



Appeal Decision

Site visit made on 12 August 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/G5750/W/24/3337392

43 Plashet Road, Plaistow, London E13 0QA

- 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 Sabina Khanam against the decision of the Council of the London Borough of Newham.
 - The application Ref is 23/01180/FUL.
 - The development proposed is a 2 storey dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on a) the character and appearance of the area, and b) the living conditions of occupiers of 43 Plashet Road, with particular regard to outlook, privacy and light.

Reasons

Character and appearance

3. The appeal site is a long, linear plot that includes an end of terrace dwelling that is well set-back from the highway beyond the front garden/driveway. Immediately to the east of the appeal site is a row of properties sited close to the highway. This arrangement of built form is also reflected to the west of the host terrace. Other properties along Plashet Road and in the wider locality tend to be sited contiguous to the highway.
4. The proposed dwelling would be positioned towards the front of the appeal site. Whilst it would be largely in line with the terrace to the east, it would be detached from it. It would also occupy an isolated and incongruous position in relation to the set back host terrace, thus eroding the generous space to the front which is a key characteristic of the terrace.
5. Furthermore, whilst the proposal includes architectural features found on adjacent buildings, the dwelling would not successfully integrate with the terrace as the footprint, proportions and height of the proposal would have limited visual consistency with the adjacent properties. Overall, it would be of a poor quality design and would not make a positive contribution to the townscape.
6. Although I acknowledge the development at 33 Plashet Road, it is adjoined to the terrace and broadly replicates its key architectural features. It is not therefore directly comparable to the appeal proposal. Furthermore, I do not know the full circumstances around its approval.

7. Accordingly, the proposal would harm the character and appearance of the area and would conflict with Policy D3 of The London Plan: The Spatial Development Strategy for Greater London (March 2021) (the London Plan) and policies S6, SP1, SP3 and SP8 of the Newham Local Plan 2018 (the NLP). Together with the National Planning Policy Framework (the Framework) these policies and guidance aim for high quality housing developments which are sympathetic to their local context.
8. Policies D1, D4 and D8 of the London Plan and Policy SP2 of the NLP are included in the Council's reason for refusal however they are not of direct relevance to this main issue.
9. The evidence suggests that the host terrace is locally listed however the Council has not identified reasons as to why. I cannot therefore ascertain where its significance and value lie. Nevertheless, this matter does not form part of the first reason for refusal thus I have not considered it further.

Living conditions

10. The proposed dwelling would be within very close proximity to front facing windows at No 43 as well as its front garden, which would form the majority of its external space. By virtue of this relationship and the scale of the proposal, it would be a dominant and overbearing feature in the outlook for occupiers of No 43, which is already heavily restricted due to neighbouring trees. Its positioning would also give rise to considerable opportunities for overlooking to the ground and first floor rooms and the garden area of No 43, resulting in a significant loss of privacy.
11. The proposal is accompanied by a Daylight and Sunlight Impact Report¹. This indicates that the nearest ground floor window of No 43 fails the vertical sky component test, which is a measure of available daylight reaching a particular window. The proposal would therefore result in a noticeable reduction in levels of light. The report does however go on to carry out an average daylight factor analysis on the affected room. This indicates that the room would meet minimum standards.
12. In its consideration of sunlight, the Report notes that the proposal would not have an adverse effect on the windows of No 43 as the percentage of annual probable sunlight hours over the entire year as well as the winter months would be compliant with the 25% and 5% recommended guidelines respectively.
13. However, as identified within the Report, the assessment on the loss of sunlight comprises three parts. The detail on whether or not the concerned windows receive less than 0.8 times their former sunlight hours during either period and whether or not they have a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours is not before me. I cannot therefore make a thorough assessment which would allow me to conclude that applying flexibility to the recommended guidelines would be appropriate in this instance.
14. Furthermore, the evidence before me only relates to the effect of the proposal on the windows and thus internal space of No 43. Given the very close

¹ Planning For Sustainability, Daylight and Sunlight Impact Report, November 2021

relationship between the proposed dwelling and the resultant front garden of No 43, along with the poor daylight results of the Report, I consider that it is likely that the proposal would result in unacceptable overshadowing and loss of light to the front, main external amenity space for No 43.

15. Taking all the above into consideration, the proposal would harm the living conditions of occupiers of No 43 and thus it conflicts with Policy D3 of the London Plan and policies S6, SP1, SP3 and SP8 of the NLP. These policies seek to ensure developments respond positively to and respect residential amenity, aims which are also reflected in the Framework.
16. Policy D1 of the London Plan and Policy SP2 of the NLP are included in the Council's second reason for refusal however they are not applicable to this main issue.

Conclusion

17. The proposal would increase the capacity of the site and provide a family sized dwelling in an accessible residential area. There would also be economic benefits during construction and on subsequent occupation through spending in the local area. Given the small scale of the proposal however I afford these benefits limited weight.
18. Weighing against these benefits is the significant adverse effect of the proposal on the character and appearance of the area and the living conditions of neighbouring occupiers. This harm leads to conflict with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR