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# Appeal Decision

Site visit made on 29 November 2021

**by Chris Baxter BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 December 2021**

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**Appeal Ref: APP/G5750/W/21/3276235**

**1187 Newham Way, East Ham, London E6 5JJ**

- 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 Jim Singh of Forest Green Developments Ltd against the decision of London Borough of Newham.
  - The application Ref 20/02257/FUL, dated 15 October 2020, was refused by notice dated 3 December 2020.
  - The development proposed is described as "erection of a building containing a studio dwelling (38 sq.m.) plus garden space, cycle parking and bin provision (revised scheme)."
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. Since the submission of the appellant's appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments received have been taken into consideration.

## Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the surrounding area; (ii) the living conditions of future occupiers of the proposal with regards to internal arrangements, outlook, noise and pollution and; (iii) the living conditions of the occupiers of neighbouring properties with regards to outlook, noise and privacy.

## Reasons

### *Character and appearance*

4. The area surrounding the appeal site is predominantly residential in character with the A13 highway located to the south of the site. The built form in the area is generally of two and three storey properties made up of traditional architectural detailing. It is this consistent built form and building styles which contributes positively to the character of the area.
5. The proposal would have a flat roof that matches some properties in the area however, the single storey design of the proposed property would not be in keeping with the built form and massing of the area. The proposal incorporates panelling and soldier course brick work detail with see-through railings

however, the proposals stylings would be utilitarian to the detriment of the surrounding area.

6. The positioning of the proposed building would be in line with adjacent properties with materials not differing too much from the material palette in the surrounding area. The proposed volume, shape, size and bulk would not fit in with the existing pattern of development and would not reinforce the character of the area or add to the positive aspects of the built environment.
7. Accordingly, the proposal would be harmful to the character and appearance of the surrounding area. The proposal fails to comply with Policies S6, SP1, SP2 and SP3 of the Newham Local Plan 2018, Policies D1, D2 and D4 of the London Plan and the Framework which seeks development to be of high quality and define an areas character.
8. The proposed building steps down from 1187 Newham Way and provides a good sized garden and courtyard space that reduces site coverage. The internal design would be open planned with split levels and circulation spaces. These matters do not alter my findings above.

*Living conditions – future occupiers*

9. The proposal would meet the nationally described space standards including gross internal area, built in storage, private amenity space and ceiling heights. Large doors and windows are incorporated into the buildings design however some of these windows are high level which would still allow sufficient useable space within the property for future residents. These large windows would also provide adequate outlook onto the proposed garden areas as well as the trees and shrubbery that lies adjacent to the site and provides a buffer with the A13 highway.
10. The appeal site is in close proximity to the A13 although, as described above, there is an existing landscape buffer situated between the site and the A13. There are also a number of other residential properties in the street that are located similar distance from the A13. The Council's officer report details that Environmental Health have raised no objections suggesting conditions in relation to contamination, air quality and noise mitigation. I am therefore satisfied that the proposal would not have an adverse effect on living conditions of future occupiers in terms of noise and pollution.
11. Whilst the appeal site was previously part of the amenity space of 1187 Newham Way, the proposal would not adversely compromise the living conditions of future occupiers with regards to internal layout, outlook, noise and pollution.

*Living conditions – existing occupiers*

12. Due to the proposals size and siting, it would not appear as an overly overbearing structure when viewed from surrounding properties including those on Newham Way and Roman Road. The separation between the proposal and surrounding properties is sufficient and would ensure that the occupiers of adjacent properties would not be detrimentally affected in terms of outlook. Given the position of the proposed windows, there would be no overlooking or loss of privacy as a result of the development. The proposal is for a small scale residential use and in this regard I am satisfied that the proposed property would not compromise the surrounding occupiers in terms of noise levels.

13. The proposed development would not have a harmful effect on the living conditions of occupiers of neighbouring properties with regards to outlook, noise and privacy.

### **Other Matters**

14. The proposal would contribute to local housing need and enhance biodiversity, include cycle parking provision, a waste storage and collection plan and have no adverse effect on parking or adjoining properties in terms of light. It is also noted that there is a commitment to minimising water, energy usage and CO2 emissions within the scheme as well as a commitment to provide an accessible dwelling for disable people. The proposal would bring better environmental surveillance.
15. I have had regards to the appellants statement of case including reference to the adjacent property being legally split from the appeal site, comments that the proposal is materially different from the first application and that there is no requirement for affordable housing.

### **Conclusion**

16. I have found that the proposal would not compromise the living conditions of existing and future occupiers of the proposal and neighbouring properties. However, these matters and the benefits described above would not outweigh the harm I have identified with regards to the effects on the character and appearance of the surrounding area.
17. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
18. Therefore, for the reasons given above, the appeal should be dismissed.

*Chris Baxter*

INSPECTOR