



Appeal Decision

Site visit made on 4 March 2026

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2026

Appeal Ref: APP/G5750/W/25/3377089

39 Wellington Road, East Ham, Newham, London E6 2RQ

- 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 Ms T Omar against the decision of the Council of the London Borough of Newham.
 - The application Ref is 25/00693/FUL.
 - The development proposed is Change of use from commercial with two storey and loft extension to form 2no. Flats
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the heading above, I have used the description of the proposal as given on the application form. The description on the decision notice described the proposed roof extension and two storey rear extension in more detail. The plans also include details of a small single storey extension proposed at the front, which is not mentioned in either description, but the Council treated it as part of the proposal and so have I.
3. The Council is preparing a new Local Plan. It has been submitted for examination in public and is at a relatively advanced stage, with proposed main modifications to the emerging policies having been published. At my request, the Council has identified the emerging draft policies which are relevant to this appeal and the appellant has been given the opportunity to comment on them. However, neither party's case relies on any specific draft policies. The most relevant emerging policies continue to emphasise that a design-led approach should be taken to development and optimising the use of land, which are also key aspects of the relevant adopted policies, including those in the London Plan. Therefore, while I have noted the contents of the emerging Local Plan, it does not materially change the issues relevant to this appeal. In my conclusions below I have referred primarily to the adopted development plan policies cited in the reasons for refusal.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the host building and the surrounding area,
 - its effect on living conditions for occupiers of no. 41 Wellington Road,

- whether suitable living conditions would be provided for occupiers of the proposed flats, and
- whether adequate provision would be made for cycle parking and waste.

Reasons

5. The appeal concerns an end terrace property, with a history of commercial use. It is currently derelict. The site is enclosed by walls and hoardings, sealing it off from the street. The first floor and roof of the original two storey building have been demolished, and the end wall of the adjacent terraced house is exposed. Therefore, in its current condition, there is little indication of the original appearance of the host building. However, there are vestiges of a front wall projecting forward of the adjacent terrace, consistent with the alignment indicated on some of the plans.

Character and appearance

6. The site is in a mixed urban area which includes terraced housing, modern flats and some large community and institutional buildings. Wellington Road largely comprises terraced housing with brick elevations, largely uninterrupted pitched roofs and bay windows at the ground floor. However, there have been some alterations, interrupting the otherwise consistent materials and detailing.
7. The ambulance station further along Wellington Road is of an entirely different scale and appearance, as are the buildings on the opposite side of Nelson Street, which include a block of modern flats and another sizable modern building near the appeal site. Therefore, the appeal site stands at the interface between contrasting street scenes. The host building would also have differed from its neighbours when it was intact, taking into account its commercial use and projecting front elevation. Nevertheless, the building is physically attached to the terrace and relates closely to that part of the street scene, having a similarly modest footprint and massing.
8. Since the site is at a crossroads, it is clearly visible along all four of the intersecting streets. Along Nelson Street, the rear extension would introduce a very substantial flank wall abutting the pavement, which would lack window openings or other detailing to break up the blank expanse of brickwork. It would be a full three storeys high, dominating the street corner and overwhelming the otherwise modest proportions of the terrace. The proposed double dormer would be a bulky and dominant addition at roof level, and clearly visible from the street. Since it would extend across both the rear roof slope of the host building and that of the proposed extension, there would be almost no visible sloping roof at the rear. That would contrast sharply with the largely uninterrupted pitched roof of the adjacent terrace.
9. The rear extension and dormer in combination would effectively form a three-storey, flat roofed addition to the modest two-storey terrace. There would be no sense of subservience to the host building, and the rear additions would not adequately respect the proportions of the existing building or its neighbours.
10. There is an existing rear extension at 55 Market Street, which also appears to have been subdivided, with a large flank wall abutting the pavement. However, unlike the appeal proposal, that elevation includes multiple window openings, alleviating the expanse of brickwork. It is also only two storeys high, aligning with

the eaves line of the pitched roof. There are no rear dormers, so the roofscape remains intact. Therefore, that existing extension is both smaller and more successfully detailed than the proposed development in this case.

11. The small projection proposed at the front is not consistently shown on the drawings and its relationship with the adjacent dwelling is not clearly illustrated. There are other modest front additions along the street with a variety of detailing, and, as previously noted, the host building did not align with terrace when it was in commercial use. Taking those factors into account, it may be that a small front projection could be accommodated within the Wellington Road frontage without harm. However, the plans before me do not adequately demonstrate that this particular design would be successful in that regard.
12. For the reasons given, the proposed development would have an unacceptably harmful effect on the character and appearance of the host building and the surrounding area. It would conflict with relevant requirements in Policies D1, D3, D4 and D8 of the London Plan 2021 (LP) which set out a design-led approach to development, with an expectation that designs will have due regard to an area's character and distinctiveness, as well as contributing to a vibrant public realm. It would also conflict with relevant requirements in Policies S6, SP1, SP2, SP3 and SP8 of the Newham Local Plan 2018 (NLP), which collectively require high quality urban design, including development which is well integrated with the street scene and contributes to conservation and enhancement of the residential environment.

Living conditions – neighbouring occupiers

13. The adjoining dwelling at 41 Wellington Road has a substantial single storey extension at the rear, so there is limited intervisibility between the two properties at ground level. However, the proposed extensions would introduce significantly greater building mass, rising vertically to roof level, in close proximity to the neighbouring first floor window. That would dominate and enclose the outlook from that window, detracting from the currently fairly open outlook over the adjoining gardens and mostly single storey rear extensions.
14. Since the extensions would be to the north, they would not obstruct direct sunlight to no. 41. The small side-facing windows would serve bathrooms and could be obscure glazed to maintain privacy. Nevertheless, the proposed extension would be a prominent and overbearing presence in the outlook from no. 41 to a degree which would be harmful to living conditions for the occupiers.
15. I therefore conclude that the proposal would have a harmful effect on living conditions for the occupiers of no. 41 Wellington Road. That would conflict with the design-led approach to development articulated in Policies D1, D3 and D6 of the LP, notably the requirement in Policy D3 that new development should be designed to deliver appropriate outlook and amenity. It would also be inconsistent with relevant requirements in Policies S6, SP1, SP2, SP3, SP8 and H1 of the NLP, which collectively include a focus on enhancing housing quality and good neighbourliness through design, with Policy SP8 requiring that development having an overbearing impact should be minimised.
16. Policy D14 of the London Plan is also mentioned in the third reason for refusal and relates to noise. However, the Council's Officer Report concluded that there would not be an unacceptable noise impact on neighbouring occupiers, taking into

account the previous commercial use. Therefore, Policy D14 is not of any clear relevance to the harm alleged in the reasons for refusal.

Living conditions – future occupiers

17. LP Policies GG4, D3 and D6 include a range of measures to ensure that new dwellings are designed to a standard which provides good quality homes. Policy D3 requires that all development should achieve indoor and outdoor environments that are comfortable and inviting to use, while standards for new housing are given in Policy D6. The relevant policies in the NLP have a similar focus on good quality, well designed housing, supporting a drive to improve housing quality.
18. LP Policy D6 incorporates requirements of the nationally described space standard¹ (NDSS) into the development plan. Amongst other things, it imposes a minimum floor to ceiling height of 2.5m across at least 75% of the gross internal area of each dwelling. That is more rigorous than the 2.3m minimum requirement in the NDSS. Nevertheless, it is the standard included in the development plan and Policy D6 states firmly that it 'must' be met.
19. Based on dimensions given on the cross sections², the 2.5m minimum standard would be met on the ground floor and was met within the now demolished first floor. However, the first floor of the extended building would have a floor to ceiling height under 2.4m. The equivalent height in the roof extension is not dimensioned, but the scale drawing demonstrates that it would be even lower. Therefore, this aspect of the space standard would not be met throughout the three-bedroom flat. The affected areas would not be limited to non-primary floorspace and two of the largest rooms would be in the dormer, where the ceiling height would be particularly low.
20. Most of the nearby dwellings do not appear to include habitable accommodation within the roofspace, so the fact that the limited ceiling height reflects the original roof profile of the terrace is of little relevance. In the very few cases where loft conversions are evident, there is no substantive evidence that they fail to meet the space standard across the dwelling as a whole.
21. The NDSS and Table 3.1 of Policy D6 also proscribe minimum internal floorspace standards for new dwellings. That standard would be met within the ground floor flat. The upper flat would very slightly exceed the minimum space standard for a three-bedroom, four-person dwelling on a single storey, which is often applicable where flats are proposed. However, since the flat would be across two storeys, a higher standard is imposed, to allow for the additional circulation space required. The Council's officer report quotes a minimum standard of 80sqm, although Table 3.1 gives the requirement as 84sqm. Either way, the proposed floorspace in the three-bedroom flat would fall short of the required minimum area.
22. The flat would have a straightforward and reasonably usable three-bedroom layout, with adequate daylighting in all rooms, according to the evidence before me. Nevertheless, the shortfalls in both floor to ceiling height and floorspace would make for an unacceptably cramped internal environment, which would not provide adequate living conditions for future occupiers.

¹ DCLG Technical Housing Standards – Nationally Described Space Standard, March 2015

² Drawing no JND/1454/15

23. Policy D6 also includes standards for private amenity space to serve new dwellings. In the NLP, Policy SP8 does not include similar standards, but it does require that development should where possible enhance green infrastructure including private amenity space.
24. Although the appellant maintains that external amenity standards would be met, the plans imply that there would be no outdoor amenity space for the upper flat. Cycle storage is indicated at the rear, which may be accessible to both flats. Other than that, there is no indication that occupiers of the upstairs flat would have any access to the rear garden, since the only external door would be from the kitchen/dining room in the ground floor flat.
25. The upper flat would be the larger unit, with potential for family accommodation. While all types of residential occupier are likely to appreciate and value the availability of private outdoor space, larger households which may include children are particularly likely to be in need of such space. Even if an alternative, subdivided garden layout could be secured by condition, there is only limited space at the rear, and the plans do not adequately confirm whether the standards in Policy D6 could be met for both flats.
26. Taking all the above issues together, I conclude that suitable living conditions would not be provided for occupiers of the three-bedroom flat in particular. The proposal would consequently fall well short of the quality housing which the development plan aims to secure through new development. It would conflict with relevant requirements in Policies GG4, D3 and D6 of the LP and Policies S1, SP1, SP2, SP3, SP8 and H1 of the NLP, which collectively require a design-led approach to securing good quality housing development, including provision of private amenity space.

Cycle parking and waste

27. Based on the minimum cycle parking standards referred to in Policy T5 of the LP (Table 10.2), storage would be required for at least three cycles, in a form which is fit for purpose, secure and well located. Policy INF2 of the NLP also refers to those standards, among a range of requirements to encourage and facilitate cycling as a sustainable mode of transport.
28. The plans indicate that a secure cycle shed for two cycles would be provided in the rear garden. There appears to be sufficient space to increase that to three spaces. If so, that would meet the needs of both flats, provided access was available from the pavement. Those alternative details could be secured by means of an appropriate planning condition.
29. The plans do not detail the arrangements for storage and handling of waste and recycling. In the rest of the terrace, wheeled bins are stored in the small front yards, with direct access to the street. However, the extended building would occupy almost all of that space, so it could not realistically be used for storage of bins, particularly as two separate units are proposed.
30. The rear garden appears large enough to include bin storage for both flats. That would be somewhat inconvenient for the occupiers, particularly those in the three-bedroom flat which would be accessed at the front. Nevertheless, adequate space could be made available, with access from Nelson Street, and details of the arrangements for each flat could be secured by condition.

31. Use of the rear garden for both cycle parking and waste/recycling storage would significantly reduce the useful area of amenity space. It would also have an effect on the quality of that area, by introducing comings and goings by occupiers of both units, together with several stored bins. These factors reinforce the harm already identified in relation to the availability of private amenity space to provide suitable living conditions for future occupiers.
32. Nevertheless, I conclude that adequate provision could be made available for cycle parking and waste, subject to planning conditions to secure the detailed arrangements and layout. On that basis, there would be no conflict with relevant requirements in Policies D3, D6, SI7, T1 and T5 of the LP or Policies S6, SP2, SP3, SP8, INF2 and INF3 of the NLP. In different ways, these policies require that development incorporates facilities to support travel by sustainable modes, including cycling, as well as waste management facilities in a convenient and neighbourly form. Policy SI8 of the LP is also referred to on the decision notice, but that policy refers primarily to the handling of waste at a strategic level so is of less relevance to this small-scale residential development.

Other Considerations

33. The proposal would clearly make more effective use of this derelict site. The Framework is supportive of housing being delivered on previously developed sites, including small sites where delivery can often be secured quickly. Optimising the use of land is likewise a key strategic focus within the adopted and emerging development plans and the proposed development would bring forward two additional dwellings on a site which currently has no beneficial use. Occupiers of those dwellings would benefit from access to a wide range of services and facilities in East Ham, many of which are within easy walking distance.
34. Since the existing building is derelict, there is opportunity to raise standards of energy and water efficiency through its redevelopment. However, there is no clear evidence that the development would go beyond the current requirements of the Building Regulations in that respect. Ecological enhancements are proposed, despite the claimed exemption from statutory biodiversity net gain. Nevertheless, any ecological benefit would be extremely limited, given the small scale of the site. These environmental benefits therefore carry very little weight.
35. There is scope for the appearance of the site to be enhanced through redevelopment, given its currently derelict state. Appropriate external materials could be secured by condition. Planting in the rear garden could also be of some aesthetic value, although that would be very limited, if the area is also used for cycle and waste storage. However, these positive aspects of the proposal would be outweighed by the harm arising from the particular design approach proposed, which would have an enduring, negative impact on the character and appearance of the area, for the reasons given.
36. Although the Design and Access Statement refers to a potential self-build opportunity, the application is for market housing and no mechanism is proposed to secure its delivery as a self-build scheme. I have therefore given no positive weight to the delivery of housing for people wishing to build their own homes, since there is no certainty that would be achieved.
37. The Framework emphasises in paragraph 131 that good design is a key aspect of sustainable development, creating better places to live. Paragraph 135 goes on to

require that development is visually attractive as a result of good architecture and sympathetic to local character, including the surrounding built environment. It also requires that development provides a high standard of amenity for existing and future users. While the Framework also strongly promotes the effective use of land and providing housing on underutilised land in sustainable locations, that is not at the expense of these aspects of good quality design. The relevant development plan policies also require a high quality of design, alongside optimising the use of land, so they are consistent with the Framework in that respect. I have, accordingly, given significant weight to the identified harm.

38. The evidence before me does not identify any shortfall in the supply or delivery of housing. In any case, the harm which would arise from the development carries significant weight. The benefits are inherently modest given the small scale of the site. While there would be a small numerical contribution to the supply of housing, on under-utilised land, the quality of that housing would be poor, reducing the positive weight which should be attached to it even further.
39. Having had regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places, I conclude that the harm arising from the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Even if there is a relevant shortfall in housing supply or delivery, the proposal would not benefit from the presumption in favour of sustainable development as articulated in paragraph 11d of the Framework.

Other Matters

40. The appeal site is within a relevant Zone of Influence for the Epping Forest Special Area of Conservation (SAC). The Officer Report confirms that mitigation of likely significant effects on the SAC would be required by means of a financial contribution, which had been secured by direct payment at the time of the Council's decision. Had I been minded to grant planning permission, an appropriate assessment would have been required of the implications of the development for the SAC in view of its conservation objectives. Since I am dismissing the appeal for other reasons, there is no need for me to consider this matter further.
41. While the appeal was in progress, the Council provided heads of terms for a planning obligation relating to car-free development, but there is no such planning obligation before me. Provision for parking was also among a range of issues raised by interested parties. However, there is no need for me to consider any of those issues further, since it would not change the outcome of the appeal.

Conclusion

42. 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. Therefore, the appeal should be dismissed.

Jane Smith

INSPECTOR