

Appeal Decision

Site visit undertaken on 7 October 2020

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

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision Date: 5 November 2020

Appeal Ref: APP/G5750/D/20/3254126

149 Windsor Road, Forest Gate, London E7 0RA

- 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 Toyin Sulola against the decision of the London Borough of Newham.
 - The application, ref. 20/00482/HH, dated 28 February 2020, was refused by notice dated 24 April 2020.
 - The development proposed is a Single Storey Annexe Scheme.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development upon the character and appearance of the building and the locality, with particular regard to the Woodgrange Conservation Area (CA).

Reasons

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area.
4. There has been no heritage statement which complies with paragraph 189 of the National Planning Policy Framework (the Framework) submitted with the appeal documents. However, the CA's significance is highlighted in the Woodgrange CA Design Guide, where relevant components of the significance in relation to the appeal site relate to the development of 'smart middle class Victorian housing; which was constructed between 1977 and 1892.' The majority of dwellings consist of groups of terraces with small gaps between the end terraces providing glimpses between buildings to trees and greenery beyond. The dwellings themselves have many of the same design elements, with most being 3 bays wide with a forward protruding canted bay window with stone dressings around fenestration and large decorative surrounds applied to the centrally placed entrance door. The use of traditional materials such as timber, brick and slate along with the similar designs reinforce authenticity and create a formal picturesque townscape

along with vegetated front gardens and street trees give a spacious, leafy and distinctive character.

5. The appeal site displays a number of positive qualities of significance to the CA, being a high quality end terraced building which marks the end of the terrace on a corner plot. The appeal site is unusual given its roughly triangular shape and with three facades being highly visible within the street scene. The boundary of the appeal property is a historic brick wall with decorative curved coping along each of the boundaries. It is unfortunate however that barbed wire has been placed on top of the wall as well as inauthentic materials such as uPVC windows and doors being present which detract from the character and appearance of the CA. The undeveloped side and rear garden of the dwelling do assist in making a positive contribution to the open character in and around the gardens of the dwellings.
6. The proposed extension which would be in use as an annexe would be as deep as the existing dwelling and would project towards the side boundary with a main and pitched and hipped roof extending from the front façade to the boundary as well as two further projections each to the boundary with small indents in between. The two rear elements would have a half-hipped roof leading into a flat roof which is in line with the ridge of the front component. Whilst I appreciate that the shape of the site makes the construction of an extension to the dwelling difficult, I would disagree with the applicant that the design would be 'innovative or exceptional' where the Framework at paragraph 131 promotes high level sustainability and helps to raise the design of the area, taking into account its context and surroundings.
7. Given the positive characteristics of spaces in and around dwellings, the proposal removes much of the undeveloped space to the side with a development which would overhang the boundary wall and come right up to the street, adding a large amount of visual bulk and massing to the footpath. The extension itself is excessive in size with the proposal stepping in of the extension giving an overly complicated roof form which is unlike anything surrounding and would compete with the form and appearance of the existing building. Elements on the front façade such as the two full height windows which appear to somewhat replicate the front door in terms of the arched head and size, but have an overly awkward appearance and juxtaposition with the host dwelling. The use of poor quality and inappropriate materials such as uPVC which are inauthentic to the street scene further accentuate the inappropriateness of the proposed development.
8. I disagree with comments that the proposal could be screened to avoid any visual intrusion as it is the openness of the area which is characteristic of the streetscene. It is also noted that harm to a conservation area is not limited to visual impacts and that any assessment of harm needs to understand the tangible and intangible elements which make up the significance and experience of a CA. I also acknowledge the desire to improve the planting to the appeal site, however this would not overcome the incongruous nature of the proposed extension.

9. The proposal would not allow the open and undeveloped aspect of the side garden to predominate, with the overall size height, overly complex design and relationship of the extension to the existing building being problematic and, in my opinion, would cause harm to the architectural authenticity of the existing building and the character and appearance of the CA.
10. Consequently, the proposal would be contrary to the Newham Local Plan 2018 (LP) Policies S6 (where at 2(ii) seeks to conserve and enhance heritage assets including Victorian and Edwardian housing); SP1 (which seeks to enhance the positive elements and distinctive features of the borough); SP3 (at 1e. seeks to reinforce or create positive local distinctiveness, whilst securing integration and coherence with the local context); SP5 (1a seeks to protect, conserve, and enhance heritage assets and their settings); which is supported by the Woodham Grange CA Design Guide. The proposal would also be contrary to London Plan 2016 policies 7.4 (local character); 7.6 (Architecture); and 7.8 (Heritage Assets and Archaeology).
11. 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 D1 and HC1 moderate weight¹ within this decision with regards to the intent to seek high quality design and preserve and enhance the historic environment.
12. I note that the Council in their reasons for refusal has cited Policy 7.5 (public Realm) of the London Plan 2016, however this policy relates to development of the public realm and is not relevant to this determination. Additionally, Policy D4 of the Draft London Plan is referenced, however this relates to meeting housing standards, rather than character and appearance; and Policy D8 is referenced which relates to tall buildings which is also irrelevant.
13. I therefore disagree with the appellant's Statement of Case that no harm would be caused. Although serious, the harm to the CA in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the Framework. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
14. I note that the benefits of the scheme would deliver larger residential accommodation in the form of an annexe, as well as result in short term employment opportunities in the construction of the extension. However, these benefits may also be present in a more appropriately designed scheme.
15. That said, I therefore find that the public benefits would not outweigh the harm to the CA. The scheme therefore conflicts with the Framework, which directs, at paragraph 193, 'that great weight should be given to the asset's

¹ 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);

conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance’.

16. In conclusion on this matter, I consider the proposed development would cause less than substantial harm to the significance of the CA. It has not been shown that public benefits would outweigh this harm and so the proposal would conflict with the development plan, including the London Plan.

Other Matters

17. I note commentary within the appeal documents with regards to No.162 Windsor Road, which is located opposite the appeal site. This property was originally constructed with a small setback to the side boundary, which has since been historically infilled with a small single storey lean-to extension which has a very make-shift and almost outbuilding/shed like appearance. This according to the applicant represents a similar scenario to the appeal site which would in their opinion justify the appropriateness of an extension on the appeal site. I have not been presented with any information pertaining to the granting of this extension, however it does appear to have been in situ for some time and does also in my opinion cause harm to the character of the CA from removing the remaining space in and around the dwelling. It is also noted that this space to the side is much smaller and more rectangular than the appeal site. Despite this, I do not find the scheme at No.162 analogous to the considerations of the appeal site, and the presence of this extension does not assist in justifying the acceptability of the proposed extension/annexe on the appeal site. As such, I give this extension opposite no weight in the determination of this appeal.

Conclusions

18. For the reasons given above the appeal is dismissed.

J Somers

INSPECTOR