



Appeal Decision

Site visit made on 1 December 2020

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2020

Appeal Ref: APP/G5750/W/20/3258752

52 & 52A Ratcliff Road, Forest Gate, London E7 8DD

- 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 I Khan of East London Enterprises Ltd against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/00803/FUL, dated 21 April 2020, was refused by notice dated 18 June 2020.
 - The development proposed is described as Change of part ground floor A1 shop to C3 creating 1x1 bedroom flat on ground floor 1x2 bedroom flat first floor including single storey ground floor rear extension and loft conversion with rear and side dormer.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address in the banner heading above has been amended to reflect that the appeal site includes No 52A Ratcliff Road. I have omitted the site address from the description of development in the banner heading as this is not an act of development.
3. The Council's first reason for refusal refers to harm to living conditions of the occupiers of flat A by reason of conflicting external amenity space arrangements. It is clear from the delegated report this is in relation to the lack of private outdoor space and the potential implications of the shared use for privacy, noise and disturbance. The appellant has had the opportunity to respond to these matters in the appeal process. Therefore, I have considered the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposed development upon:
 - the living conditions of the future occupiers of flat A with particular reference to private outdoor space provision, privacy and noise and disturbance;
 - the living conditions of the future occupiers of flat B with particular reference to private outdoor space provision and internal space provision; and,
 - the character and appearance of the host building and the terrace.

Reasons

Living conditions of future occupiers

5. Based upon the plans before me excluding the porch, communal area, basement and below staircase, flat A would provide approximately 50 square metres (sqm) of floorspace. The basement has a low ceiling height and little if any natural light, but could be used by flat A, for example, as storage. Therefore, having regard to the overall accommodation, the development would provide an adequate level of internal accommodation for future occupiers of flat A.
6. Flat B is significantly above the standard gross internal floor area for a 2-bedroom 3-person flat in Table 3.3 of Policy 3.5 of the London Plan (2016) (the LP). While the internal spaces downstairs would provide adequate ceiling heights, both the bedrooms and upper toilet/shower room would only have an internal height of approximately 2m, comprising nearly 30% of the floorspace.
7. The upper floor height of flat B is significantly below the requirement of 2.3m height for at least 75% of the gross internal area in Table 3.3 of Policy 3.5 of the LP, and for a 2.5m height for at least 75% of each dwelling in Policy D6 of the Draft London Plan (Intend to Publish version, December 2019) (the DLP) and Standard 31 of the Mayor of London Housing Supplementary Planning Guidance (2016) (the SPG). Even if the upper floor might receive reasonable amounts of light, outlook and ventilation, the large extent of low ceiling heights would feel overbearing and oppressive and would result in a poor quality living environment, providing harmful living conditions for future occupiers.
8. The rear garden space would include cycle storage for both dwellings, so would not be private for either dwelling. Private outdoor space is of importance to provide functional domestic, leisure and relaxation space for occupiers. The lack of private outdoor space would not meet the requirements of Policy D6 of the DLP and Standard 26 of the SPG. These require the provision of at least 5 sqm of private outdoor space per 1-2 person dwelling and 1 sqm per additional occupant. This lack of space would result in a poor quality living environment and harmful living conditions for future occupiers of flats A and B.
9. When using the shared space, the occupiers of flat B would be able to be directly outside the rear door and windows of flat A. Therefore, the occupiers of flat B and any guests using the space could have close proximity views directly into flat A. The glazed door and window to the rear of the new extension would be of importance to outlook of the kitchen area, and there are no proposals before me to obscure glaze the windows. Therefore, the development would create harmful living conditions for the occupiers of flat A with reference to privacy.
10. While its use would have a degree of seasonality the shared outdoor space could be used for a variety of domestic, leisure and social activities, as well as comings and goings from use of the cycle storage. Given this space abuts the living space of flat A, it is likely to give rise to episodes of noise and disturbance, particularly during warmer months of the year when it is likely to have its greatest use. Therefore, the development would result in harmful living conditions to the occupiers of flat A, with reference to noise and disturbance.

11. For the reasons set out above the development would result in significantly harmful living conditions to the future occupiers of flat A with reference to a lack of private outdoor amenity space, privacy, and noise and disturbance. It would result in significantly harmful living conditions to the occupiers of flat B with particular reference to the poor quality internal space and the lack of private outdoor space. Therefore, the development would conflict with Policies 3.5 and 7.15 of the LP, Policies GG4, D3, D6 and D14 of the DLP and Policies S1, S6, SP2, SP3, SP8 and H1 of the Newham Local Plan (2018) (the Local Plan). In combination and amongst other things these expect housing developments to be of the highest quality, providing good quality homes with comfortable layouts which meet the highest standards of design internally and externally, and provide adequate living conditions with reference to private outdoor space, internal ceiling heights, privacy, and noise and disturbance.
12. The development would conflict with Standards 26 and 31 of the SPG, which I have outlined above. It would also conflict with paragraph 127 of the National Planning Policy Framework (2019) (the Framework) which requires developments should promote health and well-being with a high standard of amenity for future users.
13. The Council's first reason for refusal refers to Policy D1 of the DLP which sets out requirements for the preparation of local plans, and Policy SP1 of the Local Plan which sets out broader strategic placemaking principles and influences. Therefore, the policies I previously set out are the most relevant to this issue.

Character and appearance

14. While the terrace exhibits some variety of front façade materials and porches, the existing traditional flat timber shop front provides a particularly distinctive feature to the terrace frontage. In this context overall it makes a neutral contribution to its character and appearance. The new bay window would be of a similar shape, scale and style to many in the street scene. Although the number of such porches are relatively limited and not reflective of the wider terrace, the new integrated angled porch and mono-pitched roof is similar to two neighbouring properties, which the site is viewed closely in the context of and related closely.
15. While not being a positive characteristic of the terrace, there are other examples of pebble dash facades on Ratcliff Road. Blank brick side gable walls are visible nearby on Henderson Road. Details of the materials and height of the new front boundary could be secured by the Council's suggested condition to ensure it would be of an acceptable form and materials. Overall, the changes to the frontage and side wall would have a neutral effect and would not be harmful to the character and appearance of the host building or terrace. The Council does not raise a specific objection in respect of the ground floor rear extension, and I see no reason to disagree.
16. The existing rear pitched roof and outrigger are typical of the significant majority of rear roof slopes in the terrace, which maintain their historic height and forms, contributing to the prevailing character and appearance of the terrace. The new dormer and outrigger extensions would be sizeable, significantly altering the character and appearance of the rear of the building. They would protrude considerably above, harmfully disrupting and dominating the rear roof lines, with the dormer being close to the ridge height. Their

significant height, bulk, massing, shape and flat roof forms would be a harmful, discordant and somewhat dominant addition to the host building.

17. Being located on an open end of the terrace, the significant rear roof additions would be prominently visible from some neighbouring properties and part of the highway. When the trees are not in leaf the extensions would be notably visible from the east for a significant length of Henderson Road. While I noted a couple of other examples further into the terrace, such extensions do not form the dominant or overriding character and appearance of the terrace. Therefore, the development would be harmful to the character and appearance of the terrace.
18. The evidence before me does not demonstrate the dormer and outrigger would constitute permitted development if the development or building were a single dwelling house. However, even if this were the case, there is no expressed intention by the appellant to seek to obtain any necessary consent to convert the entire building to a single dwelling house, or undertake the works in the future if this appeal is dismissed. Therefore, this suggested fall-back position attracts limited weight.
19. For the reasons set out above, the development would be harmful to the character and appearance of the host building and the terrace. Therefore, it would conflict with Policies 3.5, 7.1, 7.4 and 7.6 of the LP, Policy D3 of the DLP, and Policies SP1, SP3, S6 and H1 of the Local Plan. In combination and amongst other things these policies require development is of a high quality design, that has regard to, respects and enhances the character and appearance of the area. The development would conflict with paragraph 1.3.59 of the SPG which reflects the requirements of Policy 3.5 of the LP. It would also conflict with paragraph 127 of the Framework which requires that development is visually attractive and sympathetic to local character and history, including the surrounding built environment.
20. The Council's second reason for refusal refers to Policy 7.5 of the LP and D8 of the DLP. As these mainly relate to development within and directly influencing or shaping the public realm, the policies I previously set out are the most relevant to this issue. Policy D1 of the DLP sets out requirements for the preparation of local plans and D4 relates primarily to the design process. Therefore, these are of limited relevance to this reason for refusal. Policy SP8 of the Local Plan primarily relates to neighbourliness, so is of limited relevance to this reason for refusal.

Other Matters

21. The appeal site is within the 6.2km Zone of Influence (ZOI) of the European designated Epping Forest Special Area of Conservation (SAC). The Conservation of Habitats and Species Regulations 2017 requires where a project is likely to result in a significant effect on a European site (in this case the SAC), the competent authority is required to make an Appropriate Assessment (AA) of the implications of that project on the integrity of the European site. If constructed, the appeal scheme would create a further dwelling within a short drive of the SAC. However, as the development is not proposing mitigation, or benefits to the SAC that would weigh in favour of the scheme, and I am dismissing this appeal proposal for other reasons, it is not necessary to look at this matter in detail.

Planning Balance

22. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The policies of the Framework are material considerations.
23. The appellant suggests the Council was only able to meet 90% of its housing completions over the period of 2016 – 2019. The up-to-date housing land supply position is not clear from the information before me. Having regard to the advice in Annex 1 of the Framework, the percentage set out by the appellant for housing delivery, would not trigger the tilted balance under paragraph 11d) of the Framework. Even if it did apply the provision of a single additional dwelling would make a small contribution to meeting the housing requirements.
24. The development would result in a small temporary economic benefit during construction, and once occupied a small sustained benefit to the local economy. It would result in a small social benefit through the provision one additional dwelling well located for services, facilities and transport. These matters combined attract modest weight in favour of the scheme. However, the proposed development would result in significantly harmful living conditions to the future occupiers of flats A and B, and harm to the character and appearance of the host building and terrace. These are matters that attract significant weight against the scheme, and significantly and demonstrably outweigh the benefits.

Conclusion

25. The proposed development would be contrary to the development plan and the National Planning Policy Framework as a whole, and there are no other considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR