



Appeal Decision

Site visit made on 22 April 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2022

Appeal Ref: APP/G5750/W/21/3280444

78A Sheringham Avenue, Manor Park, London, E12 5PA

- 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 Steven Singh against the decision of the London Borough of Newham Council.
 - The application Ref 20/02576/FUL dated 24 November 2020, was refused by notice dated 10 February 2021.
 - The development proposed is demolition of existing building and the erection of a one storey building containing a studio dwelling (38 sq.m) with associated garden space, cycle storage and bin provision.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A second appeal has been submitted for another scheme on the same site (APP/G5750/W/21/3288706). Whilst site visits were undertaken for the appeals on the same day each case has been considered on their own merits and are the subject of separate decisions.
3. Since the determination of the application a revised National Planning Policy Framework 2021 (the Framework) was adopted on 20 July 2021. Given the main issues for the refusal reason it is not considered that this change impacts upon the determination of this appeal. In addition, since the determination of this application the London Plan 2021 (a Replacement Plan) has been published by the Mayor. The policies referred to, within the London Plan 2016, are no longer in force and thus have not been considered within this appeal.
4. The appeal was submitted in August 2021, after the changes outlined above and I note that the appellant's statement refers to the London Plan 2021 (LDN) and the Council's decision and delegated report specifically reference the LDN in its then draft form. Given this and the issues raised as a result of the refusal reasons, and the Local Plan policies referred to against those reasons, it is not considered on this occasion that the publication of the London Plan or the revised Framework directly changes the assessment of this appeal.
5. The list of policies within the delegated report against each key consideration does not match those policies which have gone on to be referred to within the refusal reasons. As a result of this I have found some policies listed in the some of the refusal reasons to be of little relevance to the proposal before me with specific regard to some specific key issues. The Council have provided limited commentary, in terms of application of those policies referred to within

the decision notice. I have thus referred to policies which I have found to be relevant to the proposal against each main issue in light of this for the avoidance of doubt.

Main Issues

6. The main issues are the impact of the proposal upon i) the residential amenity of future occupiers, ii) the residential amenity of neighbouring occupiers and iii) the character of the area.

Reasons

Residential Amenity – Future Occupiers

7. The Council's first refusal reason is specific in its reference to outlook, daylight and outdoor amenity space for future occupiers of the proposal. I note that the proposal meets the required internal floor area for a studio unit as set out within the Nationally Described Space Standards 2015 (NDSS). Meeting the sizes required by NDSS does not, however, automatically make the proposal acceptable in all other regards.
8. The kitchen space would be narrow, 2.15m wide by the entrance, and along with the maximum proposed floor-to-ceiling height of 2.5m would result in a space that would not be readily practicable. The main windows in the kitchen would result in occupants only being able to look onto the road in the normal course of use and this would also allow those in the public realm to view into the kitchen due to the close proximity to the footpath. The only natural light to dining and living area would be a skylight, and two high-level windows that face directly out onto the pavement. The high level nature of the windows further contributes to a lack of outlook for future occupiers.
9. The proposed external amenity space would be bound on two sides by the existing building of no. 78 and bound, along the pavement to the south, by a low level brick wall with iron railings above. Meeting the overall size required by LDN Policy D4 (5 sq./m) in relation to private outdoor space alone does not automatically make the space proposed suitable or acceptable. The proposed amenity space would be immediately adjacent to the footpath on Wolferton Road, and I find that the proposed garden space would not be private. It cannot be used to provide quality private amenity space. I have considered whether this could be overcome by a high boundary treatment to the road, however, combined with the side of the building of no. 78 I find this would result in poor quality external space for future occupiers which would feel overly enclosed.
10. Overall, due to size of the space, in that this would be the only available space for refuse storage, and proximity of the space to the public realm I do not find the proposal would provide a good standard of external private amenity space. This, then combined with the matters relating to outlook and daylight I find would result in the proposed unit being awkward to use on a daily basis and provide an overall poor standard of accommodation for future occupiers.
11. I note that the appellant has submitted a daylight and sunlight report (December 20), however, this is specific in its assessment and is limited to considering impacts of the proposal upon existing neighbours and built form. It does not assess the impact of the proposals with regard to light/daylight which would be experienced by future occupiers of the proposal.

12. The proposal would be contrary to Newham Local Plan 2018 (LP) Policy H1 f) which emphasises a need to provide adequate external open space for new housing, LP Policy SP3 which sets out the expectation that all development realises a high quality of urban design in the new buildings and spaces created and LP Policy SP8 which seeks to ensure adequate access to sunlight and daylight. The proposal would also be contrary to LDN Policy D3 which seeks to deliver appropriate outlook and amenity and LDN Policy D6 which seeks to deliver comfortable and functional layouts which are fit for purpose and which provide sufficient daylight and sunlight. The proposal would also be contrary to paragraph 130 f) of the Framework which seeks to create places with a high standard of amenity for existing and future users.

Residential Amenity – Neighbouring Occupiers

13. The proposed built form would result in replacement of the existing building on site and this noted to result in a reduction overall built form when considering footprint. I do not find that a smaller scheme, by definition, results in a lesser impact in overbearing terms. The existing building on site encloses the rear of the outrigger for the main building, No. 78. The proposal would, however, be higher than the existing building on site and I find that this would further increase the sense of enclosure and degree of overbearing to this courtyard and the ground floor windows of no. 78. I find that the proposed siting in relation to the rear elevation of no. 78 would result in an unacceptable impact in terms of an increased sense of both overbearingness and enclosure due to the increase in height of the proposed building entirely around the courtyard.
14. I did note from my site visit that the existing on-site relationship between the appeal building and rear windows of no. 78 is poor (though my views from within the building were limited to the sides of the boarded up windows). Despite the reduction in overall built form the enclosure of the courtyard at an increased height I find would result in further harm to the visual amenity of neighbouring occupiers which would be unacceptable and warrants refusal.
15. The proposal would introduce additional occupants within the relatively small site area increasing the level activity on the site by way of comings and goings and general noise and disturbance associated with residential occupants but I do not find this alone would warrant refusal given the general activity and density of residential activity in the area.
16. The proposal would be contrary to LP Policy SP8 which highlights that proposals are expected to promote neighbourliness in addressing the need to minimise overbearing impact and LDN Policy D3 which seems to deliver appropriate outlook and amenity. The proposal would also be contrary to paragraph 130 f) of the Framework which seeks to create places with a high standard of amenity for existing and future users.

Character of the area

17. The appeal site is within a predominantly residential area and is located to the rear of a substantial two-storey end of terrace building which is currently occupied as three flats. The building which stands within the appeal site was previously a rear extension to the original building. The Council state that the building was built without planning permission but have made no reference to this being enforceable. In that regard on the evidence before me the building is there to stay as a result of time. At the time of my site visit I entered site

and saw that the existing building on site is a flat roofed structure which is in extremely poor condition in that it is partly open to the elements with a failed roof. It has evidently been vacant for some time and is notable within the street scene as a result of its poor appearance and contrasting finish in terms of materials.

18. The existing flat-roof development bears no resemblance to the two-storey Victorian terraces on Sheringham Avenue and already represents overdevelopment of the site as it stands. The proposed built form would result in replacement of this existing building on the appeal site and I note that this would be reduced in terms of width/depth and overall footprint. The proposed building would break up the massing of this elevation through the use of setbacks to the windows, and the void over the front garden area but would attach to no. 78 at greater height than existing.
19. The prevailing character of the surrounding built form consists of two-storey properties, served by pitched roof formations with long rear gardens. The proposal is for a one-storey building, served by a crown roof form, with a small area of amenity space. I find that this would result in a slightly uncharacteristic form of development as it would not necessarily relate strongly to the proportions and design of the surrounding buildings.
20. The appeal site would mainly be viewed from Wolferton Road in terms of the street scene I find that the height provides suitable transitional development in terms of bulk, scale and massing between the height of the built form on Sheringham Avenue (substantial terraced buildings) and the more modest scale of adjoining 12 Wolferton Road (a bungalow). It would also offer an opportunity to replace the building with more appropriate materials which are more characteristic for the area. Overall the options for the site are noted to be constrained and I note the visual impact of the existing building but I find the increased height overlapping, and attaching to, no. 78 to visually present as overdevelopment of the site. There would be a jarring spatial relationship between no. 78 and the proposed building which would be detrimental to local character.
21. The proposal would be contrary to LP Policies SP1 which seeks high quality development and LP Policy SP3 which states an expectation that all development realises a high quality of urban design in the new buildings and spaces created. The proposal would also be contrary to LDN Policy D3 which seeks to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions and LDN Policy D4 which seeks to deliver good design.

Other Matters

22. The objectives of the Framework and Local Plan documents are noted with regard to boosting housing supply. Despite this the starting point for determination is the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. The Framework does not change this and whilst the overarching objective of the Framework is sustainable development, in the case of this proposal, paragraph 11 is not engaged in the context of a planning balance. The principle of residential development is supported but this should be alongside with compliance with other LP policies including, but

not limited to, those relating to design, character and amenity. The proposals compliance with some policy requirements and elements are noted – these do not outweigh the matters I have identified within the main issues of this decision letter.

23. I note an objection to the proposal during the application stage; however, this does not provide clear reason for the objection as the proposal before me would not result in demolition of an occupied home. The site, as described above, is a disused building which is not weatherproof. Matters relating to existing landlord and tenant relationships are private and outside the scope of this appeal and I have considered the case on its own merits against the refusal reasons and evidence before me.

Conclusion

24. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR