



Appeal Decision

Site Visit made on 14 October 2020

by Rory MacLeod BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Appeal Ref: APP/G5750/W/20/3244506
54 Dorset Road, Forest Gate, LONDON, E7 8PS

- 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 V Patel against the decision of the London Borough of Newham.
 - The application Ref 19/02690/FUL, dated 1 October 2019, was refused by notice dated 21 November 2019.
 - The development proposed is for construction of a side extension, two storey rear extension and loft conversion to change the existing dwelling into two flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is taken from the appeal form. There is a discrepancy in the submitted plans which show a dormer in the rear roof slope on the second floor layout plan but do not show the dormer in the elevations.

Main Issues

3. The main issues are (a) the effect of the sub-division of the dwelling on housing need, (b) the effect of the first floor extension on the character and appearance of the building and area and (c) the impact of the first floor balcony on living conditions of neighbouring occupiers in relation to privacy.

Reasons

Housing need

4. The appeal relates to an end of terrace two storey property in use as a 3-bedroom single dwelling. A lawful development certificate for a loft conversion, which would provide additional bedroom accommodation, has not been implemented. The surrounding area is characterised by similar terraced houses mostly remaining as single dwellings, but some have been converted to flats. Strategic planning policies in both the London Plan (2016) and the Newham Local Plan (2018) (NLP) require both the provision of additional dwellings and the delivery of a mix and balance of housing types to meet identified needs. Policy H1 identifies a need for *"a significant increase in family housing to replace that lost to conversion"* whilst Policy H4 sets out a strategy to protect 3 bed and 4+ bed family housing. Notwithstanding this, Policy H4 also sets out criteria for the subdivision or conversion of houses.

5. The proposal would result in a net increase of one additional unit; this would be a small benefit in relation to overall supply. But it would result in the loss of a satisfactory 3 bedroom dwelling and would not satisfy either the locational or size criteria set out in Policy H4 2(a) and 2(b). There are no exceptional circumstances before me as to why this proposal should be accepted when current adopted policies exercise restraint over such conversions. The benefit of an additional unit would be outweighed by harm relating to identified priority housing needs in Newham. The proposal would not be supportive of strategic aims to secure quality, mixed and balanced communities. It would thereby be contrary to related London wide and local development plan policies.

Character and appearance

6. There is a two storey outrigger at the rear of the site abutting that at 52 Dorset Road. An extant permission would increase the depth of this to align with the rear wall of the outrigger at no.52. The current proposal would extend the depth of the first floor of the outrigger to about 0.9m beyond that at no.52. Whilst there is some variation in the depth of the outriggers along Dorset Road, the proposal would result in the deepest extension in the immediate vicinity. It would be a noticeable and incongruous first floor feature when viewed from the gardens along Dorset Road and from the backs of houses in Ashley Road.
7. The first floor rear extension would be detrimental to the prevailing local character. It would thereby be contrary to Policies 7.4 and 7.6 of the London Plan and with Policies SP3, SP8 and H1 of the NLP which collectively promote high quality urban design based on an analysis of local character and the specific attributes of the site.

Living conditions

8. A roof terrace would be provided alongside the outrigger at first floor level to provide outside space for occupiers of the upper flat. This would abut the site's side boundary which forms the rear boundary to dwellings in Ashley Road. A bamboo fence proposed to the roof terrace's side and rear edges would provide a screen the provision and retention of which could be made the subject of a planning condition. However, I am not satisfied that the height or solidity of the bamboo screen would be sufficient to prevent overlooking of adjacent properties. The proposal would be likely to result in loss of privacy at the Ashley Road dwellings in view of their proximity. A higher and more solid edge of terrace treatment would be likely to appear unneighbourly and obtrusive in view of the Ashley Road dwellings short rear gardens.
9. The proposal would adversely affect living conditions of adjoining occupiers by reason of loss of privacy. It would thereby be contrary to Policies 7.4 and 7.6 of the London Plan and Policies S6 and SP8 of the NLP that require the design of proposals to be neighbourly and to minimise overlooking.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod BA(Hons), MRTPI

INSPECTOR