
Appeal Decision

Site visit made on 31 January 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/G5750/D/16/3163472

11 Waverley Gardens, Beckton, London E6 5TQ

- 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 Paulius Keturakis against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/02817/HH, dated 2 September 2016, was refused by notice dated 28 October 2016.
 - The development proposed is described as loft conversion to a detached house, incorporating the erection of rear dormer and the installation of two roof windows to above dormer with installation of 5 roof windows to the front roof slope.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of rear dormer and the installation of two roof windows to above dormer. The appeal is allowed insofar as it relates to 5 roof windows to the front roof slope and planning permission is granted for 5 roof windows to the front roof slope at 11 Waverley Gardens, Beckton, London E6 5TQ in accordance with the terms of the application, Ref 16/02817/HH, dated 2 September 2016, so far as relevant to that part of the development hereby permitted and 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 insofar as they relate to the 5 roof windows to the front roof slope: 160001-PRE-02, 160001_PRE_03, 160001-PRE-04, 160001-PRE-05, 160001-PLN-01, 160001-PLN-06, 160001_PLN_07, 160001-PLN-08, 160001-PLN-09, 160001_PLN_10, 160001-PLN-11, 160001-PLN-012, 160001-PLN-013 and 160001_PLN_14.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The proposal incorporates two main elements and I am satisfied that each element is clearly severable from the other such that I can consider them separately in reaching my decision.
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Main Issues

3. The main issues are the effect of the proposal on:

- the character and appearance of the host building and the surrounding area;
- the living conditions of the occupiers of neighbouring properties having regard to privacy and outlook.

Reasons

Character and appearance

4. The appeal site comprises a modern detached dwelling located at the end of Waverley Gardens within an estate of similarly designed dwellings. The host building is part two storey and part single storey. It is positioned side onto Waverley Gardens, with the rear elevation and rear roof slope of the host building being clearly visible from Waverley Gardens and from surrounding dwellings. The existing rear elevation contains a small flat roofed dormer and a large flat roofed dormer has recently been constructed on the rear roof slope of 8 Waverley Gardens, the dwelling on the opposite side of the cul-de-sac. However large scale dormers do not appear to be a common feature within the immediate surrounding area.
5. The proposed flat roofed dormer would be substantial in size and would cover the majority of the rear roof slope of the host building. Consequently its flat roofed design and overall scale would result in a bulky, dominating and disproportionate feature on the prominent rear elevation. Though the walls of the dormer would be covered in tiles to match the existing roof, this would not overcome the harm that would result from the scale and design proposed. Though I note the Council's concerns regarding the proposed fenestration arrangement, I do not share these concerns having regard to the variety of fenestration within the host building. I also note that the Council did not object to the proposed rooflights to the front roof slope and I have no reason to disagree with the conclusion reached regarding the rooflights.
6. I note that the Council's Officer Report incorrectly refers to the host building forming part of a terrace. However notwithstanding this error, the impact of the proposed rear dormer on the character and appearance of the host building and the surrounding area would be unacceptable for the reasons stated.
7. My attention has been drawn to the existence of the rear dormer at No 8 and I have been provided with a copy of numerous documents relating to a planning application at No 8 incorporating a rear dormer which was approved in 2015 (Ref 15/00334/HH). However though I note that the dormer at No 8 is flat roofed and whilst the rear elevation of No 8 is equally as prominent as that at the appeal site, the approved dormer at No 8 does not cover as much of the rear roof slope of the host building as is the case with the proposal. Consequently the dormers are not directly comparable. In any event I must determine the proposal before me on its own merits.
8. Taking the above matters into consideration, I conclude that whilst the proposed rooflights are acceptable, the proposed rear dormer would have an adverse effect on the character and appearance of the host building and the surrounding area. It is therefore contrary to the development plan and in particular policies 7.1, 7.4 and 7.6 of the London Plan (LP), policies S1, S6,

SP1, SP2, SP3 and H1 of Newham's Local Plan – The Core Strategy (CS) and Policy SP8 of Newham's Local Plan Development Sites and Policies Development Plan Document (DPD). These policies seek, amongst other things, to ensure that development is well designed and respects the character of the surrounding area. The proposed rear dormer is also contrary to guidance contained within SPG No 15 Altering and Extending Your Home.

Living conditions

9. The rear elevation of the host building faces towards the side elevation and rear garden of 9 Waverley Gardens and there are also views of the rear gardens of 28 and 30 Oliver Gardens from the nearest first floor window in the rear elevation of the host building. The rear roof slope of the host building is offset from the rear elevation and rear garden of 32 Oliver Gardens and this together with the existence of a large detached outbuilding at No 32 means that the impact of the rear dormer on the living conditions of the occupiers of No 32 would be limited.
10. However the addition of a large rear dormer to the host building including large glazed openings and a large Juliet balcony close to the rear boundary of the appeal site and to the modest sized rear gardens of 9 Waverley Gardens and 30 Oliver Gardens would materially increase the amount of overlooking from the host building of these rear gardens. This would significantly reduce the privacy levels within the gardens and would be harmful to the living conditions of the occupiers of these properties. This matter could not be overcome by the imposition of an obscure glazing condition given that the window and Juliet balcony nearest to neighbouring rear gardens would serve a bedroom.
11. Whilst there may also be some overlooking from the rear dormer of the rear garden of 28 Oliver Gardens, I consider that it is unlikely that this would be significant given the distance between this property and the proposed dormer. Having regard to the scale and position of the rear dormer I do not consider that it would significantly reduce the outlook from any nearby dwellings or gardens. The Council did not raise any objection to the impact of the rooflights on the front roof slope on living conditions and I have no reason to disagree with the conclusion reached on the rooflights.
12. I note that the Council's Officer Report incorrectly states that the rear elevation of the host building faces 30 and 32 Oliver Gardens and that the side elevation faces 9 Waverley Gardens. However notwithstanding this error, the impact of the proposed rear dormer on the living conditions of the occupiers of neighbouring properties would be unacceptable for the reasons stated.
13. Taking the above matters into consideration, I conclude that whilst the proposed rooflights are acceptable, the proposed rear dormer would have an adverse effect on the living conditions of the occupiers of neighbouring properties having regard to privacy. It is therefore contrary to the development plan and in particular policies 7.1, 7.4 and 7.6 of the LP, policies S6, SP1, SP2, SP3 and H1 of the CS and Policy SP8 of the DPD. These policies seek, amongst other things, to ensure that development is well designed, respects surrounding development and is neighbourly. The proposed rear dormer is also contrary to guidance contained within SPG No 15 Altering and Extending Your Home. Though Policy S1 of the CS was also referred to in the Council's reason for refusal, it does not appear to be relevant to the issue of living conditions.

Other Matters

14. The appellant has drawn my attention to a Certificate of Lawful Development relating to the appeal site that was issued by the Council in 2010 (Ref 10/02256/CLP). The certificate related to a loft conversion incorporating a rear dormer extension and three velux rooflights to the front roof slope. I have been provided with documentation relating to the certificate application including plans and note that whilst the rear dormer is similar in size to the one proposed, the internal layout and window arrangement is different. In particular the rear dormer that was the subject of the certificate did not contain a Juliet balcony as is the case with the proposal. The two proposals are not therefore directly comparable and as such I afford the certificate limited weight, particularly as it appears that the host building does not benefit from permitted development rights. In any event I must determine the proposal before me on its own merits.

Conditions

15. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition requiring matching materials to ensure that the impact of the rooflights on the character and appearance of the host building and surrounding area is acceptable.

Conclusion

16. For the above reasons and having regard to all matters raised, I conclude that the appeal is dismissed insofar as it relates to the erection of rear dormer and the installation of two roof windows to above dormer and is allowed insofar as it relates to the 5 roof windows to the front roof slope.

Beverley Wilders

INSPECTOR