
Appeal Decision

Site visit made on 12 April 2016

by Paul Freer BA (Hons) LLM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 July 2016

Appeal Ref: APP/G5750/C/16/3144412

5 Woodside Road, Plaistow, London E13 8RX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Doris Mensah against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 15 January 2016.
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of a front porch.
 - The requirements of the notice are:
 1. Demolish the front porch (as shown edged in yellow on the photograph attached at Appendix 1 of the notice) and return the front elevation of the property to its form prior to the unauthorised works being undertaken.
 2. On completion of step 1 above, remove all materials and debris from the site.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Summary Decision: The appeal is dismissed and the Enforcement Notice is upheld.

The appeal on ground (a) and the deemed planning application

1. The ground of appeal is that, in respect of the breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. There is one substantive reason for issuing the notice, from which I consider that the main issues raised are the effect of the front porch on the character and appearance of the host property and the visual amenity of the street scene.
 2. The appeal property is a two-storey terraced house on the north side of Woodside Road. Whilst there is now an element of variety in terms of the design and detailing of the individual houses, the original form of the houses in Woodside Road typically included a recessed entrance with common detailing above and a bay window to one side. Although there are isolated examples of full-height bay windows, the original bay windows were mostly at ground floor only and of similar design, with chamfered sides and a tri-faceted roof over.
 3. Moreover, Woodside Road retains and exhibits a general pattern in which the front elevations of adjoining houses are typically handed in relation to their neighbour. This creates a pattern to the street scene in which the recessed front entrances of the two houses are adjoining, with the bay windows to the outside of the paired entrances. This pattern is largely repeated along the
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street, with the result that the terrace typically comprises symmetrical pairs of houses. The rhythm created by this repeated pattern gives Woodside Road a cohesive and distinctive character.

4. The front porch that has been constructed at No 5 Woodside Road projects significantly in advance of the original front entrance, with an angled element returning to join with the bay window. The mono-pitch roof over the porch area extends across the full width of the front elevation and overhangs the bay window. The porch is constructed using white uPVC, whereas the tiles used in the external finish of the mono-pitched roof are a bright orange/red colour, albeit I recognise this could fade over time.
5. By reason of its size and the materials used in its construction, the front porch is a bulky and intrusive structure that dominates the front elevation of the host property. Moreover, by reason of its design, the front porch completely obscures the original front entrance of the building, including the original detailing over. The pitched roof truncates the top of the bay window, resulting in the loss of the original tri-faceted form of the roof above the bay window. Both the entrance and the bay window make an important contribution to the character and appearance of the properties in this terrace and it follows that the loss, alteration and obscuration of these features caused by the front porch is harmful to the character and appearance of the host property.
6. For these same reasons, the front porch is unduly prominent and is visually intrusive within the street scene. Moreover, the loss, alteration and obscuration of the original features caused by the front porch also destroys the symmetry of the host property with its immediate neighbour. As a result, the front porch disrupts the harmony and architectural coherence of the streetscape, such that the distinctive rhythm created by the repeated pattern of symmetrical pairs of houses within the terrace is interrupted. Given that it is this repeated pattern that in large part gives Woodside Road its distinctive and cohesive character, the front porch significantly harms the visual amenity of the street scene.
7. The appellant contends that the front porch accords with measurements set out in Council guidelines, although the appellant has not directed me to the specific guidelines with which the porch is said to comply. I have, however, been provided by the Council with an extract from its Supplementary Planning Guidance Notes No 15: Altering and Extending Your Home, which includes guidance on front porches. In this guidance, there are diagrams that illustrate the type of porches that the Council is likely to consider acceptable, as well as diagrams indicating designs that are unlikely to be acceptable. Although not identical in every respect, the front porch at No 5 Woodside Road has many similarities with the latter diagram in terms of the enclosure of the original entrance and the juxtaposition with the bay window. On that basis, and contrary the appellant's assertion, I consider that the front porch at No 5 Woodside Road does not comply with the Council's guidelines.
8. I acknowledge, as the appellant points out, that there are examples in Woodside Road and other roads nearby of front porches similar to that subject to this notice. The appellant has not provided any details of the planning history of these front porches. It may therefore be the case that there are particular circumstances in relation to those cases that led to planning permission being granted of which I am not aware and which do not apply to

the appeal development. I am therefore unable to determine whether the examples referred to by the appellant are directly comparable with the front porch on the appeal property. Moreover, in the context of the street scene of Woodside Road, the presence of front porches has not to date reached the point they are so numerous as to disrupt or negate the regular pattern that I have described above or the distinctive character that results from that.

9. I conclude that the front porch unacceptably harms the character and appearance of the host property and the visual amenity of the street scene. I therefore conclude that the extension is contrary to Policies 7.1, 7.4 and 7.6 of The London Plan, Policies S6, SP1, SP3 and HP1 of the Newham Core Strategy, Policy SP8 of the emerging Proposed Submission Draft Detailed Sites and Policies DPD and Policy H17 of the London Borough of Newham Unitary Development Plan. These policies require, amongst other things, all development to provide a high level of design quality and allow existing buildings to make a positive contribution to the character of the area. The front porch also fails to accord with the Council's Supplementary Planning Guidance 'Altering and Extending your home' which indicates that porches should be kept in proportion to the size of the house, use materials to match the existing house and take care to avoid bulky and intrusive structures that are not in sympathy with bay windows.
10. I therefore conclude that planning permission should not be granted for this front porch. Accordingly, the appeal on ground (a) fails.

The appeal on ground (f)

11. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. When an appeal is made on ground (f), it is essential to understand the purpose of the notice. Section 173(4) of the Town and Country Planning Act 1990 sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are, in summary, (a) the remedying of the breach of planning control by discontinuing any use of the land or by restoring the land to its condition before the breach took place or (b) remedying any injury to amenity which has been caused by the breach. In this case, the requirements of the notice are to demolish the front porch and return the front elevation of the property to its form prior to the unauthorised works being undertaken. The purpose of the notice must therefore be to remedy the breach of planning control.
12. The appellant contends that lesser steps than those set out in the notice would be possible in terms of modifying the front porch to accord with the Council guidelines. Notwithstanding that the appellant contends under the appeal on ground (a) that the porch already complies with the Council's guidelines, the appellant has not provided any detailed proposals for amending the front porch as part of the appeal documentation. In the absence of such detailed proposals, I am not able to frame any alternative requirements with the necessary precision. In any event, no amendments to the front would achieve the purpose of the notice, which is to remedy the breach of planning control and which can only be achieved by removing the front porch in its entirety.
13. Accordingly, the appeal on ground (f) fails.

The appeal on ground (g)

14. The ground of appeal is that the time given to comply with the requirements is too short. The period for compliance with the requirements stipulated in the enforcement notice is three months.
15. The essence of the appellant's case on this ground of appeal is that the period for compliance stated in the notice would not be sufficient to review the structure of the porch and establish the cost of removing it. A period of 12 months is sought. However, the front porch is a relatively simple structure added to the front of the house and its removal does not appear to have any structural implications for the remainder of the property. The appellant has provided no detailed explanation or justification for a longer period of compliance than that stated in the notice, and I have no evidence to suggest that a longer period of compliance is necessary.
16. Accordingly, the appeal on ground (g) fails.

Conclusion

17. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

18. The appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Paul Freer

INSPECTOR