



Appeal Decision

Site visit made on 28 June 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 19 July 2017

Appeal Ref: APP/G5750/W/17/3171209

91 Harcourt Avenue, Manor Park, London E12 6DQ

- 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 Tom Jones against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/02548/FUL, dated 13 August 2016, was refused by notice dated 21 December 2016.
 - The development proposed is extensions to 91 and 93 Harcourt Avenue.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form gave the site address as 91 Harcourt Avenue but the appeal site comprises 91 and 93 Harcourt Avenue, as implied from the description of the proposed development.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area, and on the living conditions of the occupiers of neighbouring dwellings.

Reasons

Character and Appearance

4. The appeal site comprises a relatively modest pair of semi-detached houses located in a gap in a terrace of Victorian dwellings. The appeal properties are two-storey buildings with shallow pitched roofs and unadorned, single front and rear elevations, each with a single-storey garage to the side. By contrast, the neighbouring properties have front elevation bay windows on ground and first floors with a faceted roof attached to the main pitch, and significant stone architectural detailing to windows and door recesses. The curtilage of the neighbouring properties is defined by party-wall parapets and the rear elevations also incorporate two-storey outrigger extensions.
5. The appeal properties are post-war buildings on a site originally occupied by four houses that were part of the terrace. It appears that the houses in question were damaged or destroyed in the wartime bombing of London. The properties

at 89 and 99 Harcourt Avenue, which abut the appeal site, have substantial deep chimney breasts attached to their gable-ends that appear to be the remains of the terraced properties that once stood on the appeal site. This is a recurring and historically significant feature in the area.

6. The appeal properties are very different in style to the neighbouring properties and this is more apparent as a consequence of the differing height of the eaves and the respective angles of the roof pitch. The area is dominated and characterised by the Victorian houses, although there are a significant number of post-war buildings in the vicinity. However, despite the significant differences to the neighbouring buildings, the gap between the gable-ends at Nos 89 and 99 and the appeal properties allows them to be read in their own architectural and historical context.
7. The proposed development would entail the removal of the existing single-storey garages, to be replaced by two-storey side extensions and the addition of single-storey rear extensions built approximately three metres out from the existing rear elevation. It is the appellant's contention that the proposed development would restore a terraced appearance to the appeal site as the present gaps either side of the semi-detached pair do not reflect the prevailing character of the area.
8. The appellant also states that the proposed extensions would clearly be subordinate to the existing buildings and contends that the Council has adopted the 'Altering and Extending Your Home' Supplementary Planning Guidance (SPG). This SPG was an adjunct to the now superseded Unitary Development Plan and as such is out of date and no longer reflects the Council's policy. I therefore attach very little weight to the SPG.
9. The design and layout of the proposal would introduce an alien and incongruous addition to the terrace. The ridgeline of side extensions would sit approximately 100mm below the existing ridgeline and the front elevations would be set back from the existing elevation by approximately 300mm. The plans show the addition of patio doors to the front elevations of the extensions. I consider that the massing and scale of the extensions is such that they would not appear subservient to the main buildings and the addition of the patio doors could lead the casual observer to conclude that the extensions were separate dwellings. The loss of the space between the terrace dwellings and the appeal buildings would also mean the loss of a feature that provides an historical context for the different styles. Therefore, I conclude that the proposed development would have an unacceptable detrimental effect on the character and appearance of the area.
10. I am also concerned that there is a lack of detail in the application to show how the extensions would connect to the adjoining properties given the differing heights of the eaves and the shallower roof pitch of the appeal buildings. The chimney breasts on the gable-ends of Nos 89 and 99 would prevent any attachment with the extensions and would leave a narrow gap that would both remove the current contextual space and prevent the recreation of a terrace. The appellant has stated that the gable ends are party walls and that the chimney breasts could be removed. While such a proposal would enable the reinstatement of the terrace it would be at the expense of important features that help define the character of the area and explain the post-war development.

11. Therefore, the proposed development would not be in accordance with Policies 7.1, 7.4 and 7.6 of the London Plan 2016, Policies SP1, SP2 and SP3 of Newham's Local Plan – The Core Strategy 2012 (the Core Strategy), which amongst other things together seek to ensure that development respects and enhances the character and appearance of an area and integrates sensitively with the existing street scene.
12. The Council also referred to Policy 7.5 of the London Plan and Policy and S6 of the Core Strategy and Policy SP8 of Newham's Local Plan Detailed Sites and Policies Development Plan Document 2016 (the Local Plan) but these policies have little relevance to this issue. The proposed development would be in accordance with Policy 7.6 insofar as it relates to optimising the potential of a site, but this modest benefit is not sufficient to outweigh the harm to the character and appearance of the area.

Living Conditions

13. The outrigger extensions of the neighbouring properties at Nos 89 and 99 have ground-floor and first-floor windows in the side elevations that face the appeal site. There is also a ground-floor door and first-floor window in the respective rear elevations of the main parts of each building. The side extensions to the appeal buildings would extend beyond the main part of the neighbouring properties and the rear extension would sit roughly in line with the rear elevations of the outriggers.
14. Given the approximately north to south orientation of Harcourt Avenue it is inevitable that outriggers on the terraced properties will cast shadows on the rear of the neighbouring properties. However, the outriggers are built in pairs so that the space defined by the side elevations is mirrored in the neighbouring property. This design provides a sense of space for the occupants of the terraced houses. However, the spaces created by the outriggers at Nos 89 and 99 are adjacent to the appeal site and therefore the occupants enjoy a significantly greater sense of space.
15. The plans as drawn would result in the proposed side extensions being positioned close to the respective side boundaries. The extensions would extend two metres or so behind the main part of the buildings at Nos 89 and 99 and would result in the loss of the present sense of space. The first floor windows at Nos 89 and 99 would look out onto the blank wall of the extensions.
16. Given the orientation of the street I consider that there would be little or no loss of daylight and sunlight to No 89. However, the proximity of the proposed side extensions to the rear elevation of the main part of the neighbouring properties, would create an unacceptable sense of overbearing and enclosure, and would have an unacceptably detrimental effect of the outlook from those neighbouring properties. In addition the extension to No 93 would cause an unacceptable loss of daylight and direct sunlight to the rear of No 99.
17. I conclude that the proposed development would have an unacceptable detrimental effect on the living conditions of the occupiers of neighbouring dwellings. Therefore the proposal would not be in accordance with Policy 7.6 of the London Plan. I find there to be little relevance to this issue in Policy 7.1 of the London Plan, Policies S1, SP1, SP2 and SP3 of the Core Strategy and Policy SP8 of the Local Plan, to which the Council also referred.

Other Matters

18. The Council referred me to three previous appeal decisions for proposed development on this site (APP/G5750/A/12/2179004, APP/G5750/W/16/3146682 and APP/G5750/W/17/3166674), albeit that it accepted there were material differences between the schemes. While I have reached a similar view on some of the issues to the Inspectors determining those appeals, I have not had the benefit of viewing the plans that were before them and I have considered this appeal on its merits.

Conclusion

19. For the reasons given, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Guiver

INSPECTOR