
Appeal Decision

Site visit made on 6 September 2016

by Nigel Burrows BA MRTPI

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

Decision date: 19 September 2016

Appeal Ref: APP/G5750/D/16/3147654

167 Sherrard Road, Forest Gate, London, E7 8DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr K Patel against the decision of the Council of the London Borough of Newham.
 - The application Ref: 16/00088/HH, dated 13 January 2016, was refused by notice dated 4 April 2016.
 - The development proposed is described as '6m Rear Extension'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the appellant's description of the proposal set out in the bullet points above, the Planning Officer's report describes the proposal as a 'side infill rear extension' and 'a ground floor rear extension'. This appears to be a more accurate description of the proposal and I have therefore considered the appeal on this basis.
3. At the site visit it transpired that a single storey extension had already been constructed. The structure projects approximately 6.2m into the rear garden and has a linear footprint. However, the lawfulness of this structure is unclear. The internal layout of accommodation also appears to be different to the appeal proposal. I have therefore dealt with the appeal on the basis of the proposal shown on the application drawings.

Main Issues

4. Taking into account all that I have seen and read, I consider there are two main issues to be addressed in this appeal. The first is the effect of the proposal on the character and appearance of the property and the area. The second is its effect on the living conditions of neighbours, particularly in terms of their outlook, sunlight and daylight.

Issue 1: Character and Appearance

5. The appeal relates to a two storey end-of-terrace property situated upon the north side of Sherrard Road at its junction with Nigel Road, within a residential area of Forest Gate.
6. The property is within an area characterised by Victorian-style terraced housing. Notwithstanding any differences in the detailed design of the properties, the overriding impression is of a uniform pattern of development. The close-knit relationship of the properties means that the open character afforded by their modestly-sized, narrow rear gardens makes a significant contribution to their setting and to the character of the area.
7. The proposed extensions would convey the impression of large, flat-roofed, block-like structures which would have little affinity with the architectural composition or detailing of the host building. Taking into account their site cover, depth and configuration, they

would result in a disproportionate enlargement of the property at ground floor level. They would also intrude upon the limited open character available to the rear of the property. I conclude they would significantly harm the character and appearance of the property and would diminish the open character of the area to an unacceptable degree.

8. The indications are the rearmost wall of the extension abutting the boundary to 165 Sherrard Road would line up with an adjacent extension erected to the rear of the neighbouring property. However, the adjacent extension has been erected without planning permission and is subject to enforcement proceedings.¹ As such, the presence of the extension at 165 Sherrard Road is not a positive factor in favour of the proposal.
9. As matters stand, I find the proposal conflicts with the relevant development plan policies cited by the Council, including SP1 and SP3 of the Newham Core Strategy (adopted in January 2012), which seek to achieve high quality development and to ensure that proposals reinforce or create local distinctiveness and integrate with their local context.

Issue 2: Living Conditions

10. The extension proposed beyond the original rear wing would directly abut the boundary with 165 Sherrard Road. Discounting the presence of the neighbours' unauthorised rear extension, as I must, there is a clear risk that the overall depth and configuration of the proposed extension would have a dominating and overbearing impact. It would potentially have an oppressive impact on the neighbouring residents, to the extent that it would significantly harm their outlook, thereby diminishing their living conditions.
11. I have borne in mind the neighbours have an aspiration to enlarge 165 Sherrard Road. However, the future relationship between this property and 167 Sherrard Road is uncertain. As matters stand, I must conclude the current proposal conflicts with the relevant development plan policies cited by the Council including SP3 of the Core Strategy and H17 of the UDP², insofar as they seek to minimise the environmental impact of development and ensure that alterations and extensions to dwellings provide a satisfactory level of outlook.
12. The Council argues the proposal would also result in a loss of sunlight and daylight to the occupiers of 165 Sherrard Road. However, the Council has not produced any firm evidence in support of this argument - for example, any sunlight or daylight analysis. On the evidence currently before me, including the configuration of the rearmost extension and the orientation of the properties, I consider the proposal is unlikely to cause any unacceptable loss of sunlight or daylight to the occupiers of 165 Sherrard Road.
13. Whilst the Council argues the proposal would result in a significant loss of private amenity space, the extent of any potential shortfall has not been quantified. In any event, I consider that a more decisive objection to the proposal is the potential impact on the outlook of the neighbours, who are likely to feel hemmed in by the development.

Conclusions

14. The Council's concern to protect the character and appearance of the area and the living conditions of residents is broadly consistent with the Government's objectives for the planning system. Paragraph 14 of the National Planning Policy Framework (March 2012) sets out the presumption in favour of sustainable development. The economic, social and environmental dimensions of sustainable development should be addressed. Paragraph 9 also makes it clear that pursuing sustainable development includes seeking positive improvements in the quality of the environment and improving people's quality of life. The proposal before me conflicts with these objectives.
15. In view of my findings on the main issues, I conclude that the appeal should not succeed. I have taken into account all the other matters raised in the written representations,

¹ I have also been appointed to determine a section 174 and section 78 appeal concerning the adjacent extension

² London Borough of Newham Unitary Development Plan (2001)

including the absence of any objections to the proposal from local residents. However, I find they do not alter or outweigh the main considerations that have led to my decision.

Nigel Burrows

INSPECTOR