

## Appeal Decision

Site visit made on 21 March 2017

**by Philip Lewis BA (Hons) MA MRTPI**

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

**Decision date: 04 April 2017**

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**Appeal Ref: APP/G5750/D/17/3169672**  
**14 Clayton Close, Beckton, London E6 5QD**

- 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 Saulius Strumskis against the decision of the Council of the London Borough of Newham.
  - The application Ref 16/01800/HH, dated 5 June 2016, was refused by notice dated 9 December 2016.
  - The development proposed is timber frame shed with bicycle store and log cabin.
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### Decision

1. The appeal is allowed and planning permission is granted for a timber frame shed with bicycle store and log cabin at 14 Clayton Close, Beckton, London E6 5QD in accordance with the terms of the application, Ref 16/01800/HH, dated 5 June 2016, subject to the following condition:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 16/01811/HH 1 of 7 01, 16/01811/HH 2 of 7 01, 16/01811/HH 3 of 7 01, 16/01811/HH 4 of 7 01, 16/01811/HH 5 of 7 01, 16/01811/HH 6 of 7 01 and 16/01811/HH 7 of 7 01.

### Procedural matter

2. I saw at my site visit that the timber frame shed is under construction and is substantially complete, with the external cladding material still to be fitted.

### Main Issues

3. The main issues for the appeal are:
  - The effect of the development on the character and appearance of the area; and
  - The effect of the appeal scheme on the living conditions of neighbours, with particular regard to any dominating / overbearing effects.

### Reasons

#### *Character and appearance*

4. The building has been constructed in the rear garden of the host property, 14 Clayton Close. It occupies an area enclosed by the rear of the garage of No 14, the garage and gable flank wall of the neighbouring 13 Clayton Close and the boundary fence with 2 and 3 Barton Close to the rear. I saw at my site visit that the front of the building, as constructed, has a similar eaves height to the
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garage of the host property. The submitted plans indicate that the front of the building has a maximum height of 2.5 metres rising to 2.673 metres at the rear. I note that the building is incomplete but that it is intended that the building is finished with tongue and groove boarding. I observed that whilst there is uniformity in the appearance of the dwellings and garages in the housing estate, with red bricks and brown concrete roof tiles predominating, there are also close boarded timber fences and some variety in curtilage buildings.

5. I have had regard to the Council's comments concerning the design of the estate and that there have been relatively few extensions or alterations made to properties. However, I consider that the appeal building, due to its position in relation to the existing buildings, its design, scale and its timber construction has the appearance of a curtilage building. Given the presence of timber boundary fences, I do not find the proposed use of timber boarding to be incongruous.
6. I saw at my site visit that the upper parts of the building are visible above the boundary fences from Brandreth Road and observed that it reads as being appreciably lower in height than the garage of the host dwelling. Whilst the appeal building is visible from surrounding dwellings and their gardens, I do not consider it gives rise to significant harm to the character and appearance of the area.
7. I find that the appeal scheme does not conflict with Newham 2027 Newham's Local Plan - The Core Strategy (CS) Spatial Policies S1 and S5, CS Policy SP1 which is concerned with place making, CS Policy SP2 which is concerned with healthy neighbourhoods and CS Policy SP3 and CS Policy H1 which amongst other things, sets out that all development proposals will be expected to realise a high quality of urban design. The appeal proposal also does not conflict with the design policies of the London Plan contained in Policies 7.1, 7.4, 7.5 and 7.6 or Newham's Supplementary Planning Guidance 'Altering and Extending Your Home' (SPG). Additionally, the appeal proposal does not conflict with the design policies of the National Planning Policy Framework.

#### *Living conditions*

8. The appeal building can be seen from the rear gardens of 13 and 15 Clayton Close and 1-3 Barton Close, from where it is visible above the existing close boarded timber fence. In its current unfinished state, the appeal building appears particularly prominent due to the appearance of the blue coloured lining material.
9. I saw at my site visit that whilst the depths of neighbouring gardens vary, there is sufficient separation distance between the appeal building and neighbouring houses such that it should not give rise to unacceptable dominating effects upon the occupiers of the dwellings. In addition, I do not consider that the height of the appeal building to be so great, particularly when read in relation to the existing garages and boundary treatments, that it gives rise to unacceptable overbearing or dominating effects for neighbouring gardens or have an unacceptable effect on the enjoyment of outdoor living space.
10. To conclude on this matter, the appeal scheme would not give rise to unacceptable harm to the living conditions of neighbours. The Council has

listed a number of policies in its reason for refusal. Of those I consider relevant to this issue, the appeal proposal does not conflict with Policy SP8 of the Newham's Local Plan Detailed Sites and Policies Development Plan Document which is concerned with neighbourly development. I also find it does not conflict with CS Policy SP3 which is concerned with quality urban design or London Plan Policy 7.6, which amongst other things includes that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings. In addition, the proposal does not conflict with the SPG.

### **Other matters**

11. I have had regard to the comments concerning the integrity of the structure of the appeal building, but there is no substantive evidence before me in this regard. I have also considered the comments regarding the party wall, but any such issues are covered under separate legal rights. In regards to the comments made concerning drainage, there is no firm evidence before me that it is not feasible to provide adequate drainage for the structure.

### **Conditions**

12. I have specified the plans as that provides certainty.

### **Conclusion**

13. For the reasons given above and having considered all matters raised, I conclude that the appeal should be allowed.

*Philip Lewis*

INSPECTOR