



Appeal Decision

Site visit made on 21 May 2025

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal Ref: APP/G5750/W/24/3355993

432-436 High Street North, Manor Park, London, E12 6RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ataur Rahman against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/00282/OUT.
 - The development proposed is outline planning permission (with some matters reserved - access and landscaping) for demolition of the existing structures and redevelopment of site by the erection of a part three, part four storey building to provide three commercial units (Use Class E) and nine residential units (Use Class C3) with associated works including disabled parking, delivery bay, cycle parking, refuse storage and landscaping at 432 - 436 High Street North E12 6RH.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application that is the subject of this appeal was submitted in outline format, with appearance, layout and scale to be considered in detail at this stage. Access and landscaping are reserved matters for detailed consideration at a later stage. Where the appeal plans reference the reserved matters, I have considered the relevant details to only be illustrative.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the vitality and viability of Newham's town and local centres;
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposed development would provide appropriate living conditions for future occupiers, with particular regard to internal space, daylight, sunlight and outlook;
 - The effect of the proposed development on the living conditions of the occupiers of surrounding properties, with particular regard to sunlight, privacy and outlook;
 - The effect of the proposed development on sustainable travel;
 - The appropriateness of the proposed development's waste strategy; and

- The effect of the proposed development on the supply of affordable housing.

Reasons

Effect on Newham's centres

4. Development plan documents for the borough include the *Newham Local Plan 2018* and *The London Plan (2021)*. These set the spatial development strategy for the borough, addressing local and London-wide priorities, which include locating land uses in locations where they can best support their users and contribute to the ongoing health of communities. Local Plan Policies S1, J1, SP6 and INF5 identify preferred locations for non-residential uses in a hierarchy of town and local centres. Three shops and a vehicle repair and servicing garage currently operate from the site, and all would be removed to enable the site's redevelopment. The Council considers that the loss of the existing non-residential uses on the site does not conflict with policy and I see no reason to disagree.
5. Local Plan policy J2 identifies the site as a Micro Business Opportunity Area (MBOA). MBOAs are defined as areas considered to have potential to provide for incubator and micro business space. The plans indicate that three ground-floor, street-fronting commercial spaces of between 40 and 85 square metres would be accommodated within the new building.
6. The application form for the proposed development indicates that the proposed spaces would be used for Class E(a) (display/sale of goods other than hot food) and Class E(b) (sale of food and drink for consumption mostly on the premises) uses and that a larger space would also be provided for a Class B8 (storage or distribution) business. The Local Plan defines retail development as a town centre use, and as such, the new uses proposed are subject to the requirement of Local Plan Policies J1 and INF5 in directing such uses to designated town and local centres. As such, the proposed siting would outside a designated centre would conflict with these policies. In addition, the proposed retail and storage/warehouse uses do not benefit from the exception allowing small employment business to be located in MBOAs, as set out in Local Plan Policy J2.
7. I acknowledge that there are discrepancies between the application form and the plans in their identification of the amount of proposed floorspace, as well as uncertainty as to where the Class B8 space would be provided within the development, as the plans do not identify such an area. I have also taken into consideration the appellant's view that the proposed non-residential uses would contribute to the land-use optimisation of the site and have social benefits in providing shops in a location that would be convenient to the local population.
8. However, on this main issue I conclude that the proposed development would have a harmful effect on the vitality and viability of Newham's town and local centres. It would conflict with Local Plan Policies S1, SP6, SP7, J1, and INF5, and London Plan Policies SD6, SD7 and E9, which together seek to maintain the health of town and local centres, including robust retail provision.

Character and appearance

9. The appeal site is on the corner of two streets. High Street North is well-used road which at the time of my visit accommodated moderately heavy traffic and significant pedestrian and cycle movements. There is much variation in the form,

age and appearance of buildings fronting the street, with tall buildings currently being constructed a short distance to the north of the appeal site. All of these contribute to a lively character. However, there is an altogether different character on Stanley Road, defined by the regular arrangement of two-storey terraces, less frequent street activity and quieter, more residential conditions. The existing part one-, part two-storey building on the site generally reflects the built form of the immediately neighbouring buildings on both road frontages.

10. The proposed part three-, part-four storey building would have a would be taller than the neighbouring buildings. There would be a narrow gap between the proposed and existing buildings on the Stanley Road frontage and although the overall heights of the buildings on this frontage would be similar, with the building's façade to reflect the more traditional form of the existing buildings, the difference in building massing would be jarring. There would be a similar disconnect on the High Street North frontage, where the flank elevation would be visible. These transitions would be obtrusive and incongruous and fail to provide the 'human scale' advocated by the appellant.
11. The building would have a predominantly brick façade and although there would be variation in how it would be applied to the building, the use of a single type of brick would result in a monotonous appearance. Although the materials may be of a high quality and the brickwork would be broken up with glazing, balconies and bays, I agree with the Council that the building would lack the materiality of the wider context.
12. The building would align with the property boundaries on both street frontages, offering limited opportunities for improvement of the public realm, although this is in line with the existing and neighbouring buildings' setbacks. A garden space is proposed, but its small size would provide minimal benefits.
13. Although there are some existing buildings in the area that incorporate similar features, these are generally of poor design quality and new buildings should seek to achieve high design standards, in line with the expectations of local, London and national policies. The proposal does not achieve these high standards and would therefore be harmful to the character and appearance of the area. It would conflict with Local Plan Policies S6, SP1, SP3, SP3 and SP8, and London Plan Policies D1, D3, D4 and D8. Together, these policies seek to deliver good design that is appropriate to the context of the surrounding area, amongst other considerations.

Living conditions for future occupiers

14. The *Housing Design Standards London Plan Guidance (2023)* (the LPG) is design guidance intended to interpret the policies set out within the London Plan. Standard C2.3 requires a minimum ceiling height of 2.5 metres to be provided for at least 75% of the gross internal area of each dwelling. The proposed development provides a height of 2.4m throughout the living accommodation.
15. The appellant's Daylight and Sunlight Report considers the proposal's effects on adjoining properties but does not provide an assessment of the quality of the proposed living accommodation. Some of the proposed flats have their combined living/kitchen/dining areas (and balconies) facing the rear of the site or being served by smaller windows, and without an assessment of light ingress I cannot be certain that these flats would have satisfactory levels of daylight and sunlight.

16. The Council also considers that outlook from within the flats could be improved if the internal layout were to be reorientated, but I do not consider that the current layout would result in conditions that would be overly detrimental to the outlook of future occupiers. I also acknowledge that each of the dwellings would be provided with appropriate outdoor space and dual-aspect orientation. Nonetheless, the concerns that I have set out above would harm the living conditions of future occupiers, and this harm outweighs the fact that the proposal complies with the LPG's other expectations.
17. I therefore conclude that although the proposed development would provide an appropriate outlook, it would not provide appropriate living conditions for future occupiers, with particular regard to internal space, daylight and sunlight. It would conflict with Local Plan Policies S1, SP1, SP2, SP3, SP8, H1 and London Plan Policy D6, which together seek good design and acceptable living conditions, amongst other considerations.

Living conditions for occupiers of surrounding properties

18. Properties adjoining the appeal site are 438 High Street North and 2 Stanley Road. The appellant's daylight and sunlight assessment concludes that loss of daylight and sunlight to windows within these properties, resulting from the new development, would be within best practice guidelines (as set out within BRE guidance).¹ However, the report also notes that no neighbouring properties' amenity areas would suffer from a loss of sunlight. The Council disagrees with this conclusion.
19. The new building would be significantly taller than the existing buildings on the appeal site. Although the highest element of the proposal would be set away from the shared boundary of No. 438, the appellant's modelling indicates that the back garden of the adjoining property is in shadow at midday on 21 March. This would also be the case with the new building, although the increased height suggests that overshadowing would continue through much of the day within the majority and if not all of the rear garden. Notwithstanding the conclusion of the appellant's report, I share the Council's concerns on overshadowing and for the above reasons consider that there would be a loss of sunlight that would be harmful to the living conditions of the occupiers of No. 438.
20. The proposal would result in new overlooking of rear gardens of both adjoining properties. In particular, the occupiers of the proposed flats 3, 6 and 9 would have clear views into the gardens of No. 438 and No. 2. Looking towards the appeal site from these gardens, the height, form and appearance of the new building would cause it to appear overbearing and enclosing in these views, and result in a partial sense of enclosure.
21. I therefore conclude that the proposed development would have a harmful effect on the living conditions of the occupiers of surrounding properties, with particular regard to sunlight, privacy and outlook, and would conflict with Local Plan Policies S6, SP1, SP2, SP3, SP8, H1 and London Plan Policies D1, D2, D3, D6. Together, these seek to minimise overlooking and loss of privacy, overshadowing and overbearing impact, amongst other considerations.

¹ Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment (2022)

Sustainable travel

22. Although the scheme is described by the appellant as being car free, the plans indicate the proposed provision of a disabled parking bay, and a loading bay. No additional information is provided regarding the intended use or allocation of the disabled bay. London Plan Policy T6 states that car-free development should be the starting point for all development in areas well-connected by public transport but does allow the provision of appropriate disabled persons parking where ten or more residential units would be provided. None are required in this instance. Although the use of the proposed bay could be limited using a planning condition, the absence of an intended allocation within the appeal documents does not provide me with certainty that its provision is necessary, in light of the absence of a requirement to provide one and the adoption of car-free provision as the starting point for development.
23. Stanley Road is within a controlled parking zone (CPZ). Although the Council considers the necessity of a restriction on future occupiers of the development to apply for parking permits, I have no information regarding the level of parking stress within the CPZ. Nonetheless, such a provision would support the car-free aspiration of London Plan Policy T6, as set out above.
24. This appeal plans that cycle storage would be provided on the public highway. There is minimal information provided regarding specifications or security, and I am not satisfied that such provision would be attractive to future users, especially given that there is an opportunity to deliver integrated parking facilities within new-build development, and that no justification for non-provision has been given.
25. Apart from the proposed on-street loading bay, no information on servicing or delivery arrangements has been provided. Accordingly, I have minimal information to convince me that the proposed development would not cause congestion or not harm highway safety.
26. Taking all of the above into account, I am not satisfied that the proposed development sufficiently provides opportunities to improve health and reduce private car use, or promote increased use of other transport modes, in accordance with London Plan Policy T2. The provision of very good access to public transport does not mitigate the detrimental impacts that I have identified. Accordingly, I conclude that the proposed development would have a harmful effect on sustainable travel and would conflict with Local Plan Policies SP8 and INF2, and London Plan Policies T2, T6, T6.1, T7, which together set out objectives for the use of road space, healthy neighbourhoods, and a reduction in private car use, amongst other considerations.

Waste

27. The Council's concerns relate to the potential mixing of commercial and residential waste streams and the bins' proposed location. Local Plan Policy INF3 includes a requirement for development to ensure that on-site handling and storage can meet the needs of the development and collection arrangements, without amenity impacts for occupiers or neighbours.
28. The appellant has provided a waste management strategy that sets out the provision and storage of bins for waste and recycling, together with other suggestions for waste management during both the construction and occupation

phases. For the latter, the building would have a single storage area at ground floor serving both residential and non-residential uses, and bin capacity would exceed that set out in the Council's waste management guidelines.

29. No provision has been made for the separation of residential and non-residential waste. This could result in misuse of the proposed facility, for example in respect of disposing household waste, and mixing of domestic and commercial waste collections. Although the appellant's waste management strategy notes that there would be a site manager to arrange proper bin storage, there is a lack of clarity at this stage as to how this would operate.
30. I acknowledge planning conditions could resolve some of these concerns, but the lack of segregated bin storage for the different uses is a fundamental design issue and I am not satisfied that this could be addressed with conditions. As such, the development would be harmful to both the Council's objectives for sustainable storage and removal of waste from the site and would affect the living and working conditions of the building's future occupiers. I conclude that the proposed development's waste strategy is inappropriate and would conflict with Local Plan Policies SP2, SP8 and INF3, and London Plan Policies D3, D6 and SI 7. Together, these include measures to encourage the prioritisation of waste reduction and recycling, to meet the needs of development without amenity impacts for its users.

Affordable housing

31. Where development is proposed on sites with the capacity to accommodate ten or more dwellings, Local Plan Policy H2 requires the provision of affordable housing. The proposal would deliver nine new dwellings and as such, no affordable housing is proposed.
32. Each of the proposed flats exceed the minimum internal space standards for new dwellings set by London Plan Policy D6. However, two of the proposed flats would significantly exceed the standards, by just under 20 square metres in each instance. This consideration, in addition to the incorporation of long internal corridors within the proposed design and the inclusion of what it terms "ill-justified" commercial units, has led the Council to express a concern that the development does not fully optimise the potential of the site, as required by London Plan Policy D3. If the Council's concerns were addressed, the development would potentially accommodate at least ten dwellings, thereby passing the threshold for the inclusion of affordable housing.
33. The design of the residential accommodation, including the two aforementioned oversized flats, is indeed generous. Moreover, the design provides for a large basement, with a significant floor area, for which no clear use is proposed. These considerations, in addition to the inclusion of the commercial units at ground floor level, contribute to my view that the appeal scheme does not appropriately harness the site's development potential, and would fail to make the best use of the land. I am unconvinced that the scheme fully uses a design-led approach that optimises site capacity, and therefore fails to consider the potential provision of affordable housing and its benefits.
34. I therefore conclude that the proposed development would not have a positive effect on the supply of affordable housing, and would conflict with Local Plan Policies S1 and H2, and London Plan Policies D3 and H4. As well as the design-

led approach referred to above, and other considerations, these policies require development to deliver an appropriate amount of affordable housing.

Other Matters

35. The appeal evidence does not make it clear whether the the appeal site is within the zone of influence of the Epping Forest Special Area of Conservation (SAC). *The Conservation of Habitats and Species Regulations 2017* (as amended) (the Habitats Regulations) requires the decision maker to undertake an Appropriate Assessment where there are likely significant effects caused by proposals, either alone or in combination with other plans or projects. The Council's Habitats Regulations Assessment concluded that the scheme would not have an adverse impact on the integrity of the SAC, and that no specific mitigation would be required. Notwithstanding, given that I am dismissing the appeal for other reasons, there is no need for me to carry out any further assessment.
36. The appellant has brought other matters to my attention which have not been referred to above, including the proposed housing mix incorporating a high proportion of family housing, and that the closure of the existing garage on the site would improve living conditions for surrounding occupiers. While these would provide some benefits, they would be outweighed by the harm that I have identified above; nor would they mitigate the harm.

Conclusion

37. The harm from the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal, such that the proposal does not represent sustainable development. As well as the policy conflicts that I have identified, the proposal does not comply with the development plan as a whole, and there are no material considerations to indicate that I should determine the appeal otherwise than in accordance with the plan.
38. For these reasons, the appeal is dismissed.

G Rollings

INSPECTOR