



Appeal Decision

Site visit made on 26 November 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/G5750/W/20/3252926

321 Dersingham Avenue, Manor Park, London E12 6JX

- 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 Nichell Jassi against the decision of the London Borough of Newham.
 - The application Ref 20/00219/FUL, dated 3 February 2020, was refused by notice dated 27 March 2020.
 - The development proposed is described as an "extension of basement to form 1 bedroom flat".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application forms describe the address as 321 Dersingham Avenue whereas the appeal form refers to it as 331 Dersingham Avenue. The Local Planning Authority (LPA) describes it as 321A Dersingham Avenue. I have considered the proposal on this basis of its application description as 321 Dersingham Avenue.
3. The London Plan 2016 (LP) forms part of the development plan. Reference is made in the appeal to the draft revised London Plan which has been published and been the subject of an Examination but is not yet adopted. I can therefore, only afford the draft plan limited weight

Main Issues

4. The main issues are the effect of the development upon (i) the character and appearance of the building and the area and (ii) the living conditions of the occupants of the neighbouring property to the South and the adjoining flat in respect of outlook, privacy, noise and disturbance and the living conditions of the future occupants of the proposed flat by reason of the provision of cycle and refuse storage.

Reasons

Character and appearance

5. Dersingham Avenue is mainly a residential area of two storey brick-built properties, many with double height bay windows with small amenity spaces fronting the Avenue. Several, including the application building, have had the

- ground floor bays removed and replaced with flat fronted small extensions which reduce the amount of the front amenity spaces. The appeal property and its adjoining dwellings have boundary walls of about one metre high facing the road and defining their amenity spaces.
6. The front amenity spaces, including that of the appeal building, are used for the storage of refuse bins which are mainly hidden by the boundary brick walls. The rear of the appeal property is not visible from Dersingham Avenue and is accessed by a footway from Landseer Avenue.
 7. The appeal property has been converted into flats. Its basement extends from the front elevation by approximately two thirds of the depth of the building. The proposed development is to create a one-bed flat by extending the basement to the rear by about 3 metres and for the full width of the building, by creating a new rear access arrangement, and by incorporating a light well at the front within the existing amenity space, extending into it by about 1.5 metres. It would be surrounded by a wall or railings 860mm high. It would have a width between the adjoining properties of about five metres.
 8. The proposed light well is not a feature found in the immediate area, but it would be sited and hidden from most public views. It would only be visible from very close quarters behind the existing boundary brick wall. I am satisfied that the exact design of the containing wall could be controlled by condition. However, the submitted plans do not indicate whether there would be sufficient space left for the retention of the refuse bins currently stored there, or if they are to be stored elsewhere, where this might be.
 9. While the appellant states that bin storage for the proposed basement flat would be to the rear of the property, it is not certain what would be the case for the existing flats. This is an important consideration as any bin storage on the pavement would have an adverse impact upon the character and appearance of the area. As I am not certain that there is sufficient suitable space available for bin storage this is not a matter which I consider could be dealt with by a condition.
 10. The area to the rear of the property would be reconfigured to allow access to the proposed basement flat and with new steps leading to the flat above. The rear of the property is generally hidden from viewpoints, other than from the footway from Landseer Avenue leading to the rear of adjoining properties. The proposed new steps giving access into the existing apartment would have a height of about 1.4 metres and I find that, by its limited height and width, it would not adversely affect the character and appearance of the area. It would open up the rear façade of the building itself, revealing it as a three storey building, and while this is not characteristic of the other buildings in the area, I do not consider that it would look out of place. The submitted plans give no exact details of proposed levels in relation to adjoining properties, but this could be controlled by condition.
 11. Whilst the proposed development would in itself be acceptable in character and appearance terms, there is uncertainty in terms of the resultant effect of the storage of bins. In the absence of clarity about this matter, I cannot conclude that the proposal, when considered as a whole, would therefore not have an adverse effect on the character and appearance of the area. To this extent, I cannot conclude that the proposal would accord with the design and environmental requirements of policies 7.1 and 7.4 of the London Plan 2016

(LP); policies SP1, SP3 and SP8 of the Newham Local Plan 2018 (NLP) ; the London Borough of Newham Altering and Extending your Home Supplementary Planning Document 2018 (NSPD) or with Chapter 12 of the National Planning Policy Framework 2019 (the Framework). I do not consider that policy S6 is pertinent as it is concerned mainly with housing numbers, economic development and connectivity.

Living conditions

12. - The LPA considers that the proposed external staircase would have an adverse impact upon the occupants of the property to the South and to the flat below by having an overbearing effect, causing overlooking, a loss of outlook, and also with the potential for associated noise and disturbance from its use.
13. However, I find that the proposed staircase, by its position and modest height of approximately 1.4 metres, would not have an unduly overbearing effect and hence the outlook for the occupiers of the property to the South and the flat below would be acceptable. Moreover, its intermittent use would be only for access and egress to the existing flat and therefore it is reasonable to take the view that its use would unlikely lead to any undue noise or disturbance to those neighbours or that, by its limited height and use, it would not have a significant impact on overlooking and privacy.
14. Bin storage for the basement flat would be to the rear of the property though no details are included as to the exact position. In addition, it is not clear whether some of the bins currently stored at the front of the premises would be relocated to the rear of the property. Without knowing exactly where all bins would be stored, it has not been possible for me to determine the effect on the living condition of the future occupants of the proposed basement flat in terms of odours and pests.
15. Cycle storage could be accommodated to the rear of the building and its provision could be controlled by condition.
16. I conclude that the proposal would accord with LP6.9 relating to the promotion of cycling in London, with NLP policy INF2 which requires the inclusion of measures to facilitate cycling and with its SP8 which encourages sustainable transport. The proposal would also be acceptable in terms of its effect on the occupiers of neighbouring properties in respect of noise, disturbance, privacy and outlook.
17. However, in the absence of clarity regarding the suitable availability of bin storage, I cannot conclude that the proposal, when considered as a whole, would not have an adverse effect on the living conditions of occupants of the basement flat itself and those of the occupants to the South and the flat below. Therefore, I cannot conclude that the proposal would fully accord with LP 7.15 which seeks to avoid significant adverse noise impacts, or with LP policy 7.1 and NLP policies SP1, SP3, SP8, the Framework or with NLP policy H1 and SP2 which aim to ensure quality neighbourhoods, good neighbourliness and healthy living.

Conclusion

18. Given the uncertain position relating to the provision and storage of bins, it has not been possible for me to conclude that the proposal as a whole would be

acceptable in respect of its effect on the character and appearance of the area and in living conditions terms. This is a matter of overriding concern and I therefore conclude that the appeal should be dismissed.

Steven Hartley

INSPECTOR