



Appeal Decision

Site visit made on 7 December 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/G5750/W/20/3259344

166 Sebert Road, Forest Gate, London E7 0NN

- 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 A. Tornari against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/01511/FUL, dated 18 July 2020, was refused by notice dated 11 September 2020.
 - The development proposed is conversion of property into 2x 4B5P flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions for the occupants of neighbouring properties, having particular regard to noise and disturbance.

Reasons

3. The appeal site is a large and imposing semi-detached dwelling which the proposal would subdivide into two flats. Accordingly, it would introduce living and kitchen accommodation at an upper level. This in itself, is not an uncommon scenario, and on this point, I note the numerous examples referred to by the appellant to support such living arrangements. However, the proposed kitchen at first floor level would be adjacent to the party wall with No 168. As a consequence, this room could immediately adjoin bedroom accommodation. Due to the noise sensitive nature of bedrooms, the noise, vibration and disturbance that could be caused by the first floor kitchen would have the potential to be demonstrably harmful to the living conditions experienced by the adjoining occupants.
4. I note the Council's concerns in relation to the increased comings and goings that could be generated by the additional unit of accommodation. However, due to the scale of the proposal, I am not satisfied that the increased activity to and from the site would be perceptible given the surrounding residential context. I also note that the occupancy across the two flats could be less than the existing dwelling and that the proposed ground floor flat would be less affected by the location of the proposed first floor kitchen. However, I find that the first floor layout would not be sensitive to its adjoining neighbour and I have no details of any noise mitigation before me. In the absence of any mitigation, I find that the location of the first floor kitchen would be

demonstrably harmful, and in this regard, I note that my findings are similar to that of the Inspector in the Second Avenue decision referenced by the Council.

5. Consequently, for the reasons identified above, and having particular regard to noise and disturbance, I conclude that the proposal would harm the living conditions for the occupants of the immediately adjoining neighbouring property. It would therefore fail to accord with Policies 7.1 and 7.15 of the London Plan (2016), and Policies S6, H1, SP1, SP2, SP3 and SP8 of the London Borough of Newham Local Plan (2018). Taken together, these seek amongst other things, development which respects neighbouring uses.

Other Matters

6. The proposal would provide two apartments of a generous size and in this regard, it would make a small but important contribution to housing in the area, particularly in relation to family housing. However, due to the scale of the proposal, this only attracts limited weight in favour of the appeal and does not outweigh the concerns identified above.
7. The appeal site is within the Zone of Influence of the Epping Forest Special Area of Conservation (SAC). However, in light of my findings set out above, the appeal has not proved successful. Accordingly, I do not need to consider the implications of this location.

Conclusion

8. For the reasons identified above, the appeal is dismissed.

Martin Chandler

INSPECTOR