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# 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: 20 September 2022**

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**Appeal Ref: APP/G5750/W/21/3285139**

**6 Dormer Close, Stratford, London E15 4LQ**

- 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 Helal Ali against the decision of London Borough of Newham Council.
  - The application Ref 21/00147/FUL, dated 10 January 2020, was refused by notice dated 15 April 2021.
  - The development proposed is change of use from a 4-bed family dwelling to x2 flats consisting of 3-bed and 4-bed, including loft extension.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. At my site visit I noted that a conversion of the property into two flats had taken place. However, I saw no conversion of the roofspace, the fenestration details were different on the rear extension, and the garden had not been divided between the units. I have therefore considered the development shown on the plans before me as a proposed development, being different to that already carried out.
3. I have not been advised of the date of the current conversion, or its planning status, but the appellant's appeal statement clearly states, "The existing house is a 4-bed family dwelling". I therefore refer to that shown on the existing plans as "the existing dwelling" throughout my decision.
4. The description of development stated by the Council in its decision notice and the appellant in the appeal form is conversion of an existing 4-bed dwelling into x 2 self-contained flats consisting of a 3-bed and 4-bed, including proposed construction of a single storey rear extension, loft conversion with rear dormer and alterations to the elevations. I have considered the appeal on that basis as it more clearly describes the development proposed.
5. The date of the application differs on the application and appeal forms submitted. I have referred above to that of the application form, CIL form and plans, although I note a different date was provided on the Council's officer report and decision notice.

## **Main Issues**

6. The main issues are:

- the effects of the proposed development on the character and appearance of the building and the surrounding area;
- whether or not the proposed development would provide suitable living conditions for future occupiers, with particular regard to internal space standards, privacy, and private outside space;
- the effects of the proposed development on the supply and quality of family dwellings in the Borough; and
- the effects of the proposed development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance and privacy.

## **Reasons**

### *Character and appearance*

7. The description of development and existing plans show the 'existing dwelling' was a 4-bedroom house with two storeys. The proposed conversion would result in a 3-bed ground floor flat and a 4-bed flat on the upper floors, following conversion and extension of the roof space. The rear garden would be divided between the two properties.
8. The appeal site is a two-storey end of terrace dwelling with a shallow roof. It is part of a planned estate with fenced communal garden areas and three and four-storey buildings comprising flats.
9. The Council refers to a permitted development prior approval for a similar 6m rear extension on the property, and considers the bulk, massing and materials of the proposed rear extension would generally be appropriate. I agree with that approach.
10. The proposed roof alterations would provide a large rear dormer window extension, almost the full width of the dwelling, and rooflights on the front. Despite being set in on one side, and marginally set back from the rear roof edge, the dormer extension would be very large in the context of the existing dwelling and the short terrace. Furthermore, in conjunction with the shallow roof and low ridge height, the proposed dormer would dominate and overwhelm the rear roof slope and would be harmful to the character of the building and the terrace.
11. The immediate area is one of several housing forms, including blocks of flats with flat roofs, but design features appropriate to one housing typology do not necessarily transfer across to others in the locality. In this case, the group of three terraced dwellings, which includes the appeal site, is a visual focal point from public areas and from many of the flats surrounding it. For the reasons given above, the proposed dormer roof extension would be harmful to the character and appearance of the dwelling and terrace and of the area generally.
12. For the above reasons, I conclude on this issue that the proposed development would harm the character and appearance of the building and the surrounding

area. As such, in respect of this issue, it would be contrary to London Plan (2021) ("LP") Policy D3, London Borough of Newham Local Plan (2018) ("NLP") Policies S1, SP1, SP3 and H1, and the guidance in the Altering and Extending your Home SPD<sup>1</sup> (2018) which together, among other things, seek high quality urban design. In respect of this issue, it would also be contrary to Section 12 of the National Planning Policy Framework ("the Framework"), which relates to achieving well-design places. In its decision notice relating to this issue the Council also referred to other policies which I have not found to be relevant.

*Living conditions of future occupiers of the proposed development*

13. In relation to internal space standards the main parties agree that the ground floor flat would meet the minimum internal space standards<sup>2</sup>. The second floor flat would meet the requirement for 5 persons, as proposed by the appellant. I have no substantive basis to consider otherwise, notwithstanding the Council's concerns about not meeting a standard relating to a higher number of occupants, including in respect of the specific size of each proposed bedroom.
14. In terms of privacy, I have not seen the previously approved plans showing the side windows associated with the approved single storey extension, or its internal layout. Nevertheless, I am considering a new residential flat to be contained entirely on the ground floor, rather than the extension of an existing dwelling, and the proposed flat would rely on side windows serving the living/dining area and a bedroom.
15. The absence of any solid fencing between the footway and the bedroom and living/dining room windows means pedestrians would have passing views into these rooms, although I note that relationship would not be dissimilar to those of other ground floor windows of flats in the area. However, the windows would also face a four-storey block of flats where a large number of upper floor windows would face those of the proposed ground floor flat. Intervisibility between them would be inevitable, and the lack of privacy for occupiers of the proposed flat would be significant, being from multiple flats and windows, from a higher angle of view, and at close proximity.
16. Regarding outdoor amenity space, the London Plan defers to the higher private amenity space requirements in NLP Policy H4 arising from conversion of a 4-bed dwelling. Separation of the existing rear garden would provide space for both proposed flats, and could be required by planning condition. However, the garden for the proposed ground floor flat would only be accessible through bedrooms, and would therefore not function as space that links with complimentary living areas internally. Furthermore, the first floor flat would only have access to its garden via an external gate from the shared rear access way serving gardens of the terrace, which would require users of that flat to enter the street before accessing the garden. Gardens for family housing should work functionally, and although these arrangements may work for some families, they would not necessarily do so for others, such as those with young children. That would be particularly so for the first floor flat where children would not have the safety of direct access to the garden within the confines of the site. The appellant advises this layout is similar to other new build flats in the area, and that some flats only have a 5sqm balcony, but I have not been advised of any specific locations, and did not see any comparable examples.

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<sup>1</sup> Supplementary Planning Document

<sup>2</sup> London Plan Policy D6

17. I conclude on this issue that while I have found that the proposed development would provide acceptable internal space, for the above reasons it would not provide suitable living conditions for future occupiers with particular regard to privacy and private outside space. As such, in respect of this issue, the proposed development would be contrary to LP Policies GG4, D3 and D6, NLP Policies S1, S6, SP1, SP2, SP3, SP8, H1, the London Plan Housing SPG which, amongst other things, seek to deliver good quality homes that meet high standards of design. In respect of this issue, it would also be contrary to Section 12 of the Framework, which relates to well-designed places.

*The supply and quality of family dwellings*

18. The proposed development would increase the number of residential units and neither flat would be substantially smaller than the existing dwelling internally. However, the Local Plan identifies an historic loss of family-sized dwellings and a need to reverse that trend, in order to provide sufficient family homes and retain a balanced population mix. Policy H4, in particular, requires protection of all housing unless replaced with at least equivalent floorspace, particularly 3 bed and 4+ bed family housing. It makes provision for subdivision or conversion in certain circumstances, but not all the resulting new units would be of 4 bedrooms, and I have found in respect of the first two main issues that the proposal would not deliver high quality conventional housing that also enhances the street scene.
19. The development would therefore harm the supply and quality of family dwellings in the Borough. As such, in respect of this issue, the proposed development would conflict with LP Policies GG4 and H10 and NLP Policies H1, H4, S1, S6, SP1 and SP3, the London Plan Housing SPG, which among other things seek to deliver the necessary balance and mix of high-quality homes. In respect of this issue, it would also be contrary to Sections 5 and 12 of the Framework, which relate to delivering a sufficient supply of homes and achieving well-designed places. The Council also referred to LP policy H8 which I have not found to be relevant to this issue.

*Living conditions of neighbouring occupiers*

20. The division of the property into two units would be likely to increase the numbers of residents in the dwelling, and potentially the level of noise through the party wall with the adjoining neighbour. However, the proposed development would retain much of the existing layout on ground and first floors, with the first floor being predominantly bedrooms and bathrooms. The additional kitchen/dining/living space for the flat on the upper floors would be in the roof space, and with stairs along the party wall household appliances would be likely to be located away from it. I saw no indication that the adjoining roof space of the neighbouring dwelling had been converted and, as a result, there would be unlikely to be habitable accommodation immediately adjacent to the proposed converted loft. Overall, I consider there would not be unacceptable impacts in terms of noise and disturbance internally for the adjoining neighbours.
21. Although a net increase of one flat may result in more occupiers using the garden and additional comings and goings in the street, the area is one with a mix of residential accommodation and the terrace sits alongside three and four-storey blocks of flats, and adjacent to a communal grass amenity area. In this

context, additional occupiers arising from the development would not give rise to an unacceptable increase in noise.

22. Use of the extended roof space would necessarily result in overlooking of the surrounding areas by occupiers of the upper floor flat. However, the gardens of this terrace are surrounded by three and four-storey blocks of flats, and are already significantly overlooked. The impact of the development in this respect would be insignificant.
23. In relation to the living conditions of future occupiers I found above that there would be intervisibility between the proposed side windows of the ground floor flat and upper floor windows of the flats directly opposite. I am unable to compare the current proposal to the permitted 6m rear extension, as these details have not been put before me. The Council advise it was for a different layout, and I have no substantive basis to consider otherwise. I am also not bound by that decision, and consider the sole living/dining space for the ground floor flat, in particular, which is likely to be more intensively used than the bedroom, would result in an unacceptable degree of overlooking of the flats opposite, given their close proximity.
24. I have found that the living conditions of neighbouring occupiers would not be unacceptably harmed with regard to noise and disturbance or in terms of privacy relating to the use of the proposed extended roof space. However, this does not deflect from my finding that the side windows relating to the proposed single storey rear extension would, for the above reasons, be likely to cause unacceptable harm to the living conditions of the occupiers of the flats opposite those windows, with regard to loss of privacy. As such, in respect of this issue, the proposed development would be contrary to LP Policies GG3 and D3, NLP Policies SP1, SP2, SP3 and SP8 which, among other things, seek good neighbourliness and high quality, well integrated, successful places. In respect of this issue, it would also be contrary to Section 12 of the Framework, which relates to achieving well-design places. The Council also referred to other policies which I have not found to be relevant to this issue.

### **Other Matter**

25. I 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, I have not considered this matter in any more detail.

### **Planning Balance**

26. The development would provide one net additional 3-bedroom family sized dwelling, where there is an established need in the locality for high quality family homes. However, the two resulting units of accommodation would not provide the same quality of family accommodation as that lost to the development. The increase in the number of dwellings in itself therefore attracts limited weight in favour of the development.
27. This weight in favour of the development would not outweigh the harm to the character and appearance of the area, the living conditions of future and neighbouring occupiers, the supply and quality of family dwellings, and the consequential conflict with development plan policies, which together attract significant weight against the development.

## **Conclusion**

28. 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 should be dismissed.

*Peter White*

INSPECTOR