

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: 01 December 2016

Appeal Ref: APP/G5750/D/16/3159346

34 Vicarage Road, Stratford, London E15 4HD

- 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 Benjamin Lovedale against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/01325/HH, dated 2 May 2016, was refused by notice dated 30 June 2016.
 - The development proposed is described as a single storey extension to the rear to extend the kitchen and form a new courtyard to include new rooflights and windows within the new extension and replacement and enlargement of the existing kitchen window.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear side infill extension to include courtyard at 34 Vicarage Road, Stratford, London E15 4HD in accordance with the terms of the application, Reference 16/01325/HH, dated 2 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100_200 P1; 100_111 P1; 100_210 P1; 100_111 P1; 100_120 P1, and; 100_110 P1.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Preliminary matters

2. The appellant's description of the development differs from that shown in the decision notice. For simplicity, the Council's description is preferred, which is for a single storey rear side infill extension to include courtyard.
 3. 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
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SP8. Consequently I have determined this appeal on the basis of the adopted policy.

Main Issues

4. The main issues are the effects of the development on the character and appearance of the area and on the living condition of the neighbouring property.

Reasons

Character and appearance

5. The appeal property is a mid-terrace house in a tightly knit neighbourhood of generally similarly designed two storey properties set within an established residential street that contains both older Victorian and newer properties. The houses in this part of the street are consistent in terms of their size, height and design with linked two storey gabled outriggers at the rear. Several properties at the rear have hard landscaped the modestly sized rear gardens to provide patios and courtyards.
6. The proposal would see the infilling of the area between the outrigger at ground level and the side boundary to the neighbouring property to form a kitchen extension. It would incorporate a simply designed flat roof with two rooflights to provide additional natural light over a dining area.
7. Due to its simplicity of design and modest proportions in terms of height and width, the extension would remain subservient to the existing property; the dominant character of the rear elevations comprising the two storey gable projections would prevail. Consequently, the extension would not detract from the scale, form and character of the terrace and in turn would not harm the character and appearance of the area.
8. Accordingly, the extension would accord with policies S6, SP1, SP2 and SP3 of the Newham Core Strategy (CS), policies 3.5, 7.1, 7.4 and 7.6 of the London Plan (LP) and the advice in section 7 of the National Planning Policy Framework (the 'Framework') which together require all developments to be of high quality of design. It would also accord with Saved Policy H17 of the Unitary Development Plan (UDP) which requires development to have regard to the character of the surrounding area and with the general guidance for design embodied in the Supplementary Planning Guidance 'Altering and Extending your Home' (SPG). Policy SP8 of the DPD is not relevant to this main issue as it seeks to deal with neighbourliness of developments and nor is CS Policy S1, which relates to strategic development matters in the Borough.

Living conditions

9. The adjoining dwelling has aspects both to the rear and side elevations from the existing kitchen. A small bay window to the neighbouring property faces the common side boundary, which currently is formed by a combined wall/fence approximately 1.2m high. The proposed design incorporates a small 1.8sqm courtyard between the existing dining room of the property and the proposed kitchen extension. Whilst this would allow light penetration to the host property's dining room, I do not necessarily share the appellant's belief that this would be of any substantial benefit to the neighbouring property. That said however, I do not consider that a modest single storey extension as

proposed would have any significant effect upon the outlook from the neighbouring property and given the size and scale together with the south facing aspect, the proposal would not lead to unacceptable effects from overshadowing or loss of light. Further, it is unlikely that a single storey extension would create an unacceptable sense of enclosure.

10. Consequently, I consider that the proposal would accord with CS Policies S6, SP1, SP2 and SP3, policy SP8 of the DPD and Saved policy H17 of the UDP together with the SPG and policies 3.5, 7.4 and 7.6 of the LP. In combination, these policies seek to ensure a good standard of neighbourliness arising from development proposals.

Conditions

11. In accordance with the Planning Practice Guidance I have imposed the standard condition relating to the commencement of development, a condition specifying the relevant plans in order to provide certainty, and a condition requiring the use of matching facing materials in order to protect the character and appearance of the area.

Conclusions

12. For the reasons stated above and taking into account all other matters raised I conclude that this appeal should be allowed.

Gareth W Thomas

INSPECTOR