



Appeal Decision

Site Visit made on 8 November 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2021

Appeal Ref: APP/G5750/W/21/3270880

4 Manbey Park Road, Stratford, London E15 1EY

- 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 & Mrs El Kettas against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/02563/FUL, dated 20 November 2020, was refused by notice dated 8 February 2021.
 - The development proposed is described on the application form as 'demolish side building extend and convert 2 residential units to 4 residential units'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The London Plan 2021 (LP) was adopted in March 2021 and a revised version of the National Planning Policy Framework (the Framework) was published in July 2021, which replaced all previous versions. The main parties were given the opportunity to comment on their relevance to the appeal. I have had regard to any comments received and to the new LP and the revised Framework in my decision.

Main Issues

3. The main issues are the effect of the development proposed on the character and appearance of the host property and the surrounding area, and on the living conditions of the neighbouring occupiers of 3 and 5 Manbey Park Road, with particular regard to outlook.

Reasons

Character and appearance

4. 4 Manbey Park Road comprises a three storey end terraced dwelling which stands in a row of properties with a railway cutting on the opposite side of the road. There is a large single storey building attached to the side of the main property, which was formerly used for Class B8 storage but is currently vacant. This building extends along the eastern site boundary with No 5. The roof of neighbouring No 5, one of three modest terraced properties, is significantly lower than at No 4.
5. The surrounding area is predominantly residential and is characterised principally by terraced properties of varying heights. Properties are set back and, in some cases, elevated from the road with small front gardens and

- planting. The terraced houses are generally of modest, small scale character, consistent with historic houses in the wider area. This prevailing character contributes to a human scale environment despite occasional larger buildings, of which the nearby Gazelle House is an example, and the railway cutting opposite.
6. The single storey building to the eastern boundary of the site is stepped back from the front elevation of the property forming a notable break in the street scene between the terraced rows of Nos 2-4 and 5-7. The existing properties' roofs are arranged to slope away from the road which, together with the stepped roof line that exists between the appeal property and No 5, contributes positively to the character of the area.
 7. The existing single storey side and rear extensions would be demolished and replaced with side and rear extensions which would provide new accommodation over four floors, including at lower ground floor level and within the roof space. Roof terraces would be formed to the front of the building. The proposed side extension would not be set back from either the host property or No 5.
 8. The substantial scale and massing of the proposed development, as well as that the alterations would enlarge the appearance of the existing building over all rather than have any form of subservient relationship, means that it would appear at odds with the relatively modest proportions of the existing building and neighbouring terraced properties.
 9. The break in the street scene currently provided by the existing gap between the terraced rows would be lost, which would detract from the individual character of the terraced properties. Moreover, the proposed roof form including the roof terraces to the front would not integrate successfully with either the roof profile of the existing property or its immediate neighbours. Consequently, the proposal would be a highly prominent and discordant feature in the street scene.
 10. The appellants assert that the removal of the existing side extension alongside the eastern boundary would enhance the character and appearance of the locality. The existing side extension is of limited height and with the recess from the frontage of the terrace, it is of relatively muted appearance, whilst the rear section of that extension is not widely visible in public views. I therefore consider that the removal of this structure and its replacement with the proposed development would not enhance the character or appearance of the area.
 11. For the above reasons, I conclude that the development would significantly harm the character and appearance of the host property and the surrounding area. It would therefore be contrary to the relevant sections of Policies SP1, SP3, SP8 and H1 of the Newham Local Plan (2018) (NLP), Policies D1, D3, D4 and D8 of the LP, and the Mayor of London Housing Supplementary Planning Guidance (March 2016, Updated August 2017) (SPG). Amongst other things, these policies and guidance seek to secure high quality urban design, which has regard to the form, function and structure of the area and fits with the existing urban character. The proposal would also conflict with paragraph 130 of the Framework which, amongst other things, requires development to be sympathetic to local character and history, including the surrounding built environment.

12. Policies S1 and S6 of the NLP deal with broad strategic and spatial objectives and Policies D2 and HC1 of the LP address infrastructure requirements and heritage conservation and growth respectively. Whilst referenced in the decision notice, they are consequently of little direct relevance to this decision.

Living conditions

13. The appeal site is bounded by No 3 to the west and by No 5 to the east. No 3 includes ground and first floor windows to the rear elevation, including windows within a rear extension. No 5 contains a first floor window to the rear elevation within close proximity of the site boundary.
14. The proposed extensions would be constructed up to the boundaries with these neighbouring properties. The ground floor rear extension would extend across the full width of the rear elevation, whilst the upper storeys above would be partly stepped back from the side boundaries.
15. The existing single storey building proposed to be demolished extends a considerable length alongside the eastern boundary and therefore has some effect on the outlook of the neighbours, particularly No 5. However, the proposed extension would be significantly higher and positioned much closer to No 3 than the existing structure. Although the upper storeys would be partly set off the side boundaries, the proposed extension would rise above the level of the windows to the rear of both neighbouring properties.
16. Given the proximity to them, I find that the scale and height of the proposal would be overbearing and visually intrusive viewed from the rear windows of both Nos 3 and 5, which would be detrimental to the outlook of these neighbouring occupiers. I acknowledge that Gazelle House forms an imposing feature in relation to the more modest properties on either side of it, though it appears that Gazelle House has been a feature of the built environment for quite some time, rather than a recent addition. Notwithstanding this as reasoned above, at present Nos 3, 4 and 5 represent a modest, human scale character consistent with much of their surroundings. In that context, neighbouring properties on either side would have a reasonable expectation of outlooks commensurate with that scale and pattern of development. That would, in my view, be significantly and detrimentally eroded by the scheme.
17. Although the submitted daylight and sunlight assessment concludes that the proposal would not adversely affect the neighbours in terms of either daylight or sunlight, I find that it would have a significantly harmful effect on the living conditions of Nos 3 and 5, with particular regard to outlook. In this respect, there would be conflict with Policy SP8 of the NLP, Policy D3 of the LP, and the Housing SPG, which, amongst other things, seek to promote good quality environments for people, which achieve neighbourliness and do not cause harm to the amenity of surrounding buildings. It would also be contrary to paragraph 130 of the Framework, where it requires development to provide a high standard of amenity for existing and future users.
18. The Council's reason for refusal relating to living conditions also refers to Policies S1, SP1, SP2, SP3 and H1 of the NLP and Policies GG3 and D6 of the LP. However, those policies are not concerned specifically with outlook. Therefore, I have not identified any conflict with these policies in respect of this particular main issue.

Other Matters

19. Concerns have been raised regarding the effect of the proposal on the living conditions of neighbouring occupiers, particularly with regard to loss of privacy, increased noise and disturbance, lack of parking and decreased security. However, based on the evidence before me and my observations on site, I share the Council's view that the proposal would not have any significant adverse effects in respect of these matters. However, the absence of harm in relation to those matters is effectively neutral in the planning balance rather than weighing positively in favour of the development proposed.
20. The development would make a useful contribution towards meeting the Borough's housing needs and the housing mix in the area. It would also have economic benefits through the creation of employment opportunities during the construction phase of the development and spending in the local area by future occupiers. I have attached some weight to these factors. However, given the modest scale of the development, the weight attributable to these matters is limited.
21. The removal of the extension to the eastern site boundary and its related storage use would potentially benefit nearby residents by removing a source of noise and disturbance and improving outlook (notwithstanding that remedy exists outside of planning for noise amounting to a statutory nuisance). However, I have found that the proposal would also be harmful to the outlook of the neighbouring occupiers. Furthermore, there is no robust evidence to indicate that the proposal before me is the only approach to securing the removal of this structure. I therefore give only limited weight to this consideration, which therefore does not outweigh the harm that I have identified.

Conclusion

22. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

Mark Ollerenshaw

INSPECTOR