

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: 16 June 2017

Appeal A Ref: APP/G5750/C/16/3157931

27 Chobham Road, Stratford, London E15 1LU

- 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 Act’].
- The appeal is made by Mr Dharminder Singh against an enforcement notice issued by the Council of the London Borough of Newham.
- The enforcement notice, numbered 15/01009/ENFC, was issued on 5 August 2016.
- The breach of planning control as alleged in the notice is without planning permission the erection of a ground floor and first floor extension.
- The requirements of the notice are to:
 - (1) Demolish the ground floor extension and first floor extension,
 - (2) Return the rear elevation of the property to its form prior to the unauthorised works being undertaken, and
 - (3) Remove all materials and debris from the site.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out in the formal decision at paragraph 17 below.

Appeal B Ref: APP/G5750/C/16/3157929

27 Chobham Road, Stratford, London E15 1LU

- The appeal is made under section 174 of the Act.
- The appeal is made by Mr Dharminder Singh against an enforcement notice issued by the Council of the London Borough of Newham.
- The enforcement notice, numbered 15/01009/ENFC, was issued on 5 August 2016.
- The breach of planning control as alleged in the notice is without planning permission the erection of a roof extension.
- The requirements of the notice are to:
 - (1) Demolish the roof extension and return the roof of the property to its form prior to the works being undertaken, and
 - (2) Remove all materials and debris from the site.
- The period for compliance with the requirements is three months.
- 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: The appeal is dismissed, and the enforcement notice is upheld with corrections and a variation to the period of compliance as set out in the formal decision at paragraph 17 below.

Appeals A and B – Ground (a)

1. By way of background information, planning permission is sought for the erection of a ground, a first floor and roof extension. Permission for a loft conversion and first

floor rear extension was refused and subsequently dismissed at appeal¹. Inspector Kean noted that the development had been largely completed; however works were still in progress at his site visit. In addition, the rear extension as built appeared to have a larger footprint than proposed in the s 78 appeal. At the time of my visit, the development had been completed. While the findings and approach of previous Inspectors to a particular matter may be material and there is a need for consistency in the planning process, I am not bound to reach the same conclusions provided there are sound planning reasons for departing from their approach.

Main issues

2. I consider the common main issue is the effect of the development upon the character and appearance of the host building and that of the locality. In Appeal A there is an additional main issue and that is the effect of the development upon neighbours' living conditions having particular regard to light and outlook.

Reasons - Character and appearance

3. The surrounding area is residential in character and comprises rows of terraced properties reminiscent of their period. No. 27 is a two-storey mid-terraced property and occupies a narrow plot within a short terrace. This group have distinctive butterfly roofs set behind a parapet. The extensions, as built, comprise a ground floor single-storey rear and side infill, and a first floor rear enlargement². The infill extension is 7.8 m deep and 3.5 m high. The ground floor rear extension has a depth of 6 m, width of 2.75 m and a total height of 3.5 m. The first floor rear extension has a depth of 1.6 m.
4. The Council say that the extensions exceed what could be built by exercising permitted development rights. That they are disproportionate additions to the host building and fail to respect the rhythm of stepped rear elevations. The first floor addition projects beyond the rear elevation of no. 25 Chobham Road. However, the extensions are domestic in scale and have a stepped formation. Matching materials have been used on the outer surfaces. The design and layout, with slightly raised upstands, mimic and respect the external appearance of the host building. I find that the development, as built, responds to the simple architectural style of the host building and that of the group of dwellings.
5. The development is not visible from public viewpoints nonetheless it is likely to be noticeable from adjoining properties. The street scene comprises similarly designed properties where there is a mix of differing heights, sizes and styles. I am quite content that the development does not detract from the residential character of the area given the overall height, domestic scale and design of the extensions.
6. The roof extension's design is at odds with the distinctive butterfly effect of the original roof and is out of keeping with the block's roof scape. It appears out of place because of its overall height and scale. It undermines the uniformity and symmetry of the rear elevations. It is highly visible in the street scene and contrasts harshly in appearance with the regularity of the parapets on the adjoining properties. I therefore agree with the Council that the roof extension fails to respect the scale, form and character of the original dwelling and is at odds with advice found in its supplementary planning guidance: *extending your home*.

¹ Appeal ref: APP/G5750/D/15/3135693, dismissed on 3 May 2016.

² Detail taken from the Council's statement.

7. Mr Singh points to other existing roof extensions that do not exhibit any particular uniformity in the locality. Essentially, the assertion is that the roof scape has already changed and no harm arises from the roof extension, but I attach limited weight to this line of reasoning. This is because, in comparison, the block retains a distinctive roof form and the appeal plot is much narrower; the mansard rises above the parapet wall. The roof extension has a visually dominant effect because of its scale.
8. Drawing all of the above points together, I find that the ground and first floor extensions are acceptable in planning terms because of their design and layout. The development does not have significant adverse visual effect on the character and appearance of the host building and that of the locality. Accordingly, it complies with the design purposes of 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 (CS), and policy SP8 of the Newham Local Plan Detailed Sites and Policies Development Plan Document 2016 (DPD). In my planning judgement there are sound reasons to depart from Inspector Kean's assessment.
9. In Appeal B, I conclude that the roof extension has a materially harmful visual effect upon the character and appearance of the host building and locality. The latter conflicts with local planning policy cited above. In this regard, my findings are broadly consistent with the previous Inspector.

Living conditions

10. The ground floor infill extension is 7.8 m deep when measured from the main building. It forms a tall solid wall along the boundary, but it has a mono-pitched roof that reduces its bulky appearance. No. 29's outrigger is set back from the boundary and its side passage is reasonably wide and deep. There is sufficient separation and distance between the infill extension and built form of the adjoining dwelling to permit some daylight penetration. Given the particular circumstances of the site and layout of the adjoining dwelling, I consider that the infill extension does not unacceptably increase sense of enclosure.
11. The first floor extension, in projecting beyond the rear of no. 25, has the potential to cause some loss of outlook from a first floor opening to a habitable room, but its position and limited projection is unlikely to obliterate the view out. I do not consider that its built-form significantly overshadows the adjoining property. There would be adequate daylight reaching habitable rooms because of orientation. The design and layout of the extensions ensure adequate access to daylight and they do not represent unneighbourly development. Accordingly, the scheme complies with DPD policy SP8.

Other matters

12. The Council refer to various appeal decisions covering different sites within its administrative boundary. Full circumstances of these other cases are not before me for examination. Apart from vague assertions, the Council has not identified a consistent approach to a specific matter. Indeed, matters raised in the appeals suggest to me that a merits-based judgement is required in each individual case. I should remind the appeal parties that each development should be considered upon its individual merits having regard to the particular site.

13. In Appeal A, I have considered the possibility of imposing conditions but found these to be unnecessary. This is because the extensions have been constructed in materials that match the host building.

Appeals A and B – Conclusions on ground (a)

14. For the reasons given above and having regard to all other matters, I conclude that Appeal A should succeed on ground (a) and planning permission will be granted. The appeal on grounds (f) and (g) does not therefore need to be considered. I further conclude that Appeal B should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Appeal B – ground (g)

15. It is necessary to consider whether the specified compliance period, three months, falls short of what should reasonably be allowed. I consider 12 months as a period of compliance would be excessive given the nature of the building work required by the notice. Notwithstanding this finding, quotations would need to be obtained for the work. It would need to be arranged. All of this is likely to take considerable time and result in significant disruption and hardship to the family, and might involve temporary accommodation while the work is carried out. And a slightly extended period would assist. I am of the firm opinion six months is reasonable and appropriate. This is a just and proportionate response to the particular circumstances presented, and strikes a fair balance between the competing interests of the wider public and individuals involved in this case. Therefore, ground (g) succeeds.

Formal Decisions

Appeal A

16. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application 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 ground floor and first floor extension on land at 27 Chobham Road, Stratford, London E15 1LU referred to in the notice.

Appeal B

17. It is directed that the notice be varied by the deletion of all of the text in section 6, time for compliance, and the substitution therefor by the following text: *The time for compliance is 6 (six) months*. Subject to this variation, the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Act as amended.

A U Ghafoor

Inspector