



Appeal Decision

Site Visit made on 26 January 2021

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 4 February 2021

Appeal Ref: APP/G5750/W/20/3261491

Rear of 1 - 3 Glasgow Road, Plaistow, London E13 9HW

- 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 H Virk against the decision of London Borough of Newham.
 - The application Ref 20/01757/FUL, dated 17 August 2020, was refused by notice dated 12 October 2020.
 - The development proposed is proposed new two bedroom house.
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Decision

1. The appeal is dismissed

Procedural Matters

2. The London Plan Intend to Publish -2020- (The Emerging London Plan) has been sent to the Secretary of State. The formal agreement of the Secretary of State is required before final publication and this has not yet been granted. However, given the late stage at which the emerging London Plan has reached and that issues relating to design and amenity have largely been resolved and are unlikely to change significantly, the policies within the emerging London Plan that relate to such matters can be afforded great weight.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the site and the surrounding area, and
 - The effect of the proposal on the living conditions of occupiers of 1 Glasgow Road, with particular regard to outlook, and 39 North Street, with particular regard to outlook and sunlight.

Reasons

Character and appearance

4. The appeal site is located to the rear of 1 and 3 Glasgow Road, adjacent to 39 North Street and with a frontage onto that street. It lies in an area predominated by two storey terraced housing, albeit that opposite lies a school and playground. Opposite is a substantial building with a utilitarian appearance.
5. The site currently contains a modest informal structure of shed-like appearance and is surfaced with hardcore. Between the site and No 39 is a fence of moderate height, whilst between the site and Nos 1 and 3 is a wall of similar height, part of which forms the side wall of a garage to the rear of No 1.

6. Dwellings in the vicinity exhibit a variety of designs and materials, but most incorporate pitched roofs. The dwellings facing onto Glasgow Road are of traditional design with a mix of red brick and render on their frontages. Properties facing onto North Street closest to the site are of a fairly modern, simple design and built of red brick, incorporating grey brick detailing. They exhibit a high degree of design consistency. As the dwelling would face onto North Street it is principally to these that the proposed dwelling would relate visually.
7. The proposal would be faced in a yellow brick. Whilst such brick appears on the rear and side elevations of some of the terraced dwellings facing onto Glasgow Road, its use on the front façade of the new dwelling and the extensive, featureless flank walls would be incongruous when seen in vistas encompassing the proposal and existing dwellings to the north.
8. The building opposite the site is constructed of yellow brick. However, its appearance relates to its use and is at variance with all other buildings in the area, reflective of its different function. The use of yellow brick on that building does not, therefore, justify the use of the proposed bricks on a domestic building
9. Further the front façade would incorporate a Juliette balcony facing North Street. I saw no similar features associated with nearby houses and such a feature would be incongruous in this street setting, facing onto an urban road.
10. In this instance the proposal would neither harmonise nor contrast successfully with the character and appearance of the surrounding area and the resultant incongruity in design and materials of the proposal would amount to significant harm to the character and appearance of the site and the surrounding area.
11. I conclude that the proposal would result in significant harm to the character and appearance of the site and the surrounding area and would, therefore, be contrary to Policies 7.1, 7.4, 7.5 and 7.6 of The London Plan: Spatial Development Strategy for Greater London (consolidated with alterations since 2011) -2016- (The London Plan) and Policies S6, SP1, SP2, SP3 and SP8 of the London Borough of Newham Local Plan -2018- (The Local Plan). This is because these policies require, amongst other things, that new development should respond positively to the local context and character and integrate with the street scene and character of the area.
12. Although, for the reasons set out above, not attracting full weight, the proposal would also be contrary to Policies D1, D3, D4, and D8 of The Emerging London Plan in as much as these policies seek to ensure that proposals achieve good design by contributing positively to local character in their relationship with local character and the street scene.

Living conditions

13. No 1 has first floor windows in its rear elevations, which face towards the site where the proposed dwelling would be located. Whilst there is a single storey garage to the rear of No 1, above this is a substantial gap between the nearest two storey structures, No 39 and a building to the rear of 5 Glasgow Road. Currently this provides a sense of openness to the outlook from the rear elevations of No 1, and its rear garden.

14. The proposed building would introduce a new structure very close to the rear boundaries of Nos 1 and 3, presenting a blank elevation and significantly reducing the gap between No 39 and the building behind No 5. As a consequence, users of the garden of No 1 and its occupants when looking out from the rear windows would experience a harmful overbearing effect and an increased sense of enclosure due to the presence of the development.
15. In addition, the proposed dwelling would be positioned close to the boundary with No 39. No 39 has a window at ground level facing towards the site and a garden that forms the property's principal outdoor amenity space lies adjacent to the site. Currently the window and garden enjoy a sense of spaciousness on the boundary facing the site.
16. The proposal would introduce a two storey blank elevation to that boundary. In consequence of its bulk and massing, close to the boundary and two storeys in height the occupiers of No 39 would experience a harmful overbearing effect and an increased sense of enclosure due to the presence of the development when looking out from the window or enjoying the garden space.
17. The appellants have provided a Daylight and Sunlight Study to accompany their application which concluded that the proposal would pass the relevant BRE overshadowing to gardens and open spaces test. The Council have acknowledged that the findings of the report in regard to daylight and sunlight are acceptable and no substantive evidence has been provided to contradict the findings of the report.
18. Whilst it has not been demonstrated that the proposal would have an unacceptable impact on the living conditions of occupiers of 39 North Street in regard to sunlight, I conclude that the development would unacceptably harm the living conditions of the occupiers of 1 Glasgow Road and 39 North Street with particular reference to loss of outlook. The proposal, therefore, conflicts with Policy 7.1 of The London Plan, and Policies S6, SP1, SP2, SP3 and SP8 of the Local Plan in as much as these require development, amongst other things, to integrate with their surrounding communities, engender sociable communities and minimise overbearing impact.
19. For similar reasons the proposal would be contrary to the aims of those parts of the National Planning Policy Framework -2019- which seek to ensure that development creates places which promote well-being, with a high standard of amenity for existing and future users.
20. Although, for the reasons set out above, not attracting full weight, the proposal would also be contrary to Policies D1, D3, and D6 of The Emerging London Plan in as much as these policies seek to ensure that proposals achieve good design by considering its context in regard to its neighbours.

Other Matters

21. Given my overall conclusion that the appeal should fail, there would be no effect on any European Site/Special Protection Area and therefore it is unnecessary to consider this matter further.
22. I note that several letters from local residents have been received in support of the proposal. The proposal would make use of a derelict site and provide an additional dwelling with adequate amenity provision for future residents, which would supplement local housing stock in accordance with the Government's

aim of significantly increasing housing supply. However, these benefits, by virtue of the scale of the proposal, would be limited and would not outweigh the significant harm that I have found to the character and appearance of the site and the surrounding area and the living conditions of neighbours.

Conclusion

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

I Dyer

INSPECTOR