

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: 6 November 2020

Appeal Ref: APP/G5750/W/20/3248151

Land at 91 to 97 Leytonstone Road, Stratford, London E15 1JA

- 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. Andy Major (Featherstone Homes Ltd (South East)) against the decision of the London Borough of Newham.
 - The application, ref. 19/03387/FUL, dated 03 December 2019, was refused by notice dated 30 January 2020.
 - The development proposed is a retrospective planning application for approval of installation of balcony balustrading with posts and hand rails in grey colour with glass panels.
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Decision

1. The appeal is dismissed.

Background and Main issue

2. The appeal site consists of a residential apartment building which was constructed recently following the grant of planning permission 14/00321/FUL. The scheme was not built in accordance with the approved plans, with the main disagreement being between the parties in this application revolving around the balcony balustrading. The balustrading approved under 14/00321/FUL included a frameless glazing system with out posts, mounting, clasps and spacing between the glass infill panels and posts. The balustrading which has been constructed and was in situ on my site visit includes grey finished metal framework and posts with glass inserts and mountings and associated clasps.
3. On the basis of the above, the main issue is whether the balustrading which was installed is appropriate in terms of the existing building, its quality and the character and appearance of the street scene.

Reasons

4. The appeal site consists of a five storey building located on the corner of Leytonstone Road and Maryland Street. The building is of modern design with cream brick, and a flat roof with inset balconies at each level with grey aluminium windows. The fifth floor is set back from the edge of the building with a strong vertical definition generated by the brick sections which divide the building into 5 bays. The street scene in terms of its density and height is quite varied, with evidence of regeneration and redevelopment of older

building stock for higher density development such as along components of Leytonstone Road. On the opposite side of Maryland St to the appeal site, is a building of five storeys constructed in 2009 which also has a modern appearance, however immediately adjoining the opposite side of the appeal site, buildings are two storey and more historic in construction.

5. Whilst the site opposite Maryland Street (Hannah House) was constructed in 2009 under a different policy position, this building contains similar looking balustrading to the appeal site with posts, framework, glazed inserts, mountings and clasps. The main contention is that with the benefit of time, that the Council consider that the materials for balustrading as utilised on Hannah House are no longer appropriate, and would not represent high quality materials or design as sought through the Council's planning policies.
6. The balustrading framework, glazing insets with gaps, mountings and clasps when seen together do not appear to be of a quality material or design with the installation giving a thickset appearance that adds clutter and distracts from the strong clean lines and competes with the vertical elements provided by the brickwork of the building. Consequently, the design of the balcony balustrading as constructed does change how the building is experienced, having a significant impact on the design quality and appearance of the building.
7. I appreciate that Hannah House too has been constructed with a similar type of balustrading, however to me, this does present a poor appearance, from the interesting design elements of this building. As such, the approval of a similar style of balcony under a different policy position (Hannah House) does not provide adequate justification as to the appropriateness of a similar balustrading to the appeal site.
8. I also note reference to a building on the corner of Forest Lane and Leytonstone Road (which has wire framed balconies and inserts), and also another building at 120 Woodgrange Road (which has similar framed glazed balconies). The building on the corner of Forest Lane and Leytonstone Road is considerably taller at 11 storeys and hence the design elements are different as are the balconies. No.120 Woodgrange Road has a more horizontal emphasis, so the balustrading framework, particularly the handrails assist in reinforcing this horizontal emphasis. I do not consider the examples given are analogous to the appeal site and afford them little weight within this appeal.
9. In conclusion on this matter, the proposal would be contrary to the Newham Local Plan 2018 (LP) Policies 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); SP7 (promoting good design along movement corridors) SP8 (which promotes good design and quality of materials) and H1 (Promoting high design quality). The proposal would also be contrary to London Plan 2016 policies 7.4 (local character); and 7.6 (Architecture).
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 D1, and D8 moderate weight¹ within this decision with regards to their intent to seek high quality design which reflects the local context. The Council has not demonstrated which components of the National Planning Policy Framework (the Framework) that they believe the proposal would be contrary to in the decision notice. Given the non-compliance with the development plan, it is not necessary to consider the Framework in further detail in relation to this matter.

11. I note that the Council in their reasons for refusal has sited Policy 7.5 (public Realm) of the London Plan 2016, however this policy relates to development of London's Public spaces 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 the principle of tall building locations, rather than their design elements which is also irrelevant to this appeal.

Conclusion

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

J Somers

INSPECTOR

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);