



Appeal Decision

Site visit made on 10 October 2020

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

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/G5750/W/20/3249749

Land to the rear of 90 to 91 Forest Lane, Stratford, London E15 1RW

- 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 Dick Whittington (Dick Whittington Design and Build Ltd) against the decision of the London Borough of Newham.
 - The application Ref 19/01943/FUL, dated 8 July 2019, was refused by notice dated 25 October 2019.
 - The development proposed is the construction of a single 3 bedroomed dwelling under use class C3.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a difference in site addresses from the Application Form, and the appeal form and decision notice. For the avoidance of doubt I have taken the address of the site as per the appeal form and decision notice. I have also taken the description of the development from the appeal form and decision notice as this more succinctly describes the proposed development.

Main Issues

3. The main issues are the effect of the development upon:
 - The character and appearance of the locality;
 - The living conditions of neighbouring properties, with particular regard to sense of enclosure and outlook; and
 - The biodiversity of the locality.

Reasons

4. The appeal property would result in the subdivision of rear garden land of Nos. 90 and 91 Forest Lane, where No.91's rear garden also has a frontage to St. James Road. Dwellings along this section of Forest Lane and St. James Road consists of terraces and appear to date from the late nineteenth century. The buildings have the form of what one would expect from railway cottages given the railway close by. Whilst there is a small group of late 20th Century dwellings opposite St. James Road, there is an overwhelming cohesiveness in architectural style and design, with properties of traditional construction with single frontages, a characteristic parapet in front of a London Butterfly Roof, vegetated small front gardens and longer rear gardens.

5. The long rear gardens and large amount of vegetation present and visible from the street scene along St. James Road presents a leafy character to the area and break in urban built form which contributes strongly to the qualities of local character and distinctiveness of the locality. Whilst there are outbuildings to the rear of properties, they are single storey and relatively low scale which preserves an open and undeveloped aspect. Architectural details in common are also shared between the terraced dwellings such as large prominent chimneys, the tight knit nature of the single bayed terraces, front boundary walls, window proportions with stone dressings and buildings being largely of brick construction, with some dwellings having been painted and rendered. These elements assist in reinforcing the positive qualities of local character and distinctiveness of the locality.
6. The proposed dwelling would have a rectangular footprint and be detached with a flat roof and would be positioned with a similar setback to other properties from the footpath with a narrow front garden and a small rear garden. The dwelling itself contains no windows to the ground floor of the front facade, but would have two slender full height windows at first floor, with the rear containing full height glazing to the ground floor and slender windows to the first floor. Materials include timber cladding and uPVC windows and doors.
7. Policies S1, S6, and H1 of the Newham Local Plan 2018 (LP) seek to promote new housing which reflects the local context, conditions and features of a site. The proposed building would take up almost the entire depth of the rear gardens of No.90s and 91. This subdivision of garden space would appear incongruous and cause harm to the general character, layout and appearance of the rear of these plots interfering with the positive aspect they provide to the local character and distinctiveness of the locality.
8. Whilst I appreciate that the proposed dwelling is attempting to be honest in its design approach, the design appears to have been developed in isolation to its surrounding context. Surrounding buildings as previously described are tightly knit, however the proposed dwelling has a very elongated form with large visual bulk and massing caused by the lack of articulation in design and large components of blank facades; particularly towards the front façade which has a defensive, and negative aspect to St. James Road.
9. Window proportions are quite elongated and slender which is uncharacteristic, alongside timber cladding which is discordant in this particular location, and will likely fail and discolour within a short time frame given this well treed environment. Whilst materials could be dealt with via condition, their use along with uPVC being utilised, does not present a high quality design and would be quite jarring and awkward in appearance when seen in relation to the surrounding dwellinghouses. As such the proposed scheme would have a poor relationship to the existing built form, and together with the poor layout and subdivision of the plot, would appear as a cramped and discordant development.
10. In conclusion of this matter, the proposed scheme would cause harm to the character and appearance of the locality by way of inappropriate subdivision of rear of plots, and the overall design and materials of the building which does not adhere successfully to the local character and distinctiveness of the area. Consequently the proposal would be contrary to LP Policies S1, S6, and H1 (which seek to promote housing of high quality design that responds to local

character, context and features). Local Plan policies are also in conformity with London Plan 2016 policy 3.5 which seeks that new housing is of the highest quality taking account the surrounding environment.

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 D2, D4, H2 moderate weight¹ within this decision with regards to their intent that dwellings be designed so they adhere to high quality design and meet design standards with regards to amenity provision.
12. The Council's Decision notice refers to London Plan 2016 Policies 3.3 (Increasing Housing Supply) and 3.8 (Housing Choice); however these policies do not relate to design and character and appearance and as such are not relevant to this decision. Equally policies Draft London Plan Policies GG4 (Delivering the homes London needs), H1 (Increasing Housing Supply); H10 (redevelopment of existing housing and estate regeneration) and H12 (Housing Mix) are not considered relevant to the consideration regarding design, character and appearance.

Living conditions of neighbouring properties

13. According to calculations within the Officer's Report, the garden length of Nos. 90 and 92 is currently 19.9 metres, and would be reduced to approximately 3.2 metres and 4.2 metres. Additionally, the rear boundary of both properties would have the side boundary walls of the proposed dwelling running along them which is 6 metres tall and 6.2 metres wide.
14. As the gardens of the terraced properties along Forest Lane are narrow, their length assists in giving an open and more spacious aspect along the rear of the terraces with a lack of built form. I note the applicant's view that the proposed garden size would be reasonable and proportionate, however this is not explained in any great extent given the character and context of the locality, where gardens of the proposed size are uncharacteristic. The resultant proposed garden spaces for Nos. 90 and 91 would be very small and narrow, making the proposed height, massing and proximity of the proposed wall along the common boundary causing a visual intrusion that would not preserve the open aspect.
15. The proposal would result in a cramped garden space which terminates at a blank two storey wall which would present an overbearing and dominant element which would have a great deal of enclosure and result in an unacceptable loss of the spacious outlook currently experienced. In conclusion on this matter, the proposed scheme would be detrimental to the living conditions of the occupier's of Nos. 90 and 91 and their enjoyment of their rear garden as a result of overbearing, sense of enclosure and lack of outlook.
16. Consequently the proposed scheme would be contrary to LP Policies SP8 (which seeks to minimise overlooking and loss of privacy, overshadowing, and overbearing impact). The scheme would also be contrary to Policy 7.1 of the London Plan which seeks to encourage good design and spaces with regards to local context. The proposal would also be contrary to Policy D1 of the Draft

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);

London Plan which seeks new developments provide appropriate privacy, outlook and amenity.

17. The Council refer to Policies SP1 (Borough wide place making); SP2 (Healthy Neighbourhoods); and SP3 (Quality Urban Design within Places); and S6 (Urban Newham) which are overarching strategic policies not directly relevant to the consideration of living conditions regarding outlook, and sense of enclosure and outlook. Equally Policy 7.15 of the London Plan is referred to which relates to noise, rather than overlooking and enclosure which was referred to in the refusal reason and is not relevant to this matter. Policy D2 of the Draft London Plan is also listed in the refusal reason, however this policy relates to design rather than specifically living conditions, and D13 relates to noise rather than outlook and sense of enclosure.

Biodiversity

18. Policy SC4 of the LP seeks that for developments of one dwelling or more, that there is an enhancement to levels of biodiversity within the site. The scheme would result in the loss of 7 trees, with concerns raised by the Council with regards to the loss of biodiversity value on the site. I note comments within the original Design and Access Statement submitted with the application where it is commented that *'The landscaping to both the front and rear of the property will remain mainly of a hard nature. Some elements of soft planting will be introduced to soften the front garden/store area.'* Whilst I appreciate comments in the applicant's SoC that biodiversity gain could be satisfactorily dealt with via condition, first it would need to be established whether this was possible.
19. The submitted Ecology Report² shows that by undertaking elements such as bat and bird boxes, hedgehog/ small mammal highways would increase biodiversity gain, however there is no discussion on the loss of trees. Policy SC4 expects that replacement trees are provided for the trees that are lost, however this has not been undertaken, and whether the principle of the required replacement trees could be provided within the already proposed small garden areas.
20. In conclusion on this matter, the appeal documents do not sufficiently demonstrate the ability to comply with condition SC4 of the LP which seeks to ensure that biodiversity enhancements are present in residential developments, specifically in relation to replacement trees.

Other Matters

21. There is discussion in the applicant's SoC with regards to the Council's position against the delivery of housing requirements and that their lack of achievement requires preference to delivering housing against other elements of sustainable development. I have not been given any evidence which would substantiate the applicant's opinion, however would note that the delivery of a single dwelling would result in only a modest contribution to housing supply. I do however give limited weight to the delivery of a dwelling alongside the socio-economic benefits such as short term employment opportunities in the construction of the scheme as well as the

² By Cherryfield Ecology, 02/09/2019

expenditure in the local community from future occupants. However, these benefits do not outweigh the significant harm caused from the scheme with regards to subdivision of the plot, design, character and appearance, living conditions, and loss of biodiversity.

Conclusion

22. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR