



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: 28 August 2024

Appeal Ref: APP/G5750/W/23/3335756

103-105 High Street North, East Ham, Newham, London E6 1HZ

- 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 Adil, Lionacre Properties Ltd, against the decision of the Council of the London Borough of Newham.
 - The application Ref is 23/00702/FUL.
 - The development proposed is a two-storey extension to the rear of existing building to create a 1-bedroom apartment, amendments to the existing first floor roof to the rear demolition of chimney, and other associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. With this appeal the appellant provided an amended plan in response to the Council's concerns regarding living conditions and cycle storage. The amended plan indicates areas of internal storage within the properties and the route which future residents could take to access the cycle storage.
3. Rather than making a fundamental change or substantial difference to the appeal proposal the amended plan seeks to clarify matters, thus I shall accept it. Given the small changes no unlawful procedural unfairness to anyone involved in this appeal would arise from such a course of action.

Main Issues

4. The main issues are the effect of the proposal on a) the character and appearance of the area, b) the living conditions of occupiers at 103A and 105A High Street North, with particular regard to light and outlook, and c) whether the proposal encourages a sustainable mode of travel.

Reasons

Character and appearance

5. This appeal concerns the residential accommodation on the upper floors of a building located in the primary shopping frontage of East Ham town centre.
6. The proposed two storey extension would have a large footprint and be of a significant height. As such, it would totally dominate the rear elevation of the host properties and appear as a disproportionate and unsympathetic addition.
7. It would also fill the gap between the existing two storey outriggers of Nos 103A and 105A. These projections are characteristic features to the rear of the

host terrace thus the erosion of the space between them and the introduction of substantial built form would interrupt the distinctive rhythm to the rear of the host terrace therefore disrupting its pleasing uniformity. It would be an incongruous feature which has poor legibility and relationship with the existing built form.

8. The roof design of the proposal and the use of materials to match the host building are not sufficient measures to overcome the harmful massing and positioning of the proposal.
9. I acknowledge that the large retail store to the rear of the appeal site dominates a considerable portion of the street scene along Ron Leighton Way. It does not however prevent all views of the rear of the host terrace, neither do the boundary treatments and trees in the area.
10. Whilst alterations have been carried out to the rear of some properties along the host terrace, these are limited in scale and piecemeal. The characteristic outriggers remain prominent features of the terrace. In the example at 89-93 High Street North, although it may be a significant alteration this is only one example and it does not justify further harmful development to the terrace. Furthermore, I do not know the full circumstances around its approval.
11. Accordingly, the proposal would result in a significant adverse impact on the character and appearance of the area and thus fails to accord with Policy D3 of The London Plan: The Spatial Development Strategy for Greater London (March 2021) (the London Plan) and policies S1, SP1, SP3 and SP8 of the Newham Local Plan 2018 (the NLP). Together, whilst varying slightly in their wording, these policies aim for high quality developments that are sympathetic to their local context.
12. The proposal would also fail to accord with the guidance at paragraph 135 of the National Planning Policy Framework (the Framework) which aims for developments that add to the quality of the area, are visually attractive as a result of good architecture and layout and are sympathetic to local character.
13. Policies D1, D4 and D8 of the London Plan are referred to in the Councils first reason for refusal however they are not of direct relevance to this main issue.

Living conditions

14. The proposal would result in a reconfiguration of the windows serving bedroom 1 in Nos 103A and 105A. Bedroom 1 within No 103A would be served by a set of patio doors to the external terrace and a new rooflight. This would provide occupiers with a good outlook and level of light.
15. A newly formed window opening would be introduced to bedroom 1 within No 105A which, along with the existing door to the external terrace and a new rooflight, would also provide a good outlook and ensure sufficient light reaches the room. There is no conclusive evidence to indicate otherwise.
16. The proposal would also result in the blocking up of existing windows serving bedrooms 3 in Nos 103A and 105A. These rooms would each subsequently be served by a newly formed window and a rooflight. Whilst the proposed extension would have a substantial depth and height, an overbearing sense of enclosure would not result to the newly formed windows as an open aspect over the outriggers below would remain to one side. There is also nothing to

suggest that the new windows and rooflights would not provide good levels of light to the rooms.

17. The Council's concerns regarding internal storage space have been addressed as a result of the amended plan provided with this appeal and as referred to above.
18. Accordingly, the proposal would not result in harm to the living conditions of occupiers of Nos 103A and 105A and thus it accords with policies GG4, D3 and D6 of the London Plan and policies SP1, SP3 and SP8 of the NLP. Collectively, these policies seek to ensure developments provide a high standard of amenity for occupiers.
19. Policies D1 and D4 of the London Plan and Policy SP2 of the NLP are not of relevance to this main issue.

Sustainable travel

20. The rear service yard on the ground floor of the appeal site is shared with the ground floor commercial premises at No 103. It is in this part of the site where 6 cycle spaces are proposed.
21. The amended plan provided with this appeal indicates that occupiers of each flat could access the service yard from the separate rear terraces and a shared route. Accordingly, the proposal would ensure access to cycle storage could be achieved. This encourages an active choice of travel and the use of a sustainable mode of transport, as collectively sought in policies D3 and T5 of the London Plan and policies S1, SP2, SP8 and INF2 of the NLP.
22. Policy D4 of the London Plan and Policy S6 of the NLP, as referred to within the third reason for refusal, are not directly related to this main issue.

Planning Balance

23. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the development plan, with the associated conflict reflecting that the proposal would harm the character and appearance of the area. The proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
24. Paragraph 11 d) of the Framework requires that, due to the Council not being able to demonstrate a five year supply of deliverable housing sites, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. The proposal would contribute to the objective in the Framework of significantly boosting the supply of homes and could likely be delivered quickly due to its small size. The site is in an accessible area and the proposal would increase the use of the site. Economic and social benefits would also arise during construction and on subsequent occupation. However, even in the context of the Council's housing supply issues, the benefits are limited due to the small scale of the development.
26. The proposal would provide cycle parking for existing flats where currently there is none, would see the removal of air conditioning units and alter the

internal and external arrangement of flats. It is purported that these matters would amount to benefits to the living conditions of existing occupiers and improve the appearance of the site. However, I am not convinced that these alterations could only be achieved through the appeal proposal thus they do not weigh in favour of it.

27. Weighing against the benefits is the harm the proposal would create to the character and appearance of the area. Given the aims of the Framework in relation to this matter as I have set out above, I afford this harm significant weight. Therefore, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

28. The proposal conflicts with the development plan as a whole and material considerations do not indicate that a decision should be made other than in accordance with it. For the reasons given above, the appeal should be dismissed.

H Ellison
INSPECTOR