



Appeal Decision

Site visit made on 21 September 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/G5750/D/20/3245731

29 Claremont Road, Forest Gate, London E7 0QD

- 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 Zulfikar Ali against the decision of the Council of the London Borough of Newham.
 - The application Ref 19/02269/HH, dated 30 July 2019, was refused by notice dated 5 November 2019.
 - The development is retrospective planning in relation to rear garden landscape works.
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Decision

1. The appeal is allowed and planning permission is granted for rear garden landscape works at 29 Claremont Road, Forest Gate, London E7 0QD in accordance with the terms of the application, Ref 19/02269/HH, dated 30 July 2019, and the plans numbered PL 01; PL 02 and PL 03.

Procedural Matters

2. It is clear from the submissions of both parties that the works for which permission is sought have been carried out, and that the Council determined the application on that basis. At the time of my visit to the site the areas of raised timber decking, planters and area of artificial grass had been laid out in the manner shown on drawing no: PL 03. I have made slight amendments to the development description in my decision in order to remove superfluous wording.
3. Although the subsequent appeal was submitted with a number of documents prefaced with 'Full Statement of Case..' it is clear that those documents are supporting documents rather than the Statement of Case itself. However, as the application was initially submitted retrospectively I am satisfied that the appellant's Design and Access statement sufficiently sets out the appellant's case. I have determined the appeal accordingly.

Main Issues

4. The main issues are whether or not the proposed development would:
 - Preserve or enhance the character or appearance of the Woodgrange Estate Conservation Area; and
 - Protect the biodiversity value of the appeal site.

Reasons

Character and appearance

5. The appeal site lies within the Woodgrange Estate Conservation Area (CA), described in the Woodgrange Design Guide (WDG) as originally a smart middle-class Victorian suburb with distinctive houses set in attractive surroundings. Trees, hedges and lawns were a characteristic feature of the CA's original design concept and the WDG notes the area's leafiness as being one of its best features. The WDG goes on to state that rear gardens were laid out to be leafy and spacious, seen from neighbouring properties, and as a place for relaxation.
6. The avenue of street trees along Claremont Road provide a leafy setting to the appeal property. These trees, and the hedges on either side of the appeal property's front garden, are representative of the CA's character and appearance as described in the WDG. Although there are small gaps between the substantial detached houses on Claremont Road, glimpses to the rear are heavily restricted, and do not contribute to the leafy setting noted in the WDG.
7. The area of artificial grass across the majority of the central part of the garden, and the crisp, straight lines of the planter and decking give the rear garden a somewhat stark appearance. As such, it lacks the softening influence of trees, shrubs and hedges that can be seen in the rear gardens of the surrounding, wider area.
8. However, the area of decking at the rear of the garden occupies a relatively small portion of the overall rear garden area and such areas to provide for outdoor seating are not uncommon within a residential setting. This element of hard surface would not be extensive or overly large, nor would it amount to a discordant garden structure. Meanwhile, both the decking area and the planter provide for the opportunity of planting of greenery to contribute to the leafy setting of rear gardens. Furthermore, the area of artificial grass maintains the visual aspect of greenery in much the same way as an area of lawn would, thereby avoiding the harshness of concrete, paving or other similar hard surfaces, whilst the garden layout would avoid substantial structures that would erode or compromise the spaciousness noted by the WDG.
9. I have no reason to believe that the works for which permission are sought were preceded by the removal of trees or shrubs which would have compromised the contribution that the appeal property's rear garden makes to the CA. Nor is it by any means the case that all rear garden areas in the vicinity of the appeal site contribute equally to the CA's special character. The proposal would not compromise the aspects of the CA described in the WDG and, whilst not enhancing the character or appearance of the CA, would have a neutral effect. A neutral effect would preserve the CA's character and appearance and thus for the reasons set out there would be no conflict with Newham Local Plan (NLP) policies H1, S6, SP1, SP3, SP5 or SP8, policies 7.1, 7.4, 7.6 or 7.8 of the London Plan (LP) or policies D1, D1B or HC1 of the draft London Plan (dLP), or with the heritage aims of the National Planning Policy Framework (the Framework).

Biodiversity

10. The submitted (pre-)existing plans show the rear garden laid predominantly to grass with a concrete plinth at the rear. Whilst I accept that the biodiversity

credentials of areas of artificial grass and timber decking may not be particularly high, maintained and heavily used domestic lawns are not necessarily renowned for their biodiversity value.

11. The scheme in any event provides a lengthy and reasonably generous raised planter adjacent to the brick wall along one side of the rear garden which was, at the time of my visit to the site, well-stocked and neatly maintained. The appellant has highlighted the importance of having a usable and adaptable rear garden space to provide convenient access to outdoor space, which the appeal scheme would provide.
12. The biodiversity benefits of the proposal are limited, but they are not non-existent, and the raised planter provides a reasonable basis for planting which would contribute to the CA's leafy and green setting and character. In this respect, the proposal would not fully align with NLP policies SC1, SC4 or SP8, LP policies 7.19 or dLP policies G6 or G7 but, capacity for biodiversity provision is catered for within the planter and, at a time when access to convenient and usable outdoor and amenity space has become more pertinent, an outcome no fully in line with the development plan's provisions in this respect is justified.

Conditions

13. The application and appeal were submitted retrospectively. Although the Council has suggested time limit and plans conditions, I have specified the plans in my decision. There is no requirement for a time limit condition as the works have already been carried out.

Conclusion

14. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR