



Appeal Decision

Site visit made on 27 April 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2021

Appeal Ref: APP/G5750/W/20/3263692

147 Central Park Road, LONDON, E6 3DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by City of London Holdings and Investments Limited against the decision of London Borough of Newham.
 - The application Ref 20/01594/FUL, dated 28 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is a Rear Extension and Loft Conversion to Form New Dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of ground floor laundrette (Sui Generis) to residential (C3) with the erection of single storey rear extension including alterations to the front elevation to create one new 2-bedroom flat on ground floor and loft conversion with rear dormer at 147 Central Park Road, LONDON, E6 3DJ in accordance with the terms of the application, Ref 20/01594/FUL, dated 28 August 2020, subject to the conditions in the schedule attached to this decision.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Although neither of the main parties has provided written confirmation that a revised description of development has been agreed, it has been used by both parties in their submissions on the appeal, and is, in my view a much clearer description of the development proposed. As a result, I have used it in my formal decision.
3. The London Plan 2021 has been published by the Mayor, setting the spatial development strategy for London and is now part of the development plan. The decision notice for the appeal application referred to policies in the London Plan 2016 and the 2019 Draft London Plan which have not substantively changed upon publication. As such, I have not found it necessary to seek the views of the parties on the published London Plan 2021.
4. I note from the evidence that it is only the single storey rear extension element of the proposal which the Council finds unacceptable. My decision therefore also proceeds on this basis.

Main Issues

5. The main issues are the effect of the single storey rear element of the proposal on i) the character and appearance of the area, ii) living conditions for the occupiers of 149 Central Park Road (No 149) with specific regard to loss of outlook and light, and an overbearing and enclosing effect, and iii) the effect of the proposal on the Epping Forest Special Area of Conservation (the SAC).

Reasons

Character and appearance

6. The appeal site is an end-terrace corner property, with a laundrette on the ground-floor and an existing flat above, accessed from an external staircase. The garden space at the site is largely taken up by outbuildings which directly abut the space to the rear of No 149. Given its location, the rear and side of the site are clearly visible from Mafeking Avenue.
7. The replacement of the existing concrete and timber fencing, external staircase and outbuildings with a single-storey rear extension in brick to match the main building, as well as a new timber fence to the end of the site would improve the overall appearance of both the site and the wider street-scene in which it sits. The overall roof height of the new extension would be taller than the existing outbuildings, but not significantly taller than the top of the existing external staircase.
8. I acknowledge that the rear extension would be visible from the street, in views along Mafeking Avenue and Central Park Road itself. However, as I saw on my site visit, there is no consistent approach to end-terrace corner plots in the area. There is a variety of approaches to the both the development of the rear of the plot, and to the rearward-side boundary in terms of form, scale, design, mass, materials and appearance. I do not therefore consider that the proposal, its scale, form and design, would be incongruous or that it would cause harm to the character and appearance of the area, the terrace or the host dwelling.
9. The proposal would therefore comply with Policies D1, D3, D4 and D8 of the London Plan, as well as Policies SP1, SP3, SP8, S6 and H1 of The London Borough of Newham Local Plan 2018 (the Local Plan). These policies seek, amongst other things, to ensure the development is high quality, relates well to the character and context of its surroundings, delivers well designed public realm, quality neighbourhoods and quality housing.

Living conditions

10. As noted above, the external staircase and existing outbuildings to the rear of the site abut the space to the rear of the adjoining neighbour, No 149. It was clear from my site visit that this largely paved rear space is used for sitting out, but also, that there is no ground-floor, rear-facing window in the rearmost elevation of No 149.
11. The proposal would introduce a longer, taller built element along the boundary between the site and No 149. However, I do not consider, in light of the angled roof form proposed, which would reduce the apparent height of the proposal at the boundary, that this would give rise to an unacceptable sense of overbearing or enclosure to the rear of No 149. Similarly, given the orientation of the properties and the existing condition of the boundary, I do not consider that

the proposal would lead to a harmful loss of light or outlook from the rear of No 149. I do not therefore consider that the proposal would be unneighbourly, or that it would harm the living conditions of the occupiers of No 149 with specific regard to loss of outlook and light, and an overbearing and enclosing effect.

12. In that regard, I therefore find that the proposal accords with Policies D1 and D4 of the London Plan and Policies SP2 and SP8 of the Local Plan. These policies seek, amongst other things to deliver development which takes opportunities to deliver high quality design, understand the character and context of an area, improve housing quality and ensure that development achieves good neighbourliness with adequate access to daylight and sunlight.

Epping Forest SAC

13. The site lies within the 6.2km Zone of Influence (ZoI) for the Epping Forest SAC. The SAC is a former royal forest and ancient wood-pasture which supports a mosaic of habitats of high nature conservation value, characteristic of ancient wood-pasture, including ancient semi-natural woodland, old grassland plains, wet and dry heathland and scattered wetlands, including rivers, streams and bogs. The conservation objectives for this SAC are to ensure that its integrity is maintained or restored as appropriate and to ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features.
14. It is therefore necessary for me, as the competent authority, to carry out an Appropriate Assessment in relation to the effect of the proposal on the integrity of the SAC. An increased number of dwellings in the ZoI would likely give rise to increased recreational pressure on the SAC. In combination with other development in the area, this would likely have a significant effect on the SAC.
15. The Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation produced by Natural England sets out a number of schemes and resources to mitigate the harm of increased recreational pressure on the SAC as a result of new residential development. The London Borough of Newham Council Interim Habitats Funding Statement April 2019, produced in light of advice from Natural England sets out that as visitors arising from the London Borough of Newham are low, contributions towards the costs of implementing the Strategic Access Management and Monitoring Strategy will only be sought from major developments.
16. I am satisfied that this approach would address any effects associated with the proposed development and its likely effects on the SAC. I therefore find that, subject to the proposed mitigation in relation to major developments, the proposal would not result in an adverse effect on the integrity of the SAC.

Conditions

17. The Council has suggested a number of conditions to be attached, should planning permission be granted, and the appellant has indicated their acceptance of them. Having had regard to the requirements of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2). Conditions requiring the use of matching materials (3), the submission and approval of

boundary treatments (5) and the removal of redundant pavement crossovers (6) are necessary in order to ensure the satisfactory appearance of the completed development. Condition 4, requiring submission and approval of details on cycle parking provision is necessary to ensure that appropriate provisions are made for the storage of cycle parking in order to encourage use of more sustainable modes of transport. I am satisfied that the conditions meet the tests in, and requirements of both the Framework and the PPG.

Conclusion

18. For the reasons given above I conclude that the proposal accords with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby approved shall be undertaken in accordance with the following plans: Sections – Drawing Number: PL004 – Rev: B – Dated: Jan 2020, Existing Floor plans and Roof Plan – Drawing Number: PL002 – Dated: Jan 2020, Elevations, Site Plan, Site Location Plan – Drawing Number: PL001 – Rev: A – Dated: Jan 2020, Proposed Floor Plans and Roof Plan – Drawing Number: PL004 – Rev: B – Dated: Jan 2020.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building unless otherwise approved in writing by the Local Planning Authority.
4. Prior to occupation, details for the provision secure, integrated, and accessible cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the building(s) and shall thereafter be made permanently available for the occupants of the building(s).
5. Prior to the first occupation and or use of the development, details of all walls (including retaining walls), fences, gates and other means of enclosure to be erected in or around the development shall be submitted to the Local Planning Authority for approval in writing. The walls (including retaining walls), fences, gates and other means of enclosure shall be erected as approved and shall thereafter be permanently retained.
6. No above ground works shall commence unless and until, the applicant has entered into a Section 278 agreement with the Council for the removal of the redundant crossovers and reinstatement of the pavement adjacent to the site. Prior to the first occupation and or use of the development, the crossover shall be removed and the pavement reinstated.

End of Schedule of Conditions