
Appeal Decision

Site visit made on 21 June 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2022

Appeal Ref: APP/G5750/W/21/3288832

Land south of 192 Portway, Stratford, London E15 3QW

- 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 Mrs Asia Khan against the decision of London Borough of Newham Council.
 - The application Ref 21/01635/FUL, dated 29 June 2021, was refused by notice dated 24 August 2021.
 - The development proposed was described on the application form as proposed new build 2 storey 3 bedroom semi-detached house on land on south side of 192 Portway, Stratford, E15 3QW.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effects of the development on the character and appearance of the area; and (ii) whether the development would provide acceptable living conditions for future occupiers of the development, with particular regard to outlook, light, outdoor amenity space and internal space standards.
3. The Council has expressed concerns about the amount of detail and the accuracy of the submitted plans. I have considered these matters as part of my first main issue.

Reasons

Character and appearance

4. The area is characterised by late 19th century/early 20th century two-storey houses, and a small community centre with a flat roof. A modern four-storey block of flats also stands within sight of the appeal site beyond neighbouring gardens.
5. The appeal site is a parcel of land adjoining the rear gardens of houses on Portway and Park Road, and access via an alleyway. It also adjoins the rear boundary of the community centre on East Road. At the time of my site visit the land had been cleared of vegetation, and the remains of external walls of a former brick building, or buildings, were visible. Along the southern and western boundaries, the remaining structures formed boundary walls of a substantial height adjacent to the garden boundaries of No's 3, 5 & 7 Park Road. With the exception of the access, much of the site had a concrete base.

6. The proposed building would not be tall in comparison to other buildings in the area, being a flat roofed 2-storey building. Flat roofed designs are also seen on the adjoining community building and on the block of flats to the south-east. The windowless elevations facing gardens and dwellings on Park Road would not be dissimilar to the blank brick wall of the community centre, albeit slightly higher. The proposed dwelling would be slightly longer than the rear wall of the community centre it adjoins, but not significantly. The development would also provide an active use for the site, and reduce the existing tall boundary walls to a height of 2m which would provide benefits in terms of its appearance. In relation to these matters, the development would therefore demonstrate a high standard of design and would not harm the character and appearance of the area as seen from neighbouring residential properties or the wider area.
7. However, a proposed feature wall would stand on the boundary with 194 Portway, which the Council appear to refer to as a 'parapet wall'. At a height exceeding that of the rest of the dwelling and the community centre adjacent to it, it would appear as a self-standing wall of excessive height on the boundary with a neighbouring garden. I saw no similar examples of such development in the area, and it would be a harmful and incongruous feature in this location.
8. Part of the southern end of the site also lies beneath the canopy of a substantial mature tree or trees which contribute positively to the character and appearance of the area. At the time of my visit, even at the existing rear boundary wall height, tree branches had made contact with the wall and entered the appeal site in an area to be occupied by the proposed dwelling. It seems likely that significant works would need to be carried out to the tree in order to accommodate the building. Given the proximity of the tree(s), the root structures are also likely to run beneath the appeal site and I have seen no information establishing the potential impacts on the tree(s) of building in this location. Furthermore, the proximity of the tree(s) to the development is such that, even if the development could be constructed without adversely affecting the tree(s) and maintaining their shape and form, it is likely there would be pressure in future years to carry out further works to the tree(s), or to require its removal in order to allow sufficient light in to or outlook from the development. It is therefore likely that works to, or loss of, the tree(s) would occur as a result of the development, with consequential harm to the character of the area. This matter therefore cannot be addressed by planning conditions.
9. I note the Council's concern at the level of detail provided on the plans as they relate to the form, massing and design of the proposed dwelling. However, I consider the information before me to be sufficient to establish the nature of the proposal and its effects on the character and appearance of the area.
10. The development would therefore harm the character and appearance of the area, in relation to the feature wall and the mature tree(s) in the neighbouring garden, and would be contrary to London Plan (2021) ("LP") Policy D3, and Newham Local Plan (2018) ("NLP") Policies SP1, SP2, SP3, SP8 and H1, and Section 12 of the Framework. Together these policies seek high quality urban design which respects local character. The Council also referred to other policies which I have not found relevant to this issue.

Living conditions

Outlook and light

11. The proposed kitchen window and rear door would face a 2m high boundary wall only 1m away, and the substantial mature trees in neighbouring gardens would severely limit the amount of light and views above the wall. The proposed kitchen and living space is open-plan, and would also have 2 narrow north-facing windows, and a side door. However, the corner locations of the north-facing windows and their small size, and the west facing door being only 1m from the 2m high boundary wall, mean they would afford only limited outlook from, and light into, that space.
12. Outlook and light for the kitchen and living space would therefore be poor and oppressive for future occupiers.

Outdoor amenity space

13. The Council and the appellant agree that the minimum amount of outdoor amenity space standard would be provided.
14. The appellant states that the front, rear and side gardens together amount to 43sqm of outdoor amenity space. An area in front of the house would provide some useful space for outdoor activity, together with a narrow enclosed area between the dwelling and the boundary wall. The rear garden space would not contribute meaningfully as functional garden space, being very narrow and heavily shaded by the building, boundary wall and mature trees.
15. Overall, the front garden would provide a small functional area. Considering the very close proximity of West Ham Park, at the end of Park Road, the proposed outdoor spaces would be sufficient in size and functionality to meet the immediate needs of a family.

Internal space standards

16. The Council and appellant agree that LP Policy D6 internal space standards would be met for a 3 bed 5 person dwelling except in relation to the size of one of the bedrooms. The policy requires a two bedspace double or twin bedroom to have a minimum floor area of at least 11.5sqm.
17. Proposed bedrooms 2 and 3 are each 10sqm, and can therefore only be considered single bedrooms. However, adjusting the internal partition wall between these rooms, as suggested by the appellant, would resolve that policy conflict. This matter may be able to be addressed through a planning condition.
18. Overall, in relation to the living conditions of future occupiers of the development, I conclude that the development would not provide adequate outlook and light and would conflict with LP Policies GG4, D3, and D6 and NLP Policies S6, SP1, SP2, SP3, SP8, and H1, and Section 12 of the Framework. Together these policies relate to housing quality and standards. The Council also referred to other policies which I have not found relevant to this issue.

Other Matters

19. Concerns have also been expressed by interested parties about other matters. None of those matters would weigh in favour of the development, and I am dismissing this appeal in any case for the reasons set out above.

20. I also note the appeal site is within the Zone of Influence of the Epping Forest Special Area of Conservation. However, as I am dismissing the appeal there would be no impact on that area.
21. The development would provide a new 3-bedroom family sized dwelling in an accessible location. There is an established need in the locality for high quality family homes, and the proposal therefore attracts weight in favour of the development. However, this is tempered by the poor living conditions I find it would provide for future occupiers, and the limited contribution a single dwelling would make to housing supply.
22. The weight in favour of the development would therefore not outweigh the harm to the character and appearance of the area, the living conditions of future occupiers, and the consequential conflict with development plan policies, which attract significant weight against the development.

Conclusion

23. For the above reasons, having regard to the development plan as a whole, the approach in the Framework, and all other relevant considerations, the appeal is dismissed.

Peter White

INSPECTOR