



---

## Appeal Decisions

Site visit made on 5 June 2017

**by A U Ghafoor BSc (Hons) MA MRTPI**

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

**Decision date: 15 June 2017**

---

### **Appeals refs: APP/G5750/C/16/3159963 and 3159964 7 Navarre Road, East Ham London E6 3AQ**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 [‘the Act’].
  - The appeals made by Mrs Naheed Iqbal and Mr Zafar Iqbal against an enforcement notice issued by the Council of the London Borough of Newham.
  - The enforcement notice, numbered 15/00730/ENFC, was issued on 2 September 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 to:
    - (1) Demolish the extension,
    - (2) Remove all materials and debris from the site.
  - The period for compliance with the requirements is three months.
  - The appeals are proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
- 

### **Decisions**

1. Both appeals are allowed, the enforcement notice is quashed and planning permission is granted on the applications deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the erection of a rear extension on land at land at 7 Navarre Road, East Ham London E6 3AQ referred to in the notice.

### **Reasons**

2. The main issue is the effect of the development upon the character and appearance of the host dwelling and that of the locality and, linked to that, neighbours’ living conditions having particular regard to outlook.
3. The locality is residential in character defined by rows of terrace properties. No. 7 is a two-storey building and it has a rear extension that is about 4.3 m deep and spans the width of its elevation. The subject extension has been built to one side of this single-storey enlargement. It is used as a ground floor shower room and toilet. It is 2.74 m tall 1.64 m deep and 1.56 m wide<sup>1</sup>, flat-roofed and brick built. The Council point out that the external elevations to the host building are finished in cement render, yet the subject extension is built in red brick. Nevertheless the materials used on the outer surfaces of the existing extension match those used in the appeal extension; requiring the latter to be finished in cement render would look most odd. The development successfully integrates with the rear extension and does not cause visual harm to the external appearance of the host building. The design is not out-of-keeping with the residential character of the street scene.

---

<sup>1</sup> The details are taken from the Council’s statement of case.

---

4. The Council is concerned about the increase in size of the extensions to rear of the property and potential over-dominant effect. However, the subject extension does not span the full width of the host building because of its dimensions. Its height and scale is modest. While the bulk and mass of the rear extensions has increased, cumulatively, the development does not cause harm to outlook given the layout and location of the extensions relative to adjoining properties. I am also quite content that the built-form does not adversely affect the amount of daylight received by adjoining gardens because of orientation. Further, I observed that the appeal property has adequate private and useable amenity space, given the size of its rear garden.
5. The Council refers to other Inspector decisions and, essentially, the argument is that similar extensions were found unacceptable. Inspector decisions are not case law though the findings and approach to a particular matter may be material and there is a need for consistency in the planning process. However, I am not bound to reach the same conclusions provided there are sound planning reasons for departing from their approach. Although comparisons are made it should be borne in mind that I should evaluate the merits of this particular proposal and site.
6. In that context, I have considered decisions in relation to no. 4 Credon Road, 54 Bristol Road and 32 Latimer Avenue. These cases can be distinguished on individual facts. For example, there are substantial differences between the appeal extension and the size, layout, design and type of material utilised in each of the example decisions before me<sup>2</sup>. I find sound planning reasons for departing from the approach taken by these other Inspectors and nothing in their decisions persuades me planning permission for this particular development should be withheld.
7. I have not been provided with a list of suggested conditions. In any event, my findings are that the subject extension is acceptable in terms of construction material and design. There is no need to impose conditions.
8. In my planning judgement the subject development, whether considered in isolation or cumulatively, does not have a materially harmful effect upon the character and appearance of the host building or locality and, linked to that, it does not cause harm to neighbours' living conditions. Accordingly, the scheme complies with relevant policies 7.1, 7.4 and 7.6 of The London Plan 2016, policies S6, SP1, SP3 and H1 of the Newham Core Strategy 2012, and policies SP8 of the Local Plan Development Plan Document 2016.

## **Conclusion**

9. Having regard to all other matters, the appeals should succeed on ground (a) and planning permission is granted as set out above.

*A U Ghafoor*

INSPECTOR

---

<sup>2</sup> Appeal refs APP/G5750/C/14/3000099 (24 August 2015) same prefix ending with 2204320 (10 December 2013) and 2173131 (28 December 2012).