



Appeal Decision

Site visit made on 26 July 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2022

Appeal Ref: APP/G5750/W/22/3292288
110 Gwendoline Avenue, London E13 ORD

- 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 H Badshah against the decision of the Council of the London Borough of Newham.
 - The application Ref 21/02180/FUL, dated 16 September 2021, was refused by notice dated 8 November 2021.
 - The development proposed is external metal stairs to the rear of the property for use of first-floor flat.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area; and
 - Living conditions of the occupiers of the ground floor flat at 110 Gwendoline Avenue and neighbouring properties at 108 and 112 Gwendoline Avenue, with particular regard to loss of outlook, privacy and daylight, and whether or not the structure would be unacceptably overbearing.

Reasons

Character and appearance

3. The appeal concerns a two-storey terraced building, originally built as a single dwelling but which has at some point been subdivided into two self-contained flats. In common with other properties on the same street, it has a deep two-storey rear outrigger; in the case of the appeal property, there is a two-storey bay window on its rear elevation. The proposed development is the erection of a metal external staircase connecting the central bay window at first floor level (which would be replaced with a door) to the rear garden.
4. The staircase would be a substantial addition to the rear of the appeal property, and its materials and form would be at odds with the established character of the building. Because of its position at the rear of the property the staircase would not be seen in public views from the surrounding streets. However it would be readily visible from the rear of neighbouring dwellings and their gardens, from where it would appear as a discordant and intrusive

addition. The siting of the staircase, emerging from the centre of the upper bay window, would particularly draw attention to and emphasise the incongruous nature of its appearance.

5. I therefore conclude that the staircase would be harmful to the character and appearance of the host building and the wider area. The development would conflict with Policies S6, SP1, SP3 and SP8 of the 2018 Newham Local Plan, and Policies D1 and D4 of the London Plan 2021; together (and among other things) these policies seek to ensure that development is well-designed, responds well to local character, and enhances the positive elements and distinctive features of the borough. For the same reasons, it would conflict with the requirements of the Framework which seek to achieve well-designed places, in particular Paragraphs 130 and 134 which seek to ensure that development is visually attractive, and adds to and improves the overall quality of the area over the lifetime of the development.

Living Conditions

6. The staircase would be erected immediately above and in front of the rear bay window; because of its bulk it would be an overbearing feature which would restrict the outlook from within the rear room of the ground floor flat served by the bay window. Anyone using the staircase would be likely to have a clear view into the angled window on the northern side of the bay, so privacy for the occupiers of the lower flat would also be reduced. The bulk of the staircase, and the upper access platform in particular, would cause some overshadowing of the lower bay windows, and this would be likely to reduce the daylight and sunlight reaching the lower floor flat.
7. Because of its size and siting, the staircase would also be overbearing when seen from the rear gardens of the adjacent properties at No 108 and 112 Gwendoline Avenue. Anyone using the staircase, or the upper platform, would have unobstructed views into both neighbouring gardens, resulting in a harmful loss of privacy.
8. I conclude that the staircase would be harmful to the living conditions of the occupiers of the ground floor flat within the appeal property and the neighbouring properties at 108 and 112 Gwendoline Avenue as a result of it being overbearing and reducing privacy; additionally, in respect of the lower flat at No 110 only, there would be a harmful loss of outlook, daylight and sunlight.
9. The proposal therefore conflicts with Policies SP2 and SP8 of the 2018 Newham Local Plan, and Policies D1 and D4 of the London Plan 2021; among other things these policies seek to improve housing quality and ensure that it provides good living conditions in respect of daylight, sunlight, privacy, overshadowing and outlook. For the same reasons, it would conflict with the requirements of the National Planning Policy Framework ("the Framework") which seek to achieve well-designed places, in particular Paragraph 130 which seek to ensure that development functions well and offers a high standard of amenity for existing and future users.

Other Matters

10. The appellant drew my attention to two other external staircases in the area, at Nos 10 and 14 Gwendoline Avenue. I was able to see parts of both of these

from Claude Road at the time of my site visit. I do not know the precise circumstances in which they came into being, although I note that the Council has a record of planning permission being granted in respect of No 10 in 1973 (there is no such record for No 14).

11. The two other staircases to which I was directed do not, in my view, appear to be especially sympathetic additions to their host properties, although neither has the additional prominence (which would be the case with the appeal scheme, as I have described above) of emerging from the centre of a bay window. Furthermore, that there are two examples at the far end of the (long) from the appeal site is not indicative of such staircases being an established characteristic of the area. I also note that neither staircase was approved under current local and national policies which give considerable importance to “the creation of high quality, beautiful and sustainable [...] places”, as set out in the Framework. They do not therefore weigh in favour of the appeal scheme.

Conclusion

12. I have found that the proposal would be harmful to the character and appearance of the area, and so would conflict with the development plan taken as a whole.
13. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector