



Appeal Decision

Site visit made on 19 May 2023

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2023

Appeal Ref: APP/G5750/W/22/3311584

83 Claremont Road, Forest Gate, Newham, London, E7 0QA

- 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 Mohammed Malik against the decision of London Borough of Newham.
 - The application Ref 22/01962/HH, dated 11 August 2022, was refused by notice dated 14 October 2022.
 - The development proposed is described as the 'installation of high-quality paving materials to partial front garden to retain symmetry and more in -keeping with the Woodgrange Design Guide for an electric vehicle for sustainable travel/transport'.
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Decision

1. The appeal is allowed, and planning permission is granted for front garden and boundary works to facilitate the creation of a driveway at 83 Claremont Road, Forest Gate, Newham, London E7 0QA, in accordance with the terms of the application, Ref: 22/01962/HH, dated 11 August 2022, subject to the following condition.
 - 1) The hereby approved highway access shall not be installed or used until a timetable for implementing the proposed landscaping and building works shown on drawings 11106_101A and 16206_099 shall have been submitted to and approved in writing by the local planning authority. The landscaping and building works shall be undertaken in accordance with the approved timetable and thereafter maintained in the approved form.

Preliminary Matters

2. In the interests of brevity and accuracy I have amended the description of development to that along the lines used by the Council. The appeal scheme has commenced but the works undertaken do not at yet reflect those shown on the drawings. I have considered the proposal with this in mind.
3. A separate appeal has been submitted pursuant to the serving of an enforcement notice. This will be the subject of a separate decision.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Woodgrange Conservation Area; and
 - The effect of the proposed development on highway safety.

Reasons

Whether the proposal would preserve or enhance the Conservation Area

5. The Woodgrange Estate was built as a smart middle-class suburb towards the end of the 19th Century and was designated as a conservation area (CA) in 1976. It has a distinctive character on account of the repeated house types set in strong building lines behind generous front gardens. Period detailing typical of the era is evident on many properties and some retain the original front boundary treatment and tiled path. As a result, the CA has evidential, historic and aesthetic value and this gives it significance. An Article 4 Direction has been served with an aim of preserving the area's character and appearance.
6. The appeal property is a typical example of the type of dwelling found in the street and benefits from a generous front garden. Prior to works commencing on site, the front boundary wall was an incongruous, rendered structure. The appeal scheme has seen the removal of this wall and its replacement with a buff brick wall over six courses with stone coping. The wall has a continuous height save for the corner pillars. The appellant intends to go further and erect railings and gates that reflect the Estate's original and distinctive iron butterfly design. Behind this would be planting. This composition would reflect the original layout of the street and is detailed in the Woodgrange Conservation Area Design Guide (WDG). Consequently, this aspect of the proposal has, and would, markedly enhance both the character and appearance of the CA.
7. The proposal would also incorporate a driveway and off-road parking in the front garden. This would be achieved by leaving an opening in the wall. The presence of a driveway and parked car in the front garden would erode the original layout of the front garden, clutter the frontage and diminish the continuity provided by continuous front boundary treatment. Indeed, the WDG specifically states that permission will not be granted for new driveways.
8. However, the impact would be lessened by extending the driveway back to the tiled apron in front of the house. This would result in a balanced composition to the front garden, which is sufficient given that it was never symmetrical. As only a modest portion of the front garden would be a driveway, the result would be an arrangement not dominated by hard surfaces or a parked vehicle.
9. Moreover, the driveway would be finished in an attractive material and include a grass strip down the middle as a means of softening the hard standing. The provision of entrance gates in the butterfly style would also provide a sense of enclosure and continuity along the frontage. The intended planting would soften the presence of a parked vehicle. As a result, the design and layout would reflect that in the WDG, although I accept that this is only intended to apply when front parking has already occurred. Nevertheless, the design of the scheme would be sensitive to the historic street scene and original composition of front gardens in the area, and this lessens the impact.
10. Moreover, the vast majority of properties in the vicinity of the appeal site already have frontage parking. As a result, and in this part of the CA, front garden parking is an established and regular part of the character and appearance of the street scene. In this context the proposal would not appear strident, out of place or injurious to a unified street scene. Indeed, the scheme would appear more sensitive than the frontage parking of nearby properties.

11. Overall, the appeal scheme would have elements that would enhance the significance of the CA and others that would not preserve it when taken as a whole. However, the impact of the negative element, namely the frontage parking, would be minimised by the sensitive design and the existing local context of regular parking in front gardens access by dropped kerbs. Accordingly, the scheme would have a net neutral impact on the significance of the CA. Its character and appearance would be preserved. The latter being a point I have given special attention to. As a result, there would be no conflict with Policies D1, D3, D4, D8 and HC1 of the London Plan or Policies S6, SP1, SP3, SP5 and SC4 of the London Borough of Newham Local Plan (NLP).

The effect on highway safety

12. The proposed driveway has been designed to ensure there would be adequate pedestrian visibility splays so motorists reversing out of the driveway would be able to see users of the pavement. Moreover, due to good forward visibility and a wide pavement most pedestrians would be able to easily see and respond to a vehicle exiting or entering the appeal site, which would be an infrequent occurrence and at low speed. There would also be adequate inter visibility with other motorists, which would also be likely to be moving slowly. The provision of a cross over would also create space to pull a vehicle in and allow another approaching motorist to pass. This may benefit highway safety.
13. Parking electric vehicles off the street to charge them would be safer than trailing a cable across the pavement. Although the proposal would result in the loss of some on street parking capacity, it would also reduce demand for on street parking. In any event, substantive evidence is not before me demonstrating the area suffers from parking stress. As a result, the proposal would not prejudice highway safety.
14. In coming to this view, I have carefully considered the Council's submissions that it has a presumption against new dropped kerbs, but each application should be considered on its own merits. In this case, the provision of a dropped kerb would not be injurious to pedestrian safety or the quality of the walking environment if it is constructed correctly. In this respect the pavement surface has recently been resurfaced providing a smooth finish that successfully integrates vehicle crossovers. There is nothing to suggest this could not be achieved at the appeal site.
15. In conclusion, the proposal would not adversely affect the public realm or create unacceptable risk or inconvenience to pedestrians and other road users. As highway safety would be maintained there would be no conflict with Policies D1, D4 and D8 of The London Plan or Policies SP2 and SP8 of the NLP.

Other Matters

16. The Council have mentioned the supplementary planning document titled *Altering and Extending Your Home* but has not provided any reference to the text therein that the appeal scheme would offend. Indeed, the good quality of the proposed hard and soft landscaping would broadly adhere to the guidance outlined. The overall level of green cover in the front garden would be reduced, but the landscaping scheme, including the planting of a tree, would likely improve the diversity/quality of the space for biodiversity.

17. Reference has been made to the refusal of other applications for drop kerbs, but the details are not before me. For example, it is unclear whether enhancements were proposed in these other cases or whether the appearance of the street was like that in the locality of the appeal site. As a result, I have considered the proposal on its own merits. The driveway would be finished in porous materials or would direct surface water to soft landscaped areas. Accordingly, there would be no harm from flood risk.
18. The appellant already operates a car so the driveway would not undermine the Council's policies aimed at promoting sustainable transport in the interests of air quality and climate change. Indeed, the proposal would facilitate the safe use and charging of an electric vehicle, which is a form of sustainable transport.

Conditions

19. When having regard to the advice in the Planning Practice Guide, it is unnecessary to impose a commencement condition as works have started. However, it is necessary in the interests of certainty and safeguarding the character and appearance of the CA, for the development to be undertaken in accordance with the approved drawings. Thus, it is necessary to secure a timetable for implementing them.

Conclusion

20. The proposed development would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has been allowed.

Graham Chamberlain
INSPECTOR