



Appeal Decision

Site visit made on 27 April 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2021

Appeal Ref: APP/G5750/W/20/3262660

Land adjoining Hannah Court, Bull Road, Plaistow, London, E15 3HQ

- 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 Holbrook Investments Ltd against the decision of London Borough of Newham.
 - The application Ref 20/01746/FUL, dated 14 August 2020, was refused by notice dated 9 October 2020.
 - The development proposed is Construction of a part two and part three storey building to accommodate 7 self-contained flats with associated amenity space, landscaping, cycle storage and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

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 Issues

3. The main issues are i) whether or not the proposal would provide suitable living conditions for the future occupiers of units A and B with specific regard to the quality of the units, and ii) the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. Of the 3 ground-floor units proposed, units A and B are closest to the entrance to the site and adjacent to the stairwells. As a result, all future occupiers of unit C on the ground-floor, and the upper-floor units would pass by the ground-floor, rear-facing windows of these units. In addition, the rear-facing windows of these units would face onto the proposed courtyard, cycle store and communal rear space of the site. The result of this layout is that virtually all of the occupiers of the appeal site would pass by the windows of unit A, and many of them would pass by the windows of unit B. All future occupiers of the site would have access to the courtyard and cycle store.

5. Whilst I acknowledge that some of the rear-facing windows in these units serve internal corridors rather than habitable space, other, larger windows do serve the main habitable rooms. As a result, despite the landscaping proposed, these windows, and these spaces they serve in units A and B would not, in my view be suitably separated from the communal space, sufficient to give rise to appropriate levels of privacy and separation required to provide suitable living conditions.
6. To my mind, this would be compounded by the relationship of these same units and their internal spaces to the public domain at the front of the site. Although the building is set back slightly from Bull Road, the amenity buffer is relatively shallow. Again, despite the landscaping proposed, I do not consider that the combination of the privacy buffer, boundary treatment, landscaping, window size and height would allow for an appropriate sense of privacy, particularly to units A and B.
7. It was clear from my site visit that both Bull Road, and the car park to the rear of the site are well used, both by vehicular and foot traffic. This reinforces the need for the proposal to deliver appropriate levels of privacy and retreat for future occupiers. Whilst I acknowledge that the communal space to the rear of the site is gated, it would still be available for the use of the occupiers of all 7 proposed flats.
8. In reaching this conclusion, I acknowledge that there are instances where ground-floor residential properties directly abut the public domain. However, that is not the case in the area immediately surrounding the appeal site, where properties, whether the older terraces, newer perimeter blocks or indeed the flats in the old school all have both a more substantial buffer to the front and more private areas to the rear. This allows for appropriate levels of privacy and retreat, as sought by policy. The full-depth rooms proposed in units A and B in particular compound this relative lack of privacy and retreat.
9. I acknowledge that broadly speaking, the proposal meets the requirements for the quantity of internal and external space, although there are some minor shortfalls. However, relevant policies also require that residential development deliver space of suitable quality, including levels of privacy and retreat from the public domain. In light of my conclusions above on the quality of the internal space provided to units A and B, I consider that the proposal would not give rise to suitable living conditions for the occupiers of those units with specific regard to their privacy. I do not consider that the excess quantity of private outdoor amenity space offsets the quality deficiencies I have found in relation to the internal space.
10. The proposal would therefore conflict with Policies D3, D4 and D6 of the London Plan and Policies S2, SP2 and SP3 of The London Borough of Newham Local Plan 2018 (the Local Plan). These policies seek, amongst other things, to ensure that new residential development delivers high-quality design, and that internal and external spaces meet suitable standards of space, privacy and utility. The proposal would also conflict with guidance in the National Planning Policy Framework on achieving well designed places with suitably high levels of amenity for future occupiers.

Character and appearance

11. Buildings around the appeal site have a variety of materials, including attractively detailed polychromatic brickwork on the adjacent converted school, and boundary wall. To my mind the proposal clearly attempts to draw from the materials and detailing found in the buildings which surround the site.
12. However, whilst the Design and Access Statement suggests that materials have been chosen to blend into the area, and shows a degree of detailing on indicative sketches, I do not consider that the proposed drawings and material details thereon necessarily make clear that the finished proposal would deliver on the vision in that Statement.
13. I note that the Council has suggested a condition which could address material details. However, given the richness of the detail and the mix of materials surrounding the site, which contribute to the character and appearance of the area, I do not consider it appropriate to defer this important detail to a condition.
14. As a result, I consider that the proposal before me does not demonstrate that it would successfully assimilate with and contribute to the high-quality character and appearance of the area. The proposal would therefore conflict with Policies D1, D3, D4 and D8 of the London Plan, and Policies S2, SP1, SP3 and SP8 of the Local Plan which seek to ensure that new development is high-quality, leads to a well-designed public realm and integrates well with the character and appearance of its surroundings. The proposal does also not fully demonstrate that it would achieve a well-designed place, in line with guidance in the Framework.

Other Matters

15. The appeal site lies within the 6.2km Zone of Influence for the Epping Forest Special Area of Conservation. However, as I intend to dismiss the appeal for the grounds stated above, it is not necessary to address this matter in further detail.

Conclusion

16. 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