



Appeal Decision

Site visit made on 17 November 2020 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/G5750/W/20/3256245

166 Plashet Road, Plaistow, London E13 0QT

- 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 Haroon Aziz against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/00209/FUL, dated 10 February 2020, was refused by notice dated 3 April 2020.
 - The development proposed is the demolition of existing garage and construction of 1 x 2 bedroom house at the rear of 166 Plashet Road.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Amended plans have been submitted with this appeal. The 'Procedural Guide – Planning Appeals – England' advises that the appeal process should not be used to evolve a scheme. It is important that I consider the scheme on the basis of what was before the Council when they made their decision and amended plans that seek to overcome a Council's reasons for refusal should normally be submitted to the Council by way of a fresh application. On that basis, and in the interests of procedural fairness, I have dealt with this proposal on the basis of the plans that were submitted with the original application.
4. The Council's decision refers to Policies D1, D3, D4 and D6 of The Draft London Plan – Intend to Publish Version. Since the application was determined by the Council, the Mayor of London issued The London Plan, Publication London Plan, (December 2020). Policy D3 has been modified in the latest iteration of the London Plan and the main parties have been provided with the opportunity to comment on the change. It is my duty to determine the appeal against the most up to date development plan policies and I am satisfied that no party has been prejudiced by the consideration of the appeal proposal against the policies of the Publication London Plan.
5. Policy D1 relates to the undertaking of area assessments and planning for growth, whilst Policy D6 deals with housing quality and standards. However, neither policy appears directly relevant in this instance.

Main Issues

6. The main issues in this appeal are the effect of the proposed development on:
- (i) The character and appearance of the area; and
 - (ii) The living conditions of occupiers at 166 Plashet Road, with particular regard to outlook.

Reasons

7. The appeal site is located adjacent to the gable end of 64 Raymond Road and comprises part of the rear garden of 166 Plashet Road. No 166 has a lengthy planning history and has a disused single storey garage at the end of its rear garden. Permission is sought to demolish the garage and erect a two-storey end of terrace dwelling. This appeal differs from a previous proposal (19/00736/FUL) in that the proposed development would not be detached.

Character and appearance

8. Although the site lies close to Plashet Road where there is a mixture of uses and design of development, the proposed dwelling would be primarily read within the context of Raymond Road, which is characterised by two-storey terraced residential properties with two-storey bay windows at the street's northern end. Many residential properties along this road have undergone minor alterations, however their traditional detailing and consistent layout and form remain largely consistent, creating a regular rhythm in the street scene.
9. The proposal would have a considerably wider front elevation than the adjoining terraced properties and it would be significantly narrower in depth. It would also be set back slightly from the Raymond Road building line as indicated on plan 100/003. Whilst this set back would not have a significant effect in itself, when taken with the width of the proposed front elevation and the proposed depth, it would fail to reflect the prevailing pattern of development on this part of Raymond Road. Due to the site's location at the end of the terrace, the proposal would be prominent in the street scene and thus would be an uncharacteristic addition to the established pattern of built form in the area.
10. Additionally, the layout and design of the windows on the front elevation of the proposed dwelling would be noticeably different from the adjoining properties. There would be significantly greater brick voids on this elevation with a different rhythm of window to brick in comparison to the Raymond Road houses. Furthermore, the proposed bay window would have a pitched roof which would not be reflective of the design of existing bay windows along Raymond Road which, with the exception of one dwelling, have flat roofs. Despite the intention to use materials to match existing dwellings, all these features would cause the proposal to fail to relate well to or complement the wider terrace to which it would be attached, thus interrupting the rhythm of the street scene. The proposal would therefore be incongruous and intrusive.
11. The appellant has suggested that the proposed dwelling is wider than adjacent properties to ensure it meets space standards and to provide good living conditions for future occupiers. There is no conclusive evidence before me to suggest that acceptable living conditions could not be achieved with a design that is more in keeping with the area. The proposal would improve the

currently dilapidated appearance of the site and would include an attractive front garden and provision of natural surveillance. Notwithstanding the history of fly-tipping and other anti-social behaviour, there is nothing before me to indicate that the garden space and garage could not be maintained and overseen from No 166. These are therefore limited benefits which would not outweigh the significant harm identified.

12. Reference has been made by the appellant to Altering and Extending your Home Supplementary Planning Document 2018 and the Newham Character Study 2017. However, I have not been provided with these documents and cannot therefore determine their significance in the context of this appeal.
13. I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with Policies 3.5, 7.1, 7.4, 7.5 and 7.6 of the London Plan (March 2016), Policies D3 and D4 of the Publication London Plan, the Housing Supplementary Planning Guidance (March 2016, updated August 2017), Policies SP1, SP2, SP3, SP8, S6 and H1 of the Newham Local Plan 2018, A 15 year plan looking ahead to 2033 (December 2018) (the NLP), and paragraphs 124, 127 and 130 of the National Planning Policy Framework (the Framework). Whilst varying slightly in their wording, these policies collectively seek to ensure developments are of the highest quality design which reflects and enhances local character.

Living conditions

14. The proposed dwelling would be of a significant height and its side elevation would be very close to habitable room windows on the ground and first floors of No 166. Whilst the existing outlook for occupiers at No 166 is of the rear boundary wall and gable end of No 64 and the existing garage, the proposed dwelling would be substantially closer and of a greater scale and massing. As such, it would create an uninviting outlook for occupiers of No 166 and result in an overbearing sense of enclosure. The introduction of foliage to the proposed gable wall would not overcome these concerns.
15. The rear garden of No 166 is of a generous width and good-sized external space would remain for occupiers should the proposed development be allowed. However, this does not negate the harm to outlook identified above.
16. The appellant has referred to paragraph 2.3.36 of the 'London Housing Design Guide' (although this appears to be contained in the Housing Supplementary Planning Guidance) regarding rigid adherence to visual separation distances. I have assessed the proposal based on the context of the site rather than its compliance with set distances. Notwithstanding that the Council has not raised concerns about other issues relating to living conditions, accessibility, biodiversity, sustainable design and construction, cycle and waste storage, the proposal would result in a poor outlook and overbearing sense of enclosure.
17. Taking all the above into consideration, this proposal would harm the living conditions of occupiers of No 166, with particular regard to outlook. It would conflict with Policies 7.1, 7.4 and 7.6 of the London Plan (March 2016), Policy D3 of the Publication London Plan and NLP Policies SP3, SP8 and H1, and paragraph 127 of the Framework which collectively seek to ensure, amongst other things, that developments are of a high quality which protect the amenity of neighbouring occupiers. NLP Policies SP1, SP2, and S6 do not appear to be directly applicable to this main issue.

Other Matters

18. The appellant has suggested that the Council is not delivering a mix of housing within the borough and that the requirement for family sized housing is a priority. I have not been provided with any substantive evidence to demonstrate this. Moreover, the proposed development would only have two bedrooms and would not therefore be considered a family sized house. As such, I afford this matter limited weight. Although reference has been made to the redevelopment of the site including No 166, this is not before me. The proposal may provide space for homeworking/studying and is also located in an area well-served by public transport. However, these issues are not sufficient to justify a development which causes harm as identified above.
19. Concern has been raised regarding the lack of communication from the Council during the course of the planning application. This is a matter for the appellant to address with the Council in the first instance.

Conclusion and Recommendation

20. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Joanna Gilbert

INSPECTOR