
Appeal Decision

Site visit made on 1 July 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal Ref: APP/G5750/W/25/3360003

131 Elizabeth Road, East Ham, Newham, London E6 1BW

- 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 J Scott against the decision of the Council of the London Borough of Newham.
 - The application Ref is 23/02738/FUL.
 - The development proposed is creation of a 2 bed 3 people self-contained house with private amenities bin storage cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant refers to the appeal site as 131 Elizabeth Road (No 131) which the Council states is not a recognised address point. Notwithstanding this point, I shall refer to the site as No 131 for ease of reference.
3. The Council also refers to the preparation of a new Local Plan, which is understood to have been subject to consultation between July and September 2024. I have not been supplied with a copy of the emerging Local Plan. However, the Council's reasons for refusal do not identify any conflict with the emerging Local Plan and I note it remains at a very early stage of preparation. I have therefore based my decision on the current adopted Development Plan.
4. During my site visit I observed that internal works were being undertaken to the building which included the installation of a bathroom. The internal layout did not reflect that shown on either the existing or proposed floor plans submitted, and no details of these alterations have been supplied to me in evidence. Nevertheless, for the avoidance of doubt, I have considered this appeal on the basis of the submitted plans.
5. Given the matters in dispute relating to the accuracy of the width of the building shown on the plans, both parties were asked to attend my site visit to agree key measurements. These shall be referred to in my decision where relevant.

Main Issues

6. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupants with particular regard to internal space, daylight and outlook; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

7. The appeal site lies on the corner of Elizabeth Road and Katherine Road and relates to a single storey range attached to the side of 129 Elizabeth Road (No 129) and part of its rear garden, including a single storey outbuilding. No 129 is a two-storey end of terrace dwelling in a predominately residential area characterised mainly by two-storey terraced properties of a similar style and appearance. The single storey range to which this appeal relates is understood to have formerly been used as a garage associated with No 129 but now has a glazed entrance door in its front elevation.

Living conditions

Internal Space

8. The appeal scheme proposes the construction of a two-storey, 2-bedroomed, 3-person dwelling to replace No 131 and the demolition of the rear outbuilding. The dwelling would have a matching roofscape to No 129 with a mono-pitched two-storey outrigger and a single-storey flat roofed range to the rear. Internally the dwelling would comprise a living area, store, bathroom and kitchen/dining area at ground floor and one double and one single bedroom at first floor. No 131 occupies the full width of the appeal site between the side of No 129 and the back edge of the adjacent pavement, thus the appeal scheme does not propose to extend the building beyond its existing external width.
9. Policy D6 of The London Plan (2021) (the LP) requires, amongst other things, that housing developments provide adequately sized rooms with comfortable and functional layouts that are fit for purpose and at least the gross internal floor area set out in Table 3.1. This table stipulates that the minimum Gross Internal Area (GIA) for a 2-bedroomed, 3-person dwelling should be 70 square metres (sqm). Policy D6 also requires a dwelling with two bedspaces to have at least one double bedroom that is at least 2.75m wide. Policy H1 of the Newham Local Plan (2018) (the NLP) states that all new homes should meet the internal space standards of the London Plan as a minimum.
10. The proposed dwelling would be narrow, and the GIA would be constrained. The annotations on the proposed floor plans indicate the total GIA of the dwelling would be 81.7sqm. The plans do not contain detailed measurements of the proposed room sizes and there is no information as to how the floor areas have been calculated. Therefore, I can only reasonably assume that the GIA has been calculated based on the proposed floor plans. However, the Council states the submitted plans are inaccurate and the proposed floor plans show the external width of the site to be approximately 3.3m (2.8m wide internally), 0.6m wider than external measurements taken during the Council's initial site visit. Taking account of the likely thicknesses of the walls following construction to modern standards and the accurate site width, the Council also contends that the double bedroom would be less than 2.5m wide.
11. The appellant has not disputed the Council's comments relating to the accuracy of the plans, the measurements they have scaled from them or those they have taken on site. Instead, they state that they are willing to provide "revised, accurately scaled drawings" and propose the use of a 29mm thick insulation product to achieve minimum internal room dimensions, albeit no revised plans have been submitted with this appeal.
12. During my site visit, both parties agreed that the external width of the front elevation is 2.7m and the rear is 3.01m. This is approximately 0.6m and 0.29m narrower

respectively than the measurements the Council states are shown on the proposed plans. Three internal width measurements were also recorded at broadly the front (2.43m), middle (2.47m) and rear (2.32m) of the building. These measurements are approximately 0.33m to 0.48m narrower than those the Council states are shown on the plans.

13. Given the discrepancy between the scaled width measurement the Council has taken from the plans, which are undisputed by the appellant, and the actual measurements confirmed on site I am not confident that the stated GIA and annotated room areas are accurate. The Council estimates the GIA is highly likely to be less than 70sqm based on the accurate site width and taking account of the thickness of any cavity walls. The appellant has not disputed this estimation. Instead, they state that any concerns relating to space standards and wall thicknesses could be overcome by using a specific insulation product that is 29mm thick to allow for internal dimensions greater than 2.5m.
14. However, I have not been provided with any detailed specification or section showing this insulation product and what the final wall thickness would be, accounting for, for example, the cavity wall, insulation and plaster board. I therefore cannot be certain how thick the walls would be. Given the recorded external and internal widths that have been agreed between the parties, which are not inconsequential, the fact that there is no scope to extend beyond the existing building envelope and based on the evidence before me, I am not confident that the minimum internal double bedroom width of 2.75m would be achieved. This casts further doubt over whether the GIA and room areas stated on the plans, or the minimum areas as stipulated in the abovementioned policies, would be achieved either.
15. Therefore, for the above reasons, I consider it is likely that the internal layout would fall below the minimum GIA standards and double bedroom width as required by Policies D6 of the LP and H1 of the NLP, which is a strong indicator that it would result in unsatisfactory living conditions. Moreover, the dwelling would be narrow and whilst furniture and appliances have been annotated on the plans, the constrained layout would provide limited space to manoeuvre, and this would be reduced further when amended to reflect the actual site measurements.
16. The Council also raises concerns about the effect of the constrained floor space on the accessibility for all potential future occupiers. The appellant's evidence refers to the provision of a lift to comply with lifetime homes design standards and Part M of the building regulations, however, this is not reflected on the proposed plans. I therefore share the Council's concerns that the dwelling would not be able to be entered, used or exited safely, easily and with dignity for all, as required by Policy D5 of the LP.

Daylight and Outlook

17. Policy D6 of the LP also sets out that housing developments should normally avoid the provision of single aspect dwellings and provide sufficient daylight and sunlight. Single aspect dwellings should only be provided where it is considered a more appropriate design solution and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating. In this case, the dwelling would be narrow, north-west facing and nearly all rooms would be single aspect.
18. Whilst openings are shown on two external walls of the living area, one is a front door with side and fan lights and the others are high level narrow windows which would

provide limited outlook, particularly when seated. Whilst the front door and surrounding openings could be glazed to provide a source of outlook from the room, if these were obscurely or only partly glazed for privacy reasons, then outlook would be very limited. Whilst there is no technical evidence before me relating to natural light levels, given the limited openings serving the room and its orientation, it is likely to receive insufficient daylight and would be gloomy and oppressive inside. These effects would continue into the corridor linking to the kitchen/dining room that would not have any windows and would rely on light from openings sited some distance away.

19. The kitchen/dining room would be deep, narrow room, broadly south-east facing and served by a rear door with a full-height window and three roof lights. Together, these openings, coupled with the orientation of the room, would likely provide for adequate levels of daylight and sunlight. However, the rooflights would not provide any outlook and the room would be single aspect. Given the depth of the room and the size of the window opening to the rear, outlook would be limited and together with the constrained width, this would make for an oppressive living environment. Both bedrooms would also be single aspect, narrow rooms and the single bedroom would be north-west facing which would limit the amount of light into the room too.
20. There is no evidence before me to set out why a single aspect dwelling is the best design solution for this location or that the development would receive adequate daylight. Therefore, an assessment of whether the development would result in a satisfactory living environment is a matter of judgement. In this case, for the above reasons, I find that the dwelling would receive insufficient daylight and would be gloomy inside. These effects, coupled with the limited floor space and constrained width of the dwelling, would make the property unacceptably claustrophobic and fail to provide future occupiers with satisfactory living conditions.
21. The property would rely on the ground floor bathroom which would not be served by any windows and would rely on mechanical ventilation. Whilst the Housing Supplementary Planning Guidance (2016) (Housing SPG) advocates for natural ventilation and it would be preferable for this room to be served by a window, as a non-habitable room this would not result in such an unacceptable effect in isolation to be determinative.
22. Nevertheless, for the above reasons, I find that the development would fail to provide acceptable living conditions for future occupants with particular regard to internal space, daylight and outlook. Consequently, the proposal is contrary to Policies D5, D6, D7 and GG4 of the LP and policies SP1, SP2, SP3 and H1 of the NLP. Together, and amongst other things, these policies seek to ensure that housing is of a high-quality design, provides adequately sized internal spaces, appropriate living conditions for future occupiers and housing that is inclusive and accessible for all people.
23. Whilst the Council's decision notice refers to Policies D1 and D4 of the LP and Policy S6 of the NLP, these policies are not determinative in my consideration of this main issue given they do not relate to living conditions or ensuring good quality design. Whilst Policy D4 of the LP refers to delivering good design, this relates to the processes, actions and techniques to be adopted during the design evolution of the scheme and thus is not directly applicable to this matter.

Character and appearance

24. No 129 is a period style end of terrace property that has a contrasting height and style to the remainder of the adjoining terraced row. Whilst many properties within the surrounding terraces have been altered over time, the adjoining terrace to No 129 maintains a regular and cohesive appearance with consistent architectural features such as small, rounded bay windows, decorative arched door surrounds, semi-circular fanlights and ornate window dressings. In contrast, No 129 has larger, rectangular front bay windows and a rectangular front door surround with more ornate decorative window dressings. This dwelling also has an adjoining single-storey range referred to as No 131. Properties in the terraced row are set back behind small front gardens that are generally enclosed by low brick walls of varying styles and finishes. The appeal site frontage is partially enclosed by a low wall that appears to have been partly removed.
25. As set out above, the appeal scheme proposes the construction of a two-storey dwelling on the end of the terrace in place of the existing single storey range. The dwelling would have a matching roofscape to No 129 with a mono-pitched two-storey outrigger and a single-storey flat roofed range to the rear. The frontage of the dwelling would be narrow, and the plans do not show any decorative window dressings on the front elevation. However, the front door would have a semi-circular fanlight and brick detail surround. The front garden would be enclosed by a 1m high timber fence with a pedestrian access gate. Precise details of the fence style have not been provided.
26. The architectural detailing would not exactly match that seen on the remainder of the terrace. However, the first-floor windows would broadly line through with the first-floor windows on No 129 and the semi-circular door surround and fanlight draws reference from the details on the remainder of the terrace. As such, the façade of the dwelling would not be completely out of character with surrounding development. Moreover, given No 129 already has contrasting detailing to that seen on the adjoining terrace, the fact that the dwelling would not replicate the remainder of the terrace would not appear unusual or incongruous in this context. I therefore find that the development would generally accord with the character of the area and appearance of the wider street scene and would enhance the current appearance of the site, which aligns with the aims of chapter 12 of the National Planning Policy Framework where it supports well-designed places.
27. The Officer Report sets out that the new front boundary delineation would improve the present condition of the site frontage. However, the Council considers the use of an un-slatted timber fence would be at odds with the brick boundaries of adjacent dwellings and lacks the softness that slatted fencing could provide. I agree that the use of a fence along this prominent corner boundary would contrast with the style of other front boundary treatments along this terraced row.
28. Whilst other examples of high timber fencing can be seen on the opposite side of Katherine Road, this surrounds a development of a distinctly different character to the terrace row that adjoins the appeal site where the introduction of a low timber fence, be it slatted or otherwise, would be alien and out of character for this terrace. This would result in a stark and harsh feature on a prominent corner location resulting in harm to the character and appearance of the area. However, in the event that I was to allow this appeal, a suitably worded condition could be attached to require precise details of an appropriate boundary wall along the site frontage which would address this harm.

29. Therefore, for the above reasons, I find the development would not harm the character and appearance of the surrounding area. As such, it would comply with Policies D4 and GG4 of the LP and Policies SP1, SP3 and S6 of the NLP, which together, amongst other things, seek high-quality design that reinforces local distinctiveness, secures integration and coherence with the local context and character and upgrades the design and environment of key corridors in the Borough to create successful places.
30. Whilst the Council's decision notice refers to Policy D1 of the LP and H1 of the NLP, these policies are not determinative in my consideration of this main issue. This is because Policy D1 provides a policy framework for how to assess an area's characteristics and use this information to establish its capacity for growth and Policy H1 sets out how the Borough intends on increasing overall housing supply.

Other Matters

31. The site falls within the Zone of Influence of the Epping Forest Special Area of Conservation (SAC), which is a European site as defined by The Conservation of Habitats and Species Regulations 2017 (as amended). However, as I am dismissing the appeal for other reasons, it is not necessary for me to consider whether there would be a Likely Significant Effect on the integrity of the European Site or undertake an appropriate assessment.
32. The Appellant's evidence refers to permissions granted in the area¹ which they consider to be comparable to the appeal scheme by increasing the housing density on a site. However, I have not been provided with any details of these schemes and so cannot be certain that the circumstances are the same or comparable to the appeal before me. In any case I have considered the appeal proposal on its own planning merits.

Planning Balance and Conclusion

33. I have found that the proposal would not have an adverse effect on the character and appearance of the surrounding area and would enhance the current appearance of the site. However, the minor benefit from improving the site's current appearance would not outweigh the significant harm, and subsequent policy conflict, that I have found with regards to the living conditions of future occupiers in respect of internal space, daylight and outlook, to which I attach significant weight.
34. Set against this, the development would make an effective use of land by providing one dwelling within an established residential area, close to public transport, services and facilities. The development would therefore make a small but beneficial contribution to the choice of homes in the area and the supply of housing land; as well as providing social and economic benefits during construction and after occupation. Additional landscaping would also provide minor biodiversity benefits.
35. Reference has been made to the use of high-quality materials, sustainable construction techniques and drainage systems, the installation of renewable energy technologies and compliance with Building Regulations in respect of accessibility. However, there is little in the evidence to suggest the development would go beyond the requirements of the development plan or the Building Regulations that apply to all

¹ LPA Refs. 19/00754/FUL and 17/03007/FUL

new dwellings in this regard or to demonstrate how the development would meet BREEAM 'excellent' targets. Accordingly, these factors attract limited weight.

36. Overall, given the scale of the development, the benefits associated with the delivery of one dwelling would be modest, even taking account of the objective of significantly boosting the supply of housing in the Framework, and would not outweigh the harm I have identified.
37. Therefore, for the reasons given above, 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 the development plan. Accordingly, I conclude the appeal should be dismissed.

H Whitfield

INSPECTOR