



Appeal Decision

Site visit made on 7 December 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2023

Appeal Ref: APP/G5750/W/22/3300276

The Surgery, 343 Prince Regent Lane, West Beckton, London E16 3JL

- 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 Dr Tommy Tun Lwin against the decision of the Council of the London Borough of Newham.
 - The application Ref 21/03177/FUL, dated 22 December 2021, was refused by notice dated 16 February 2022.
 - The development proposed is described as 'loft conversion with rear dormers and front skylights'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An appeal statement for another site was submitted with the appeal. The opportunity to submit a further statement was given and an amended statement was received. The Council and interested parties were given the opportunity to comment on this. No comments were received therefore there was no need to return to the appellant for comment. I therefore consider there has been no prejudice to any party and I have considered the appeal on this basis.

Main Issue

3. The main issue is whether the site is an appropriate location for the proposed development with regard to the local development strategy.

Reasons

4. The appeal proposal is for external alterations that would allow the creation of additional floorspace for an existing community facility.
5. London Plan (LP) Policies SD6, SD7 and SD8 provide a strategic framework for the hierarchy and distribution of retail centres and set out how individual local plans should establish these. Newham Local Plan 2018 (NLP) Policies S1, SP1 and SP6 confirm how this approach will be taken within the Borough, seeking to achieve town and local centres that are accessible and successful in place-making, social and economic terms. NLP Policy INF5(2I) sets out that consolidation of existing community uses into defined centres will be encouraged unless otherwise protected. There is no evidence before me to suggest that this site is within any of the defined centres or otherwise protected by NLP Policy INF5.

6. NLP Policy INF8 sets out the approach to be taken for community facilities, including healthcare. It confirms that town and local centre sites will be given priority for community facility development, consistent with NLP Policy INF5.
7. NLP Policy INF8(2b) sets out exceptions where community facilities can be sited outside of defined centres while Policy INF8(3c) and (3d) confirms how local need, including for intensified community facilities, can be demonstrated. There is no compelling evidence before me to suggest that the appeal proposal meets any of these exceptions or that a local need has been demonstrated.
8. Although the site was undergoing refurbishment at the time of my site visit, it is not in dispute that it is an existing community facility. I also observed that there were other retail, community and main town centre uses in proximity to the site. However, I have no reason to believe that this was not the case at the time when the Council was preparing the NLP, and the supporting text to NLP Policy INF5 at paragraph 6.60 does acknowledge that "existing out of centre development should be encouraged to either fall away, or re-locate into centres".
9. The National Planning Policy Framework (the Framework) does support the efficient use of land, particularly in urban areas. However, the development plan seeks to ensure that community facility development is located where it will support the ongoing vitality and viability of defined centres. Allowing the expansion of such facilities where it has not been justified would undermine, incrementally, the centres identified in the hierarchy.
10. I therefore conclude that the appeal proposal would not be an appropriate location for the proposed development with regard to the local development strategy. It would be contrary to NLP Policies S1, S6, SP1, SP6, INF5 and INF8 and LP Policies SD6, SD7 and SD8 which taken together seek to direct community facilities to town and local centres which should act as vibrant, vital and valued components of local neighbourhoods and community foci.

Other Matters

11. Alterations, including dormers, to allow use of the roof space within buildings, have been allowed in other locations. The Council has not raised any concerns with regard to the effect of the external alterations, in isolation, on the character and appearance of the area. No harm to the living conditions of surrounding occupiers from the appeal proposal has been identified. I saw nothing at my site visit that would lead me to a different conclusion.

Conclusion

12. For the reasons given above, I conclude that the development would not accord with the development plan as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

J Downs

INSPECTOR