



Appeal Decision

Site visit made on 26 April 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2021

Appeal Ref: APP/G5750/W/20/3263515

2-10 Falmouth Street, Stratford, LONDON, E15 1JQ

- 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 Miss Veronica Patmore against the decision of London Borough of Newham.
 - The application Ref 20/01426/FUL, dated 8 July 2020, was refused by notice dated 1 September 2020.
 - The development proposed is Extension of the existing lightwell at the front of the property and formation of two new lightwells at the rear to serve the basement flat. Enlargement of existing ground floor window on the Maryland Road elevation of the building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.

Main Issue

3. The main issue is the effect of the proposed extension to the lightwell on Maryland Road upon the character and appearance of the area.

Reasons

4. Set on the corner of Falmouth Street and Maryland Road, the appeal site has an existing, small, fenced lightwell on its Maryland Road elevation, adjacent to a similar lightwell at the neighbouring property. Other properties along Maryland Road also have fences and brick walls separating front gardens from the footway, along the same line as the fence and lightwell to the front of the appeal site.
5. Where the footway turns the corner from Falmouth Street to Maryland Road, along the frontage of the site, it has a generally open, wide and spacious character and appearance, enhanced by the parking controls on this corner and by the school gate opposite. The character and appearance of the street narrows as one travels along Maryland Road, with fences and walls on one side, and parked cars on the other. Street furniture, including signage and bins also further encloses and constrains the footway.

6. The proposed extended lightwell and the fencing around it, whilst consistent in design and appearance with the existing, would, to my mind, narrow and constrict this otherwise open and spacious part of the footway and wider street-scene. I accept that the footway is wide to the front of the site, but this open, wide, spacious feeling is appropriate for the junction location. The extension of the lightwell would reduce the footway, close the gap towards both the street furniture and the corner, giving the footway and immediate area a more cluttered and constrained appearance.
7. I acknowledge that the proposal would improve living conditions in the basement flat with regard to the provision of natural light, and that local, regional and national policy support the provision of high-quality living conditions. However, that is a private benefit which does not, in my opinion outweigh the harm I have found to the public domain and wider public interest. I also note that permission has been previously granted for the lightwells to the rear.
8. In light of that, whilst I have the power to issue a split decision on an appeal, this power is discretionary. I do not consider that the parts of the proposal which are acceptable are clearly severable from those parts which are not. Nor do I consider that such a split decision would be clearly and easily defined with reference to the submitted drawings. As such I do not consider that a split decision would be appropriate in this case.
9. As a result, I consider that the proposal harms the character and appearance of the area. It would therefore conflict with Policies D1, D4 and D8 of the London Plan, Policies SP1, SP2, SP3 and SP8 of The London Borough of Newham Local Plan 2018. These policies seek, amongst other things, to ensure that development is high quality, understands, respects and improves the quality, character and appearance of its neighbourhood, and delivers high quality urban design. The proposal would also conflict with guidance in the Altering and Extending your Home Supplementary Planning Document, February 2018, which seeks to support the implementation of the development plan policies cited above.

Conclusion

10. For the reasons given above I conclude that the proposal conflicts 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 dismissed.

S Dean

INSPECTOR