
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/16/3158126
46 Durham Road, London E12 5AX

- 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 M Butt against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/01111/HH, dated 7 April 2016, was refused by notice dated 27 June 2016.
 - The development proposed is described as loft conversion with rear dormer and single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Policy SP8 of the Proposed Submission Draft Detailed Sites and Policies Development Plan Document (DPD) was referenced in the decision notice. Since then, the Council has adopted the DPD and at SP8 the DPD repeats almost exactly the wording of the submission draft version. I have considered this appeal on the basis of the adopted policy.
3. Both the application particulars and the decision notice refer to extension in the singular whereupon the proposal is for the erection of two separate extensions to the rear of the property in addition to the loft conversion and dormer. I have determined the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and designated Durham Road Conservation Area and secondly, on the living conditions of the occupiers of the adjoining property and existing occupiers.

Reasons

Character and appearance

5. The Durham Road Conservation Area (CA) comprises a leafy residential suburb characterised by a coherent series of straight lined urban streets with repetitive two storey single fronted houses with fine detailing to doors and windows and set in consistently sized plots. The houses and street pattern contributes to achieving a high quality Victorian townscape, which has largely retained its
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original design features including its roofscapes. This little changed appearance contributes to the significance of the CA, which is largely derived from the coherence of its built form.

6. Although the rear of the appeal property is not readily visible from any public vantage points other than from the busy commuter train line, it is clear that the terrace remains uncluttered by modern additions or alterations, which is a pleasing part of the character to occupiers of Durham Road. The appellant points to other dormers that have been built in the local area. However the details of these are not before me although I was able to inspect some of these including those on Albany Road, which are clearly visible from Clarence Road. Furthermore the reasoned justification to Policy SP3 of the Newham Core Strategy (CS) is clear that past developments should not be used to justify unacceptable development going forward. Advice on the preferred arrangements for dormer additions is contained within the Council's Supplementary Planning Guidance 'Altering and Extending Your Home' (SPG). This aspect of the proposal would clearly contradict the advice contained in this guidance to a significant degree.
7. It is clear to me that the proposed dormer occupying most of the rear roof slope would not relate to the host property or the terrace by reason of size and design. Despite the lack of prominence more widely, the dormer would result in a significant degradation of the unaltered roofscape of this terrace and in turn would cause a degree of harm to the significance of the CA outlined above.
8. By contrast the single storey extensions are both of relatively modest bulk and height; however the flat roofed elements of the design are incongruous and out of kilter with the general character comprising pitched roofs. Despite again the lack of prominence, this does not resolve the fact that these elements of the proposal would be discordant with the predominantly sloping roofscape of the surrounding area. I do not consider the window design to be harmful.
9. Having arrived at the conclusions above, it follows that the proposed dormer windows and the two ground floor extensions would fail to preserve or enhance the character or appearance of the CA. The proposal would therefore be in conflict with Policy H17 of the Newham Unitary Development Plan, Policies SP1, SP3 and SP5 of the CS and policies 3.4, 7.4, 7.6 and 7.8 of The London Plan, which seek amongst other things to preserve and enhance the character and appearance of conservation areas, through good urban design and local distinctiveness. These objectives are consistent with section 12 of the National Planning Policy Framework.

Living conditions

10. The proposed extension closest to No.44 would project 3m from the rear elevation and result in the partial enclosure of the tunnel back area and courtyard. However due to the limited projection and height, the impact on the neighbouring property would be within acceptable limits in terms of loss of light and outlook. Similarly given the opening up of the rear wall to the existing reception room at the rear, the addition of full height "French" doors would provide sufficient daylight penetration into this room.

11. Accordingly the proposal would accord with policies that I consider relevant, namely, Policies 3.4, 7.4, 7.6 and 7.8 of The London Plan, Policies S6, SP1, SP2, SP3, SP5 and H1 of the Council's CS and Policy SP8 of the DPD, policy H17 of the Newham Unitary Development Plan, as well as the SPG which, in combination seek to ensure that development proposals are neighbourly as well as fitting in with the existing urban character and providing high levels of design quality.

Conclusions

12. Whilst I have found in favour of the appeal proposal on the issue of living conditions, the individual elements overall would cause a degree of harm to the significance of this designated heritage asset although such harm would be less than substantial. The appellant has not raised any public benefits or other considerations that would justify overriding the harm that I have identified.
13. For the above reasons and having regard to all other matters raised I conclude that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR