

Appeal Decision

Site visit made on 1 March 2017

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/G5750/D/17/3166618
28 Westbury Road, London, E7 8BU

- 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 Sameer Patel against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/03053/HH, dated 27 September 2016, was refused by notice dated 17 November 2016.
 - The development proposed is the erection of a mansard with front and rear dormers including front and rear windows.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Character and appearance

3. The proposed works to the property would see a mansard addition set over most of the main existing roof, set-back from the front parapet and, to a lesser extent, from the party walls. This addition would then be joined to a dormer addition over most of the existing rear outrigger for the property, which would be set at a lower level. There is a similar proposal for the adjoining property of 30 Westbury Road and which is the subject of a concurrent appeal (ref. APP/G5750/D/17/3166620).
 4. The appeal property, and its neighbour of No. 30, lie within a terrace on the western side of Westbury Road. This terrace does not have any existing mansard or dormer extensions to the roofs, and there is a good degree of consistency at the roof and higher level of this terrace due to a strong parapet line. This feature assists in providing a valuable sense of uniformity to the terrace, despite more minor alterations to the fenestration of individual properties beneath that parapet and roofline; in short, the consistency of the roof is a positive feature to the area. The fact that the terrace of pitched roofed properties on the opposite side of Westbury Road is also free from extensions at roof level further aids this impression of consistency at roof level in the
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- wider area. There are long views of the terrace within which No. 28 lies and its parapet line from Westbury Road and Westbury Terrace opposite, so this consistency has merit in the wider street scene.
5. The proposed mansard addition to the main roof of the appeal property would break this uniformity due to its visual impact. By rising above the parapet there would be an unfortunate discordant and disruptive effect on the terrace, which would harm the balance that exists at present. Due to the long views of the terrace, and the appeal property itself, this harmful effect would be widely appreciated in the area.
 6. I have also considered the effect upon the character and appearance of the area that might occur if the similar development on the main roof at 30 Westbury Road were also to proceed. Rather than appearing as a balanced element to the street, the resulting two separate mansard additions to the properties would emphasise the discordancy from breaching the parapet and upsetting the balance in the terrace that exists. Thus, the proposals for the main roof at both No. 28 in isolation, or when considered with that shown at No. 30, would be unacceptable.
 7. As noted, the proposed works would see an addition over the rear outrigger. That extension would be set at a lower level than the addition over the main roof slope: the submitted drawings illustrate it would only rise just over parapet height. As this extension would then be set back from the main building line – well back from the parapet – such alterations to the outrigger would not be visible in the important views along Westbury Road and Westbury Terrace. Thus, there would not be the harm to the consistency of the terrace, as would exist as a result of the proposed changes to the main roof. Although the changes would be seen in private views at the rear of the property, by being contained to the rear outrigger, in an area where there has evidently been past changes to the property, this change would not be harmful.
 8. However, although I consider the changes to the outrigger would not impose upon the character of the wider area, it is clear that the scheme for extensions to the main roof and the rear outrigger are intrinsically linked and cannot be separated. Thus, my overall conclusion on the main issue is that the proposed development as shown on the submitted drawings the subject of this appeal would be harmful to the character and appearance of the surrounding area. This would conflict with the objectives of the policies relevant to this main issue, namely Policies 7.4 and 7.6 of the London Plan (2016), Policies S6, SP1, SP2, SP3 and H1 of the London Borough of Newham Core Strategy (2012), Policy SP8 of the London Borough of Newham Detailed Sites and Policies Development Plan Document (2016) and guidance in the London Borough of Newham Altering and Extending Your Home Supplementary Planning Guidance Note, the general thrust of which is to ensure new development is of a high quality that respects local character.
 9. The appellant has drawn my attention to an appeal decision in August 2016 that granted permission for a mansard addition at Boleyn Road (ref. APP/G5750/D/16/3149291). In that decision it was evidently concluded that the high parapet wall to the property would partially screen the mansard, it would be difficult to see from other locations, and that the terrace in question was not of such high quality or character to prevent changes. I have

determined the current appeal on the basis of the character and appearance of the appeal property, the terrace within which it stands and the relationship of that terrace to the surrounding area. The conclusions drawn with regards to the current appeal therefore remain unaltered as a result of the other appeal's findings.

Other considerations and conclusion

10. The Council's Delegated Report refers to concerns relating to the effect of the proposed dormers on the neighbour of No. 30 in terms of overbearing and overshadowing. However, this reference was not translated into a formal reason for refusal, and I have not been provided with any detailed or objective evidence regarding this matter. Of particular relevance in this matter is the fact that No. 30 is under the same ownership as the appellant in No. 28 and I am informed both properties are occupied by the same extended family. Also, as noted earlier, a parallel appeal for the same form of development is progressing at No. 30. I therefore have little doubt that, were both appeals successful, then both extensions would proceed, and the relationship between both extended properties would then be acceptable due to the design of both proposals.
11. Notwithstanding my comments above relating to amenity issues, it is my overall conclusion that the harm I have identified on the main issue and the resulting conflict with the development plan policies outweighs other findings. The appeal is dismissed accordingly.

C J Leigh
INSPECTOR