



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: 11 February 2021

Appeal Ref: APP/G5750/W/20/3260526

230 Grange Road, Plaistow, London E13 0HB

- 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 East Grange Homes Ltd. against the decision of the London Borough of Newham.
 - The application Ref 20/01374/FUL, dated 2 July 2020, was refused by notice dated 18 August 2020.
 - The development proposed is extension of as consented building to provide an additional 1no. studio flat (1B1P) on the second floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The London Plan Intend to Publish -2020- (the Emerging London Plan) has been sent to the Secretary of State. On 29 January 2021 the Secretary of State wrote to the Mayor to confirm that he is content for the new London Plan to be published, with no further changes. Given the late stage which the Emerging London Plan has reached it can be afforded significant weight. The parties have had the opportunity to comment on the policies within the Emerging London Plan during the course of the appeal and I have taken any such comments into account.

Main Issue

3. The main issues are the effect of the proposal on:
 - The character and appearance of the site and the surrounding area; and
 - The living conditions of occupiers of Unit 3 and neighbours, with particular reference to outlook and light.

Reasons

Character and appearance

4. 230 Grange Road lies on the north side of the road and is a corner plot at the entrance to the East London Cemetery, which extends behind the site. It lies in an established residential area of predominantly two storey terraced dwellings and taller flatted blocks. The site has recently been developed for a block of five flats with accommodation in a basement and the two storeys above ground. However there is an extant permission to create an additional floor to provide an additional flat in a third storey element.

5. On the opposite side of the entrance to the cemetery lies a substantial detached house, set in its own plot. This site has an extant permission for redevelopment to form a block of flatted development of similar design to that currently within the appeal site. Permissions allow this redevelopment to provide six flats in a basement and three storeys above.
6. The scale of No 230 and its location at the entrance to the cemetery combine to make it a prominent feature on the street.
7. Whilst the area is predominantly of two storey buildings, taller buildings on the corner plots bracketing the entrance to the cemetery would not be out of place, given the prominence of the sites within the streetscape. Other, taller buildings exist and the principle of a third storey on the appeal site is established by the extant permissions. The issue, therefore, is whether the increased massing of the third floor resultant from the rear 'extension' of the approved scheme would be acceptable in its context.
8. The proposal would enlarge the permitted third storey element towards the cemetery with a rectangular extension which would align with the roof of the third floor extension and the walls of the floor below. The approved includes parapet walling and differences in roof levels which, combined with the set-back of the scheme from the facades below, breaks up the massing and provide subservience of the third floor to the host building. The appeal scheme, by extending the lines of the wall below and maintaining a single roof level throughout, produces a bulky form which would lack such subservience and produce an over-dominant building form.
9. Whilst the materials proposed would match those of the permitted scheme, this would not address the overly dominant massing of the third floor created by the scheme.
10. The proposal would result in a bulky, over-dominant built form on this prominent site, which would be unsympathetic to and discordant with the form of the host building and its setting and this would be readily apparent to passers-by on the street and from vantage points within the cemetery. In this instance this over-dominance would constitute significant harm to the character and appearance of the site and the surrounding area.
11. The appellants have drawn my attention to Paragraph 118e) of the National Planning Policy Framework -2019- (the Framework) which supports the upward extension of existing residential premises for new homes, in particular where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene. However the Framework also requires that development is well designed (including complying with any local design policies and standards).
12. I find that the proposal would result in significant harm to the character and appearance of the site and the surrounding area and the proposal would, therefore, be contrary to Policies 3.5, 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 SP1, SP3, SP8, S6 and H1 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.

13. Whilst not yet forming part of the Development Plan, the proposal would also be contrary to Policies D1, D3, D4 and D8 of the Emerging London Plan which seek to make the best use of land that optimises site capacities whilst requiring that development should enhance local context and respond to local distinctiveness. For the reasons set out above these policies attract significant weight.
14. For similar reasons the proposal would be contrary to the aims of those parts of the Framework which seek to achieve well-designed places which are sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Living conditions of occupiers of Unit 3 and neighbours

15. Unit 3 lies at the to the side of the host building and is split between the basement, ground and first floors. It has windows facing to the front and rear of the site, including a large dormer window at first floor level. and a private amenity area at basement level to the rear of the site. To the rear Unit 3 is set back within the site.
16. The proposal would add a further storey to the wall projecting to the side of Unit 3. Anyone standing at the dormer window or within the private amenity area would already experience a significant level of enclosure from this wall and the increase in height would add further to this. The existing permitted scheme would not extend as far back on the host building and would not result in such an enclosing effect.
17. The rear wall of the neighbouring property to the east of the appeal site is set back from the rear elevations of the existing building. Given the separation between windows on the rear elevation of the neighbouring property and the proposal, and difference in height, it is unlikely that anyone standing at a window on the rear elevation of the neighbouring property, or within its garden would experience any significant increase in enclosure from the proposal.
18. The appellants submitted a Daylight and Sunlight Assessment to accompany the application. The report concludes that, whilst the proposal would reduce the Vertical Sunlight Component (VSC) of sunlight reaching the windows of Unit 3 and the neighbouring property, the level of reduction complied with guidance. However the report indicated a 10% reduction in the VSC for the dormer window.
19. The proposal would increase the sense of enclosure for occupiers of Unit 3 and reduce the sunlight reaching the property. Taken together these effects would result in a gloomy, enclosed environment for the occupiers of Unit 3 and this would amount to significant harm.
20. Whilst I have found that the effects of the proposal would not have an unacceptable effect on occupiers of the neighbouring property, I have found that it would cumulatively have a significant harmful effect on the occupiers of Unit 3 and would thus be contrary to 7.1, 7.4 and 7.6 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 ensure adequate access to daylight and sunlight and minimise overbearing impact.

21. Whilst not yet forming part of the Development Plan, the proposal would also be contrary to Policies D1, D3 and D6 of the Emerging London Plan which seek, through good design, to create healthy neighbourhoods and places and which, for the reasons set out above, attract significant weight.
22. For similar reasons the proposal would be contrary to the aims of those parts of the Framework which seek to create places that promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

23. 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.
24. The proposal would make more intensive use of an already developed site by providing an additional dwelling which would supplement local housing stock in accordance with the government's aim of significantly increasing housing supply. This aim is supported by policies in the Emerging London Plan which seek to exploit opportunities to maximise the density of housing on small sites. 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

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

I Dyer

INSPECTOR