



Appeal Decision

Site visit made on 30 October 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 10 November 2017

Appeal Ref: APP/G5750/D/17/3180643

7 Dean Street, Forest Gate, London E7 9BJ

- 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 Oliver English against the decision of the Council of the London Borough of Newham.
 - The application Ref 17/01542/HH, dated 7 May 2017, was refused by notice dated 6 July 2017.
 - The development proposed is a rear extension on ground and first floor. Removal of front porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the host property and the surrounding area; and
 - The living conditions of occupiers of neighbouring properties, with particular regard to outlook and daylight / sunlight.

Reasons

Character and Appearance

3. The appeal property is a mid-terraced dwelling located within a short terraced block of two storey houses. Other than No. 1, which I saw to be a different, and slightly larger, house type located at the end of the terrace on the junction of Dean Street and Odessa Road, the remaining dwellings within the terrace are broadly similar and relatively simple in their form. All have paired single storey outriggers at the rear which provide a certain rhythm along the rear of the terrace, even if that at the appeal property differs from those on the adjacent properties. The absence of first floor extensions, the distinctive protruding parapet walls at roof level and the absence of significant interventions into the roofscape give the modest terrace a distinctive, yet pleasingly low key character.
4. The proposed extension, and more especially, the first floor element, would instead dominate the rear of the terrace. The projection of the proposed extension would be substantial at 6 metres. Its height would dominate both the rear of the property and the rear of the terrace as a whole. Although sited at the rear of the terrace, the extension would nonetheless be clearly visible

from Odessa Road, above and across the rear garden wall of 1 Dean Street. From here, the extension's substantial bulk and height would appear as an incongruous and obtrusive addition to the terrace, out of scale with the otherwise modest nature of the terraced properties within the block.

5. I noted at my visit to the site, and from Odessa Road, the two storey outrigger at the rear of No. 1. I accept that it has a prominent and dominant position at the junction of Dean Street and Odessa Road and its presence within the terrace cannot be ignored. However, I agree with the Council's description of No. 1 and its outrigger as a 'bookend' to the terrace. The appeal property's context and position within the terrace is somewhat different. More importantly, I saw that No. 1, whilst part of the terrace, is of a different design, and is a slightly larger dwelling, than those elsewhere. For these reasons, I do not consider it to be directly comparable, nor that it should set the context for future extensions within the terrace.
6. Rather, I consider that the proposed extension would disrupt and overpower the simplicity of the existing rear elevation. It would be an incongruous and obtrusive addition, that would dominate the rear of both the host property and the terrace, and which would be harmful to the character and appearance of No. 7 and the terrace as a whole. The presence of the two storey outrigger at No. 1, or the proposed use of appropriate materials or fenestration, does not, in my judgement, diminish this harm.
7. Thus, I consider that the proposed extension would fail to respond positively to, or complement, the existing simple local architectural character of the host property and surrounding area. It would therefore cause harm to the character and appearance of the host property and the surrounding area and would fail to achieve the high quality design that, collectively, policies S1, S2, SP1, SP3 and H1 of the Newham Core Strategy (CS), policy SP8 of the Newham Local Plan: Detailed Sites and Policies Development Plan Document (DPD) and policies 7.4 and 7.6 of the London Plan (LP) seek. It would also fail to secure the high quality design that the National Planning Policy Framework (the Framework) seeks to achieve as one of its core planning principles.

Living Conditions

8. The extension would project 6 metres in depth from the rear elevation of the existing main house. At its lowest point, the extension's eaves would align with the height of those of the existing property. However, on the higher side, abutting No. 9, the flank wall would be built up as a parapet wall 1 metre higher than the eaves level. Taken together, these factors would introduce a substantial flank wall that would project out from the rear of the house a considerable distance.
9. With the exception of No. 1, which is a house of a different design and larger scale, the rest of the properties in the terrace are relatively narrow. Therefore, although centrally located within the rear elevation of No. 9, the first floor window at that property would be relatively close to the extension's flank wall. As a consequence, the scale of the flank wall would significantly impinge upon the outlook from the first floor window at the rear of No. 9 and would have a significantly enclosing effect upon the rear of the adjoining property. This would, I conclude, be harmfully overbearing and overpowering, to the detriment of living conditions of occupiers of that property.

10. Unlike at No. 9, the single storey rear outrigger at No. 5 does not extend up to the boundary with the appeal property. In the gap between that outrigger and the appeal property there is a ground floor window on the rear elevation of No. 5. I acknowledge that the proposed west facing first floor flank wall would be inset from the boundary and that the Council have determined that prior approval would not be required for a larger single storey extension at the rear of the appeal property¹. However, the height and depth of the proposed extension would nonetheless be such that the outlook from that window would be severely constrained and enclosed as a consequence of the proposal. This would result in the extension having an overbearing impact upon the rear of the neighbouring property which would cause harm to the living conditions of occupiers of that property.
11. I acknowledge that the terrace's rear elevation faces north and that the existing buildings therefore already cast shadow across the rear façade and areas immediately to the rear of the dwellings. However, the proposed extension would add a significant physical barrier immediately to the west of No. 9 which would result in additional overshadowing at certain times of the year, and compound that which already exists at other times. Furthermore, the depth and height of the extension would be such that it would block off an otherwise reasonably open aspect to the northwest quadrant from No. 9 and create an overpowering and enclosed tunnel-effect at the rear of No. 5.
12. The proposal would cause harm to the living conditions of occupiers of neighbouring properties and would not achieve a neighbourly form of development, or one which would contribute to creating a pleasant environment in which to live. This would be contrary to the aims of policies S1, S2, SP1, SP3 and H1 of the Newham Core Strategy (CS), policy SP8 of the Newham Local Plan: Detailed Sites and Policies Development Plan Document (DPD) and policies 7.4 and 7.6 of the London Plan (LP). It would also fail to secure the good standard of amenity for existing and future occupiers of land and buildings that the Framework seeks to achieve as one of its core planning principles.

Other Matters

13. The proposal would allow the reconfiguration of the internal layout of the appeal property, including the creation of a family bathroom and a third bedroom at first floor level. This would create, in the appellant's words, 'a more functional family home'. Whilst I have noted the stated reasons behind the application and acknowledge the benefits in practicality of layout that this would have, these factors are not sufficient to outweigh the harm that I have identified above.

Conclusion

14. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

¹ 15/02027/PREHH