



Appeal Decision

Site visit made on 7 October 2020

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 October 2020

Appeal Ref: APP/G5750/W/20/3252280

22 Sprowston Road, Forest Gate, London E7 9AD

- 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 M Patel against the decision of the London Borough of Newham.
 - The application Ref 19/02168/FUL, dated 1 August 2019, was refused by notice dated 12 November 2019.
 - The development proposed is a loft conversion including proposed rear dormer and 2x roof windows to the front elevation, two storey rear extension and conversion of the existing residential dwelling to form 5 self contained flats comprising of 2x3 bedrooms duplex apartments (6 persons) and 3x1 bedroom flat (2 persons).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - the housing mix of the area;
 - the character and appearance of the locality, including the subject building and the Sprowston Road and the Forest Gate Area of Townscape Value; and
 - the living conditions of the existing neighbouring occupiers as a result of outlook, and sense of enclosure.

Reasons

Housing mix

3. The appeal property is a two storey detached dwellinghouse with habitable accommodation within the basement and loft; and a two storey extension to the rear. In total, the building consists of a family dwellinghouse of 8 bedrooms. According to the accompanying text to Policy H4 of the London Borough of Newham Local Plan 2018 (LP) it is clear that the Council will fail to provide enough family housing if it does not both increase the rate of new provision (as per Policy H1 of the LP) and hold onto existing family stock which would result in a failure to achieve the strategic principles and policies as outlined in Policies S1, S6, SP1 and SP3 of the LP. These policies seeking balanced and mixed communities is reinforced through the policies of the London Plan 2016 and supported by the Housing Supplementary Planning

Document¹ (SPD) which seeks to promote opportunities for family dwellinghouses within London that provides housing choice and affordability.

4. Policy H4 of the LP presents criterion on the adequate protection and re-shaping of housing stock. For dwellings of 3 bed and 4 bed plus family housing, the policy seeks that they will be protected unless there is a replacement of at least the equivalent floorspace. In particular for large family dwellinghouses (4 bedrooms plus), their subdivision may be appropriate where the resulting units are 4 bedroom plus with 45sqm of private amenity space that has a minimum width of 4 metres.
5. The proposed scheme would subdivide the existing dwelling into 5 apartments, two of which would consist of 3 bedrooms each and 3 apartments which would contain one bedroom each. In consideration of the scheme against the criteria in Policy H4 of the LP, the scheme would not replace a family dwellinghouse of at least equivalent floorspace (1a); the site is not located within a town or local centre, or along a quality movement corridor within 400m of a designated centre (2a.i); and the site is not located above an existing, occupied commercial unit (2a.ii). The existing dwelling does access to external private amenity space (2a.iii) and has a well defined front entrance (2a.1v) illustrating some compliance with this policy. Additionally, Section b of LP Policy H4 seeks that the subdivision of dwellings may be appropriate where resulting new units are 4 bedroom plus and have a 45 Sqm private amenity space which is at least 4 metres wide.
6. The proposed units, whilst meeting the criterion of access to private amenity, and having a well-defined entrance; would fail Policy H4 when taken as a whole given the locational requirements mentioned above; and that there are no proposals for 4 dwelling plus units as well as the amenity space for each unit being below that being required (45Sqm with a minimum width of 4 metres).
7. I note comments from the Appellant that the existing dwelling with 8 bedrooms as a result of population statistics indicates there is a decrease in average family size and that the existing dwelling can 'no longer be regarded as a larger family dwellinghouse' as that it is 'unrealistic to expect it to be occupied as such.' Whilst larger than average, the subject dwelling is still a 'family dwellinghouse' and Policy H4 of the LP is relevant. Whilst I agree with the applicant that the scheme would increase the net number of units in general terms, the proposal would however result in a net loss of a family dwelling unit which the Council sees as important to protect. I do not agree that Policy H4 of the LP is as restrictive as implied by the applicant in that it is believed that the policy would only restrict the use of the appeal site to a single 8 bed roomed dwelling which is considered by the applicant to be 'unlikely that it would ever be occupied.' It is noted that there may be an opportunity to meet the policy as has been suggested within the Council's Planning Officer Report.
8. I also note comments within the appeal documents with regards to the neighbouring property being converted to apartments and that there is an existing lapsed planning permission to convert the appeal site into apartments². Both applications were approved prior to the current Local Plan which was adopted in 2018. As such previous applications which may have been granted prior to the change in policy position does not justify the

¹ Published by the Greater London Authority, Published March 2016, updated August 2017

² Newham Planning Application Ref: 15/00518/FUL and 16/03049/FUL

acceptability of the development against the policy position today. As such, the conversion of the neighbouring dwelling to apartments and the existing lapsed planning permission for apartments on the appeal site do not carry weight in the determination of this appeal.

9. Consequently, I find that the loss of a family dwellinghouse would result in significant detriment to the housing mix which would be contrary to Policy H1 and H4 of the LP (which seeks to maintain a mix of housing tenures, and amongst other criterion, a preference for retention of family housing) and Policies S1, S6, SP1 and SP3 which seeks to achieve a housing mix and balanced communities. The scheme would therefore also be in conflict with London Plan 2016 Policies 3.3, 3.5, 3.8, 3.14 which seeks to achieve appropriate housing choice and affordability with a focus on providing family housing in London.
10. The Council have indicated that the scheme would fail emerging draft London Plan policies, however the document has yet to be adopted and is subject to further modification as per the Secretary of State's recommendation. I afford policies GG4, H10 and H12 moderate weight³ within this decision with regards to their intent to create balanced and mixed communities and seek to retain family housing within London. The Council has not demonstrated which components of the National Planning Policy Framework (the Framework) that they believe the proposal would be contrary to. Given the non-compliance with the development plan, it is not necessary to consider the Framework in further detail in relation to this matter.

Character and appearance of the locality, including the Forest Gate Area of Townscape Value (ATV).

11. The appeal site is noted in the Newham Character Study as being located within the Forest Gate ATV and lying adjacent to, but outside of the Forest Gate Town Centre Conservation Area (CA).
12. The Newham Character Study Forest Gate ATV Map notes that the strengths and positive aspects of the local character and distinctiveness of the area derives from a strong local identity focused on a 'high street' comprising Woodgrange Road with a distinctive Conservation Area; Strong heritage estate identity; Large family houses with private amenity space, front and back gardens; Mature trees and natural greenspace that is visible and accessible; Much of older housing stock in good condition and has not been subject to insensitive alterations, amongst others. These values, amongst others contribute to the local character and distinctiveness of the ATV.
13. Sprowston Road contains a number of these positive aspects, such as containing large detached and semi-detached Victorian properties with vegetated front gardens, and setbacks between dwellings with large rear gardens which maintain a sense of spaciousness and status in their construction, detailing and materials. There are some large rear extensions in the area; some of which are more subservient than others. It is noted that at the northern end of Sprowston Road there is the construction of apartment buildings currently underway.

³ Paragraph 48 of the Framework states that Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

14. Policy SP5 which is accompanied by the 'Altering and Extending your Home Supplementary Planning Document' seeks that proposals reflect the Newham Character Study and that new extensions should seek to preserve the character of the original house where practicable and that they be subservient to the original house.
15. The appeal dwelling has existing rear extensions that consist of a single storey flat roof structure and a two storey rear extension that has a gable end which extends past the roof of the main dwelling and forms a hipped roof before joining the rear of the host dwelling under the eaves. The two storey extension, whilst historic has an awkward juxtaposition with the main building's roof and does appear discordant in this context. The proposal is to replicate this two storey rear extension and roof form in the place of the existing single storey addition. Additionally, there is a proposal to further extend the rear of the dwellinghouse to form a single storey flat roof extension which is the width of the existing dwelling and extends further into the garden to provide further accommodation. The single storey extension also contains a roof terrace with timber cladding to enclose a private amenity area above the flat roof for the apartments on first floor level.
16. The proposed two storey extension replicates the poor roof form and design of the existing two storey extension, and whilst I appreciate that the design is attempting to replicate an existing extension, the roof form is incongruous of the form and proportions of this Victorian dwelling. The depth and massing of the extension in total would be almost the same footprint of the main dwellinghouse and could not reasonably be seen as a subservient addition. The additional clutter provided by the timber screens surrounding the roof terraces give a two storey appearance and are not characteristic of the area and exacerbate the inappropriateness of the proposed extension.
17. I note reference to an appeal decision⁴ for a first floor rear extension at the neighbouring property at 24 Sprowston Road. However this rear extension sits under the eaves of the existing dwelling with a lean to roof which does not have a similar depth as proposed (including the timber screen) and has much more subservience than as proposed by the current scheme. I do not consider this adjacent appeal as analogous to the appeal site in order to demonstrate what would be considered acceptable.
18. In conclusion on this matter the proposed rear extension would be a discordant addition which is not subservient to the existing dwelling as a result of its size, proportions and overall design which would be detrimental to the Forest Gate ATV. Consequently the proposal would be contrary to Policies SP1, SP3, SP5 of the LP which is supported by the 'Altering and Extending your Home Supplementary Planning Document' which together sets design orientated criteria which seeks that urban design should recognise the strengths and weaknesses of local character and seek to contribute positively to the composition of the townscape. The scheme would be contrary to Policies 7.1, 7.4 and 7.6 of the London Plan 2016 seek that design reflect the local character and distinctiveness of the area.
19. Policies GG1, S6 and SP8 of the Local Plan are referenced in the Reason for Refusal relating to the design of the proposed scheme, however these policies relate to strategic principles and are not relevant to the consideration of this

⁴ APP/G5750/W/16/3151758

particular scheme. Policies D1, D2, D7 of the Draft London Plan deal with public realm improvements, implementing design policies into local plans and strategic principles around design, they too are not relevant to the consideration of this particular scheme. Policy 7.5 of the London Plan 2016 is also referred to in the decision notice which relates to the design of the public realm and is not relevant to the determination of this application.

Living conditions of the existing neighbouring occupiers as a result of outlook, and sense of enclosure.

20. The main contention with regards to living conditions results from a loss of outlook and sense of enclosure caused by the extension to the rear of the existing dwelling which consists of a single storey element with timber cladding surrounding the perimeter of the terrace above.
21. Whilst the aim of the timber cladding to the roof terrace at 1st floor level intends on avoiding overlooking into surrounding properties, the cladding creates the perception and massing of a two storey addition to the rear. The proposed extension with cladding to first floor would project past the neighbouring properties at No.20 and No.24. It is noted that No.20 already has a sense of enclosure from the first floor rear extension along the boundary at No.18. The proposed extension at the appeal site would also be close to the boundary of No.20 exacerbating the effect of enclosure as the proposed extension would result in a two storey blank wall close to each side of the boundary of No.20. The proposed extension of the rear of the dwelling with timber cladding would create a 'tunnelling effect' to No.20, particularly from the rear windows creating a poor outlook and sense of enclosure that would result in unacceptable impacts to the living conditions of the neighbouring occupants.
22. In conclusion of this matter, the proposal would be contrary to Policy SP8 where at section xiii the Policy seeks to minimise overbearing impacts from new developments.
23. Policies H1, SP1, SP2 and SP3 of the Local Plan are referenced in the Reason for Refusal however do not relate to living conditions as a result of outlook and sense of enclosure. As such, these policies are not relevant to the consideration of this particular matter. Policies GG1, D1, and D2 of the Draft London Plan are also referred to and deal with public realm improvements, implementing design policies into local plans and building inclusive communities, they too are not relevant to the consideration of this particular matter concerning living conditions. Policies of the London Plan 2016 referenced in the Reason for Refusal including 3.5 (Quality and Design of Housing Developments), Policy 7.1 (Lifetime Neighbourhoods) and Policy 7.5 (Public Realm) are not relevant to the determination of this matter.

Conclusion

24. For the reasons given above, I conclude that the appeal be dismissed.

J Somers

INSPECTOR