



Appeal Decision

Site visit made on 14 September 2021

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/G5750/D/21/3275464

81 Windsor Road, Forest Gate, London, E7 0QY

- 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 Nasim Ahmed against the decision of the Council of the London Borough of Newham.
 - The application Ref 21/00187/HH, dated 23 January 2021, was refused by notice dated 19 March 2021.
 - The development proposed is described as a 'New front garden layout and driveway with drop kerb including a ramp for elderly disabled person'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council's decision describes the proposal as 'Formation of vehicle crossover, with alterations including parking space to front garden and installation of an access ramp. (This application is affecting the Woodgrange Conservation Area)' which describes the proposed scheme more accurately.
3. However, although the Council endorsed the proposed disabled access ramp, subject to siting, scale and design, the application does not include elevation plans or the proposed materials. As such, I am unable to fully assess the impact of that part of the proposal and have not considered that in this appeal.
4. I have also noted that as the red line of the application site does not include the dropped kerb element which would be subject to a separate S278 application, I have not considered the dropped kerb in this appeal either.

Main issues

5. The main issues in this appeal are therefore:
 - whether the proposal would preserve or enhance the character and appearance of the Woodgrange Conservation Area and the dwelling;
 - the effect of the proposal on the Council's transport strategy and highway safety, in regard to on-street parking and the footpath.

Reasons

Character and appearance

6. The appeal site lies within the Woodgrange Conservation Area whose significance derives from the many large two storey villas within generous plots and leafy surroundings. The appeal site comprises a large, double fronted villa with an attached two storey annexe. It is set back from the road behind a hedge which runs along the whole of the frontage, interrupted only by a central footpath. This makes an important contribution to the leafy character of the area which has been eroded over the years by the many vehicular accesses in Windsor Road that I noted at my visit. The Woodgrange Estate Conservation Area Character Appraisal and Management Proposals (CAMP) (2006) states that front gardens are an essential part of the area's special character and appearance and that the loss of important soft landscaping and the introduction of hardstanding and accesses detract from the appearance of the area. Whilst some of those appear to have been created some time ago, others are more recent or still under construction and I have noted that the CAMP document probably predates some of the more recent schemes. However, I have not been provided with details of the planning status of those schemes or the circumstances of any permissions that would lead me to find that they set a precedent for such proposals. Moreover, on the basis of what I saw, I would agree with the CAMP regarding their impact.
7. The proposed scheme would involve the creation of an area of hardstanding over approximately a quarter of the front garden area of the property in front of the annexe, leaving a lawned area with central path in front of the main part of the dwelling. It would be broadly similar to two previous schemes dismissed at appeal by reason of their impact on the Conservation Area.
8. Although most of the front boundary would remain, the loss of some 3.6m of the hedge would be significant, detracting from the leafy character of the street and the enclosed character of the dwelling, whilst allowing an open view of the brick/gravel hardstanding. The hardstanding would extend across the full depth of the front garden over some 25.6 sq. m and by reason of its size and siting, would fail to preserve or enhance the significance of the Conservation Area, exacerbating the harm caused by the many other accesses and hardstanding's in the area.
9. I have given careful consideration to the personal circumstances of the appellant's family and their requirement for an off-street parking space to provide access for an older family member who is disabled. These are significant considerations which meet the 'relevant protected characteristics' under Section 149 of the Public Sector Equality Duty contained in the Equality Act 2010 to which I must have due regard. I have noted that the disabled access bay in front of the house is not always available for the family's use. However, at the time of my visit, after 5pm on a weekday, it was available and there were many other nearby available spaces for residents on both sides of the street, which is wide and not heavily trafficked. Although the proposal would improve the accessibility of the property which would be a limited public benefit, I am not persuaded that it is essential or that if the appeal were dismissed, the decision would have a serious negative impact on the day-to-day life and health of that occupant.

10. I conclude then that the proposed scheme would fail to preserve or enhance the character or appearance of the Conservation Area or the dwelling. Whilst the harm would be less than substantial, the limited public benefit would not outweigh that harm. The proposal would conflict with development plan policies D1, D3, D4 and D8 of the London Plan which together with policies SP1, SP2 and SP3 in the London Borough of Newham Local Plan (LP) seek to ensure high quality design that contributes to the public realm. It would also be contrary to the London Plan policy HC1 and LP policy SP5 which seek to protect and conserve the significance of heritage assets.

Transport strategy and highway safety

11. The appeal site is located within a Controlled Parking Zone for residents who are permit holders during daytime hours. The proposed access would result in the loss of an on-street parking space but this would be offset to some extent by the creation of a new parking space within the appeal site even though that would be available only to the occupiers. The disabled space in front of the path to the property would not be affected. Given my findings in paragraph 9 regarding the availability of on-street parking, I am satisfied that the proposal would not lead to an unacceptable reduction in the amount of on-street parking.
12. As there are many other vehicular accesses that are already in use in the road, pedestrians and other road users would be aware of the need to watch for vehicles crossing the footway and the Council has not provided sufficiently compelling evidence of how the proposal would create risk for those users. The proposal would not, therefore, discourage walking or cycling or prejudice highway safety and the Inspector in one of the previous appeals (APP/G5750/D/14/2227089) reached a similar conclusion.
13. I conclude then that the proposal would not harm the Council's transport strategy or highway safety and would accord in this respect with development plan policies T2 and T6 in the London Plan and SP1, SP2, SP8 and INF2 in the LP which together seek to promote walking and cycling, well-connected spaces and accessibility and provide appropriate residential parking.

Conclusion

14. For the reasons given above and notwithstanding my findings in regard to the Council's transport strategy and highway safety, my findings regarding the character and appearance of the Conservation Area are significant and overriding. The proposed development would be contrary to the development plan and there are no other material considerations that warrant determining the appeal otherwise. The appeal should be dismissed.

Sarah Colebourne

Inspector