



Appeal Decision

Site visit made on 25 April 2017

by **A J Mageean BA (Hons) BPI PhD MRTPI**

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

Decision date: 16 May 2017

Appeal Ref: APP/G5750/W/17/3167280

68a Stopford Road, Plaistow, London E13 0LZ

- 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 Sufwan Nawab against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/00641/FUL, dated 2 March 2016, was refused by notice dated 11 August 2016.
 - The development proposed is proposed installation of rear dormers to host and annex roofs.
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Decision

1. The appeal is dismissed

Procedural Matter

2. From the evidence before me I am aware that the policy from the Unitary Development Plan referred to by the Council in its decision notice has been superseded by the Detailed Sites and Policies Development Plan Document (DPD), which was adopted following the determination of the planning application. The Council has also indicated that the SPG *'Altering and Extending Your Home'* has now fallen away. The appellant has been given the opportunity to comment on this revised policy context and I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the host building and surrounding area; and,
 - the living conditions of the occupiers of No 66 Stopford Road with particular reference to outlook and access to sunlight/daylight.

Reasons

Character and appearance

4. The appeal site is a two storey mid-terrace property of traditional character within a street of similar buildings. To the rear these properties have reasonably sized gardens which back onto Pelly Road. This area, which is fronted to the east by modern terraced housing, is of more mixed character, with some of the
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Stopford Road properties having rear garages and others having trees and shrubs.

5. The dormer addition to the main rear roof slope would occupy most of its area, spanning the full width of the property and sitting slightly below ridge level. The adjoining dormer to the two storey rear outrigger would be sited at a slightly lower level, though would also cover most of this roof slope and would extend above the height of its existing ridge. Notwithstanding the use of complementary materials these box style additions would dominate the roof areas and conflict with the character of the host building. Whilst they would not be visible from Stopford Road they would be clearly visible from Pelly Road.
6. The appellant refers to the varied appearance of the rear outriggers along the terrace, and I accept that some are three storeys and that a variety of fenestration patterns and materials are evident. However the basic gable roof form and subservience to the main roof have remained intact. The appellant also suggests that the quality of the streetscape along Pelly Road is lowered by the variety of rear boundary treatments, some of which appear untidy. Whilst I accept that the setting of these buildings is somewhat compromised, this does not justify the erosion of building character proposed in this case. Nor does the fact that in the summer months local trees would screen some views of the appeal building.
7. The appellant challenges the relevance of the appeal decisions referred to by the Council, and I agree that the full circumstances of these cases are not known. The appellant also acknowledges that double dormers do not appear within this terrace but states that there are some in the surrounding streets. Again, the full details of these cases are not before me, but the Council notes that some of these examples may be unlawful and that others were constructed under permitted development rights which do not apply in this case. More generally my view is that poor quality decisions in the past should not set a precedent for the future. I have therefore considered the current proposal on its own merits and found that it would be unacceptable due to its discordant design.
8. I conclude that the proposal would have a detrimental effect on the character and appearance of the host building and surrounding area. As such it would conflict with the Newham Core Strategy 2012 (CS) Policies SP1, SP3 and H1 which seek high quality design that supports local distinctiveness. It would also conflict with the London Plan Policies 7.1, 7.4, 7.5 and 7.6, and those aspects of the National Planning Policy Framework (the Framework) which require good design that responds to local character.
9. CS Policies S1 and S6 set out spatial policies and are of limited relevance to this case, and similarly Policy SP2, referring to healthy neighbourhoods rather than design issues, does not support my reasoning. DPD Policy SP8 requires neighbourly development and does not refer directly to design matters.

Living conditions

10. As No 66 has windows on its rear elevation and a rear two storey outrigger, the addition of the dormers in such close proximity, particularly that on the rear outrigger, would dominate the outlook from these windows. It is possible that not all of these windows serve habitable rooms. Nonetheless the increase in the height and bulk of the roof area so close to the shared boundary with No 66 would lead to an increase in the sense of enclosure for the occupiers of No 66.

This would affect the outlook from both rear facing rooms and within the garden area closest to this property to an unacceptable degree. The presence of windows within the dormer would not serve to lessen this 'tunnelling' effect in any significant way.

11. No 66 is located to the north of No 68. I accept that it would not be likely that the dormers themselves would have an effect on daylight reaching the rear of this property. However, whilst it is likely that any decrease in direct sunlight reaching the rear of No 66 during summer months would be modest, this would be more pronounced in the winter due to the lower trajectory of the sun. In this close knit environment where direct sunlight is already restricted such a loss would be significant and in my view unacceptable.
12. Whilst I note that the occupiers of No 66 have written in support of the appeal, I understand that this property is in the same ownership as the appellant. In such circumstances it is important to consider the living conditions for all future occupiers of this dwelling, and given the possibility of bias it is appropriate to discount this representation. Whilst the appellant points out that the views onto the generous rear garden of this property would not be effected, of concern is the harmful impact the development would have on those parts of the living area with rear facing windows and narrow part of the garden closest to this dwelling.
13. I conclude on this matter that the proposal would have a detrimental effect on the living conditions of the occupiers of No 66 Stopford Road with particular reference to outlook and access to sunlight. It would therefore conflict with the CS Policies SP3 and H1 which promote high standards of living accommodation, and Policy SP8 of the DPD which seeks to secure adequate access to sunlight. It would also conflict with the London Plan Policies 7.1 and 7.6, which taken, together require development to provide a high standard of accommodation. Finally, it would be contrary to the Framework Paragraph 17 which seeks to secure a high standard of amenity for existing and future occupiers of land and buildings. CS Policies S1, S6, SP1, SP2 and the London Plan Policy 7.4, whilst referred to in the Councils decision notice, are not directly related to this matter.

Other Matters

14. The proposal would provide two further bedrooms within what is presently a one bedroomed flat. I appreciate that this would provide affordable accommodation for the appellant's family, and accept that the provision of a larger dwelling would support the CS Policy S6 which seeks to increase the provision of family housing in the borough. Nevertheless such considerations do not overcome the harm I have found in relation to design matters and living conditions which in this case are decisive.

Conclusion

15. I have found that there would be harm in relation to both the character and appearance of the host building and wider terrace, and to the living conditions of the occupiers of No 66. As material considerations do not indicate that I should conclude other than in accordance with the development plan taken as a whole, the appeal is dismissed.

AJ Mageean

INSPECTOR