
Appeal Decision

Site visit made on 3 January 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 16 January 2017

Appeal Ref: APP/G5750/W/16/3156188

6 Horace Road, Forest Gate, London E7 0JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dr See-Wah Tang against the Council of the London Borough of Newham.
 - The application Ref 16/00159/HH, is dated 21 January 2016.
 - The development proposed is part single, part two storey rear extension.
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Decision

1. The appeal is dismissed and planning permission is refused for a part single, part two storey rear extension.

Procedural matter

2. The Council has submitted a case officer report prepared following the submission of this appeal. It states that were the Council in a position to determine the application it would have been refused on grounds relating to the massing and discordant design of the first floor part of the extension representing un-neighbourly and over bearing development which would fail to respect the character, symmetry and appearance of the host and neighbouring properties within the terrace.
3. I saw at my site visit that the extension to the garden area and removal of a large sycamore tree referred to in the appellant's statement had been undertaken. The garden to the appeal site is therefore larger than that when the proposals were considered by the Council.
4. Since the determination of the planning application the Council has adopted the Newham's Local Plan - Development Plan Document 2016 (the DPD). As a result saved Policy H17 of the London Borough of Newham Unitary Development Plan 2001 referred to in the Council's submission has been deleted and no longer forms part of the development plan. I have determined the appeal accordingly.

Main Issues

5. The main issues are firstly the effect of the proposal on the living conditions of the occupiers of surrounding properties with particular regard to outlook, light and privacy, and secondly, the effect of the proposal on the character and appearance of the host building and the surrounding area.
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Reasons

Living conditions

6. No 8 Horace Road has a single storey off shoot similar to that existing at the appeal site. I saw two windows at first floor in the main rear elevation. The one closest to No 6 is obscure glazed.
7. The proposed two storey extension would according to the Council extend 4.15 metres from the main rear elevation at a height of 7.17 metres on the boundary with No 8. These figures have not been disputed by the appellant. As a result it would present a significant mass and expanse of flank wall to No 8 over and above the existing single storey off shoot. Consequently, it would be seen clearly from the rear of No 8. The combined depth and height of the proposed extension in close proximity to the first floor clear glazed window would create an overbearing effect, exacerbated to a material extent by a similar impact upon users of the garden area.
8. Although concerns have been raised regarding loss of daylight to the occupants of No 8 no substantial evidence has been provided on this matter. I saw on site that given the orientation of the dwellings there is likely to be some loss of light, but given the existing tight urban grain, this is unlikely to be significant.
9. The window in the rear elevation of the proposed extension is large. However the addition to the garden area of No 6 means that the distance to the garden to the rear has increased. Furthermore, any potential for overlooking would only be to the rear most part of neighbouring gardens which I saw would not be unusual in this tightly constrained area.
10. The appellant points to similar surrounding extensions in support of his proposal. However, while there are extensions of a similar depth to the appeal proposal, the majority that I saw were matched by extensions of a similar height at the neighbouring property. In the case of 10 Horace Road where the neighbouring property No 12 does not have a two storey extension, the extension to No 10 is of a limited depth. This would not be the case at the appeal site.
11. I have seen the submission by the occupiers of No 8 stating that they have no objections to the proposal and including draft proposals for a similar extension. However, I have no firm proposals in front of me or any way to link the two schemes to ensure that they were delivered at a similar time. Therefore, I can only give this very limited weight. Furthermore, it is reasonable for me to consider the effect of the proposal on any future occupiers of No 8 as well as those existing.
12. Whilst I have found the proposal to be acceptable in some respects, for the reasons above I conclude that it would cause harm to the living conditions of the occupiers of 8 Horace Road with particular regard to outlook. It would therefore be contrary to Policies 7.1, 7.4 and 7.6 of the London Plan The Spatial Development Strategy for London Consolidated with Alterations since 2011 (2016) (the London Plan), Policies S6, SP1, SP2 and SP3 of Newham's Local Plan – the Core Strategy 2012 (the Core Strategy), Policy SP8 of the DPD and the National Planning Policy Framework (the Framework). These seek to provide high quality residential accommodation where people feel comfortable in their surroundings and achieve neighbourliness and that development always

seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

13. 6 Horace Road is a two storey mid terraced property with a single storey rear off shoot which is similar to the neighbouring property at 8 Horace Road. While there is a degree of uniformity to the front elevation of the terrace the rear elevations are more varied. There is a mixture of extensions to the rear of the terraced properties of varying heights and lengths, at least one of which breaches the eaves line.
14. The proposed two storey extension would extend no further to the rear than other additions to the terrace. Furthermore, its height would be similar to that of an extension with planning permission at No 10 (12/00718/HH). I acknowledge that the combination of the height and extent of the proposal together with the introduction of a large atrium style window would be unique within the terrace. Nevertheless, the extension would be subordinate to the host dwelling. Furthermore, given the mixed and varied nature of the rear elevation of the terrace then I do not consider that the design and massing of the extension would be overly dominant. While the symmetry of the building with No 8 would be eroded, I saw that this was not an unusual occurrence within the group of buildings.
15. For the reasons above I conclude that the proposal would not be harmful to the character and appearance of the host building and the surrounding area. There would therefore be no conflict with 7.1, 7.4 and 7.6 of the London Plan, Policies S6, SP1, SP2, SP3 of the Core Strategy, Policy SP8 of the DPD and the Framework. These require that development has a high quality design response that reinforces or enhances the characteristics of neighbourhoods and local distinctiveness.
16. Although I have found that the proposal would not be harmful to the character and appearance of the area this would not outweigh the considerable harm the proposal would cause to the living conditions of the occupiers of 8 Horace Road.

Other matters

17. The proposal would lead to the provision of a 3 bed family house which I note that Policy H1 of the Core Strategy would be supportive of. However the development plan also requires that housing achieves neighbourliness which I have found the appeal proposal fails to do.

Conclusion

18. Therefore, for the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR