



Appeal Decision

Site visit made on 21 June 2021

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2021

Appeal Ref: APP/G5750/W/20/3259790

91 Whitta Road, Manor Park, London E12 5BX

- 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 L Bhuller against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/01024/FUL, dated 21 May 2020, was refused by notice dated 17 July 2020.
 - The development proposed is the extension of the basement and reconfiguration of the existing ground floor to provide two two-bedroom residential dwellings located over ground and basement floor level along with associated external alterations, landscaping, cycle parking and bin stores.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of the basement and the reconfiguration of the existing ground floor to provide two two-bedroom residential dwellings located over ground and basement floor level, along with associated external alterations, landscaping, cycle parking and bin stores at 91 Whitta Road, Manor Park, London E12 5BX, in accordance with the terms of the application, Ref 20/01024/FUL, dated 21 May 2020, subject to the conditions on the attached schedule.

Procedural Matters

2. I have also dealt with another appeal (Ref: APP/G5750/W/20/3259787) on land to the rear of 91 Whitta Road. This 'other appeal' is the subject of a separate decision.
3. Amended plans were submitted during the Council's consideration of the application. I have therefore determined the appeal on the basis of those plans, upon which the Council made its decision, and I have changed the description of the proposal in accordance with that given on the appeal form.
4. Since the planning application was determined, the London Plan 2021 ('LP') has been adopted, and the National Planning Policy Framework 2021 ('Framework') has been published. The principal parties were given an opportunity to comment on these during the appeal, and I have considered the scheme against their policies.

Main Issues

5. The main issues are:

- the effect of the proposal on the character and appearance of the host property and the area;
- whether the occupants of the proposed flats would experience satisfactory living conditions; and
- the effect of the proposal on adjoining occupiers' living conditions.

Reasons

Character and appearance

6. The appeal property, which has been converted into two flats, forms part of a short terrace facing Whitta Road. The terrace is set back from the road behind parking forecourts. Its front face displays limited cohesion or consistency due to differing facing materials and fenestration, extensions and other alterations.
7. The form and style of development in the area is also mixed, and includes some three storey residential blocks. I observed that 45 Whitta Road sits in a broadly similar style terrace to this one, but with more front boundary treatment, and that it has a front lightwell.
8. There would be a bin store, bicycle storage and a sunken amenity space to the front of the property. Whilst these would take up much of that area, the bin store would have a green roof, and there would be a void above the amenity space. Consequently, and given that this is presently a hardstanding parking area, the host's frontage would not appear unduly cluttered.
9. Whilst there are no front lightwells on this terrace, the void would cover only a small proportion of the forecourt, and this type of feature is not without precedent on Whitta Road. As it, and the other forecourt features, would be located behind a low brick wall, a gate and shrubs, which would provide some enclosure to the highway, the property's appearance in the streetscene would be enhanced.
10. Amongst other things, and in general terms, Policies SP1 and SP3 of the Newham Local Plan 2018 ('NLP'); along with LP Policies D1, D3, D4 and D8, support high quality development, which integrates with the local context and responds to its character. That approach is consistent with the Framework requirement for good design, and with the general stance in the Mayor of London Housing Supplementary Planning Guidance 2016 ('SPG').
11. For the above reasons, the scheme would not harm the character and appearance of the host property or the area, and it would not conflict with those policies, or with that guidance.

Living conditions in the proposed flats

12. Notwithstanding a reduction in the proposed flats' floorspace compared to the current layout, they would comply with the development plan's internal space standards. Proposed Flat 91A would have front and rear facing aspects. The outlook from its living room bay window would be over the property's forecourt, with a lightwell providing a set back from the bicycle store. As

parked cars could presently abut this window, which currently serves a bedroom, the outlook from here would be improved. Flat 91A's proposed front bedroom window would face a sunken amenity space. For those reasons, this flat's occupants would be likely to experience less noise and disturbance than at present.

13. Flat 91A's second bedroom would also address a small sunken amenity area. The outlook from both bedrooms would therefore be constrained and, having regard to their location and orientation, they would receive little, if any, direct sunlight. However, given the function of these rooms, and the dual aspect from the flat's open plan living and kitchen/dining space, the outlook from the flat as a whole would be satisfactory. Having regard to the Daylight and Sunlight Assessments by Lichfields (May and August 2020), I am satisfied that its occupants would experience sufficient natural light.
14. Given their dimensions and their sunken position, Flat 91A's two outdoor amenity areas would also receive little, if any, sunlight, and they would have a limited outlook. However, neither would be significantly overlooked by other flats, particularly as the ground floor window above the rear amenity space would be high level and would serve a stairwell.
15. Access to both those amenity areas would be through the flat's bedrooms, but this would not significantly impact their utility, and in combination they would provide reasonably private areas to sit outside, which would comply with the SPG's and the LP's quantitative standard. Additionally, the Wanstead Flats public open space is within easy walking distance.
16. Turning to Flat 91C, its kitchen/dining/living space would also be open plan. It would be served by a large window on its northern elevation, together with a smaller window to the rear, which would have an aspect over that flat's sunken amenity area, with a balustrade beyond. Given the limited height of that balustrade it would not significantly inhibit the outlook from that window over the rear garden.
17. Whilst part of the host's existing rear garden is the subject of the other appeal, even with its reduced dimensions, it would provide an appropriately sized area for the occupants to sit outside and to engage in typical domestic tasks and activities, and it would meet the SPG's and the LP's space standards.
18. The outlook from Flat 91C's basement bedrooms would be similarly constrained to that from 91A's bedrooms, but for similar reasons, taken as a whole, I am satisfied that the outlook from Flat 91C would be satisfactory.
19. For those reasons, the scheme would provide appropriate living conditions for its future occupants. It would not therefore conflict with those parts of NLP Policies H1, S6, SP1, SP2, SP3 and SP8; and LP Policies GG1, GG4, D1, D3 and D6, which collectively, and in very broad terms, seek to ensure housing quality, and which require homes to provide external space with adequate access to light, and to deliver appropriate outlook, privacy and amenity. Nor would it conflict with the similar stance on amenity at Framework paragraph 130 f) and in the SPG.

Adjoining occupiers' living conditions

20. One extra household in this property would be likely to result in some additional comings and goings, and more appliances. However, with typical

domestic use, the modest net increase in residents would not result in significantly more noise or disturbance for adjoining occupiers. Indeed, in some regards, given the absence of noise and fumes associated with cars on the property's forecourt, there may be some betterment compared to the current situation.

21. I have insufficient details of the appeal decisions elsewhere referred to in the Council's delegated report to make any meaningful comparison with this proposal.
22. However, for the above reasons, on this issue, this scheme would not conflict with those parts of NLP Policies H1, S6, SP1, SP2, SP3 and SP8; and LP Policies GG3, GG4, D1, D3 and D14 which, in general terms, focus on housing quality, and which seek to ensure quality neighbourhoods and good neighbourliness, with regard to matters including noise, disturbance and amenity. Nor would it conflict with the similar approach in the Framework.

Conditions and Conclusion

23. The Council has not provided a list of conditions in the event that the appeal is allowed, but I have considered its comments on this matter in its delegated report, along with those made by the appellant. I have imposed the standard time limit condition, and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans.
24. The appellant has suggested that details of the proposed front lightwell and balustrade could be secured by means of a condition. I agree that a pre-commencement condition is necessary to ensure that they are properly integrated into the development from the outset, in the interests of the character and appearance of the host property and the area.
25. For the same reason, and in the interests of sustainable transport, details of the proposed cycle store are required. My condition no 5 is necessary to ensure that appropriate provision is made for waste storage facilities, and so that it can be reasonably assimilated into the streetscene.
26. I have very little information regarding biodiversity on the site, or how it could be enhanced. However, given that the outdoor areas currently comprise hardstanding, and that some areas of landscaping and a green roof are proposed, I am satisfied that a condition requiring biodiversity enhancements is unnecessary.
27. Summing up, the scheme would not harm the character and appearance of the host property and the area; it would provide appropriate living conditions for the flats' occupants; and it would not impact neighbouring occupiers' living conditions to a harmful degree. The scheme would not conflict with the development plan when considered as a whole, and having regard to all other matters raised, the appeal is therefore allowed.

Chris Couper

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 permitted shall be carried out in accordance with the following approved plans: site location plan at 1:1250 scale, and drawing numbers 502-P1, 503-P1, 505-P1, 506-P1, 515-P1, 510-P1, 520-P3, 521-P3, 522-P3, 523-P2, 530-P3, 531-P3, 532-P1 and 540-P2.
- 3) Prior to the commencement of the development, details of the proposed lightwell and thin railed balustrade to the front of the property shall be submitted to, and approved in writing by, the local planning authority. Those features shall be provided in accordance with the approved details prior to the flats' first occupation, and shall thereafter be retained.
- 4) Prior to the first occupation of the flats hereby approved, a cycle store shall be provided in accordance with details which shall be submitted to, and approved in writing by, the local planning authority. The cycle store shall thereafter be retained in accordance with the approved details.
- 5) Prior to the first occupation of the flats hereby approved, waste storage facilities shall be provided in accordance with details which shall be submitted to, and approved in writing by, the local planning authority. The waste storage facilities shall thereafter be retained in accordance with the approved details.