

Appeal Decision

Site visit made on 23 August 2017

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 04 September 2017

Appeal Ref: APP/G5750/D/17/3177666
259 Burges Road, East Ham, London, E6 2EU

- 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 Gurpreet Sahota against the decision of London Borough of Newham Council.
 - The application Ref 17/00482/HH, dated 13 February 2017, was refused by notice dated 3 April 2017.
 - The development proposed is retention of rear open conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for a rear open conservatory at 259 Burges Road, East Ham, London, E6 2EU in accordance with the terms of the application Ref 17/00482/HH, dated 13 February 2017, subject to the following condition:
 - 1) The development hereby permitted shall be fully in accordance with the following approved plans: numbers A101, A102, A103, A204 & A205.

Procedural Matter

2. The planning application form says that the development was completed in December 2015. The retrospective nature of the proposal does not affect my consideration of its planning merits.

Main Issues

3. I consider that these are the effects of the proposal on firstly, the character and appearance of the property and the locality; and secondly, the living conditions of the occupiers of nos 257 & 261 Burges Road with regard to an overbearing effect.

Reasons

4. The appeal property is in a residential area, at the end of terrace of quite modest-sized 2 storey terraced houses, built during the 20th century. There are existing ground floor side and rear extensions, and a large flat-roofed dormer occupies most of the rear roof slope. The conservatory has been built across
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the full width of the property, attached to the rear/side extension, and is open to the back garden beyond.

First main issue – effect on character and appearance

5. I was able to see that a number of houses along this stretch of Burges Road have rear or roof top extensions, and a variety of detached outbuildings at the end of the back gardens. No.259 is not exceptional in this respect. The development in dispute has solid brick side walls, of a satisfactory standard. The roof has a shallow pitch, and takes off from the more conventional rear extension from around its eaves line. I estimated on site that the height is less than 3 metres, and the outward projection is about 3 metres. Being open at the rear gives it a 'light weight' appearance. In my view, it adds little of substance to the scale or mass of the existing house, and does not cause it to appear overall unduly out of scale with its neighbours.
6. The roof is plastic sheeting, with black rainwater goods. It is supported by timber posts with a low balustrade marking the outer edge. The Council says this gives it an unsatisfactory and temporary appearance. However, I consider that it has the character of an open verandah, enabling enjoyment of outdoor fresh air in privacy and when the weather is inclement. The development cannot be seen from the road, and its low height limits its visibility from houses to either side, while there is open land to the rear. I regard it as a relatively inconsequential addition to a house in a row where single storey rear extensions are the norm and assorted outbuildings common.
7. On balance, and in context, I conclude that the proposal does not have a significantly harmful effect on the character and appearance of the property and the locality. So far as they are relevant, I consider that the proposal accords with Policies SP3 & H1 in Newham's Local Plan – The Core Strategy (2012). Among other things, these policies require regard to be had to local context and character without detracting from the attractiveness of the public realm. I find that the other Core Strategy policies cited, S6 & SP1, have more general or far-reaching provisions, that are of little direct relevance to this small scale proposal. I have a similar view about Policies 7.1 & 7.4 in The London Plan (2016). Policy 7.6 therein expects buildings and structures to be of the highest quality of architecture, which this proposal does not display. However, the policy seems to be directed mainly towards new buildings, while, whatever its design shortcomings, I consider that this scheme is an unobtrusive structure that is in keeping with its surroundings.

Second main issue – living conditions

8. The abutting house at no.257 has a rear extension next to that at the appeal site, of similar height and projection. I consider that the modest height and limited further projection of the open conservatory would have no materially harmful effect on outlook from within the house or its garden. No.261 forms the end of the adjoining terrace. The gap between it and no.259 has been filled at ground floor level in both properties, and the proposal is some distance from the main part of no.261. It is not much higher than the solid timber boundary fence, and will have little material impact on outlook in the back garden of no.261, which is dominated by its own large outbuilding.

9. I conclude that the proposal does not materially harm the living conditions of the occupiers of no.s 257 & 261 Burges Road with regard to an overbearing effect. There is no conflict with London Plan Policy 7.6, which seeks to avoid unacceptable harm to surrounding amenity; or with Policy SP8 in Newham's Detailed Sites and Policies Development Plan Document (2016), which seeks to ensure neighbourly development.

Overall conclusion

10. I have found in favour of the proposal with respect to both main issues.
11. The Council has suggested the imposition of three standard planning conditions. The statutory limitation does not apply, as the development is in place. The materials do not match exactly the rest of the building, and no materials specification is given on the application form or on the drawings. In this situation, in order to provide certainty as to what is being approved, I need to modify the normal plans condition to ensure that the development is in full accordance with the approved plans.
12. Subject to this condition, I conclude overall that planning permission can be given, and I allow the appeal.

G Garnham

INSPECTOR