
Appeal Decision

Site visit made on 8 June 2021

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 July 2021.

Appeal Ref: APP/G5750/D/20/3265200

8 Upton Park Road, Forest Gate, London, E7 8LD

- 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 N Mistry against the decision of The London Borough of Newham.
 - The application Ref 20/01866/HH, dated 28 August 2020, was refused by notice dated 12 October 2020.
 - The development proposed is a rear single storey outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for a rear single storey outbuilding at 8 Upton Park Road, Forest Gate, London, E7 8LD in accordance with the terms of the application, Ref 20/01866/HH, dated 28 August 2020, subject to the following condition:
 - 1) The development hereby allowed relates to the following approved plans: 1:1250 scale Location Plan; 1:500 scale Block Plan; and Drawing Number NM/PP-100 - Existing As-Built Ground Floor Plan, Elevations and Section.

Procedural Matters

3. The rear single storey outbuilding has already been erected. Consequently, I have dealt with this appeal in accordance with the provisions of Section 73A of the Town and Country Planning Act 1990, as a retrospective proposal for development that has already been carried out.
4. Since the appeal was submitted, the London Plan 2021 (LP) has been published. I am satisfied that the published version of the Plan does not raise any additional material issues in relation to the appeal. Consequently, I have not considered it necessary to refer back to the main parties. However, where relevant, I have referred to the policies of the 2021 document in this decision.

Main Issues

5. The main issues are the effect of the proposal on the appearance of the area and its effect on the living conditions of the occupants of neighbouring properties; and whether the proposal protects and enhances the biodiversity value of the appeal site.
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Reasons

Character, Appearance and Living Conditions

6. The appeal property is a terraced dwelling, with a relatively small back garden/yard area. Upton Park Road is a residential street within a densely built-up urban area. It is close to a busy and vibrant local shopping and business centre and the rear boundary of the site abuts a tall brick wall, which is part of the East shopping centre.
7. Residential dwellings and their rear gardens/yards adjoin the appeal site on either side. These and other rear gardens/yards contain a range of outbuildings that vary in size and appearance.
8. The proposal is for a single storey outbuilding, which is positioned at the far end of the garden/yard against the wall of the shopping centre. At the time of my visit, it was being used for the storage of domestic items. Although it is a single storey building, it is taller than most other outbuildings in the locality. The external walls are clad with tiles, which is also a different material to that used on the other outbuildings that I could see.
9. The Council considers that the proposal is out of character and has an overbearing impact on neighbouring dwellings, because of its height and external materials. In that regard, the Council has referred to a number of planning policies in its decision notice. Of most relevance are Policies SP1; SP3; and SP8 of the adopted London Borough of Newham Local Plan 2018 (NLP). These seek (amongst other things) to ensure development is of high quality; has regard to local character and local distinctiveness; and is neighbourly. In addition, Policy D4 of the LP requires good design. Furthermore, paragraph 127 of the National Planning Policy Framework (The Framework) states (amongst other things) that planning decisions should ensure that developments are visually attractive and sympathetic to local character.
10. Although the outbuilding is not of any visual or architectural merit and, in that respect, there is some conflict with Policy SP1 of the LP and D4 of the LP, it is not visible from the public domain. Furthermore, in the context of its immediate surroundings, where there is no distinct character or consistent form of building style, the outbuilding does not cause unacceptable harm to the appearance of the site or its surroundings.
11. The Council officer's report refers to an outstanding enforcement case in respect of the outbuilding, as a result of a complaints from neighbours. However, the report also states that no responses were received in relation to the planning application. The outbuilding is clearly visible from the rear of the neighbouring dwellings and it is close to the side boundaries of the neighbours. Nevertheless, it is viewed and positioned against the backdrop of the high wall of the East shopping centre, which is an imposing and dominant feature.
12. Consequently, I am not persuaded that the outbuilding has a detrimental overbearing effect on the adjoining dwellings or their garden/yard areas. Therefore, it does not conflict with Policy SP8 of the LP. It was also evident that there was space remaining at the rear of the appeal dwelling for occupants to sit out and hang washing etc. In that regard, the living conditions of the appellant and his family have not been compromised by the development.

Biodiversity

13. Policy SC4 of the NLP seeks to protect and enhance biodiversity. The justification states that sites not recognised for their biodiversity offer may include species of value. These sites include brownfield land. Policy G6 of the LP also states that opportunities should be sought to create habitats. These policies accord with the general provisions of Chapter 15 of The Framework. I also note that the area is deficient in terms of access to nature and green spaces.
14. I accept that in dense urban areas, individual gardens can make a positive contribution to biodiversity, both in terms of plant and animal life. However, in this case, the rear garden/yard area of the appeal property is completely hard surfaced and it is currently devoid of any vegetation of note or areas for wildlife. The space taken up by the outbuilding is relatively small and, in my opinion, the opportunity for any significant biodiversity measures within this space (if the building was not there) is so limited as to be almost worthless. Consequently, I am not persuaded that the proposal is unacceptable in relation to biodiversity.

Conditions

15. For clarity, I have included a condition confirming the approved plans. As the development has already taken place, no other conditions are necessary.

Conclusion

16. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR