

Appeal Decision

Site visit made on 22 November 2016

by Iwan Lloyd BA BTP MRTPI

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

Decision date: 21 December 2016

Appeal Ref: APP/G5750/C/16/3149540
57 Tyrone Road, East Ham, London E6 6DT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Avtar Bains against an enforcement notice issued by the Council of the London Borough of Newham.
 - The enforcement notice, numbered 14/01042/ENFC, was issued on 8/04/2016.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a structure.
 - The requirements of the notice are to:
 1. Demolish the structure (as shown edged in blue on the attached plan, and edged in yellow on the photograph attached at Appendix 1)
 2. On completion of step 1 above, remove all materials and debris from the site.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The ground (a) appeal and the deemed application

2. The main issue in this case is the effect of the development on the character and appearance of the property and the street scene.
 3. The structure fills a small gap between a single storey brick extension to the rear of the property and a recently constructed two storey side extension and is situated adjacent to the brick boundary wall alongside Flanders Road. The brick wall adjacent to the pavement of Flanders Road provides support for the roof frame which is timber and is covered in Perspex.
 4. The raised boundary wall which facilitates support for the over-sailing roof structure and the high pedestrian and double gates obscure views into the rear yard from the street. Between the brick supports are black railings which provide limited views into the space covered by the roof structure. The side profile of the roof structure is visible although it matches the white frame windows of the property. The Perspex roof is affixed and rests on the supporting wood frame. I do not regard the structure when seen from public vantage points to be visually discordant because of its limited physical and visual presence on the street scene. This is because only the leading side edge
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of the roof frame is visible which has matching treatment to the windows of the property.

5. Within the yard space itself and when seen from the first floor windows above, the light Perspex covering of the roof structure is visible. This has a discordant appearance to the solidity of materials utilised for the extended property. I would concur with the Council that the structure has an unfinished appearance due to its transparent roofing materials and exposed timber frame and has therefore a harmful effect on the character and appearance of the property.
6. Whilst the structure has but limited impact on the street scene it has a harmful effect on the solidity of materials of the main property and is therefore discordant to its character and appearance, conflicting with relevant Policy 7.6 of the London Plan, and Policies SP1 and SP3 of the Newham's Local Plan-Core Strategy 2027 and Supplementary Planning Guidance 'Altering and Extending your home'. These broadly seek a high quality built development and design in new buildings.
7. I therefore conclude that the ground (a) appeal and the deemed application should not succeed.

Iwan Lloyd

INSPECTOR