
Appeal Decision

Site visit made on 25 April 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2022

Appeal Ref: APP/G5750/W/21/3277754

333 Romford Road, Forest Gate, London E7 8AA

- 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 Destiny Apostolic Church International against the decision of the Council of the London Borough of Newham.
 - The application Ref 21/00540/FUL, dated 5 March 2021, was refused by notice dated 30 April 2021.
 - The development proposed is erection of single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties had the opportunity to comment on the relevance of this to the appeal and I have had regard to any comments received and to the revised Framework in my decision.

Main Issues

3. The main issues are:
 - Whether the development proposed would be in a suitable location having regard to the Council's strategy for concentrating development of community type facilities within Town or Local Centres or Community Facility Opportunity Areas and meets an identified local need;
 - The effect of the proposal on nearby trees, and;
 - The effect of the proposal on the character and appearance of the area and on the setting of designated and non-designated heritage assets.

Reasons

Suitable location

4. The appeal site comprises a church and its grounds located on the north side of Romford Road outside of the Borough's Town or Local Centres or Community Facility Opportunity Areas (CFOAs).
5. Policy INF8 of the Newham Local Plan (2018) (Local Plan) seeks to ensure that community facilities development and growth is co-ordinated to ensure that the delivery and retention of community facilities is carefully managed in order to align provision with the needs of new and existing communities in the Borough.

Policy INF8 prioritises Town and Local Centre sites for the development of community facilities where compatible with Local Plan Policy SP6, but allows for certain exceptions, subject to the satisfaction of other criteria.

6. The plans show that the proposed extension would provide an enlarged study hall, kitchen and office. One of the appellant's supporting statements refers to a requirement for additional space to provide a youth centre and adult education and training and the plans indicate that the size of both the prayer hall and study hall would increase. That indicates that the proposal would be likely to result in an intensification in the use of the premises.
7. The appellant contends that because the appeal site is directly adjacent to a Town Centre, the proposal is given support by Local Plan Policy S6. Nevertheless, it remains the case that the site is not within the Town Centre boundary where the Council seeks to direct this type of development towards, as set out in Local Plan Policy INF8.
8. It is also put to me that the proposal would satisfy exception 2b.iii of that policy, which states that community facilities may be allowed outside of designated Town or Local Centres and outside of CFOAs when adding to existing facilities to help form a recognisable 'hub' or 'cluster' to meet localised needs. In order to demonstrate local need for new, intensified or replacement community facilities, Policy INF8 states proposals should be accompanied by evidence including that at least 67 percent of users will be ordinarily Newham residents and that existing facilities cannot meet the identified need.
9. The appellant's statement indicates that at least 90 percent of users come from the local area and that there is a genuine need in the community for the additional space the extension would facilitate. However, no substantive evidence, including detailed calculations, have been provided to demonstrate how this figure has been arrived at. Therefore, notwithstanding that the appeal site is in an accessible location, it has not been adequately demonstrated that the development is aligned to a particular community need or that at least 67 percent of users would be Newham residents.
10. I therefore conclude that the development proposed would not be in a suitable location having regard to the Council's strategy for concentrating development of community type facilities within Town or Local Centres or CFOAs. The proposal would conflict with Policies S1, S6, SP2, SP6, INF5 and INF8 of the Local Plan. Amongst other things, these establish the Borough's spatial strategy and strategic framework in order to build and reinforce communities, promote healthy neighbourhoods, and ensure that infrastructure is better aligned with the needs of local communities, directing town centre uses including places of worship to designated Town and Local Centres first as appropriate to their scale. It would also conflict with Policies S1 and SD8 of the London Plan (2021), which seek to ensure that development provides high quality, inclusive infrastructure that addresses local or strategic need and supports the town centre first approach. The proposal would also be contrary to the Framework, where it requires planning policies and decisions to plan positively for the provision of community facilities to enhance the sustainability of communities and residential environments.

Trees

11. There are a number of mature trees to the site frontage and one to the rear of the building. As I understand it, the trees to the site frontage are protected by a Tree Preservation Order. The tree to the rear is less prominent than those to the front, however it is well established and in combination with the trees to the site frontage provides the site with pleasant, verdant surroundings.
12. The tree to the rear of the site is within very close proximity of the appeal building and its branches partly overhang it. Due to the size of this tree, it is likely to have an extensive root system which is already heavily compromised by its proximity to the existing building and neighbouring buildings, and the extent of hardstanding surrounding it. Given that the proposed extension would encroach even further towards this tree, damage to the tree roots cannot be ruled out. However, a tree survey has not been submitted and there are no details before me of the root protection area of the tree.
13. The appellant states that tree protection measures would be put in place and that the extension could be constructed using a piled foundation with a reinforced ground slab that should remove the risk of damage to underlying roots. However, there is no supporting evidence confirming that an appropriate foundation design could be achieved on this site without unacceptable adverse effects arising to the tree. Furthermore, bearing in mind that external space to the rear of the building is very limited, there is the potential for damage to the tree during construction of the development. However, no details of measures to protect the tree during the construction phase of the development have been provided. Given this lack of certainty and the importance of these matters to the longevity of the tree, this would not be a matter appropriately dealt with by condition. Consequently, there is insufficient information before to enable an understanding of the effects of the development on the long-term health of the tree to the rear of the site.
14. I therefore consider that it has not been demonstrated that the wellbeing of the tree within the appeal site would be suitably safeguarded. The proposal would therefore be contrary to Policy SC4 of the Local Plan, which, amongst other things, seeks to protect trees, and Policy G1 of the London Plan, which states that London's network of green and open spaces, and green features in the built environment, should be protected and enhanced. It would also conflict with the Framework, which recognises the important contribution that trees make to the character and quality of urban environments and seeks their retention wherever possible.

Character and appearance

15. The trees to both the front and rear of the appeal site are visible in views from Romford Road. They contribute to the setting of the Church. The Council states that the church is a locally listed building, a matter which is not disputed by the appellant. More generally the trees form part of the character of the surrounding area and the Woodgrange Estate Conservation Area (CA) within which the appeal site is located, whose significance is partly derived from its many good quality, historic buildings within a pleasant verdant setting.
16. There is a significant distance between the tree to the rear of the appeal site and Emmanuel Church, a Grade II listed building located opposite the site on the south side of Romford Road, and there are several intervening mature trees. Accordingly, I am satisfied that any adverse impacts to the health of the mature

tree to the rear of the site, or its loss, would not be harmful to the setting of the Grade II listed building. However, the deterioration or loss of this mature tree would be harmful to the character and appearance of the area more generally, including the CA and be harmful to the setting of the appeal building itself.

17. This harm, in the context of the Framework, would equate to less than substantial harm. Great weight, however, does need to be given to the asset's conservation and the public benefits of the appeal scheme need to be weighed against this harm. The proposal would provide additional community facilities within the building. Nevertheless, given my findings above that the proposal would not be in a suitable location having regard to the Council's strategy for concentrating development of community type facilities within Town or Local Centres or CFOAs, and that the local need for the development has not been adequately demonstrated, the weight attributable to this matter carries limited weight. There would also be economic benefits during the construction phase of the development. However, given the scale of the development such benefits are limited. I find that the limited public benefits do not outweigh the less than substantial harm that would result from the proposal.
18. I therefore conclude that the proposal would be harmful to the character and appearance of the area and the setting of designated and non-designated heritage assets. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment and would be contrary to Policies S6, SP1, SP3 and SP5 of the Local Plan, Policies D3, D8 and HC1 of the London Plan, and the Woodgrange Conservation Area Design Guide (2018). Together these policies and guidance seek to ensure that development complements local character and the public realm, and conserves the significance of heritage assets.

Other Matters

19. The Council's second reason for refusal also refers to a harmful impact on the biodiversity of the area and air quality arising from the development, and conflict with Policy G6 of the London Plan relating to biodiversity. However, there is no substantive evidence before me which would lead me to conclude that the proposal would be harmful to biodiversity interests or air quality. In these regards, therefore, I have identified no conflict with this policy. The absence of harm in respect of these matters is however effectively neutral rather than weighing in favour of the appeal proposal.
20. The appellant says that the appeal scheme would not conflict with London Plan Policy D1, which relates to area assessments and development plans, or Policy SP2, which deals with healthy neighbourhoods. However, these policies are not directly relevant to the proposal.

Conclusion

21. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal is dismissed.

M Ollerenshaw

INSPECTOR