



Appeal Decision

Site visit made on 22 June 2021

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 DECEMBER 2021

Appeal Ref: APP/G5750/W/20/3260185

1B and 1C Lathom Road, East Ham, London, E6 2DU

- 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 Kathiresu Selvarajan against the decision of The London Borough of Newham.
 - The application Ref 20/01207/FUL, dated 15 June 2020, was refused by notice dated 12 August 2020.
 - The development proposed is the conversion and extension at roof level to create a live work unit with office space at ground floor level and a residential unit at first and second floor levels.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion and extension at roof level to create a live work unit with office space at ground floor level and a residential unit at first and second floor levels, at 1B and 1C Lathom Road, East Ham, London, E6 2DU in accordance with the terms of the application, Ref 20/01207/FUL, dated 15 June 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Location Plan – 093-D-01A; Site Block Plan – 093-D-06A; Floor Plans Proposed – 093-D-04B; Sections and Elevations Proposed – 093-D-05B; and Daylight Angle Study Drawing Proposed – 093-D-08A.
 - 3) No works above ground level shall commence until samples of the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Procedural Matters

2. The Council's decision notice refers to policies of both the 2016 version of the London Plan and the 'Intend to Publish' version. These have been superseded by the published version, The London Plan 2021 (LP). I am satisfied that the published version of the Plan does not raise any additional material issues or policies in relation to the appeal. Where relevant, I have referred to the policies of the 2021 document in this decision.

3. In addition, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021.
4. As part of the appeal documents, the appellant submitted a revised plan showing an alteration to the bedroom layout on the first floor of the property (Plan No: 093-D-04B). I have considered this amended plan in my decision.

Main Issues

5. The main issues are:
 - i) Whether the appeal proposal would provide an acceptable standard of living conditions for the occupants of the development:
 - ii) The effect of the proposal on the living conditions of number 1 Lathom Road, with particular regard to outlook and natural light: and
 - iii) The effect of the proposal on the character and appearance of the area.

Reasons

Site Location and The Proposal

6. The appeal property is situated in a dense urban location, close to the junction between Lathom Road and High Street North. The area is mixed in terms of land uses with commercial and residential uses on High Street North and dwellings along Lathom Road. The property is accessed off a small courtyard area that leads to and from Lathom Road.
7. The site is in an accessible location, close to bus routes and only a short walk from/to East Ham station.
8. The proposal is to convert and extend the property to create a live work unit. The ground floor would be used as an office with a two-bedroom, three-person residential space above. The property would be extended at second floor level. A small external terrace area would also be provided on the second floor.
9. I note that the Council has no objection to the principle of a live work unit in this location.

Living Conditions for the Proposed Occupants

10. The Council considers that the proposal would result in unsatisfactory living conditions for the occupants of the proposed residential accommodation, due to the position of the entrance, the size of bedroom space, and a poor outlook.
11. Policy D6 of the LP seeks to provide housing of high-quality design with adequately sized rooms. Policy GG4 also states that development must create good quality homes that meet high standards of design. Policy H1 of the NLP states (amongst other things) that all new homes should meet with the standards of the LP, as a minimum. In addition, paragraph 130 of the Framework states (amongst other things) that developments should create places with a high standard of amenity for existing and future users.
12. With regard to the entrance position, I acknowledge that it does not have a frontage to Lathom Road. However, the courtyard area already provides access to other residential flats and such an arrangement is not uncommon in

dense urban areas. In my opinion, this aspect of the proposal would not result in unacceptably harmful living conditions for the occupants.

13. Table 3.1 of the LP requires a gross internal area of 70sqm for two-bedroom, three-person accommodation. The information supplied by the appellant shows that the proposal meets this requirement. It is also argued by the appellant that the amended plan (referred to in paragraph 4 above) addresses the Council's concerns regarding the shortfall in bedroom size.
14. In my opinion, internal floorspace areas are not necessarily determinative, as the quality of accommodation also depends on the shape of the rooms, circulation space and the ability to position furniture etc. The submitted plans provide a detailed layout of furniture, circulation space and external amenity space. Overall, I consider that the proposal will provide adequate living and amenity space for the occupants of the unit.
15. With regard to outlook, the living accommodation would look out onto the courtyard and the rear of neighbouring properties. It would also look onto the proposed terrace on the second floor. Given the nature of the site and the context of its surroundings, where other properties have a similar outlook, I do not find the proposal to be unacceptable.
16. For the above reasons, I conclude on this issue that the proposal would not result in unacceptable living conditions for the occupants of the property.

Effect of the Proposal on Number 1 Lathom Road (Number 1)

17. The proposed extension would abut the rear of number 1, which is a terraced dwelling. The structure would directly adjoin a first-floor bedroom window serving number 1. At my site visit, I was able to inspect the proposal from the rear of number 1.
18. Policy SP8 of the NLP (which I consider to be the most relevant to this issue) states that all development should achieve good neighbourliness and minimise overlooking, loss of privacy and overbearing and ensure adequate access to daylight and sunlight.
19. The Council considers that the proposed extension would unacceptably overbear and enclose number 1, because of its height, length and proximity to the shared side boundary between the properties. Although, not stated in the decision notice, the Council Officer's report also refers to overlooking from the proposed terrace.
20. In response, the appellant has provided detailed plans showing that number 1 is already subject to impacts, in terms of natural light and outlook, by the existing appeal building. I also note that the occupants of number 1 have not objected to the proposal. Whilst this does not determine the outcome, it is a material consideration.
21. Having viewed the proposed development from number 1, I am not persuaded that the proposal would result in any substantial harm. The outlook from the rear of number 1 is already affected by the existing building and although the additional height resulting from the extension would be noticeable, the increased sense of enclosure would not, in my opinion, be unacceptably harmful. In addition, the separation distance and angular relationship between the proposed roof terrace and the rear windows of number 1 would not cause

an undue loss of privacy. Accordingly, the proposal would not conflict with the Development Plan, as referred to above.

Character and Appearance

22. Policy D4 of the LP generally seeks to deliver good design. In addition, Policies SP1 and SP3 of the NLP (which I consider to be the most relevant to this issue) require development proposals to be of high quality and reinforce local distinctiveness. These policies accord with Paragraph 130 of the Framework, which states that developments should add to the overall quality of the area; be visually attractive; and be sympathetic to local character.
23. The Council considers that the proposed extension would be a disproportionate addition that would fail to improve the character and quality of the area.
24. Although the extension would add to the bulk and mass of the building, it would not be visible from the public domain. Furthermore, the character and appearance of the appeal property's immediate surroundings is varied in terms of architectural styles, heights and mass. The proposed extension would result in a building not dissimilar to others grouped around the courtyard.
25. Concern has also been expressed by the Council regarding the external materials to be used. However, I am satisfied that this could be the subject of a condition.
26. For the above reasons, the proposal would not have an adverse effect on the character or appearance of the area. Consequently, it would not conflict with the Development Plan or with the Framework, as referred to above.

Other Matter

27. The appeal property is within the 6.2km Zone of Influence for the Epping Forest Special Area of Conservation. The Council has carried out a Habitat Regulation Assessment and concluded that there would be increased recreation pressure from the occupants of the appeal property. However, it goes on to conclude that no mitigation is necessary. I have no reason to dispute the Council's findings and conclusion on this matter.

Conditions

28. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard condition relating to the time period for commencing development, I have also attached a condition specifying the approved plans.
29. To ensure a satisfactory external appearance, a condition is imposed requiring the submission and approval of external materials.
30. The Council has also suggested conditions relating to details of cycle parking and bin storage. However, these are shown on the approved plans and, therefore, conditions are not necessary.

Conclusion

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

Ian McHugh INSPECTOR