
Appeal Decisions

Site visit made on 9 January 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 20 January 2017

Appeal A Ref: APP/G5750/W/16/3156357

51 Windsor Road, Forest Gate, London E7 0QY

- 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 Mr M Ali against the Council of the London Borough of Newham.
 - The application Ref 16/0151/FUL, is dated 20 January 2016.
 - The development proposed is alterations to the front garden layout.
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Appeal B Ref: APP/G5750/W/16/3156349

51 Windsor Road, Forest Gate, London E7 0QY

- 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 Mr M Ali against the Council of the London Borough of Newham.
 - The application Ref 16/00149/FUL, is dated 20 January 2016.
 - The development proposed is proposed rear extension and installation of roof windows.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for alterations to the front garden layout at 51 Windsor Road, Forest Gate, London E7 0QY in accordance with the terms of the application, Ref 16/0151/FUL, dated 20 January 2016, subject to the conditions in the schedule to this decision below.

Appeal B

2. The appeal is allowed and planning permission is granted for rear extension and installation of roof windows at 51 Windsor Road, Forest Gate, London E7 0QY in accordance with the terms of the application, Ref 16/00149/FUL, dated 20 January 2016, subject to the conditions in the schedule to this decision below.

Procedural Matters

3. I have amended the description of development in relation to Appeal A in the banner heading above to ensure that it accurately captures the scope of the proposal. The description of development on the application form reads: "front garden layout".
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4. In the banner heading above, I have based the description of development on that given in an e-mail from the appellant to the Planning Inspectorate on 1 December 2016 in respect of Appeal B. This is a more comprehensive description of the proposed development than that given in the application form. However, the plans clearly show the installation of four roof windows, three on the rear roof slope and one in the hip, and thus I have omitted the number 3, which was included in the suggested description of development.
5. I have been supplied with a number of versions of the plans for the proposed development. An e-mail from the Council on 18 January 2017 suggested that the suite of drawings produced in January 2016¹ were the ones which related to the case. However, I have been supplied with copies of e-mails from the appellant to the Council dated 9 and 20 June 2016, which included amended versions of some of these drawings². The amendments shown on these drawings are minor in nature, comprising slight alterations to the roof design for the proposed rear extension and changes to fenestration. Due to the limited nature of these alterations I am satisfied that no prejudice would occur to any party as a result of my consideration of their content, and accordingly, the appeal is based on the drawings submitted to the Council in June 2016.
6. One of the plans³, however, shows two alternative roof designs for the proposed single-storey extension to the one found elsewhere within the submission. The status of these alternative roof designs is unclear, and as a consequence, I have based the decision on the design as depicted in drawing numbers 3800A/08A, 3800A/09C, 3800A/10B and 3800A/11C.

Background and Main Issue

7. Following the submission of the appeals against non-determination the Council has not clarified the position it would have taken on the applications if it had had the opportunity to make decisions. In addition, in both cases the appellant's grounds of appeal simply state that "The council have failed to make a decision and we have tried to communicate with the council to obtain a decision but have been unable to do so. We have attached a time line of communications between ourselves and the council and copies of several email that we have sent in order to try and obtain a decision."
8. The appeal property is within the Woodgrange Estate Conservation Area, and I am conscious of my statutory duty arising from section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council has also supplied development plan and supplementary guidance relating to urban design, character, appearance and heritage. Moreover, an interested party has submitted comments in respect of the effect of the proposed rear extension on the character and appearance of the host property and the wider area. Thus, taking these matters together with my observations onsite, I consider the main issue in both appeals to be whether the proposed developments would preserve or enhance the character or appearance of the Woodgrange Estate Conservation Area.

¹3800A/01; 3800A/02; 3800A/03; 3800A/04; 3800A/05; 3800A/06; 3800A/07; 3800A/08; 3800A/09A; 3800A/10A; 3800A/11;

² 3800A/01A; 3800A/02A; 3800A/04A; 3800A/08A; 3800A/09C; 3800A/10B; 3800A/11C;

³ 3800A/12A

Reasons

9. Situated within the Woodgrange Estate Conservation Area, a principally residential neighbourhood, the appeal property is a substantial two-storey detached dwelling, faced in brick, with a hipped roof. Its principal façade has a strongly symmetrical arrangement of openings bookended by prominent chimney stacks. A side wing of a subservient scale and set back from this principal façade is also present. Like its adjacent dwellings the appeal property is set back from the road behind a front garden, with mature trees behind its boundary adding a verdant character to the streetscene. At the rear, the appeal property and its neighbours have more modest elevations lacking the architectural detailing of their front facades, some of which appear to have had incremental alterations and additions, mainly of modest proportions, but varying characters. The property is characteristic of the distinctive Victorian house styles and generously plotted green setting that contribute to the significance of the Conservation Area.

The front garden layout

10. The proposed development subject to Appeal A would reinstate a tiled path in the middle of the front garden, and would introduce some hard surfacing immediately in front of the appeal building. A front garden wall would be constructed from London stock bricks, with railings atop this and a new gate. The trees to the rear of this would be retained.
11. I saw that front boundary treatments are varied in the area, in terms of materials and detailing. However, the proposed development would seek to reinstate a wall of a similar scale to the one existing at the site that is in a somewhat dilapidated state, and that of the boundary walls of its immediate neighbours. Moreover, the materials proposed and detailing would look sensitive in the area's wider context. Furthermore, the proposed scale and detailing of the boundary treatments reflect the original walls, railings, piers and gates identified in the Woodgrange Estate Conservation Area Appraisal and Management Proposals (CAAMP), and would meet the requirements of both this document and the Woodgrange Estate Conservation Area Design Guide (the Design Guide). As the proposed development would replace the existing wall I have been supplied with no evidence to suggest that it would be a harmful intrusion into the root protection areas of the retained trees. Consequently, the proposed front boundary treatment would be a complement to the existing streetscape and help to preserve its spacious and leafy character.
12. Other aspects of the proposed garden layout, including the reinstatement of the tiled path with barley twist edging to replace the current more utilitarian surfacing, coupled with proposals for further planting would serve to enhance the appearance of the plot. These measures would contribute considerably to the verdant and open townscape character of the garden's surroundings, and be sensitive to the architectural detailing of its host dwelling. Consequently, I consider that the proposed garden layout would enhance the character and appearance of the Conservation Area and not harm its significance.

The rear extension and windows

13. The development proposed in Appeal B includes a small single-storey rear extension that would infill a gap at ground floor underneath an existing outrigger that stands proud of the rear elevation of the building between first

- and second floors, supported by a cast iron column at its corner. Glazed doors and a small sash window would be included on the rear elevation of the proposed extension. The proposed extension would also infill the area to the side of the existing outrigger and the large ground floor window, which would be replaced by a pair of glazed doors. Two sash windows would replace the two ground floor windows on the property's rear elevation to the other side of the proposed extension. Rooflights would be inserted in the rear slope and hip.
14. The proposed extension would be of extremely modest proportions, infilling for the most part an area that is already overhung by built development. The limited scale of the extension would be read within the context of a much broader elevation, and would readily assimilate with it. I saw in the immediate environs of the appeal property that modest rear extensions of varying character are by no means unusual, and within this context, the proposed development would not appear as an incongruous feature. Consequently, the extension would not be an overly dominant feature of unsympathetic design such as the CAAMP seeks to discourage, and would cause no harm to the character and appearance of either its host dwelling or the wider conservation area in this regard.
 15. The proposed development would extend a historic window opening on the rear to install glazed doors. Due to the scale and proportions of the current window opening this would only be a limited change, and, given the irregular fenestration pattern on this rear elevation would not appear discordant or incongruous. Moreover, the proposed glazed doors would have a vertical emphasis, which the Design Guide recognises as a characteristic feature of fenestration in the area. The proposed replacement sash windows elsewhere on the ground floor would be of a scale, proportion and design that also would be sensitive to the host dwelling. Due to these matters, and combined with a condition to ensure that appropriate materials are deployed in their construction, I consider that no harm would occur to the character and appearance of the host dwelling or wider area in these regards.
 16. The proposed rooflights would be limited in number, of modest proportions and discreetly located and thus not easily seen from the front street. The rooflights would thus meet the requirements of the Design Guide; and as a consequence no harmful effects would be caused by these to either the appearance of the host building or the character of the area more generally.
 17. I note comments from an interested party that the proposed development to the rear would consolidate previous alterations at the site which may not comply with currently adopted guidance. However, I have been supplied with no substantive evidence to suggest that any previous alterations to the rear are unauthorised. Moreover, for the reasons given above, I consider that the proposed extension would avoid harmful effects to the character and appearance of its host building and its wider surroundings.
 18. I have considered comments from an interested party regarding the proposed extension's compliance with the Design Guide. However, I have been directed to no specific elements of the Design Guide that the proposed extension would be at variance with. Moreover, for the reasons given above, I consider that the extension would have an external appearance that harmonises with the character of the estate and would not look too large in relation to its host dwelling. In addition, its modest scale and separation from adjacent properties

would mean that adverse effects to the living conditions of neighbouring occupiers would be avoided. In these respects the proposed extension would meet the design objectives given in the Design Guide, and due to this I consider that any minor infringements of aspects of that document would not weigh heavily against approval of the scheme. Furthermore, as I have found that the proposed extension would cause no harm to the character, appearance or significance of the conservation area, it would not create a precedent for other developments that would cause harmful effects in these regards.

Conditions

19. I was supplied with no suggested conditions in respect of these proposed developments by the Council. However, given the nature of the proposed developments, and their location within a conservation area I have considered it necessary to attach conditions relating to the materials to be employed in their construction. In the interests of certainty, I have also attached conditions specifying the approved plans.

Conclusions

20. The proposed developments would preserve the character and appearance of the Woodgrange Estate Conservation Area and avoid harm to its significance. It follows that the proposed developments would thus comply with Policies S1, S6, SP1, SP2, SP3, SP5 and H1 of the Newham Core Strategy; and Policies 7.1, 7.4, 7.6 and 7.8 of The London Plan: The Spatial Development Strategy for London- Consolidated with Alterations since 2011; and the Council's Supplementary Guidance Note No 15 'Altering and Extending your Home'. Taken together, and amongst other things, the policies and guidance seek to ensure that new development is sensitive to the character and appearance of its surroundings and avoids harm to the significance of heritage assets.
21. The proposed developments would thus meet the requirements of the development plan insofar as the relevant policies have been brought to my attention. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeals should succeed.

G J Fort

INSPECTOR

Schedule of Conditions APP/G5750/W/16/3156357

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3800C/03 Site Plan; 3800C/02 Proposed Front Garden Plan and Elevation.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 3800C/02 Proposed Front Garden Plan and Elevation.

Schedule of Conditions APP/G5750/W/16/3156349

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3800A/05 OS Map Existing; 3800A/07 Proposed Ground Floor Plan and Basement Floor Plan; 3800A/08A Proposed First Floor Plan, First Floor (Joists Plan); 3800A/09C Proposed Front Elevation, Roof (Rafter Plan), Rear Elevation; 3800A/10B Proposed Section A-A, Left Elevation; 3800A/11C Existing and Proposed Right Elevation.
- 3) The materials to be used in the construction of the external surfaces of the extension and the windows and doors hereby permitted shall match those used in the existing building.