

Appeal Decision

Site visit made on 25 April 2017

by J D Westbrook BSc(Hons) MSc MRTPI

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

Decision date: 16 May 2017

Appeal Ref: APP/G5750/D/17/3170800
245 Sherrard Road, London, E12 6UG

- 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 Can Atalay against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/03159/HH, dated 5 October 2016, was refused by notice dated 5 December 2016.
 - The development proposed is the construction of a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a first floor rear extension at 245 Sherrard Road, London, E12 6UG in accordance with the terms of the application, Ref 16/03159/HH, dated 5 October 2016, and the plans submitted with it, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan; Drawings 245/16 PL01, PL02, PL03, PL04 (all Rev A)
 3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues in this case are the effect of the proposed extension on
 - the character and appearance of Sherrard Avenue, and
 - the living conditions of the occupiers of Nos 243 and 247 Sherrard Avenue by way of light and overshadowing.

Reasons

3. No 245 is a mid-terraced house situated on the northern side of Sherrard Avenue. It has a relatively long back garden backing onto the extensive open land comprising Woodgrange Park Cemetery. In common with other houses in the vicinity on this side of the road, it has a small two-storey rear outrigger, in this case shared with No 243. It also has a further single-storey rear extension
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housing a small downstairs bathroom. The proposed extension would project some 2 metres beyond the existing rear elevation of the outrigger, above part of the downstairs bathroom. It would continue the eaves and roof line of the existing outrigger and would enable the extended outrigger to house a new upstairs bathroom along with a re-positioned bedroom.

Character and appearance

4. The Council contends that the proposed extension would present an anomalous design feature to the rear elevation of this terrace. I accept that it would cease to mirror the equivalent side of the rear outrigger at No 243, but the Council itself acknowledges that whilst the area is characterised by dwellinghouses of similar form, many benefit from existing extensions, such that the rear building lines along neighbouring properties are irregular and do not form a prevailing pattern of development.
5. Given the irregular nature of the rear elevations along Sherrard Avenue, coupled with the fact that the rear extensions are not readily visible from the public realm, I do not consider that the proposal at the appeal property would be significantly harmful to the character or appearance of the area. In the context of the rear building lines of Sherrard Avenue as a whole, it would not be an anomalous feature and would not conflict with Policy SP3 of the Council's Core Strategy, which seeks to reinforce local distinctiveness whilst securing coherence with the local context.

Living conditions

6. The Council contends that the proposed extension would result in an unacceptable detrimental impact upon the living conditions of the occupiers of the adjoining property at No 243 Sherrard Road in terms of loss of light and overshadowing, and upon the occupiers of adjoining property No 247 Sherrard Road in terms of loss of light.
7. The rear elevations of the houses on this side of Sherrard Avenue face north. The proposed extension will project only a matter of 2 metres beyond the existing rear elevation northwards. The ridge of the extension would be only at the same height as the eaves of the main part of the houses, and the eaves of the extension would be well below that level. In addition, the sloping roof would have a very shallow pitch. I have not been presented with any figures or detailed information relating to the impact of the proposal on light received by the windows of neighbouring houses, but in view of the limited length and height of the extension and its northerly position, I do not consider that it would be likely to have any significant impact on light received by those windows.
8. The proposed extension would project only some 2 metres beyond the rear elevation of the outrigger at No 243 and would be to the north east of the rear window in that elevation. As such it would have virtually no impact on that window by way of overshadowing. Similarly, its limited length would result in no significant impact on the outlook from that window, which would remain largely uninterrupted towards the open area of the cemetery beyond.
9. In the light of the above, I find that the proposed extension would not be significantly harmful to the living conditions of the occupiers of Nos 243 and 247 by way of light or overshadowing. It would not, on this basis, conflict with

Policy SP8 of the Council's Local Plan: Detailed Sites and Policies Development Plan Document, which seeks to ensure neighbourly development, including adequate access to daylight and sunlight.

Conditions

10.I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area.

J D Westbrook

INSPECTOR