



Appeal Decision

Site visit made on 23 May 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/G5750/W/22/3310736

121-123 Plaistow High Street, London E13 9HH

- 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 Maksud Bhiki against the decision of London Borough of Newham.
 - The application Ref 22/01009/FUL, dated 13 July 2022, was refused by notice dated 17 October 2022.
 - The development proposed is retrospective planning application for a loft conversion with rear dormer extension including 4no. windows to the front roofslope being used as a three bedroom flat (This application is within the setting of two Grade II Listed Buildings - Coach and Horses public house & Passmore Edwards library).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address and description of the development differ between those given on the application form, and the details given on the decision notice and appeal form. I have taken the details in the heading above from the appeal form as this accurately represents the proposal.
3. The Council requested that I enter the property to fully understand the internal configuration of residential accommodation. I was unable to gain access to the residential accommodation itself, but I was able to access the property to view the general arrangement from communal access areas. This has given me sufficient understanding of the site to enable me to reach a decision on this Appeal.

Background and Main Issues

4. The application has been submitted retrospectively, and I saw that development including works to the loft and a rear dormer extension had been undertaken. The Council refers to unauthorised works to the property, and a lack of detail and inaccuracies in respect of those works, the appeal proposal and other issues. However, I consider that I have sufficient evidence to reach a decision on the Appeal on the basis of the submitted details and observations on my site visit. For the avoidance of doubt, my decision is based on the description of the development in the heading above and the details submitted with the appeal.
5. Having regard to the above, the main issues in this appeal are the effect of the proposal on:

- The character and appearance of the host building and the area, with due regard to Listed Buildings;
- The living conditions of future residents with regards to light and ventilation;
- Sustainable transport, including car and cycle parking;
- Waste storage; and
- Sustainable development, with due regard to biodiversity.

Reasons

Character and Appearance

6. The appeal site consists of a building in a mixed use with commercial units on the ground floor and residential uses on the upper floors. To create residential accommodation in the loft, a flat-roofed rear dormer extension has been created, extending across almost the full width of the rear roof slope.
7. Although the dormer does not project above the ridge of the roof, due to its scale and massing it appears as an obtrusive feature dominating the rear roof slope. The box-like design, differing degrees of projection to the rear and the introduction of a balcony give the dormer extension a particularly clumsy appearance, even given the context of previous works undertaken at the property. This incongruous appearance is exacerbated further due to the awkward relationship with the rear roof slopes of neighbouring buildings. The use of matching materials to the host building does little to mitigate for the unfortunate design.
8. Although the extension is located to the rear of the site, it is apparent in views from the public realm due to the arrangement of the building, open land in the vicinity and gaps in nearby building frontages. It is also readily visible from a private car parking area to the rear.
9. The appellant contends that the proposal is traditional in appearance, reflecting the local built environment. However, even within the varied context of this area, the awkward and unsympathetic design of the proposal would lead to an incongruous addition to the host building and the wider area.
10. The Council refers to the angular appearance of the front roofline and the relationship with nearby properties. However, on the basis of the description of the appeal proposal and the submitted plans, alterations to the front of the roof of the property do not fall within my consideration of the scheme, other than the introduction of 4 rooflights.
11. The Council refers to the setting of the Grade II Listed Buildings of the Coach and Horses public house and the Passmore Edwards library. The significance of these designated heritage assets is set out in the Listing Descriptions which have been provided to me, and I noted these buildings on my visit. The Council's officer report concludes that due to the separation distance from the appeal site, no detrimental harm to the Listed Buildings is considered to occur as a result of this proposal. Based on what I have seen and read, including consideration of the setting of the Listed Buildings and the arrangement of the site, I see no reason to disagree.

12. Notwithstanding my conclusions in respect of Listed Buildings, I conclude that the proposal is of a scale and design which would lead to significant harm to the character and appearance of the host building and the area. The proposal is therefore contrary to the design and place-making requirements of Policy D3 of the London Plan 2021 and Policies SP1, SP3 and SP5 of the Newham Local Plan 2018 (the Local Plan). The proposal would also be contrary to the National Planning Policy Framework (the Framework) with regard to achieving well-designed places.

Living Conditions

13. The Council refers to conflicting information on the submitted plans regarding a bedroom to the rear. The submitted floorplan indicates that the only external opening serving this room would be a door, although the rear elevation indicates that a window would also be provided. I also saw that a door and window served this room at the time of my visit, although the works as undertaken do not reflect the submitted plans. Given the degree of uncertainty, it has not been demonstrated that the proposal would provide sufficient light and ventilation for the occupant of this bedroom.
14. I therefore conclude that insufficient evidence has been submitted to demonstrate that the proposal would provide sufficient light and ventilation for all occupants of the dwelling. The Council has not stated which policies of the development plan the proposal conflicts with in respect of this issue. However, the proposal is contrary to the Framework which seeks a high standard of amenity for existing and future users of development.

Sustainable Transport

15. The proposal would lead to a further dwelling in this location, and no further car parking spaces would be provided. The planning application indicates that there are 5 existing car parking spaces at the site, and I saw that there is a communal car park to the rear. However, the submitted plans do not indicate where the existing parking spaces are located, and no substantive evidence has been provided to demonstrate that the appellant is able to rely on the car parking provision to the rear.
16. The proposal does not include controls or other measures to ensure that residents of the dwelling would not own a vehicle. Even given the proximity to public transport and services in the area, there is no certainty that residents of the proposal would not own a car. There is therefore significant potential that the proposal could add to parking stress in this area, and the appellant has provided no evidence to demonstrate otherwise.
17. The proposal also does not include any cycle parking. The application boundary is drawn tightly around the footprint of the building, and there would not appear to be a suitable location for cycle parking to be located externally. The location of the flat on the uppermost floor would also indicate that cycle storage is not feasible within the flat due to the limitations of carrying cycles via the internal stairway. Due to these limitations, the provision of cycle parking cannot be ensured through a planning condition. Therefore, on the basis of the evidence before me, the proposal would not make suitable provision for cycle parking.

18. I therefore conclude that the proposal would add to parking stress in the area and would not make suitable provision for sustainable modes of transport. The proposal would therefore be contrary to the transport and cycling requirements of Policies T1 and T5 of the London Plan and Policies INF2 and SP2 of the Local Plan. The proposal would also be contrary to the Framework in respect of promoting sustainable transport.

Waste Storage

19. As indicated above, the application boundary is drawn tightly around the footprint of the building. There would therefore not appear to be a suitable location for the external storage of waste and recycling material. No details have been provided about the appropriate storage of waste within the building, and I am mindful that the appeal site includes a number of businesses and residential properties. A lack of waste storage for the appeal proposal may therefore lead to insanitary conditions for future and existing residents, as well as occupants of commercial premises.
20. It has also not been demonstrated how waste generated by the proposal could be collected within the constraints of the site.
21. I therefore conclude that the proposal would not make suitable provision for waste storage. The proposal is therefore contrary to Policy INF3 of the Local Plan in respect of amenity and waste collection requirements. The proposal is also contrary to the Framework which seeks a high standard of amenity for existing and future users of development.
22. I find no conflict with Policy SI8 of the London Plan as this relates to strategic waste management and new waste management sites, rather than development such as the appeal proposal. However, this does not negate my conclusions on this main issue.

Sustainable Development

23. The Council's officer report refers to a number of measures relating to sustainable development, such as energy efficiency, urban greening and biodiversity. However, apart from the dormer roof the proposal primarily relates to the change of use of an existing building. Given the form of the development, the Council has not demonstrated that any measures required in respect of sustainable development would be anything other than minor in nature. It would therefore be reasonable to ensure the provision of any measures that are appropriate to this main issue by planning conditions.
24. Subject to appropriate planning conditions, the proposal would not lead to harm in respect of the sustainable development considerations referred to by the Council. The proposal would therefore not conflict with the biodiversity, green infrastructure and environmental considerations of Policies G1, G5 and G6 of the London Plan; and Policies SC1, SC2, SC3, SC4, SC5, SP1 and SP2 of the Local Plan. The proposal would also not be contrary to the Framework with regards to meeting the challenge of climate change as well as conserving and enhancing the natural environment

Other Matters

25. The appellant refers to additional and enhanced living space for improved living conditions for the occupants. I am also mindful that the proposal would add to

the supply and mix of housing in the area, including the creation of a 3-bedroom family sized dwelling. However, the benefits arising from a single dwelling would be limited, and given my conclusions in respect of living conditions I am not persuaded that the proposal would provide improved accommodation. Any benefits arising from the proposal would not outweigh the significant harm I have identified.

Conclusion

26. Notwithstanding my conclusions in respect of sustainable development measures, the proposal would lead to significant harm in respect of character and appearance, living conditions, sustainable transport and waste storage. The proposal would therefore be contrary to the development plan and the Framework as a whole in respect of achieving well-designed places, providing a high standard of amenity for existing and future occupants, and promoting sustainable transport.
27. For the reasons given above I conclude that the appeal should be dismissed.

David Cross

INSPECTOR