
Appeal Decision

Site visit made on 14 November 2016

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 30 November 2016

Appeal Ref: APP/G5750/D/16/3159583

60 Waghorn Road, Upton Park, London E13 9JQ

- 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 Kazi R. Islam against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/01124/HH, dated 13 April 2016, was refused by notice dated 10 June 2016.
 - The development proposed is for a single storey rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. Policy SP8 of the Proposed Submission Draft detailed Sites and Policies Development Plan Document (DPD) formed part of the Council's decision notice. Since the decision date, the Council has adopted the DPD. It is also noted that there is no material difference between the Draft and Adopted version of Policy SP8. Consequently I have determined this appeal on the basis of the adopted policy.

Main Issue

3. The main issue in this appeal is whether the proposal would amount to an unneighbourly form of development with particular regard to the living conditions of the occupiers of No.62 Waghorn Road through loss of natural light.

Reasons

4. The appeal property is situated on a residential street that comprises of two storey terraced properties. The houses have a similar design and regular features including bay windows and decorative plaster surrounds to front doors and the bays. These features together with street trees give the area a pleasant and uniform character.
5. The proposal seeks a single storey extension to the rear that would project a further 4.5m or so from the end of the small single storey extension that currently provides a small kitchen. The Council acknowledges that infill extensions of this type are fairly prevalent in this particular area and are normally considered an acceptable form of development.

6. In this instance, the space between the present extension and the boundary with the neighbouring property to the west would be infilled for a length of some 6m from the rear elevation. A flat roof is proposed. Critically, the neighbouring property to the west also has an infill extension to the rear, which includes high level windows to the kitchen and dining areas that runs along the side boundary. The Council's concern relates to the potential blocking of side windows leading to loss of natural light reaching the rooms facing the appeal site. It is apparent that the extension was constructed without planning permission but some years have elapsed; consequently, this extension is immune from enforcement action.
7. However the Council cannot be prevented from considering the impact of development on the existing neighbouring property irrespective of whether planning permission was sought or not for this particular extension. In this regard, the infilling of the entire tunnel back feature that also results in the building up against the side windows albeit that these are glazed with obscure glass would significantly reduce the amount of sunlight from reaching the rooms to the rear ground floor of No.62 Waghorn Road. This in turn would have an unacceptably harmful effect on the living conditions of occupiers and would seriously affect the enjoyment of their property.
8. Consequently, the development would result in an unneighbourly form of development and lead to unacceptable loss of direct sunlight. It would therefore be in particular conflict with Policies 7.1, 7.4 and 7.6 of The London Plan, Policy H17 of the Unitary Development Plan for Newham, Policies S6, SP2, SP3 and H1 of Newham's Core Strategy (CS), Policies SP8 and SP9 of the DPD as well as the guidance set in the Council's Supplementary Planning Guidance – 'Altering and Extending Your Home'. These policies and guidance broadly aim to ensure that development achieves a high quality of urban design that is appropriate to its context and, more specifically, seek neighbourly forms of development by protecting the living conditions of nearby residents. These policies are consistent with the National Planning Policy Framework.

Conclusion

9. Whilst I acknowledge the appeal property is limited in size and sympathise with the appellant's desire to increase the level of accommodation, this does not outweigh the harm that I have identified. Having regard to the above reasons and to all other matters raised, I conclude that the appeal should be dismissed.

Gareth W Thomas

INSPECTOR