



Appeal Decision

Site visit made on 6 March 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2024

Appeal Ref: APP/G5750/W/23/3328895

194 Stokes Road, East Ham, London E6 3SE

- 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 Mr Mashuk Miah against the decision of the Council of the London Borough of Newham.
 - The application Ref is 22/00019/FUL.
 - The proposed development is for a new one bedroom 2 person dwelling with cycle parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context, and both parties have had the opportunity to make comments on the revised Framework within their statements and final comments.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area with particular regard to its siting, scale, design and density.

Reasons

4. The appeal site includes part of the rear gardens of No's 194 and 192 Stokes Road, and the site has a frontage onto Roman Road. Both Stokes Road and Roman Road predominantly contain terraced properties, set behind small front forecourts, with pitched roofs that are mainly gabled. The properties along both roads are also mostly two storeys high.
5. Although the area of Roman Road immediately near to the appeal site does have a degree of variance, with a flat roofed single storey substation to one of its sides, and a flat roofed school building adjoining the other side of the substation. There is also a horizontally clad building with a shallow roof pitch and a block of three storey flats on the opposite side of Roman Road.
6. Although the proposed dwelling would have a small setback from the pavement edge, its single storey scale would be alien within the context of the

surrounding residential built form. Whilst the appellant has said it would appear as subservient to the adjoining residential properties and not visually dominant, it would introduce an illegible form of development that would not respect the scale of residential properties nearest to it, which it would be principally seen against, nor would it appear as a domestic ancillary building given its front facing fenestration and roof design.

7. The small size of the appeal site and the proposed siting of the dwelling within it, together with its small rear garden, would appear jarring against the long gardens of other properties along that side of Stokes Road. Moreover, given the small size of the appeal site, the proposal would appear cramped and out of character with the plot sizes of properties nearby.
8. Although the substation is single storey, its utilitarian design is clearly distinct from the scale, size and appearance of nearby residential properties. Furthermore, whilst there is a degree of variance in styles in this part of Roman Road, there is still a consistent theme with residential properties being at least two stories high and featuring conventional pitched roofs within reasonable plot sizes. The proposed development would harmfully contrast with this established character and rhythm in this area.
9. In addition, the proposed design of the dwelling does not resemble the mostly simply designed two-storey pitched roof properties in the area. Moreover, it would introduce a roof design that would be incongruous in the streetscene, detracting from its well-established character and appearance.
10. It is noted that the proposal would be clad in external materials to reflect the local area and that its low height would not significantly impede views across the site, however, this would do very little to off-set the identified harm.
11. I therefore conclude that the proposal would be harmful to the character and appearance of the area and conflict with Policies S1, SP1, SP3 and SP8 of the Newham Local Plan 2018, and Policies D3, and D8 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP), which amongst other things, require high quality development with buildings that activate and define the public realm with high quality urban design that positively responds to local distinctiveness and the appearance of the local streetscene. 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, add to the overall quality of the area, and be visually attractive.
12. The Council has referred to the proposal being in conflict with Policies D1, and D4 of the LP and the Mayor of London's Housing Supplementary Planning Guidance dated March 2016, and updated August 2017 (SPG). Policy D4 is primarily concerned with strategic design review and analysis, and Policy D1 is mainly focussed on plan formulation when defining growth capacity, I did not find these policies to be determinative on this main issue. Based on the very limited information provided, I have not been able to conclude against the SPG on this main issue.

Other Matters

13. It is noted that the proposed dwelling would meet the minimum size requirements; it provides adequate cycle parking and bin storage provision;

that there would be no harm to the living conditions of neighbouring occupiers; that the proposal would be car-free development and that there are no highway safety objections; it would not be harmful to designated heritage assets; it is located in a well-connected area; and that it would not unacceptably reduce the size of the private amenity spaces for existing occupiers. However, these are likely to be requirements of any well-designed development and they are neutral matters that neither weigh in favour or against the proposal.

Planning Balance and Conclusion

14. The benefits of the proposal include making an efficient use of land, along with a contribution to the Council's overall supply of housing, and there would likely be some economic benefits associated with the construction of the proposed development. However, these overall benefits would be limited due to the small scale of the proposal.
15. I have found in my assessment above that there would be harm to the character and appearance of the area from the proposal, and there would be conflict with policies of the development plan. Furthermore, the Framework makes it clear that developments should be sympathetic to local character and history. It also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Furthermore, it states that good design is a key aspect of sustainable development, to create better places in which to live and work and helps make development acceptable to communities, and that development that is not well designed should be refused. I give this harm significant weight.
16. The appellant has stated that the Council is not meeting its current housing need, although the Council has not stated whether this is so, or indeed whether they have an appropriate supply of housing. In the event the Council has a significant shortfall in housing supply, and the presumption in favour of sustainable development is engaged, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies of the Framework taken as a whole.
17. For the reasons given above, and having considered all matters raised, I conclude overall that the proposal conflicts with the development plan taken as a whole, and there are no material considerations of sufficient weight, including the Framework, which indicate a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

A Hunter

INSPECTOR