



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/21/3278293

356-358 Barking Road, London, E13 8HL

- 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 S Pervaze against the decision of the Council of the London Borough of Newham.
 - The application Ref 21/00003/FUL , dated 1 January 2021, was refused by notice dated 16 April 2021.
 - The development proposed is two storey rear and side extensions, roof extension, remodelling of 3 No. existing flats, 5 No. new self-contained flats and internal alterations to existing ground floor retail units; associated bicycle and bins storage.
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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 the revised Framework in my decision.

Main Issues

3. The main issues are:
 - Whether the development proposed would provide an appropriate mix and balance of housing;
 - The effect of the development proposed on the character and appearance of the surrounding area; and
 - Whether the proposal would provide for a satisfactory standard of accommodation for future occupiers, with particular regard to internal space, external amenity space and privacy.

Reasons

Housing mix

4. The appeal property is a three storey building located on the corner of Barking Road and Jutland Road. It currently comprises two ground floor retail units with shop fronts at ground floor level with three flats above.
5. Policy H1 of the Newham Local Plan (2018) (Local Plan) requires that all new housing sites should comprise a mixture of housing sizes and / or types or

tenure. The justification to the policy explains that the greatest housing need within Newham is for three bedroom homes. It goes on to say that simply requiring new three bedroom units is not enough to satisfactorily deliver the necessary housing to support the creation of mixed and balanced communities, thus a mix and balance of quality housing types (including sizes and tenures) that meet internal space standards and provide adequate private amenity space is also sought by policy, a factor which does not favour studio units.

6. That policy is reinforced by Policy H10 of the London Plan (2021), which states that schemes should generally consist of a range of unit sizes, with a requirement for Boroughs to plan in accordance with local evidence or in accordance with the 2017 London Strategic Housing Market Assessment. While this policy states that one and two bedroom units can free up existing housing stock, it also says that one bedroom properties are the least flexible unit type and as such schemes should consist of a range of unit sizes.
7. The appeal scheme would provide eight self-contained flats which would comprise one three bedroom unit, one two bedroom unit and six one bedroom studios. The high proportion of one bedroom studios and low number of larger unit would not deliver an appropriate mix and balance of housing that responds to the Borough's objective to provide more family housing.
8. Part 3a of Local Plan Policy H1 allows for the precise mix on residential schemes to be determined having regard to scheme viability and the individual circumstances of the site in terms of site conditions and local context. However, there is no substantive evidence before me, including information of scheme viability, or reference to particular site circumstances, to demonstrate that the appeal scheme cannot provide an appropriate mix of property sizes.
9. For the above reasons, I conclude that the appeal proposal would not provide an appropriate mix and balance of housing that responds to the housing needs of the Borough. The proposal would be contrary to Local Plan Policies S1 and H1, Policy H10 of the London Plan, and the Mayor of London Housing Supplementary Planning Guidance (March 2016, Updated August 2017) (SPG). Amongst other things, these policies and guidance seek a mix of housing types and sizes to create sustainable communities. It would also conflict with the Framework, where it requires that the size, type and tenure of housing needed by different groups should be assessed and reflected in planning policies.

Character and appearance

10. The appeal property occupies a prominent corner position on Barking Road. It is characterised by the active shop fronts at ground floor level, mansard type roof to No 356, parapet roof, large rear outriggers and a long flank elevation to the side facing Jutland Road. The surrounding area mainly comprises two and three storey properties with stepped roof lines and variation in the style of buildings. Barking Road is a busy high street with a high concentration of ground floor commercial uses and a vibrant character with flats occupying the upper storeys. Jutland Road is predominantly low rise and more residential in character.
11. The Council consider the proposal to be a redevelopment of the site rather than alterations and extensions to the existing building. However, the plans indicate that the ground floor part of the building would be largely unaltered. More significant extensions and alterations are proposed on the upper storeys, where

it is proposed to remodel the three existing flats and provide an additional five self-contained flats.

12. The proposal would add a fourth storey to the building with a new mansard roof across both Nos 356 and 358. It would include recessed balconies and evenly distributed, well proportioned windows to the upper storeys with aluminium clad dormers to the mansard roof. The proposal would result in a good quality form of development which in terms of scale, form and design would broadly reflect its surroundings. In particular, it would resemble the four storey building at Nos 360 and 362, on the opposite side of Jutland Road.
13. During my visit, however, I observed that the existing building is already rendered and this finish is a common feature of the surrounding area being present on many of the neighbouring properties on this side of Barking Road to the south-west and also on Nos 360 and 362. Therefore, the proposed render walls would reflect the character of the existing building and the surrounding area.
14. The positions of windows and doors on the side elevation at ground floor level largely reflect the positions of existing fenestration to the side of the building. The communal entrance to the flats is located on the side of the building. Whilst this would lack prominence, side entrances to flats are commonly found to the side of buildings in this area. I see no reason why the positioning of the access to the bin and bike store to the side of the building would deter its use given that its location would be obvious to future occupants. Although no specific details of lighting and security measures have been provided, details of these could have been sought by condition, were I minded to allow the appeal.
15. For the above reasons, I conclude that the development would not be harmful to the character and appearance of the surrounding area. The proposal would comply with the relevant sections of Local Plan Policies H1, SP1, SP3, SP7, SP8 and H1, and London Plan Policies D1, D3, D4 and D8. Amongst other things, these policies 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 accord with the Framework which, amongst other things, requires development to be sympathetic to local character and history, including the surrounding built environment.
16. Local Plan Policy S5 was referred to in the Council's reason for refusal, but as this relates to strategic principles for development in Beckton it is of little, if any, relevance to this main issue.

Living conditions of future occupiers

17. Policy D6 of the London Plan and the Technical housing standards – nationally described space standard March 2015 (NDSS) require minimum gross internal floor areas for new dwellings and also built-in storage space. There is no dispute that each unit would comply with the minimum floor area requirements for these property types. I also note the appellant's point that the proposal would improve the internal space of the existing units.
18. Although the Council have highlighted a lack of built-in storage to serve the flats, I am satisfied that sufficient space would exist within each of the flats to provide future occupants with the necessary amount of built-in storage, details of which could be required by condition, were I minded to allow the appeal. In

this respect there would be no conflict with Policy D6 of the London Plan or the NDSS.

19. Policy D6 of the London Plan and the Housing SPG advise that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.
20. Flats 1-5 would have private external amenity spaces in excess of this quantitative standard, while the occupants of Flats 6, 7 and 8 would have access to the shared amenity space to the rear of the property, which amounts to about 32sqm. I am satisfied that the shared external amenity space would be of adequate size and its layout would provide a useable and functional space for the use of Flats 6, 7 and 8. I am also mindful that existing Flats 1 and 2 do not currently have any private external amenity space and the appeal would therefore be an improvement in this regard.
21. The Council is concerned that the external amenity spaces for Flats 1, 4 and 5 would be overlooked from windows serving the other flats and a communal staircase. However, these windows are indicated as being obscure glazed which would protect the privacy of the external spaces from these units.
22. Consequently, I conclude that the proposal would provide a satisfactory standard of accommodation for future occupiers having regard to internal space, external amenity space and privacy. Thus, it would comply with Local Plan Policies S1, S4, SP1, SP2, SP3, SP8 and H1, London Plan Policy D6, the Framework and the Housing SPG, where these seek to ensure that development would provide good design and a high standard of amenity for future occupiers.

Other Matters

23. The Council states that due to parking stress in the vicinity of the site, the appellant would have been required to enter into a legal agreement restricting parking permits had the application been recommended for approval. As the appeal is to be dismissed for the reasons referred to in this decision, it has not been necessary for me to consider this matter further.
24. The development would offer benefit in terms of providing new flats in a sustainable location with good access to a range of transport options. It would also have economic benefits through employment opportunities created during the construction phase of the development, Council tax revenue and spending in the local area by future occupants. However, given the modest scale of the development proposed, the weight attributable to these matters is limited and would not outweigh the clear harm identified above.

Conclusion

25. I find that the appeal proposal would provide satisfactory living conditions for future occupiers and would not be harmful to the character and appearance of the area. Lack of harm in respect of these matters is neutral rather than weighing positively in favour of the proposal. However, I consider that the proposal would not provide an appropriate mix and balance of housing. I have considered the benefits of the proposal, however, the adverse impacts arising from the development would outweigh the benefits.

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

M Ollerenshaw

INSPECTOR