

Appeal Decision

Site visit made on 3 July 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/G5750/W/23/3329716

Rear of 1 - 3 Glasgow Road, Plaistow, London E13 9HW

- 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 H Virk against the decision of the Council of the London Borough of Newham.
 - The application Ref is 23/01000/FUL.
 - The development proposed is new two bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. The Council and the appellant have had an opportunity to comment on the revised Framework through the appeal process. I have had regard to the revised Framework in my decision.

Main Issues

3. The main issues are:

- The effect of the proposal on the character and appearance of the area;
- Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to internal space provision; and
- The effect of the proposal on the living conditions of the occupiers of 1 Glasgow Road and 39 North Street, with particular regard to outlook and natural light.

Reasons

Character and appearance

4. The appeal site comprises a narrow strip of land to the rear of an existing terrace of properties along Glasgow Road. The site adjoins the public highway to the west and is bounded by neighbouring gardens on all other sides. The surrounding area is predominantly residential in nature, though there is a large industrial building to the north-east.

5. Dwellings in the surrounding area are somewhat varied in their form, age and appearance. Glasgow Road and neighbouring streets to the east of the appeal site are characterised by traditional two storey terraced houses. To the north of the appeal site is a more contemporary residential estate, with two storey semi-detached and terraced dwellings set out in a staggered layout along North Street. The proposed dwelling would sit between the two, occupying an area that currently provides separation between buildings.
6. The proposed dwelling would have a frontage onto North Street. Despite its position set back from the footpath and its comparatively modest height, the front facing gable of the proposal would be prominent due to its size and the arrangement of neighbouring buildings. This would sit at odds with the roof forms of other dwellings along North Street, which typically slope away from the road. The unconventional curvature of the dwelling and its oblique orientation would also not reflect the arrangement of neighbouring dwellings.
7. Approaching from the south along North Street, due to the curvature of the road the proposal would emerge from behind No 1 as an elongated, two-storey high blank wall. It would sit close to neighbouring buildings and enclose this area, eroding the existing separation and creating a sense of clutter.
8. Due to the factors above, the proposal would be an obtrusive and incongruous addition that would detract from the prevailing character and appearance of the area. While final details of finishing materials can be subject to a planning condition, the use of materials matching the adjacent properties would not be sufficient to overcome the issues identified above.
9. The proposal would therefore have a harmful effect on the character and appearance of the area. In this regard, it would be contrary to Policies D3, D4, D6 and D8 of the London Plan March 2021 (the London Plan) and Policies S6, SP1 and SP3 of the Newham Local Plan 2018 (the Local Plan). These policies, among other provisions, seek to ensure developments are of a high quality, meet the design requirements of the London Plan, enhance local context and distinctive features of the borough and contribute to a vibrant public realm.
10. The proposal would also conflict with Paragraph 135 of the Framework in this regard. This paragraph seeks to ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character, while not preventing or discouraging appropriate innovation or change, and maintain a strong sense of place, including through the arrangement of streets, spaces, building types and materials.
11. I have not identified any direct conflict with Policy D1 of the London Plan or Policies SP2 or SP8 of the Local Plan in respect of this matter. These policies, among other provisions, set out requirements for boroughs to undertake area assessments, including when preparing their development plans, and seek to ensure development proposals address health and well-being needs and achieve good neighbourliness.

Living conditions for future occupiers

12. Policy D6 of the London Plan stipulates that the minimum floor to ceiling height must be 2.5 metres for at least 75 per cent of the gross internal area

of each new dwelling. The plans before me indicate that the proposal would have a ceiling height of up to 2.4 metres at ground and first floor level, dropping down to 2 metres in parts of the first floor. It is not clear from the plans whether parts of the first floor may have a vaulted ceiling. Nevertheless, this would not address the inadequate ceiling height at ground floor. The proposal would therefore fail to meet the requirements of this policy.

13. The London Plan indicates that a minimum height of 2.5 metres is required, among other reasons, to address the impacts of the urban heat island effect in London, and ensure new housing is of adequate quality, especially in terms of daylight penetration, ventilation and cooling, and sense of space. This would therefore be detrimental to the living conditions of future occupiers.
14. The proposal would fail to provide adequate living conditions for future occupiers, with particular regard to internal space provision. In this regard, it would be contrary to Policies GG4, D3, D4 and D6 of the London Plan and Policies S1, SP1, SP2, SP3 and H1 of the Local Plan. These policies, among other provisions, seek to ensure developments meet the design requirements of the London Plan, are of a high-quality, with adequately sized rooms, provide good quality homes, deliver appropriate amenity and achieve indoor environments that are comfortable. The proposal would also conflict with paragraph 135 of the Framework, which seeks to ensure that developments create places with a high standard of amenity for future users.
15. I have not identified any direct conflict with Policy D1 of the London Plan or Policy SP8 of the Local Plan in respect of this matter.

Living conditions of neighbours

16. The rear elevation of 39 North Street faces onto the side boundary of the appeal site. To the rear, this neighbouring property has no windows at first floor however features a glazed door and windows facing the appeal site at ground floor. The proximity and size of the proposed dwelling to these openings would be an overbearing addition and would significantly curtail outlook from the ground floor of this property. Moreover, the expansive blank brick elevation running along the shared boundary would significantly enclose the existing garden area of No 39.
17. 1 Glasgow Road faces onto the opposite side elevation of the proposal. The outlook from this property would also be significantly harmed, given the size and proximity of the proposal, and its extent along the shared boundary. The overbearing nature of the large blank side elevation would be particularly deleterious to the outlook from the ground floor windows closest to the appeal site, and this neighbouring property's rear garden space.
18. The appellants have provided a Daylight and Sunlight Report¹ in support of the proposal. This concludes that the proposal would have a low impact on the light receivable by its neighbouring properties. However, this demonstrates that the closest ground floor windows to the appeal site within No 39 would be worst affected, and a large proportion of this neighbouring property's immediate rear garden space would be negatively impacted.

¹ Right of Light Consulting – Daylight and Sunlight Report (Neighbouring Properties) - 27 February 2023

19. Overall, I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupiers of 1 Glasgow Road and 39 North Street, with particular regard to outlook and natural light. It would therefore be contrary to Policies D3 and D6 of the London Plan, and Policies S6, SP1, SP2, SP3 and SP8 of the Local Plan. These policies, among other provisions, seek to ensure development is high quality, delivers appropriate outlook, amenity and sufficient daylight to surrounding housing, minimises overshadowing and overbearing impact, and achieves good neighbourliness. The proposal would also conflict with paragraph 135 of the Framework, which seeks to ensure that developments create places with a high standard of amenity for existing and future users.
20. In respect of this matter, I have not identified any direct conflict with Policy D1 of the London Plan.

Other Matters

21. The appeal site lies within the Zone of Influence of the Epping Forest Special Area of Conservation (SAC) which is afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended ('the Habitats Regulations'). The appeal proposal would result in a net increase of one dwelling. However, Regulation 63(1) of the Habitat Regulations indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As I am dismissing the appeal for the reasons detailed above, I do not need to consider this matter further as it could not lead me to a different conclusion.

Conclusion

22. The proposed development conflicts with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR