
Appeal Decision

Site visit made on 3 July 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/G5750/D/17/3176789
98 Nelson Street, East Ham, London E6 1QA

- 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 Ms Ssanyu Joy Namata against the decision of the Council of the London Borough of Newham.
 - The application Ref 17/00579/HH, dated 19 February 2017 was refused by notice dated 24 April 2017.
 - The development proposed is single storey side and rear extensions.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed veranda.
2. The appeal is allowed insofar as it relates to the proposed side and rear extensions and planning permission is granted for single storey side and rear extensions at 98 Nelson Street, East Ham, London E6 1QA in accordance with the terms of the application, Ref 17/00579/HH, dated 19 February 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Other than in respect of the veranda shown on that drawing, the development hereby permitted shall be carried out in accordance with approved drawing No. 15207_104A, dated January 2017.
 - 3) Notwithstanding condition 2, no development shall take place until a drawing showing revised proposals for the treatment of the rear elevation to the extensions has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) Notwithstanding condition 2, no development shall take place until a drawing showing detailed proposals for the joining together of the flat roof to the rear extension and pitched roof to the side extension has been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 5) The materials used in the external construction of the extensions shall match those in the existing building.

Application for costs

3. An application for costs was made by Ms Ssanyu Joy Namata against the Council of the London Borough of Newham. This application will be the subject of a separate Decision.

Main Issues

4. The main issues are the effects on: (a) the character and appearance of the existing dwelling and surrounding area; and (b) the living conditions of the occupiers of the adjacent dwellings with regard to the loss of daylight, sunlight and privacy.

Reasons

Character and appearance

5. The proposal would result in a wrap-around rear and side extension but this would project beyond the rear wall of the original house only by some 3.5 metres (m). This is not an excessive distance and, given its single storey height and the flat roofed construction of the rear component, the extension would not be disproportionate either in relation to the size of the existing house or the area of garden remaining. The rear extension would not be visible from Nelson Street and would not be so large as to have an appreciable effect on the character and appearance of the host building and the neighbouring properties in the terrace when seen from the houses to the rear.
6. Although it would occupy less than half of the width of the extended rear elevation the proposed veranda would project some 1.4m further into the garden and would be at the same height as the main element of the rear extension. The height and footprint of this element would represent an unacceptable addition to the scale and massing of that extension.
7. Without the veranda the scale of the proposal would be significantly less than that of the existing, unauthorised additions to the property. The use of brick and tile in the external construction of the extensions would overcome the concerns about the poor design and the poor quality materials in those unauthorised additions. These changes sufficiently distinguish the appeal proposal from that earlier development so as to enable me to reach a different conclusion to that reached by the Inspector who determined the Appeal in December 2016¹ as to the effect on the character and appearance of the host dwelling.
8. Due to its single storey height and narrow width the side extension would read as a subservient element when seen from the street. Its brick elevations and pitched roof would also provide for a much higher quality of design compared with the existing, unauthorised side addition. Whilst it would extend to the side boundary of the plot the small set back would provide a visual break between the extension and the front elevation of the existing house. As the gable wall to No.96 is set in from the boundary a small gap between the two houses would remain and, due to the single storey form of the extension, the full width of the existing gap would be preserved at first floor level.

¹ APP/G5750/C/16/3146854

9. Nelson Street is characterised by terraces of houses that present a long continuous elevation to the street. The few gaps between these terraces vary in width and, in most cases, are partially filled by a side addition to one or both of the properties. These include two storey additions to the rear half of the property and single storey additions or garages that effectively close the gap at ground floor level. Having regard to that context, the existing gap between Nos. 96 and 98 does not make a significant contribution to the character and appearance of the street. Although the proposal would largely fill the gap at ground level it would neither be out of keeping in the street scene nor cause significant harm to the character and appearance of the area.
10. The means of joining the lean-to roof of the side addition and flat roof of the rear addition appears unresolved in the application plans. However, this matter could satisfactorily be dealt with by means of a planning condition requiring the submission of an additional drawing to provide more detail as to how this would be dealt with.
11. Subject to the deletion of the veranda from the scheme the proposed rear and side additions would not harm the character and appearance of the host property or the surrounding area. These components of the scheme would not conflict with Policy SP1 of the Council's Local Plan Core Strategy (2012) (Core Strategy), which requires that development proposals respond to the positive character of the neighbourhood. The amended scheme would achieve an appropriate quality of design in accordance with Core Strategy Policies SP3 and H1 and meet the requirements of Policies 7.1, 7.4 and 7.6 of The London Plan (2106) with regard to the quality of its design and the extent to which it would reinforce local character.

Living conditions

12. The rear addition would extend above the boundary fence with No.100 but, due to its limited depth, would not significantly affect the level of light at the rear window and door to that dwelling. Given the width of the garden to No. 100 the proposal would not cause material detriment to the outlook from that garden or to the occupier's enjoyment of this amenity space. The appeal proposal differs substantially from the unauthorised addition which extends along most of the length of the common boundary and which was found by the previous Inspector to have caused significant harm to the neighbour's living conditions.
13. The side extension would project beyond the rear wall of No. 96 by a modest degree and, as that property is set in from the shared boundary, would have no material effect on the level of light received at or outlook from the rear windows or garden to that dwelling. However, the deck of the proposed veranda would be raised 0.45m above that of the existing unauthorised structure. At this level a person standing on the veranda would have an elevated view allowing them to see over the garden fences into parts of the neighbouring gardens. In my judgement that would result in an unacceptable loss of privacy to the occupiers of the adjoining properties at Nos. 96 and 100 Nelson Street. That element of the scheme should not, therefore, be approved.
14. With that exception, I find that there would be no harm to the living conditions of the occupiers of the neighbouring dwellings. Subject to the deletion of the veranda the proposal does not conflict with the requirements of the London Borough of Newham Local Plan Detailed Sites and Policies Document (2106)

Policy SP8 that all development should achieve neighbourliness. It also complies with Policy 7.6 of the London Plan which states that development should not cause unacceptable harm to the amenity of surrounding buildings.

Conditions

15. Planning permission is granted in accordance with the terms of the application but, in the interests of certainty, a condition is needed to tie the permission to the approved drawing save insofar as that drawing includes the proposed veranda. In view of my conclusion that the veranda should not be granted permission a condition is needed to require the submission of a new drawing showing the proposed treatment of the rear elevation of the extensions without the veranda. Also, as the approved drawing does not show in sufficient detail how the flat and lean-to roofs would be joined, a condition has been attached to require the submission of an additional drawing to provide this detail. This condition (No. 4) and condition No. 5, relating to external materials, are needed to ensure an appropriate standard of development.

Conclusion

16. For the reasons set out above I conclude that the appeal should be dismissed in respect of the proposed veranda but allowed in respect of the other elements of the appeal scheme.

Paul Singleton

INSPECTOR