

Appeal Decision

Site visit made on 6th March 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 4 April 2017

Appeal Ref: APP/G5750/D/17/3167547

110 Tunmarsh Lane, Plaistow, London, E13 9NG.

- 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 Brendan Moran against the decision of the Council of the London Borough of Newham.
 - The application Ref: 16/02775/HH, dated 30 August 2016, was refused by notice dated 2 November 2016.
 - The development proposed is first floor rear extension.
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Procedural Matter

1. The extension has already been completed on site. Accordingly, I consider a more accurate description of the proposal is retrospective permission for first floor rear extension.

Decision

2. The appeal is allowed and planning permission is granted for retrospective permission for first floor rear extension, at 110 Tunmarsh Lane, Plaistow, London, E13 9NG, in accordance with the terms of the application Ref: 16/02775/HH, dated 30 August 2016, subject to the following conditions:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order (with or without modification), no windows, or other openings shall be inserted in the flank (side) walls of the extension hereby approved without express planning permission.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order (with or without modification), the roof of the extension hereby approved shall not be utilised as a sitting out or similar amenity area without further express planning permission.

Main Issues

3. The main issues in this appeal are the implications of the proposal for (1) the character and appearance of the area and (2) the outlook and visual amenity of surrounding residents.
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Reasons

4. The appeal property comprises a mid-terraced dwelling. The extension has been built over part of a single storey addition to the property at the rear. It has a flat roof with a depth of about 3 metres and width of around 2.4 metres. I take the Council's point that the rear of houses on Tunmarsh Lane and the terrace beyond on Humberstone Road do not in the main feature two storey rear projections and I saw no other examples of similar flat roofed additions at first floor in the vicinity.
5. However, its proportions are modest and as it occupies only about two thirds the width of the host property and is set well down from ridge level, it appears as a subordinate addition thereto. Seen in the context of the much larger rearwards projection at 114 Tunmarsh Lane; the next door but one property, it does not appear out of scale with the host dwelling or indeed out of character with the wider terrace. Its flat roof does impart a somewhat boxy appearance, but this does not appear strident given the limited scale of the extension and indeed, its design is in keeping with the large box dormer which has been erected in the main rear roof slope above it, as well as the flat roofed single storey extension beneath it.
6. I appreciate that the cumulative additions to the property including the aforementioned extensions are considerable. Nonetheless on balance, I do not consider that coupled therewith, the extension visually overwhelms the property to the extent it could be said to amount to unacceptable overdevelopment. For these reasons, I conclude on the first main issue that the proposal integrates satisfactorily with the dwelling and wider character and appearance of the area. I thus find no conflict with the advice in the National Planning Policy Framework, Policies 7.1, 7.4 and 7.6 of the London Plan (2016) (LP), Policies S6, SP1, SP3 and H1 of Newham 2027: Newham's Local Plan-The Core Strategy (2012) (CS), Policy SP8 of the Newham 2027: Newham's Local Plan: Detailed Sites and Policies Development Plan Document (2016) (DPD) and the Supplementary Planning Guidance No 15: *Altering and Extending Your Home* (SPG). These seek to secure high quality urban design, which has regard to the form, function and structure of the area and fits with the existing urban character. However, I find that Policies S1 and SP2 of the CS which deal with Strategic Development Objectives and Healthy Neighbourhoods respectively, are not relevant to the appeal.
7. In relation to the second main issue, the Council refer to the extension appearing unneighbourly by virtue of harm to the visual amenity and outlook of local residents. They refer in particular, to the rear gardens and windows of the houses on the North side of Humberstone Road. However, whilst the proposal will be clearly visible therefrom, it is sited a considerable distance away. Moreover, it will be viewed against the backdrop of the terrace, such that it would not be intrusive to the outlook of residents, or otherwise detrimental to their visual amenity.
8. In relation to Nos 108 and 112 Tunmarsh Lane to either side, I am satisfied given the relatively modest proportions of the extension and its separation from nearest windows, that there would be no material impact thereon. It would feature more obviously in the outlook from first floor facing windows in the rear projection of No 114 Tunmarsh Lane. However, mere visibility does not equate

to harm and given the available separation distance and limited depth of the extension, I do not consider it would appear unduly dominant or harmful to the outlook therefrom.

9. For these reasons, I conclude in relation to the second main issue that the proposal would not adversely affect the outlook or visual amenity of surrounding residents. I thus find no conflict with the relevant provisions of Policies 7.1, 7.4 and 7.6 of the LP, Policy SP8 of the DPD, or the guidance in the SPG, which seek to promote good quality environments for people, which achieve neighbourliness and do not cause harm to the amenity of surrounding buildings. However, I find nothing in Policies S1, S6, SP1, SP2, SP3 or H1 of the CS which are of relevance to this particular issue.
10. In addition to the standard time limit for commencement of development, the Council suggest a condition requiring implementation of the proposals in accordance with the approved plans and a matching materials condition. These are superfluous as the development is complete. The brickwork in the extension does not match that of the main house, although it does match that of the single storey extension beneath it. I thus consider its finish is acceptable. The parties were canvassed in relation to conditions withdrawing permitted development rights for the insertion of windows in the sides of the extension and preventing its roof being used as an amenity or sitting out area, both of which are necessary to protect the living conditions of surrounding residents. The appellant queried the latter in connection with future maintenance of the windows and roof of the extension. However, the condition would not preclude these measures.

ALISON ROLAND

INSPECTOR