
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: 17 January 2017

Appeal Ref: APP/G5750/W/16/3156631

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 16/00156/HH, is dated 21 January 2016.
 - The development proposed is to convert loft into habitable rooms.
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Decision

1. The appeal is allowed and planning permission is granted to convert loft into habitable rooms at 6 Horace Road, Forest Gate, London E7 0JG , in accordance with the terms of the application ref 16/00156/HH dated 21st January 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: 155:02, 155:05.
 - 3) The materials to be used in the construction of the external surfaces of the front elevation of 6 Horace Road hereby permitted shall match those in the existing front elevation.

Procedural matters

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 discordant and unneighbourly development serving to disrupt the continuity and proportions of the dwellinghouse within the street scene to the detriment of the visual amenity of the terrace.
 3. I saw at my site visit that the garden area of the appeal property had been extended to the rear and 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 of the London Borough of Newham Unitary Development Plan 2001 referred to in the Council's submission has been deleted and no
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longer forms part of the development plan. I have determined the appeal accordingly.

Main Issue

5. The main issues are firstly the effect of the proposal on the character and appearance of the area and secondly, the effect of the proposal on the living conditions of the occupiers of surrounding properties.

Reasons

Character and appearance

6. 6 Horace Road is a two storey mid terraced house. To the rear of the property is a further terrace of houses on Chestnut Avenue. Views of the rear of the two terraces are very limited. A number of properties in the vicinity of the appeal site have rear dormer extensions, most of which are full width across the roof with flat roofs. These extensions are spread out along the terrace some being close to the appeal property. Moreover, similar extensions are visible on surrounding terraces and as a consequence the dormers contribute to the character and appearance of the terrace and the surrounding area.
7. The Council's Supplementary Planning Guidance Altering and Extending Your Home (the SPG) specifies a preference for velux windows rather than dormer extensions in order to preserve the original roof slopes of properties. The SPG further states that a dormer should be pitched roof and *"should have a substantial proportion of the existing roof around it. It should not give the impression of being full width or full height...nor bulky and out of proportion to the existing house"*.
8. The proposed dormer would be a large addition taking up most of the rear roof slope. As a result it would not be subordinate to the roof or in accordance with the SPG. Nonetheless, in this locality the dormer extension would not be unique or look out of place given the amount of similar extensions in proximity to the appeal site.
9. I understand that most of these dormers have been constructed using Permitted Development allowances. However, irrespective of how the dormers were allowed and, notwithstanding the actual number of houses that have dormer extensions, their size and spacing along the terrace means that they are features of the properties contributing to the character and appearance of both the terrace and the surrounding area.
10. I have had regard to appeal decision APP/G5750/W/15/3095236 referred to me by the Council where the Inspector gave weight to the SPG when dismissing an appeal regarding a large rear dormer extension. However, I note that he states that the appeal property falls within a terrace where there are very few alterations. Furthermore it would also be prominent from a public road. Accordingly the circumstances of the appeal are not directly comparable with those which apply in this appeal. In any case I have reached my own conclusions on the appeal proposal on the basis of the evidence in front of me.
11. The proposal includes raising the ridge line of No 6 by about 0.25 metres so that it would align with that at 2 and 4 Horace Road. The Council raise concerns that such an alteration would unacceptably alter the pitch of the roof so that it would be unique within the street scene.

12. However, the plan that has been submitted with the appeal shows that the eaves height of No 6 would also be raised so that the pitch of the roof would be similar to that at Nos 2 and 4. While this would leave a small gap above the first floor windows, this would not be significant as long as the materials used matched those existing. A condition could be imposed in this respect.
13. For the reasons above, notwithstanding the guidance in the SPG, I find that the proposal would not be harmful to the character and appearance of the host property or the surrounding area and therefore would not conflict with Policies 7.1, 7.4, 7.5 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, SP3 and H1 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 require that development has a high quality design response that reinforces or enhances the characteristics of neighbourhoods and local distinctiveness.

Living conditions

14. The proposed dormer would have a window and sliding doors with a Juliet balcony within its rear elevation. The window is to a landing and therefore would not be to a habitable room. As such there would be little potential for overlooking. The Juliet balcony would not be capable for use as a balcony where people would sit and relax. Furthermore, the intervening distance between the sliding doors to the bedroom and the surrounding gardens of neighbouring properties would be sufficient to ensure that there would be limited potential for overlooking to neighbouring gardens. This would particularly be the case now that the garden to the appeal site has been lengthened.
15. For the reasons above I conclude that the proposal would not be harmful to the living conditions of the residents of neighbouring properties. There would therefore be no conflict with Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, Policies S6, SP1, SP2, SP3 and H1 of the Core Strategy, Policy SP8 of the DPD and 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.

Conditions

16. I have not been supplied with any conditions by either party. Having had regard to tests in the Framework and the advice in the Planning Practice Guidance I consider that the following conditions are necessary. In the interests of clarity it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
17. As the alterations to the front elevation of the property would be visible from the surrounding area I also consider it necessary to impose a condition regarding materials to ensure that the character and appearance of the area and building are not harmed. Following consultation with both parties an appropriate form of words has been agreed.

Conclusion

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

Zoe Raygen

INSPECTOR