
Appeal Decision

Site visit made on 6 February 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 20th February 2017

Appeal Ref: APP/G5750/D/16/3164334

111 Second Avenue, Manor Park, London E12 6EN

- 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 Ms Gillespie against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/02737/HH, dated 24 August 2016, was refused by notice dated 20 October 2016.
 - The development proposed is erection of single storey rear wrap-around extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Policy H17 of the London Borough of Newham Unitary Development Plan (2001) has been deleted upon the adoption of the Newham's Local Plan Detailed Sites and Policies Development Plan Document (DPD) in October 2016.
3. Only very minor alterations have been made to the adopted version of Policy SP8 of the DPD compared to the submission draft version. The alterations made are not relevant to the main issues of the appeal proposal and thus it has not been necessary to seek parties' views. Consequently, no party would be prejudiced by the determination of the appeal on the basis of the adopted version of the policy.

Main Issues

4. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of existing occupiers at numbers 109 and 113 Second Avenue with specific reference to outlook.

Reasons

Character and appearance

5. The appeal property is situated on a terrace of traditional properties in a predominately residential area. The property retains many of its traditional architectural features including bays to ground and first floors, decorative arched door heads and decorative barge boards. The rear of the property has
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- a two-storey rear outrigger which forms part of the original property. The property has been extended by way of a roof conversion and dormer windows. The proposal involves a side infill extension and rear extension which would extend to an overall depth of approximately 10.75m, a height of approximately 2.8m and a width of approximately 5.5m.
6. The extension would be constructed in materials which reflect the materials of the host property. However, it would extend a significant depth along the western boundary and due to its scale and bulk would fail to appear subservient to the host property. Furthermore, the proposal would result in the loss of the original plan form and infill the characteristic side return. The proposal would, therefore, harm the character and appearance of the host property.
 7. The proposal would be visible above the existing boundary walls/fences. Whilst the proposal is situated at the rear of the property there is, nevertheless, a significant degree of inter-visibility between the rear gardens. Consequently the proposal would harm the character and appearance of the area.
 8. Taking these factors in combination I consider that the proposal would appear as a bulky and incongruous addition to the property which would fail to respect the character and appearance of the area.
 9. Attention is drawn to a number of planning applications which have been granted permission for rear extensions. The rear extension of the Romford Road case is not as deep as the appeal proposal and the property does not have an existing two-storey outrigger. The Hampton Road case is an end of terrace and the rear extension would not extend beyond the existing kitchen extension to the rear or beyond the existing side elevation. The rear extension in the First Avenue case is not as deep as the appeal proposal and although an infill extension the adjacent property had already been extended to the rear. The rear extension of the Strone Road case is not as deep or as wide as the appeal proposal and was considered to be permitted development. Consequently, none of these cases are directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision.
 10. I noted on my site visit that further along the street there appeared to be some form of single storey rear extension on the rear elevation of a property. However, it looks as though it has been there some time and no details have been provided. Consequently, I cannot be certain that it benefits from planning permission which limits the weight which I can attach to it in my Decision.
 11. Paragraph 60 of the National Planning Policy Framework states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation. It goes on to say, however, that it is proper to seek to promote or reinforce local distinctiveness and for the reasons stated I consider that the proposal fails to accord with this objective.
 12. For the reasons stated, I conclude that the proposal would harm the character and appearance of the host property and the area. The proposal would, therefore, be contrary to criteria D of Policy 7.1 of the London Plan 2016 which states that the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability and accessibility of

the neighbourhood. In addition the proposal would conflict with Policies 7.4 and 7.6 of the London Plan (2016) which together seek to ensure that buildings and structures are of the highest architectural quality and respect local character.

13. Furthermore, conflict arises with Policy SP1 of the Newham's Local Plan-Core Strategy (CS) 2012 which states that high quality development will be expected, which respects, takes advantage of, and enhances the positive and distinctive features of the borough. In addition, there is conflict with Policy SP3 of the CS which states that all development proposals will be expected to realise a high quality of urban design. Conflict also arises with Policy H1 of the CS which seeks to ensure quality neighbourhoods are created and that new development fits with the existing urban character and scale. Moreover, conflict arises with criterion 4 of Policy SP8 of the DPD which states that the Council will support proposals that demonstrate integration with the street scene.
14. Finally, conflict arises with the 'Altering and Extending Your Home' Supplementary Planning Guidance 2000 which requires new extensions to relate to the style and character of the existing house and that single storey rear extensions should not normally exceed 3.05m in depth.
15. Policies S1 and S6 of the CS are strategic policies which are not directly applicable to the proposal. Policy SP2 of the CS is considered to be relevant to the second main issue.

Living Conditions

16. The proposed extension would infill the gap between the existing rear projection and the boundary with the adjacent property number 113 Second Avenue (No 113) extending along the common boundary to a depth of approximately 10.75m. No windows are proposed on this elevation and consequently, the proposal would not have a harmful effect on the privacy of No 113.
17. However, No 113 has not been extended and its side return area is, therefore, open. It has one ground floor and one first floor window on the main rear elevation. There is also a ground floor and first floor window on the side elevation of the outrigger which would face towards the proposed infill extension. All of these windows appear to serve habitable rooms and none of the windows are obscured.
18. Although single storey, the proposed infill extension would be significantly higher than the existing blockwork wall which currently defines the boundary. The occupiers of No 113 currently have an outlook from the ground floor window on the side elevation of the outrigger over and above the existing wall. They would instead be faced with a blank brick wall, in very close proximity to their window. The infill extension would also create a 'tunnel effect' by enclosing the space and reducing the outlook from the ground floor window on the main rear elevation. Consequently, the proposal would significantly reduce the outlook of the occupiers of No 113 and would have a dominating presence.
19. The proposed rear extension would extend approximately 4m along the common boundary of number 109 Second Avenue (No 109) which has not been extended to the rear. No 109 has a patio window on the rear elevation of the

outrigger and beyond this a small patio area. The property has an existing boundary fence which the proposal would extend above. The outlook over the fence from the patio window to the garden of the host property is limited by the existing fence and some foliage on both sides of the fence. Whilst the proposal would reduce the peripheral outlook from the windows of No 109 to a degree, the outlook over their own large rear garden would, nevertheless, be maintained. Consequently, I do not consider that the proposal would have a materially harmful effect on the occupiers of no 109.

20. For the reasons stated, I consider that the proposal would have a significantly harmful effect on the occupiers of No 113 with specific reference to outlook. The proposal would, therefore, be contrary to criterion Bd of Policy 7.6 of the London Plan which states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings. Particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.
21. Furthermore, the proposal would be contrary to Policy SP2 of the CS which seeks, amongst other things, to improve housing quality. In addition the proposal conflicts with Policy SP8 of the DPD which states that all development is expected to achieve neighbourliness. Finally, the proposal would conflict with the SPG which states that care is needed when altering or extending your home in order to avoid adversely affecting neighbouring properties.

Other matters

22. The proposal may provide some benefits in terms of improved living space for the existing occupiers of the host property. However any such benefits would be outweighed by the significant harm which I have identified to the character and appearance of the host property and the living conditions of adjacent occupiers.

Conclusion

23. For the reasons stated and taking all other matters into consideration the appeal should be dismissed.

Caroline Mulloy

Inspector