

Appeal Decision

Site visit made on 2 December 2016

by S Poole BA(Hons) DipArch MPhil MRTPI

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

Decision date: 20TH December 2016

Appeal Ref: APP/G5750/D/16/3159773

28 Oliver Gardens, London E6 5SE

- 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 Salah Ahmed against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/01943/HH, dated 23 June 2016, was refused by notice dated 14 September 2016.
 - The development proposed is described as a rear dormer loft conversion.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice refers to Policy SP8 of the Proposed Submission Draft Detailed Sites and Policies Development Plan Document (DPD). In October the Council adopted the DPD, which replaced the Unitary Development Plan. Consequently the appeal has been determined on the basis of the recently adopted policy.

Main Issues

3. The main issues in this case are the effects of the proposal on:
 - (i) the living conditions of occupiers of neighbouring properties, with particular regard to privacy; and
 - (ii) the character and appearance of the host property and the estate of which it forms part.

Reasons

4. The appeal property is a detached bungalow which is situated on a corner plot and has a single garage at the rear accessed from Waverley Gardens. It is located in a residential area comprising a mix of houses and bungalows laid out in the 1980s in a relatively informal arrangement. When planning permission for the estate was granted permitted development rights were removed. The reason given for this was to "avoid adverse effects on the amenities of the area".
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5. The proposal would comprise the formation of a dormer in the rear roof slope to enable the creation of a bedroom with en-suite within the roof space of the property.

Living conditions

6. The rear garden of the appeal property is small and the proposed dormer would be relatively close to the boundary shared with the house to the rear, 7 Waverley Gardens. As a consequence of this there would be views from the proposed dormer into the rear garden and rear windows of No. 7. This would result in an uncomfortable and unwarranted degree of overlooking and loss of privacy. Due to its siting and elevated position I conclude therefore that the proposal would have an unacceptable effect on the living conditions of the occupiers of 7 Waverley Gardens.
7. For these reasons the proposal therefore fails to comply with DPD Policy SP8 which seeks to ensure development is neighbourly. There is also conflict with the broad aims of Policies SP2 and SP3 of Newham's Core Strategy and the guidance set out in the Council's Supplementary Planning Guidance *Altering and Extending Your Home* (2010). In particular, paragraph 3.2 of the latter notes that in a densely built-up area such as Newham particular care is needed when altering or extending your home in order to avoid adversely affecting neighbouring properties by loss of privacy.

Character and appearance

8. I note that dormers are not a common feature of the estate. However, the area around the appeal site is very varied in character, the dormer would occupy a relatively modest proportion of the rear roof slope and would not be evident from the street nor would it be particularly prominent when viewed from nearby properties. For these reason I am satisfied that the proposal would not have an unacceptable effect on the character and appearance of the host property or the estate. However, this does not overcome my concerns in respect of the first main issue.

Conclusion

9. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR