
Appeal Decision

Site visit made on 1 November 2016

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 17 November 2016

Appeal Ref: APP/G5750/D/16/3152117

9 Tansy Close, Beckton, London E6 5NS

- 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 Narinder Kumar against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/00239/HH, dated 29 January 2016, was refused by notice dated 19 April 2016.
 - The development proposed is a first floor part rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council confirmed on 1 November 2016 that it had adopted the 'Newham 2027 - Detailed Sites and Policies Development Plan Document' (DPD) on 20 October 2016. Saved Policy H17 of the London Borough of Newham Unitary Development Plan 2001 is, as a result, no longer extant. The Appellant was given the opportunity to comment on this change in circumstances if he wished to but no comments were received.

Main Issue

3. The main issue is the effect that the proposed extension would have on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal dwelling is at one end of a short terrace of two storey houses, which is one of a number of similar terraces in a modern estate. Whilst not all dwellings in the estate are identical, they use strongly defined common themes in terms of their layout, proportions, design detailing and materials. Although the Appellant has referred to other extensions in the area, the estate as a whole retains the consistent principles which underpinned its original design. Due to the gaps which exist between the terraces the area retains a fairly open and spacious character.
 5. The gable wall of the appeal dwelling, which marks the end of the terrace, has a symmetrical design in which a central decorative area is framed by 4 windows and areas of red brickwork. This treatment is repeated in other buildings nearby. Whilst the dwelling has a front ground floor projection this is
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set away from the end gable and does not substantially affect its symmetry. The end gable and one side of the rear garden of the appeal property are next to and face towards a parking and turning area at the head of Tansy Close. Several other dwellings face this area and footpaths run from it to other parts of the estate.

6. The rear extension subject to appeal would form the upper part of a 2 storey rear extension. Whilst it would only extend 2.5 metres outwards at first floor level from the existing rear elevation of the dwelling it would be flush with its end gable wall and extend the area of brickwork to one side. It would substantially disrupt the symmetry of the gable and partially enclose the gap between the appeal dwelling and 10 Tansy Close, and thereby reduce the sense of openness around the head of Tansy Close. It would also appear as an incongruous feature in the area given the degree of consistency which exists between the built form of this terrace and others in the estate. As it would be 2 storeys in height it would have a much greater effect in these respects than the ground floor element covered by the existing planning permission.
7. I note that a similar or slightly larger extension has been built within the same estate at 5 Agnes Close, which can also be seen from a nearby public highway. However, whereas the appeal proposal would form an enlarged gable facing the communal area at the head of Tansy Close, publicly accessible views towards the rear extension at 5 Agnes Close are across rear gardens. The extension at 5 Agnes Close therefore has a less prominent effect on publicly accessible views than that which would arise from the appeal proposal.
8. Whilst I also note that a larger extension was allowed at appeal at 74 Clova Road, it is also not clear that that proposal had a similar end of terrace location to that subject to the current appeal. It is in any event a fundamental principle that each case is treated on its own merits, which I have done in this instance.
9. I agree that in many situations, an extension of the scale and design which is proposed could be acceptable and other local authorities may use guidelines which differ from those in the Council's 'Altering and Extending Your Home' Supplementary Planning Guidance (SPG). However, the SPG only provides guidance in any event and these points do not mean that the appeal proposal would have an impact which is acceptable given the circumstances which I have outlined above.
10. I conclude that, for the reasons set out above, the proposed development would cause material harm to the character and appearance of the host property and the surrounding area. Its approval would therefore conflict with the provisions relating to design quality in Policies SP1, SP3(4), and H1(1) of the Newham Core Strategy 2012¹, Policies 7.1(D), 7.4(B), and 7.6 of the London Plan and the National Planning Policy Framework.
11. Whilst other Policies referred to in the Council's reason for refusal are of less relevance, and all the Policies are open to interpretation, these points do not mitigate the conflict that I have identified with those Policies referred to above. The fact that the proposal has been revised since an earlier proposal also does not mean that it would not cause harm as I have described.

¹ 'Newham 2027 – Newham's Local Plan –Core Strategy' 2012

Other Considerations

12. The proposal would help to create a larger family home and I have no reason to doubt the Appellant's point that the Borough needs such homes. However, the proposal would result in just one fairly modestly sized additional bedroom being added and this benefit, whilst material, does not outweigh the harm that I have identified in relation to my main issue.
13. Whilst I note the Appellant's view that existing dwellings in the estate fall short of the minimum space standards in the London Plan, by making the dwelling capable of accommodating more people the appeal proposal may increase the required standard as well as the available floor space within the dwelling. There is no substantive evidence before me to show that the appeal proposal would bring major benefits in this regard.
14. I agree that, as the proposed extension would be located away from the common boundary with number 8 Tansy Close, it would not cause material harm to the living conditions of the occupiers of that neighbouring dwelling. The fact that the proposal would have a hipped roof would also mean that any loss of daylight that may result for the occupiers of 8 Tansy Close would be less than would be the case if a gabled roof were to be proposed. However, these points also do not outweigh the harm that I have identified earlier.

Conclusion

15. I have found that the proposed extension would cause material harm to the character and appearance of the host property and the surrounding area, and that there are no other considerations which would outweigh this harm. I therefore dismiss the appeal.

Jonathan Clarke

INSPECTOR