



Appeal Decision

Site Visit made on 17 March 2021

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/G5750/D/20/3261903

150 Windsor Road, Forest Gate, London E7 0RB

- 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 Rubel Haque against the decision of the London Borough of Newham.
- The application Ref 20/01518/HH, dated 17 July 2020, was refused by notice dated 14 September 2020.
- The development proposed is K-rendering the side elevations.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development in the banner heading from that which appears on the application form to omit references to the retrospective nature of the application, as this is not a description of development itself.
3. At the time of my site visit the render was already in place on the western elevation of No 150 and so I was able to observe the effect of it in place.
4. Since the appeal was lodged The London Plan (2021) (the New London Plan) has been published by the Mayor of London and is now part of the development plan. The policies within the London Plan (2016) are therefore no longer extant. The parties have had an opportunity to comment on the New London Plan in relation to the case during the appeal process.
5. I have taken this into account in my determination of the appeal. In so doing, I am satisfied that the appellant has had the opportunity to consider the provisions of the relevant New London Plan and no-one's case is prejudiced by my taking them into account.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the site, with particular reference to the Woodgrange Conservation Area (the CA).

Reasons

7. 150 Windsor Road lies within the CA and is a two storey dwelling linked to its neighbours at 148 Grange Road by a single storey element. The nearby streets are laid out in a rectilinear grid predominantly fronted by a mix of two-storey short terraces, detached and semi-detached houses of period style set back

behind moderately sized gardens, bounded by low brick walls and hedges. Between the building blocks there are gaps at second storey level and the straight alignment of the streets allows views from the street of the side walls.

8. Generally, the houses in the street have front façades of red brick, with yellow brick side walls. Some dwellings have had their side and front elevations rendered, including the opposite side wall of No 150 from that which is the subject of this appeal, and 152 Winsor Road, the neighbouring dwelling. However, the area retains a high degree in consistency in retaining the original and consistent finishes to the dwellings reflective of the comprehensive development of the area and the Council has taken steps, including an Article 4 Direction to protect the CA from inappropriate visual change. In regard to the rendering of Nos 150 and 152 the Council accepts that these works have been in place for a considerable period of time, providing these with exemption from enforcement action.
9. The significance of the CA, in so far as it relates to this appeal, derives from its evidential, historic and aesthetic value found in the authenticity of its period urban vernacular architecture. The character and appearance of the CA in this vicinity is of a spacious, tree-lined urban street, fronted by buildings of consistent, traditional design featuring prominent brickwork façades, set back away from the street behind verdant gardens.
10. The appeal property is a traditional two storey dwelling, with features and materials typical of the area. Although some alterations have taken place to the elevations it retains much of its original design features, including the red brick façade and yellow brick quoins, and, until the render was installed on the elevations, yellow brick side walls. Notwithstanding the alterations previous to the application of the recent render, the building is a reasonably intact dwelling, typical of the CA, and the overall authenticity of its appearance from the street frontage and approaching from the west makes a significant contribution to the character, significance and appearance of the CA.
11. The proposal would retain the extensive, featureless area of rendering on the western elevation of No 150, which covers the yellow brick visible from the street on that elevation. The obscuring of this feature has resulted in harm to the significance of the CA as defined above, particularly in regard to its authenticity. This harm would be compounded by the colour of the material, which is particularly eye-catching in the street scene and which is a feature discordant with materials used elsewhere in the area. Whilst the colour of the new area of render matches the rendering on the other flank of the dwelling and smaller features on the building, such as the window bay and the garage doors, the rendered wall is an additional prominent and eye-catching feature in views along the street.
12. I note that other buildings within the CA have rendering or pebbledash applied to their walls which cover the brickwork, including the eastern elevation of No 150 and western elevation of No 152. Other than for these developments, elsewhere there is little evidence before me of the planning history of the applied rendering.
13. The nature of the finishes is, nonetheless, evident and their presence undermines the character and appearance of the CA. Their presence does not, therefore, justify the retention of the additional discordant addition and, indeed, the proliferation of such out-of-keeping features increases the

significance of the contribution made by surviving historic elevations as representative of the features of the CA.

14. I therefore find that the development would cause material harm to the character and appearance of the Woodgrange Conservation Area. The proposal would not comply with the expectations of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would be contrary to Policies D1, D3, D8 and HC1 of the New London Plan, and Policies S6, SP1, SP3, SP5 and SP8 of the Newham Local Plan -2018- (the Local Plan).
15. These policies jointly, amongst other things, require new development to respect and enhance the positive elements and distinctive features of the borough, particularly with regard to the contributions made by heritage assets and should, by being sympathetic to the assets' significance and appreciation within their surroundings, preserve their significance. It is required that the cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed, reinforce local distinctiveness or enhance the character and appearance of the area, preserve or enhance local character and distinctiveness of the historic environment and respect historic fabric, design, materials and elevational treatment.
16. For similar reasons the proposal would also be contrary to the expectations set out in, and advice provided by, the London Borough of Newham's Woodgrange Estate Conservation Area Design Guide -2018- (the DG), which includes advice on applying render to properties and aims to preserve and enhance the special character and appearance of the CA.
17. Whilst the policies within the Local Plan and the DG pre-date the current version of the National Planning Policy Framework -2019- (the Framework), they, and the policies in the New London Plan are in close conformity with the aims of Sections 12 and 16, with which the proposal would also be in conflict, and therefore carry full weight.
18. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. As a consequence of its design the appeal scheme would have a harmful impact on the CA insofar as it would neither preserve nor enhance the character or appearance of the CA. The proposal would not lead to the loss of any buildings that make a positive contribution to the character or appearance of the CA. As such, whilst material, I find that the harm would be less than substantial. Paragraph 196 of the Framework directs that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
19. The development would provide public benefits in terms of increasing the energy efficiency of the dwelling and, as the outer walls of the property are solid, resistance to the ingress of damp. I note that the appellant has raised concerns regarding the effect of damp within the building on the health of his son. However, there is no evidence before me to quantify these benefits. Further they would be limited by the scale of the development and it has not been demonstrated that similar benefits would not result from work internal to the building, which would not result in the harm to the CA that I have identified above.

20. The benefits of the proposal would be of limited weight overall. The proposal would result in a high level of harm to the significance of a designated heritage asset. However, the harm must be considered in the context of the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA. I afford considerable importance and weight to this statutory duty. This does not amount to a direction to refuse proposals that harm, and thus fail to preserve, designated heritage assets, but it provides a strong presumption in favour of preservation.
21. On the evidence before me I therefore conclude that the public benefit, in this case, has not been demonstrated to outweigh the less than substantial harm identified to the CA. Thus, I find that the material harm that would arise from the proposal would not be outweighed by its public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have clear and convincing justification and the Framework states that great weight should be given to a designated heritage asset's conservation.

Other Matters

22. There have been many expressions of support from local residents. However, this does not outweigh the harm to the CA that I have identified above.

Conclusion

23. For the reasons given above the appeal is dismissed.

I Dyer

INSPECTOR