



Appeal Decision

Site visit made on 10 September 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 JANUARY 2025

Appeal Ref: APP/G5750/W/24/3343520

169 Haldane Road, East Ham, Newham, London E6 3JW

- 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 Kempster against the decision of the Council of the London Borough of Newham.
 - The application Ref is 23/00397/FUL.
 - The development proposed is the demolition of home office and shed, erection of a single, two-storey family home, with associated home office, refuse storage, cycle storage, boundaries, and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area;
 - the effect of the proposal on the living conditions of the neighbouring occupiers at nos 166, 168, 170 and 172 Henniker Gardens and nos 167, 169, 171 and 173 Haldane Road with regards to outlook, noise and disturbance; and
 - the effect of the proposal on biodiversity.

Reasons

Character and appearance

3. No 169 Haldane Road is a two-storey terraced dwelling with a large L-shaped rear garden. A two-storey infill structure occupies the side space between the appeal dwelling and the neighbouring property at No 167. It is used as an ancillary workshop for the current occupiers. The northwestern corner of the rear garden is occupied by a shed and is used for the storage of building material.
4. The surrounding area is typified by Victorian terraced housing with rear gardens of broadly the same size. Many properties in the area feature small single storey outbuildings in their gardens. The size and irregular shape of the appeal property's garden is unusual in the surrounding context. However, the garden contributes to a sense of spaciousness to the rear of the properties on Haldane Road and Henniker Gardens.

5. The appellant states that the site consists of three parcels of land and opines that the size of the plot is an anomaly in the urban grain and should be considered as surplus land ideal for windfall development. However, Policy SP8 of the Newham Local Plan 2018 (NLP) seeks to resist the loss of garden land. In my view, the proposed subdivision of the site would still leave an appropriately sized garden for the existing host dwelling of a comparable scale and shape to neighbouring properties. The subdivision of the site and the erection, in principle, of a suitably sized dwelling within the rear garden would not unacceptably erode the settlement pattern.
6. Notwithstanding the above, the proposed detached dwelling would have a considerable footprint. Although narrow in width, the depth of the proposed dwelling would be significant with the northern elevation extending across a large proportion of the northern edge of the site. The appellant states that the development would be appropriately scaled, would be a full storey lower than surrounding homes and would be 1.8m lower than the previously refused scheme (application ref 10/01328/FUL). However, it would still be read as a two-storey building that would be taller and larger than other outbuildings in neighbouring gardens.
7. Given its considerable footprint, depth, height, and overall mass, the proposed dwelling would appear excessively bulky. Due to its undue scale, the development would be prominent and constitute a disproportionate and incongruous addition to the site. It would harmfully reduce the sense the spaciousness afforded by No 169's large garden and which characterises the setting to the rear of the properties on Haldane Road and Henniker Gardens.
8. I appreciate that the character of areas can evolve over time and that innovative and contemporary designs can successfully harmonise with their surrounding contexts. The appellant opines that the proposed design is distinctive and would respect the character of the area. In this regard, the design would attempt to reference the area's history and would loosely be informed and incorporate architectural features, forms, colours and materials from its surrounding context. This includes smooth coloured masonry, mock Tudor references, thatch roofing, 'draped' lintels, striped turrets and façades.
9. I find that the detailed design of the dwelling would lack cohesiveness. The various elements of the design would fail to sufficiently harmonise with each other. This would result in an odd and disjointed appearance. The striped façades, draped lintels and thatched roof would jar with the immediate surrounding context which is mostly characterised by London stock brick, some white rendering, pebble dash, and conventional fenestration and roofing. Although the design is innovative and aims to add visual interest, the resultant dwelling would appear as a clumsy assemblage of unusual materials and forms in this setting.
10. The proposed site entrance on Haldane Road would be simple and functional in appearance. The plans do not show any boundary treatments or soft landscaping however I am satisfied that these aspects could be resolved with conditions. Notwithstanding this, the layout of the undercroft would be inadequate given its narrow width. This would restrict access and movement within it.
11. The proposal would therefore have a harmful effect on the character and appearance of the surrounding area. It would conflict with Policies H3, SP1 and

SP3 of the NLP as well as Policies D1 and D4 of the London Plan 2021 insofar as they seek to ensure proposals for development, including small windfall sites, are well designed and respect local character. It would also conflict with Policies S6, SP8 and INF6 of the NLP insofar as they seek to protect open space and green infrastructure, including garden land, from development. Policy SP2 and D11 are not directly relevant to the proposal as they relate to the promotion of healthy lifestyles and resilience to flooding, fire and crime.

Living conditions

12. The appellant states that the existing sheds at the end of the neighbouring gardens would create a buffer and reduce the impact of the proposed development. However, given the height and overall scale of the proposed dwelling, it would still be visible above the sheds and appear as a dominant structure from the rear windows and gardens of the neighbouring properties on Henniker Gardens and Haldane Road.
13. I note that the proposal is lower than the previous scheme, would be set back from the boundaries and would comply with the 25-degree rule. It is nevertheless considered that it would be seen as an imposing and prominent building that would reduce openness. Whilst there would be no overlooking, it would appear excessively large and overbearing to surrounding occupiers.
14. Furthermore, the jumbled design of the dwelling would stand out in this location, further accentuating its incongruity. Its appearance would therefore significantly harm the outlook of the neighbouring occupiers.
15. The Council is concerned the proposed development would introduce new sources of noise and disturbance. However, there is little evidence before me to suggest that the dwelling would generate unacceptable levels of noise and disturbance. I am not convinced that the sound of domestic activity and coming and goings to the house would be overly noticeable or unreasonably disturb neighbouring occupants.
16. Given the above, the proposal would harm the living conditions of the neighbouring occupiers at nos 166, 168, 170 and 172 Henniker Gardens and nos 167, 169, 171 and 173 Haldane Road with regards to outlook. It would conflict with Policies S1, S6, SP1, SP2, SP3 and SP8 of the NLP and Policies D1, D3, and D6 of the London Plan 2021 insofar as they seek to ensure development is sensitive to surrounding context, with appropriate layouts, and protects the amenity of neighbouring occupiers.

Biodiversity

17. The proposal would lead to a loss of garden space. On my site visit, I observed that the area at the end of the garden did not feature any trees or vegetation except a few climbing plants along the fences. It appeared to be mostly used for the storage of building materials.
18. The appellant states that the proposal would increase biodiversity with green roofs, landscaping and the erection of bird boxes. I am satisfied that this issue could be resolved through the imposition of conditions relating to landscaping.
19. Given this, the proposal would not have a harmful effect on biodiversity. It would not conflict with Policies SC4, SP8, and INF6 of the NLP and Policies G1 and G6

of the London Plan 2021 insofar as they seek to protect and enhance biodiversity and green space.

Other Matters

20. My attention has been drawn to other developments in the borough of Newham. I have not been provided with much evidence regarding these cases to accurately determine how relevant they are to the proposal. The 'Forest Houses' scheme consists of four two-storey homes. They are not comparable to the proposal as they are built on a brownfield site, are of a different shape, and have utilised different materials to the proposed house. No 1A Eastbourne Road appears to be smaller in scale than the proposed dwelling and is finished with different materials. As such, very limited weight has been afforded to these references.
21. The appellant also refers to various extensions and garage conversions in the vicinity of the site. As they do not comprise new detached dwellings, they are not comparable to the proposal and attract minimal weight.
22. The proposal would provide a new accessible custom-built three-bed dwelling on a small windfall site in a sustainable location. It would also utilise modern materials, employ energy efficiency measures, and would meet national space standards. These are positive aspects of the scheme that weigh in favour of the appeal. Moderate weight is attached to these considerations.
23. The appellant states that the Council did not engage in a proactive and positive manner during the application stage. This matter has not had a bearing on the outcome of this appeal.

Planning Balance and Conclusion

24. I have carefully considered the benefits of the proposal, however, taken collectively they would not be sufficient to significantly and demonstrably outweigh the adverse impacts on the character and appearance of the area and neighbouring living conditions.
25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
26. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR