



Appeal Decision

Site visit made on 5 March 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2024

Appeal Ref: APP/G5750/W/23/3329785

Land Rear of 147 Stokes Road, East Ham, London E6 3SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Karolina Marcinow against the decision of the Council of the London Borough of Newham.
 - The application Ref is 23/01454/FUL.
 - The development proposed is described on the application form as 'erection of a new single storey building comprising 1no. 1 bedroom dwelling with associated amenity space and refuse storage'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address above is taken from the appellant's appeal form and Council's Decision Notice as this is more precise than that given in the original application form.
3. The revised National Planning Policy Framework (the Framework) was published in December 2023. I do not consider in this case that this raises any matters that require me to seek any further representations from the parties and I am satisfied that no interests have been prejudiced in this regard.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposed new dwelling would provide for satisfactory living conditions for future occupiers, with particular regard to privacy; and,
 - the effect of the proposal on the living conditions of the neighbouring occupiers of 145 and 147 Stokes Road with particular regard to outlook, daylight and external amenity space.

Reasons

Character and appearance

5. The appeal site relates to a rectangular area of land to the rear of 147 Stokes Road, a two storey end terraced property located on a corner plot at the junction with Roman Road. The northern site boundary adjoins the rear garden of 145 Stokes Road, whilst the southern boundary runs alongside Roman Road.

The eastern boundary is directly adjacent to the gable end of 266 Roman Road. Previously part of the rear garden of No 147, the site has since been fenced off from that property to form a separate parcel of land. The site is bounded by high timber panel fencing and a shed has recently been erected adjacent to the eastern boundary.

6. The surrounding area is residential and is characterised by two storey terraced properties with pitched roofs. Properties are arranged along linear building lines and are set back a short distance from the road frontage behind small front gardens which are generally bounded by low level boundary walls or railings. These features provide a strong sense of uniformity to the street scene and contribute positively to the character and appearance of the area.
7. The dwelling would be sited to the rear of No 147 and be accessed from Roman Road. The single storey height of the proposal, its flat roof design, irregularly shaped footprint, and front elevation immediately adjoining the pavement, would be uncharacteristic of surrounding dwellings. Consequently, the proposal would fail to reflect the scale and design of existing properties in the area and would appear out of context with its surroundings. Its siting, scale and design would have more the appearance of a large domestic outbuilding than a stand-alone dwelling.
8. In addition, the dwelling would fill the width of the plot. The resulting lack of space surrounding the dwelling would result in a cramped appearance and not reflect the more spacious gardens of neighbouring properties, emphasising its failure to respect the prevailing pattern of development in the area. Despite the use of sympathetic materials, the proposal would be an incongruous addition to the street scene given the prominent siting adjacent to Roman Road.
9. My attention has been drawn to other developments including those at 244 Kempton Road, 10 and 11 Trevelyan Avenue, Hale Road and Roman Road Primary School, but I am not aware of the particular circumstances of those cases. The images provided indicate that these other developments have differing contexts to the appeal site. In any event, I must consider the appeal scheme on its own merits.
10. For the above reasons I conclude that the proposal would be harmful to the character and appearance of the area. It would be contrary to the relevant sections of Policies S1, SP1, SP3 and SP8 of the Newham Local Plan (2018) (Local Plan), Policies D1, D3, D4 and D8 of the London Plan (2021), and the Housing Supplementary Planning Guidance (March 2016, Updated August 2017) (SPG). Amongst other things, these policies and guidance seek to secure high quality urban design, which has regard to the form, function and structure of the area and fits with the existing urban character. The proposal would also conflict with paragraph 135 of the Framework which, amongst other things, requires development to be sympathetic to local character and history, including the surrounding built environment.

Standard of accommodation

11. The proposal would be a one bedroom dwelling with an open plan living, dining area and kitchen. The plans show that the living, dining and kitchen area and the bedroom would each be served by windows to the front (southern) elevation. Whilst these windows would provide light and outlook to these rooms, they would front directly onto the pavement.

12. There would be no defensible space outside of the windows and they would be overlooked at close range from the pavement, where I observed there to be a moderate degree of footfall during my visit. This would result in an unacceptable lack of privacy for these habitable rooms. The living/dining room and kitchen would also be served by patio doors to the western side elevation, and to maintain privacy to this room the front window could reasonably be fitted with obscure glass. However, the bedroom would only be served by the front window. Fitting this window with obscure glass, blinds or curtains would be likely to adversely affect the outlook from the bedroom window, which would compromise future occupiers' living conditions.
13. The appellant has referred to the windows to the side of 194 Stokes Road which face towards Roman Road. I observed these during my site visit. One of these windows is fitted with obscure glass and both are situated above eye level relative to the adjoining pavement, such that they are not significantly overlooked from the road. There are also two ground floor windows to the side of 282A Burges Street which serve a lounge and dining room and are overlooked from the street. However, these windows appear to be secondary to the principal window serving the lounge and dining room which is located on the front elevation. Therefore, the other cases referred to are not comparable to the appeal proposal and consequently they do not justify the appeal proposal, which I consider would represent substandard living accommodation.
14. I conclude that the proposal would fail to provide a satisfactory standard of accommodation for future occupiers having regard to privacy. Thus, it would conflict with Local Plan Policies S1, SP2, SP3, SP8 and H1, London Plan Policies D4, D6 and GG4, the Framework and the SPG, where these seek to ensure that development would provide good design and a high standard of amenity for future occupiers.

Living conditions of neighbouring occupiers

15. The appeal site is within close proximity of the rear elevations of Nos 145 and 147. The rear of No 145 is slightly offset relative to the site and the proposal would not be directly behind this neighbour's property. Therefore, the effect on this neighbour's rear windows would not be significant in terms of daylight or outlook. The proposed dwelling would abut the southern side of the neighbour's rear garden and extend a considerable distance alongside it. Viewed from the neighbour's garden, the proposal would have a significant overbearing presence even if its height at the boundary is limited to 2.4 metres. Therefore, given its length, the proposal would result in an unacceptable sense of enclosure to the neighbour's garden and be harmful to their outlook. It would also be likely to unacceptably reduce daylight due to its positioning to the south of the neighbouring garden.
16. The flat roof design of the proposal means that it would not rise significantly above the top of the boundary fence to the rear of No 147. The proposal would be set 1.5 metres from the boundary with the neighbour's rear garden and a gap of around 6.5 metres would be retained between the new dwelling and the rear windows of No 147. Given these factors it is unlikely that there would be any significant loss of daylight or outlook to this neighbour's rear windows.
17. The Council has referred to a substantial reduction in the size of the rear garden available for No 147. However, as noted above, the rear garden of No 147 has already been subdivided by a fence. Whilst this has significantly

reduced the size of the rear garden, there remains a small external area to the rear of the property which provides a private external space of sufficient size to meet the needs of the occupants. Therefore, the proposal would not result in a significantly harmful effect on the external amenity space serving No 147.

18. For the above reasons, I conclude that the development would not significantly harm the living conditions of the occupiers of No 147. However, it would be harmful to the occupiers of No 145 with regard to outlook and daylight. In this respect, there would be conflict with Local Plan Policies SP1, SP2, SP3 and SP8 and the SPG, which seek to ensure that Newham is an attractive place to live, creating healthy and quality neighbourhoods and ensuring neighbourly development. It would also conflict with London Plan Policies D1, D3, D4, D6 and GG4, where these seek to deliver appropriate outlook, privacy and amenity. The proposal would also conflict with the Framework, where it seeks to ensure a high standard of amenity for existing users.

Planning Balance and Conclusion

19. I have found that the appeal proposal would adversely affect the living conditions of the neighbouring occupiers of 145 Stokes Road. It would also harm the character and appearance of the area and fail to provide satisfactory living conditions for future occupiers. These matters weigh significantly against the proposal.
20. The development would offer benefits in terms of the addition of a new dwelling to the Council's housing stock and an effective use of land. Employment opportunities created during the construction phase and on-going support for local services by future occupiers, would be economic benefits of the scheme. However, given the modest scale of the development, the weight attributable to these matters is limited and would be outweighed by the adverse impacts identified above.
21. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. For the reasons given, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR