



Appeal Decision

Site visit made on 13 July 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 SEPTEMBER 2022

Appeal Ref: APP/G5750/W/21/3289051

2 Dewberry Gardens, Beckton, London E6 5UG

- 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 Laveen Nanda of Nanda Group Limited against the London Borough of Newham.
 - The application Ref 21/00889/FUL, dated 11 April 2021, was refused by notice dated 5 August 2021.
 - The development proposed is demolition of the existing two storey dwelling and garage and construction of a new building to provide 7 self-contained flats (comprising of 4 x 2 bedroom and 3 x 3 bedroom units) with associated refuse and cycle storage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing two storey dwelling and garage and construction of a new building to provide 7 self-contained flats (comprising of 4 x 2 bedroom and 3 x 3 bedroom units) with associated refuse and cycle storage at 2 Dewberry Gardens, Beckton, London E6 5UG in accordance with the terms of the application, Ref 21/00889/FUL, dated 11 April 2021, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. Dewberry Gardens is a relatively short side street located off Tollgate Road. It consists of a mixture of 2-storey detached and semi-detached houses and a moderate sized 3-storey flatted development, Beddalls Farm Court. Tollgate Road is one of the main roads running through Beckton and is identified as a Key Movement Corridor by the London Borough of Newham Local Plan (2018). The scale of the buildings on Tollgate Road varies. Street trees are a key feature.
4. The appeal property is located on the corner of Dewberry Gardens and Tollgate Road opposite Beddalls Farm Court. The houses on the east side of Dewberry Gardens, which include the appeal property, form part of a wider group of similar houses, located on neighbouring roads, which have consistency in their form, features and materials. This creates a degree of uniformity along Dewberry Gardens, which is supported by regular soft boundary treatments and planting within front gardens. Tollgate Road, however, has a much more diverse character than Dewberry Gardens. It consists of a mixture of

- residential, commercial and community buildings that vary in their scale, form, and design. There are several examples where the scale of the residential development along the side streets increases where they meet Tollgate Road.
5. The appeal property is a large, detached property with a generous plot. It uses the same materials and includes many features and details that are consistent along its side of Dewberry Gardens, including yellow brick, small square windows with orange brick borders and parapets. It is set up slightly from the road and can be seen in long distance views from further along Dewberry Gardens, Tollgate Road and Dove Approach. In these extended views the house is softened by the large street trees on Tollgate Road.
 6. Notwithstanding some ambiguity regarding the site levels, I have determined the appeal on the plans before me and my own observations. In this context, while the scale of the proposal, in terms of its height and mass, would be greater than the houses along Dewberry Gardens, it would be comparable to Beddall Farm Court located opposite, and other 3-storey properties within the wider group of similar houses on Yarrow Crescent. The proposal would use yellow brick and include small regularly spaced windows with orange brick borders and parapets that reflect the houses on Dewberry Gardens.
 7. This consistency in terms of materials and features mean that, despite an increase in scale, the proposal would not undermine the uniformity of Dewberry Gardens and would be in keeping with the character of the area. Furthermore, the proposal would be read within the context of Tollgate Road, as well as Dewberry Gardens, where the scale of the buildings is more varied and is often increased on the corner plots of side streets. For these reasons the scale of the proposal would not be excessive rather it would reflect the character of the street and wider area.
 8. Although the flat, box form of the roof, as well as the metal cladding, would be different to other roof profiles and materials used along the street and within the wider area, read as a whole, the difference in roof form alone, would not mean the proposal would be inconsistent with the character of the area. Furthermore, given the site's corner position, the variety of forms, features and materials along Tollgate Road and that it is a key movement corridor, the scheme would not be incongruous in that context.
 9. I acknowledge that revisions to permission, Ref: 20/00533/FUL, at the appeal site resulted in that scheme having a pitched roof form. However, the pitched roof form that has been approved and the box form that is proposed are similar in scale. While there is a clear difference in materials and form, for the reasons above, this would not harm the character and appearance of the area. In addition, the box form upper level is set further back than the approved pitched roof, which would limit its prominence in the street scene.
 10. Accordingly, the proposal would not harm the character and appearance of the area. As such it would accord with the aims of policies S5, SP1, SP2, SP3, SP7, SP8 and H1 of the London Borough of Newham Local Plan (2018) and policies D1, D3, D4 and D8 of the London Plan which are, in summary and amongst other things, to deliver high quality design that protects the character and appearance of the area.

Other Matters

11. I have taken careful account of the representations of those nearby, including in respect of the accuracy of the plans and information supporting the application, the effect of the proposal on the living conditions of neighbouring occupants and the potential for the development to increase pressures on parking and other utilities.
12. I appreciate that a new development would cause some noise and disturbance, particularly during construction, and has the potential to increase pressure on parking and other utilities. I also understand that the increased scale of the development may cause some concerns regarding impacts on light and/or privacy. However, given the existing relationship between neighbouring properties, the moderate increase in occupants and the accessibility of local services, I am not of the view that unacceptable effects would result in this regard. Construction would take place for a limited period and any damage caused would be a private matter between the parties involved.
13. It may well be that there would be some loss of garden and potential wildlife habitat. However, the proposal includes a portion of green roofing, which although the Council may consider to be an impetuous measure, would help to address this. In addition, there is nothing before me that demonstrates that there is a reasonable likelihood of a protected species being present.
14. I have considered representations about the affordability and accessibility of the proposed units, but these are matters which do not affect my findings on the main issue. As such no other matters are sufficient to outweigh my finding that the proposal would be acceptable in terms of the main issue.

Conditions

15. The Council did not supply me with any suggested conditions in respect of the proposed development. However, I have before me the conditions attached to the extant planning permission on the site, Ref: 20/00533/FUL, that relate to a similar proposal, which I have taken into consideration.
16. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty.
17. To protect the character and appearance of the area a condition is necessary to clarify the external materials used in the construction of the building and the architectural detailing, as well as full details of the hard and soft landscaping, including its establishment and maintenance. For the same reason, as well as to ensure adequate living conditions for future and neighbouring occupants, conditions are required to clarify the details of boundary treatments, external lighting, and refuse and recycling storage. As the details of the boundary treatments and external lighting can be included in the details of the hard and soft landscaping, I have combined these requirements into a single condition.
18. To protect the living conditions of occupants in neighbouring properties, it is necessary to outline the approach to be taken for managing construction works in a Construction Management Statement. This needs to be prepared prior to development commencing so that it covers the whole development process, including demolition. I have reworded and removed some of the details required regarding this management so that the details are necessary and

proportionate to the scale of the development taking place. A condition is also required to protect the existing trees throughout the construction process including demolition and site clearance. For this reason, the scheme would need to be prepared prior to the development commencing.

19. To safeguard the public, the environment, and surface and ground water, a condition is necessary to ensure the land is investigated for contamination and, where needed, remediated effectively. Having regard to the existing use, the surrounding context, and the absence of any information demonstrating that contamination is likely, imposing a condition in this case would be a proportionate approach, noting the approach set out in the Planning Practice Guidance.
20. To encourage sustainable modes of transport, a condition is also necessary to ensure the provision of cycle parking facilities from occupation and their retention.
21. In imposing conditions, I have had regard to the approach in the National Planning Policy Framework and the Planning Practice Guidance. I have, accordingly, modified the wording or form of certain conditions without altering their aim.

Conclusion

22. For the foregoing reasons, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Hannah Guest

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not 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: Nos 2DG01b160919; 2DG02d160919; 2DG03f160919; 2DG04f160919; 2DG05f160919; 2DG06f160919; 2DG07f160919; 2DG08e160919; 2DG09e160919; 2DG10g160919; 2DG11e160919; 2DG12e160919.
- 3) Prior to any above ground works details or samples of the materials to be used in the construction of the external surfaces of the building, including those used for the balcony enclosures, must be submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples and retained thereafter.
- 4) Before any dwelling hereby permitted is first occupied, hard and soft landscaping shall have been implemented in line with details previously submitted to, and agreed in writing by, the local planning authority. These details shall include a full planting schedule and plan, the position, design, materials and type of boundary treatments and external lighting, the design of the green roof, and a scheme of management and maintenance. Once implemented the hard and soft landscaping shall thereafter be maintained. If, within a period of 5 years from the date of planting, any tree or plant (or any tree or plant planted in replacement of them) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree or plant of similar size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or plant.
- 5) No development shall take place, including demolition and site clearance works, until a Construction Management Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall include a programme of works and details of: (a) site access and exit arrangements, including any temporary access, parking suspensions and parking arrangements, and the loading and unloading of plant and materials; (b) the volume of construction and demolition road trips and the measures put in place to reduce these (c) storage of plant and materials; and (d) the erection and maintenance of security hoarding. The approved Construction Management Statement shall be adhered to throughout the construction period for the development.
- 6) Prior to the construction of any new buildings hereby permitted a site investigation into ground conditions and an assessment of any risks posed by any contamination must be submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and

shall assess any contamination on the site, whether or not it originates on the site.

- 7) Prior to the construction of any new buildings hereby permitted where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, a detailed remediation scheme must be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner must be submitted to and approved in writing by the local planning authority before first occupation of the first dwelling hereby permitted.
- 8) No development shall take place, including demolition and site clearance works, until a scheme for the protection of the existing trees has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the commencement of all works and be maintained in full until the development has been completed.
- 9) Prior to any above ground works details of the exterior architectural detailing, including the communal entrance, windows, doors, balconies, and brickwork, must be submitted to, and approved in writing by the local planning authority. These details shall include plans, sections, and elevation drawings at a scale of 1:20. The development shall be carried out in accordance with the approved details, completed prior to the first occupation of the first dwelling hereby permitted and retained thereafter.
- 10) Before any dwelling hereby permitted is first occupied, secure storage facilities for bicycles and security arrangements shall have been implemented in line with details previously submitted to, and agreed in writing by, the local planning authority. Once implemented the secure storage facilities for bicycles and security arrangements shall thereafter be maintained.
- 11) Before any dwelling hereby permitted is first occupied, refuse and recycling storage and security arrangements shall have been implemented in line with details previously submitted to, and agreed in writing by, the local planning authority. Once implemented the recycling storage and security arrangements shall thereafter be maintained.