
Appeal Decision

Site visit made on 22 October 2024

by K Lancaster BA (Hons) MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal Ref: APP/G5750/W/23/3334821

2B Creighton Avenue, East Ham, Newham, London E6 3DS

- 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 H Mozzi against the decision of the Council of the London Borough of Newham.
 - The application Ref is 23/01144/FUL.
 - The development proposed is a mansard roof to form new two-bedroom flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues of the appeal of the appeal are:
 - The effect of the proposal on the character and appearance of the host property and the surrounding area; and
 - Whether the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to internal space standards and the provision of private amenity space.

Reasons

Character and Appearance

3. The appeal site comprises a three storey, end terrace Victorian style building, located on the corner of Barking Road and Creighton Avenue. The existing building comprises a nail salon use to the ground floor, with a number of self-contained flats within the upper floors of the building. The character of the surrounding area is mixed, with Barking Road having a busier, commercial feel and Creighton Avenue, much more domestic in character. Barking Road is designated as a Key Movement Corridor and Linear Gateway.
4. The proposed development would involve the construction of a mansard roof extension to create an additional two-bedroom flat. There would be three windows each to the front and the side and two windows to the rear of the extension.
5. Although the area is varied in terms of its architectural style, the appeal site retains its traditional character and appearance, including its roof profile. The addition of a mansard roof addition would not reflect the character of the host property and whilst it would use materials similar to those used in the existing building, it would nevertheless appear as an incongruous addition to the host

property, particularly in terms of its bulk and scale. The proposal would significantly increase the bulk and massing of the building, particularly when viewed from Creighton Avenue. Thus, it would fail to appear subservient to the host building. Furthermore, it would be viewed as a prominent addition to the host building, which by virtue of its corner position and proximity to Barking Road, a key movement corridor, would result in harm to the character and appearance of the area.

6. The appeal site also serves as a transition building between the larger, more commercial scale of development typically found on Barking Road and the more modest, two-storey terraced dwellings found on Creighton Avenue. The addition of a further storey, albeit as a result of a mansard extension would disrupt this transition to the detriment of the character and appearance of the area.
7. For the above reasons, I find that the proposed development would cause unacceptable harm to the character and appearance of the host property and surrounding area. It would thus be contrary to Policies D1, D3, D4 and D8 of The London Plan 2021 and Policies S1, S6, SP1, SP2, SP3, SP7 and SP8 of the London Borough of Newham Local Plan, adopted December 2018 (NLP). These policies require amongst other things, high standards of design that have regard to local character and distinctiveness and the function of buildings.
8. It would also be contrary to Paragraph 135 of the National Planning Policy Framework (the Framework) which requires that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Living Conditions – Future Occupiers

9. The proposed development would involve the creation of a two-bedroom flat, with a Gross Internal Area (GIA) of approximately 62 square metres. It is not disputed that this exceeds the minimum amount of GIA required by the Nationally Described Space Standards, the London Plan 2021 and the NLP. However, the proposed flat does not make provision for the minimum required amount of built-in storage as none would be provided. The minimum standard required is 2m².
10. Whilst I accept that the overall floorspace is sufficient, I have not been provided with any substantive evidence to demonstrate that the lack of storage can be overcome. It therefore fails to comply with the minimum required standards.
11. Policy D6 of the London Plan 2021 also requires that a minimum of 5m² of private amenity space is provided for each 1- or 2-person dwelling, with an additional 1m² provided for each additional occupant, meaning that the minimum required amount in this case is 6m². However, the submitted plans indicate that no private outdoor amenity space would be provided.

12. Therefore, as the internal floorspace only just exceeds the minimum standards, on balance, I find that it has not been demonstrated that the lack of built in storage or private amenity space could be overcome through the provision of a greater amount of internal floor space.
13. Consequently, it would fail to provide satisfactory living conditions for future occupiers, with particular regard to internal space standards and the provision of private amenity space. It would thus be contrary to Policies S1, S6, SP1, SP2, SP3, SP8 and H1 of the NLP and Policies D4 and D6 of the London Plan 2021. These policies require amongst other things, that all new housing should meet the minimum space standards and to provide comfortable and functional layouts.

Other Matters

14. The appeal site is within the 6.2km Zone of Influence of the Epping Forest Special Area of Conservation (SAC). The SAC is protected under the Conservation of Habitats and Species Regulations 2017. Therefore, had I concluded that the development would be acceptable in terms of the main issues set out above, it would have been necessary to investigate the effect of the proposal on the integrity of the SAC as part of Habitats Regulation Assessment and Appropriate Assessment. However, given the harm identified above and that I am dismissing the appeal for other reasons, I have not considered this matter further.

Planning Balance and Conclusion

15. The proposed development would create an additional residential dwelling within a sustainable location with good access to services and public transport links. However, the benefits from one additional unit would be of a modest scale, and although the site has good access to services and public transport links, the adverse impacts on the character and appearance of the area and living conditions of future occupiers would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
16. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

K Lancaster

INSPECTOR