
Appeal Decision

Site visit made on 23 August 2017

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 05 September 2017

Appeal Ref: APP/G5750/C/16/3164004
63 Halley Road, Forest Gate, London E7 8DS

- The appeal is made by Girisha Shashikant Joshi under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 16/01011/ENFC) issued by the Council of the London Borough of Newham on 14 October 2016.
 - The breach of planning control alleged in the notice is the erection of a front porch.
 - The requirements of the notice are as follows: -
 - “1. Demolish the front porch (as shown edged blue on the attached plan and as shown edged in yellow on the photograph attached at Appendix 1) and return the front elevation of the property to its form prior to the unauthorised works.
 - 2. Remove from the site all debris arising from compliance with the above step.”
 - The period for compliance with these requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (d).
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the erection of a front porch at 63 Halley Road, Forest Gate, London E7 8DS.

Reasons for the decision

Ground (d)

2. The question arising under ground (d) is whether, by the time the notice was issued on 14 October 2016, it was too late to take enforcement action in respect of the breach of planning control. It is the appellant's responsibility to show that this happened. In the case of building operations, the time limit is four years from the date on which the operations were substantially completed.
 3. The appellant states that the porch was erected by his late father. He has supplied an invoice dated 19 March 2012 for the work. The Council have produced images of the front of the house, which were taken in August 2012 and June 2014 and show the house as it was before the porch was erected.
 4. The invoice does not contain an order number and the appellant has not produced a receipt for the work. It is possible that the invoice is not the one that was accepted for the work or that the work it relates to was delayed until much later.
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5. The appellant has not put forward adequate evidence in support of ground (d) and I have concluded, on the balance of probabilities, that it was not too late for the Council to take action at the time they issued the enforcement notice. The appeal on ground (d) has therefore failed.

Ground (a)

6. The main issue in deciding whether planning permission should be granted for the porch is the effect that it has on the character and appearance of the house and its surroundings.
7. The Council have referred to a range of planning policies that seek to ensure that there is a high quality of design in all development. The key policy, as identified by the Council, is Policy SP8 of the Newham Local Plan Detailed Sites and Policies Development Plan Document, which seeks to ensure that all development, including domestic extensions, achieves 'neighbourliness'. The supporting text states that the intention of the policy is that attention should be paid to the environmental, social and design-based impacts of proposals on neighbourliness within the site and in the immediate area. In this appeal, the application of the policy calls for the impact of the porch on the quality of the street scene and on neighbours' amenities to be assessed.
8. Halley Road is a long, straight road that was originally lined with identical bay-windowed terrace houses. This uniformity has been lost over the years by the construction of a variety of different front porches and canopies and the installation of new front windows. I counted twenty-three houses with alterations of these kinds at my visit, which is nearly a quarter of the total number of houses. Alterations can be expected to continue in this road because householders have a permitted development right to construct porches up to the size allowed.
9. The house to one side of No 63 has been completely altered at the front, so that the original doorway and the bay-windowed design have been wholly replaced. The house on the other side is an original, but the one beyond it has a full-width canopy and a replacement bay window and door.
10. The Council state, "Front extensions beyond the established building line along terraced streets have great potential to disrupt the harmony and architectural coherence of the streetscape". This was an important consideration in an appeal at nearby 56 Strone Road and also in the appeal referred to by the Council at 29 Blenheim Road. The Council maintain that No 63's porch is "significantly forward of the pre-existing front bay window, and the existing bay windows of the adjacent houses". This is not the case – the extent of the forward projection is minimal. Moreover, decorative pillars that are architectural features of the original bay windows in the road have been retained at No 63, whereas they have been lost in the neighbouring alterations and in many others in the road.
11. The Council maintain, "The use of clear glass windows in the side elevations presents significant overlooking and privacy issues for neighbouring amenity". This must be a reference to the windows on the left-hand side, because the slender windows on the right-hand side are next to No 63's bay window; however, the windows on the left-hand side are in fact obscure glazed. Even if they were clear, there would be no significant change in amenity, since the

view from them would be no different to the view that would have been there before when standing at No 63's original entrance.

12. The design of the porch is, in itself, of good quality for a development of this nature, as are the materials used. The main concern in my opinion is that its overall size combined with its distinctive colour makes it stand out more than other alterations of this kind in the road. This concern puts it at the limit of what I consider to be acceptable, applying the 'neighbourliness' principle in Policy SP8. After giving careful consideration to all the factors that arise, I have decided on balance to grant planning permission. The appeal has therefore succeeded on ground (a). It has not been suggested that any planning conditions should be imposed in this event and none are required.

D.A.Hainsworth

INSPECTOR