

Appeal Decision

Site visit made on 23 January 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/G5750/D/16/3165680

66 Humberstone Road, Plaistow, London E13 9NJ

- 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 Mrs K Balcarova against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/02620/HH, dated 9 August 2016, was refused by notice dated 19 October 2016.
 - The development proposed is a single storey rear extension and rear dormer to loft conversion.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council confirmed that Newham's Local Plan: Detailed Sites and Policies Development Plan Document (the DPD) was adopted in October 2016. As a result, any saved policies within the London Borough of Newham Unitary Development Plan (the UDP), which were not deleted on adoption of Newham's Local Plan: The Core Strategy 2012 (the CS), are no longer of relevance. Accordingly, in reaching my decision Policy H14 of the UDP has not formed part of my considerations.

Main Issues

3. The main issues are the effect of the proposal on:
 - (i) the character and appearance of the surrounding area; and
 - (ii) living conditions, with particular regard to sense of enclosure, outlook and daylight for the neighbouring occupiers at 64 and 68 Humberstone Road.

Reasons

Character and Appearance

4. The appeal site is located on the southern side of Humberstone Road and consists of a two-storey mid terrace, within a predominately residential area. From the evidence before me, and from observations made during my site visit, the proposed side infill and rear extension would replace the existing part side infill and rear extension which currently houses the kitchen, bathroom,
-

- separate toilet and a utility area which is located within the lean-to section of the extension.
5. In relation to the proposed side infill and rear extension, it is evident that this would only involve a modest increase in size when compared to the size of the existing rear addition, adding just under 2 square metres to the footprint of the house.
 6. The extension would extend approximately 1.4 metres further than the existing lean-to and would be approximately 1 metre higher than the existing rear extension. I therefore consider that given the proposed scale this aspect of the proposal would remain subservient to the main house and would not appear overly dominant.
 7. Turning my attention to the proposed first floor rear extension, it was apparent from my site visit that neighbouring houses within the existing terrace have undergone a number of extensions. This has resulted in a variety of single and double storey rear extensions, of varied designs and scale.
 8. I have no doubt that the first floor extension will be visible from the rear of houses within the adjoining terrace. However, given the level of mature vegetation at the rear of the site, I doubt it would be visible to users of the Greenway, which is a footpath and cycleway located just beyond the rear boundary of the appeal site.
 9. This aspect of the proposal would house the relocated family bathroom. Given the relatively modest scale of this section of the proposal extension, I find that whilst visible, it would not appear overly dominant and would not appear as an incongruous addition. Moreover, as a result of the varied examples of existing rear extensions, I do not consider that the first floor extension would result in a significant degree of harm to the established local character.
 10. The Council raised no objection to the principle of the front roof lights and I find no reason to disagree with the views expressed by the Council. There was no evidence of similar features on houses within the immediate vicinity of the appeal site. Despite this, I do not find that such development would look out of place in the street scene. As such, in my opinion, the front roof lights would not cause harm to the design to the host property or have a detrimental impact on local character.
 11. In relation to the rear dormer, whilst a variety of single and double storey exertions were evident, rear dormers are not a common feature within the terrace. Furthermore, the proposal would be a substantial addition, occupying the majority of the rear roof slope. As a result it would not be subordinate to the roof. Instead it would present a bulky, top heavy appearance to the rear elevation and significantly alter the traditional rear roof slope of the house. Due to its scale and positioning, I consider it would also be visible from some public vantage points on Greenway.
 12. The Supplementary Planning Guidance: No 15 Altering and Extending your Home (the SPG) describes the design principles and performance criteria to be aimed for. I accept that the dormer would be located at the rear of the host building and would be clad with matching tiles to that of the host roof.
 13. Nonetheless, although the dormer would be set below the ridge line and above the eaves, it would fail to have a substantial proportion of the existing roof

around it. Also from the plans before me, the design would be almost the full width and height of the existing roof.

14. The appellant has drawn my attention to four schemes on Humberstone Road which included rear dormers and have been granted planning permission or constructed under permitted development. However, I am not aware of the specific circumstances of these cases. In any event, each proposal should be considered on its individual merits, which I have done in this instance.
15. The appellant also contends that the dormer would meet the permitted development requirements. However, there is no firm evidence before me, in the form of specific plans or drawings, to indicate that this is their settled intent. Moreover, it has not been demonstrated that the proposal would fall within the parameters of Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. Even if a dormer window of similar dimensions could be built as permitted development it does not outweigh my findings above. I have therefore attached limited weight to the alleged fall back position.
16. I have found no harm with regards to the proposed side infill, rear and first floor extensions and front roof lights. Nonetheless, I find that the proposed rear dormer would be an unsympathetic addition to the host building and would be detrimental to the local character of the wider area. Therefore, the proposal conflicts with objectives of Policies 7.1, 7.4 and 7.6 of The London Plan 2016 (TLP), Policies SP1, SP3 and H1 of the CS and guidance detailed within the SPG. Taken together these policies and guidance seek, amongst other things, to ensure that new development is of a high standard of design, is appropriate with regards to siting and makes a positive contribution to the surrounding environment. In addition, the proposal would also fail to comply with one of the Framework's core planning principles of seeking to ensure that development adds to the overall quality of the area.

Living Conditions

17. I have found that the scale of the proposed side infill and rear extension would represent a modest addition to the host building. As the extension would only extend 1.4 metres further in length and be approximately 1 metre higher than the existing rear addition, the proposal would not have a significant enclosing effect on the outlook or level of daylight experienced by the neighbouring occupiers at 68 Humberstone Road.
18. From the evidence submitted by the appellant, I note that the party wall which separates 64 Humberstone Road and the appeal site is approximately 3.85 metres high. Furthermore, I understand that the pitched roof of the existing rear extension is approximately 3.47 metres high. Given that the proposed flat roof of the rear extension would be reduced in height to approximately 3.1 metres, I consider the current level of amenity experienced by No 64 would be retained.
19. The proposed first floor extension would be located on the boundary with No 64. Despite this proximity, as I have previously found, the first floor extension would not appear as an overly dominant or overbearing addition. Moreover, in terms of the relationship between the proposed first floor extension and the location of the first floor window at No 64, a considerable separation distance would exist. Due to the small scale and the separation distance from the

window at No 64, I do not find it would result in a sense of enclosure to such a degree which would result in a loss of daylight and outlook. Furthermore, given the location of the extension, the 45 degree line from the first floor window at No 64 would not be breached.

20. It has been suggested that the proposed rear dormer would erode the level of outlook experienced by the adjoining occupiers. However, due to the location of the rear dormer on the roof slope and the lack of presence of rear dormers on the neighbouring houses, the outlook and level of daylight experienced would remain uninterrupted by the dormer.
21. In assessing the scheme against the existing and proposed site circumstances, I therefore do not consider that the proposal would harm the living conditions of the neighbouring occupiers at Nos 64 and 68 with regard to a sense of enclosure, outlook and daylight. As such, I find that the proposal would accord with the overall amenity protection aims of Policy 7.6 of TLP, Policy SP3 of the CS and SP8 of the DPD. In addition, the proposal would also comply with one of the Framework's core planning principles of seeking to secure a good standard of amenity for all existing occupants of land and buildings.
22. The Council has also referred to Policy SP2 of the CS in the decision notice. However, this policy is predominately concerned with the promotion of healthy lifestyles and the creation of healthier communities. In addition, Policies S1 and S6 of the CS have also been referred to, which are concerned with ensuring the provision of high quality housing, infrastructure and employment. As these policies do not make specific reference to the protection of local character and residential amenity, I do not consider they are of relevance in this instance.

Conclusion

23. I acknowledge that the proposal would not result in harm to the living conditions of the neighbouring occupiers. Furthermore, I acknowledge that the appeal proposal is intended to provide additional accommodation for modern family living. Whilst I have taken these factors into account in my determination of this appeal, it does not outweigh the harm that I have identified in relation to character and appearance.
24. Accordingly, for the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR