

Appeal Decision

Site visit made on 22 March 2017

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 21 April 2017

Appeal Ref: APP/G5750/C/16/3157481

Land at 12 Leigh Road, East Ham, London E6 2AS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Surinder Singh Panesar against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 1 July 2016.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a rear extension.
 - The requirements of the notice are:
 1. Demolish the rear extension (as shown edged in blue on the attached plan, and as shown edged in yellow on the photograph attached at Appendix 1).
 2. On completion of step 1 above, remove all materials and debris from the site.
 - The period for compliance with the requirements is three months from the date this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.
-

Summary of Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Ground (a) and the deemed application for planning permission

Main issues and reasons

2. The main issues on this ground are the effect of the development on firstly, the character and appearance of the area and secondly, the living conditions of neighbouring residents.
 3. The appeal property is a two-storey dwelling of traditional brick and slate construction, in a residential area. To the rear of the building a ground floor extension, the subject of the notice, has been added across virtually the full width of the plot, about 4.58m deep and 2.6m high. Its appearance among the rear elevations of the surrounding properties is disproportionately large compared to the rear additions of those dwellings, undermining the uniform character and appearance of this part of the terrace. Furthermore its excessive width and depth is incongruous and not subservient to, the host dwelling.
 4. In addition I saw that the extension is built with poor quality materials, having a semi-transparent roof and upper panels which, taken together with the exposed frame, give it an unfinished appearance, at odds with the traditional materials in the host dwelling.
-

5. Turning to the issue of living conditions, the Council is concerned that the extension adversely affects the outlook from neighbouring properties. Whilst the notice did not refer to this matter, it is an issue on which the appellant has had an opportunity to comment by way of reply to the Council's statement.
6. Single storey rear extensions should not, according to the Council's supplementary guidance¹, normally exceed 3.05m in depth to avoid overshadowing of neighbouring properties. From what I saw during my site visit, the overall height and depth of the extension significantly exceeds that of the more modestly stepped rear elevations to properties on either side of No 12, although the evidence does not suggest that there would be any oppressive loss of sunlight or daylight to those properties.
7. However the resulting size and massing of the structure detracts from the outlook available to occupants within the ground floors and areas close to the rear elevations of these close-knit dwellings. As such the extension is an unneighbourly form of development that causes harm to the living conditions of residents at Nos 10 and 14. Although no objections are raised by residents, I must have regard to living conditions for future as well as present occupants.
8. Note has been taken of the variety of extensions and outbuildings in the wider area around the appeal site, but they do not provide a compelling reason to allow the unauthorised development that remains insubordinate to its host, despite its single storey structure and flat roof.
9. The extension is designed to take account of needs of elderly persons. However I see no reason why an extension cannot be designed with this aim, but without the adverse effects occasioned by the unauthorised development.
10. I have taken into account what has been said about other appeal decisions that are said to relate to similar developments, but as I have not been given full details of these appeals, it has not been possible to make any meaningful comparisons with the present appeal, which I have decided on its own merits.
11. To conclude the development by reason of its disproportionate size and sub-standard materials causes substantial harm to the character and appearance of the host dwelling and the rear elevations of the terrace, contrary to supplementary guidance and the aims of Policies S6, SP1, SP3, and H1 of the Newham Core Strategy. These policies require among other matters a high quality of design in development that respects local character and the locally established pattern of development.
12. The height and depth of the extension combined with its proximity to the side boundaries, also causes a significant degree of loss of outlook from adjacent properties. The harm caused is contrary to the aims of supplementary guidance and Policy SP8 of London Borough of Newham Local Plan: Detailed Sites and Policies Development Plan Document, 2016. These aims include that of ensuring that the impacts of all development including extensions are neighbourly and do not result in an unacceptable loss of outlook in densely built-up areas.
13. The appeal on ground (a) therefore fails.

¹ Altering and Extending Your Home, Supplementary Planning Guidance Notes, No 15.

Ground (g)

14. The appeal on this ground is that the time given to comply with the requirements of the enforcement notice is too short. The appellant states that the period of three months for compliance should be extended to nine months to raise finance, appoint contractors and carry out the work. The Council's response inexplicably refers to a front porch, not in the scope of the notice.
15. Proper consideration has to be given to the individual circumstances of any request to extend a compliance period. However no further information is supplied to explain any financial difficulty or why a period of nine months is necessary to schedule and carry out what is relatively minor work. The extension is a single storey projection that is required to be demolished and removed. This would not involve major structural work and I see no reason why it should not be achieved within a matter of weeks. The overall period of three months is adequate in my view to make the necessary arrangements to complete the required action. Accordingly the appeal on ground (g) fails.

Overall Conclusion

16. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the notice and refuse to grant planning permission on the deemed application.

Formal Decision

17. The appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under s177(5) of the 1990 Act as amended.

Grahame Kean

INSPECTOR