In addition, the appellant suggests that storage space could be readily provided within the fabric of the building, which I acknowledge could be the case. However, I must assess the scheme that is before me. The appellant also suggests that such shortfalls are outweighed by the private amenity space that would be provided. As the standards are minimum standards, ie the minimum extent of GIA and

¹ In addition to these policies the Council referred to policy 7.5 of the LP and D7 and D1 of the DLP. However, as these policies relate to public realm and carrying out character assessments to inform growth, I do not consider them relevant to my assessment.

storage space deemed to be required to ensure provision of satisfactory living conditions for future occupiers, I do not consider that proposed amenity space outweighs the shortfall in internal space identified. Consequently, as the proposed GIA would be below the minimum required and no built-in storage space would be provided, I conclude that the proposal would not provide satisfactory living conditions for future occupiers in these regards.

11. As such, the proposal does not accord with policies S6, SP1, SP2, SP3 and H1 of the NLP, policies 3.5 and 7.1 of the LP, policies D1B and D4 of the DLP, paragraph 127 of the Framework, guidance in the London Housing Supplementary Planning Guidance (2016) (SPG) or the space standards in the NDSS. Collectively, and among other things, these policies and guidance seek to ensure developments provide satisfactory living conditions for future occupiers.

Other Matters

12. The appellant has drawn my attention to applications that have been refused on a neighbouring site. I do not have the full details of these schemes and cannot therefore conclude the extent to which the sites and schemes may or may not be comparable. Notwithstanding this, each proposal must be determined on its own merits.
13. I note the proposal would provide an additional residential unit which would contribute to the housing needs of the Borough. However, one unit would only be a small contribution. I acknowledge that there are no issues in respect of living conditions of existing occupiers, highway safety, landscaping or biodiversity and that the site is in an area with relatively good public transport accessibility. However, these considerations are outweighed by the harm I have identified in respect of character and appearance of the area and living conditions of future occupants.

Conclusion

14. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR