
Appeal Decision

Site visit made on 21 November 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 20th December 2017

Appeal Ref: APP/G5750/D/17/3181560

53 Prince Regent Lane, Plaistow, London E13 8RW

- 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 Stewart Blake, M & S Consulting (london) limited against the decision of the Council of the London Borough of Newham.
 - The application Ref 17/01385/HH, dated 24 April 2017, was refused by notice dated 28 June 2017.
 - The development proposed is L-dormer conversion to incorporate 2 habitable rooms and bathroom, and a ground floor extension projecting 6 metres from original rear wall.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Existing Roof Plan accompanying the application has transposed the street numbers of the properties on either side of the site. From the information before me and my observations 51 Prince Regent Lane lies to the north of the appeal site and No 55 to the south. I have therefore taken the numbering on that plan to be an error.

Main Issues

3. The main issues raised by this appeal are the effects the proposed dormer would have on the living conditions of adjoining residential occupiers and on the character and appearance of the area.

Reasons

Neighbours' living conditions

4. The appeal property is a terraced house. In common with other properties in the terrace it has a two storey rear outrigger which is paired with that at No 55 and faces a similar one at No 51, albeit that the latter has a large box dormer on the rear roof and that of the outrigger. The outriggers of Nos 51 and 53 are closely spaced from one another and the two properties have a sensitive relationship to one another at the rear as a result.
5. The proposal would extend the outrigger vertically with a box dormer type extension which would occupy much of length and width of the outrigger roof and would join onto a box dormer occupying most of the rear roof slope.

6. No 51 has ground and first windows in the rear elevation adjacent to the appeal property. In addition, facing the appeal site in No 51's outrigger there is a window at first floor and a glazed door at ground floor with an additional ground floor window in a single storey addition to the outrigger. Whilst it is unclear whether the first floor window in the outrigger serves a habitable room, from the information before me and my observations those in the rear elevation and that served by the glazed door in all likelihood appear to be.
7. The proposal would have the effect of significantly increasing the height of the built form facing No 51's outrigger. The height, bulk and mass of the extension in such close proximity to those windows in the neighbouring property would result in an overbearing and oppressive enclosing effect being experienced by the occupiers on ground and first floors of No 51.
8. Furthermore, the appeal property lies to the south of No 51. The relatively narrow space between the outriggers will mean that rooms in the rear and those in the outrigger served by windows facing the appeal site will presently affect existing levels of daylight in those rooms, particularly at ground floor. However, notwithstanding the existing arrangement, the addition of a storey on top of the outrigger would further reduce the amount of diffuse daylight reaching habitable rooms in the rear of No 51, particularly the first floor rear room where the change would be particularly noticeable.
9. The appellant's Daylight, Sunlight and Overshadowing Study (DSOS) advises that it has been carried out in accordance with the BRE guidance albeit referring to an earlier edition of the guidance¹. The DSOS concludes that the proposal would not result in adverse effects on adjoining properties. However, its assessment that no windows in neighbouring dwellings would be affected in terms of daylight does not appear to take account of those ground and first floor windows in the rear elevation of No 51 which would be situated in a perpendicular relationship to the outrigger extension.
10. Acknowledging that it is a guidance document rather than policy, the current BRE guidance highlights situations where a significant reduction of light is likely within windows orientated perpendicularly to proposed extensions and provides a methodology for assessing such situations. This does not appear to have been included in the DSOS. The BRE guidance also highlights the special care that needs to be taken in cases where an extension already exists on the other side of a window, to avoid a 'tunnel effect', circumstances analogous to the area between the two outriggers. As such I do not consider that the DSOS conclusively demonstrates that lighting conditions within No 51 would not be harmed by the proposed development.
11. The effects on natural light reaching No 55 would be considerably less marked as a result of the relative orientation of the two properties and the configuration of the proposed dormer in relation to that at No 55. I note that the Council considered that any impact would not be significant in this respect.
12. Notwithstanding that there were no objections from occupiers of that property, the development would result in overbearing and daylight reducing effects which would materially harm the living conditions of the occupiers of No 51.

¹ The current version being: Site Layout Planning for daylight and Sunlight – A guide to good practice, Littlefair, P., 2nd edn., BRE Trust, 2011.

13. Consequently it would not accord with the amenity protection requirement of London Plan, 2106 Policy 7.6 and nor would it achieve the neighbourly development (including in relation to daylight) required by Local Plan² Policy SP8. It would not accord with the National Planning Policy Framework's (the Framework) core planning principle of always seeking to secure a good standard of amenity for all existing occupants of buildings.
14. In support of his appeal, the appellant points out that there are three extensions of similar design and configuration elsewhere on the rear of the terrace, including next door at No 51. However, I note that two of these are situated on the outrigger to the north of the intervening gaps between the adjacent terraced properties and could consequently have a different effect on light reaching windows opposite. In any event, I have considered the appeal proposal on its own merits in light of its context and effect on neighbouring occupiers. In this respect, the presence of these other extensions does not lead me to consider that the extension would be acceptable.
15. Whilst the Framework and development plan support new housing and the proposal would provide a larger dwelling, I consider that any benefits in this regard would be outweighed by the harm to neighbours' living conditions. The harm to neighbours' living conditions would mean that the proposal would not perform the environmental or social dimensions or roles the Framework expects for development to be sustainable.

Character and appearance

16. The proposed extension would almost entirely cover the rear and outrigger roof slopes, replacing them with a large flat roofed structure which would remove an existing chimney on the outrigger. As a result of its shape, appearance and form it would appear bulky and incongruous and not subservient to the host building. However, it would adjoin and face the similar extension at No 51, a context in which its effects would be considerably less harmful as it would largely mirror the neighbouring arrangement.
17. The development would not be a prominent feature in the limited public view of the site from the adjoining Belgrave Road. In any event it would be set in a roofscape containing three other similar rear extensions. Whilst these are not so extensive in number to be a defining feature of the roofscape, they nevertheless appear an established element in its character and appearance.
18. The combination of this relatively discreet location and relationship to the existing extension at No 51 would mean that the proposal would appear considerably less out of place than it may otherwise have done. The appellant has indicated that he would be amenable to retaining the chimney on the outrigger. Therefore, notwithstanding its bulky design, considered in this context it would not materially harm the character and appearance of the area.
19. Nevertheless, the proposal would be contrary to the character, high quality design and distinctiveness requirements of London Plan Policies 7.4 and 7.6 and Core Strategy³ Policies SP1, SP3 and H1 and would not represent the good design required by the Framework. However, in this case, the material considerations of similar existing extensions to the rear of the neighbouring property and elsewhere on the terrace would indicate that a decision otherwise

² Newham 2027, Newham's Local Plan - Detailed Sites and Policies Development Plan Document, 2016.

³ Newham 2027, Newham's Local Plan - the Core Strategy, 2012.

than in accordance with the development plan would be appropriate in this particular regard. The absence of harm in this respect does not, however, amount a positive consideration in favour of the proposal.

20. The presence of these existing extensions has led to a different conclusion in this regard to that I reached in respect of the proposal's effects on living conditions due to those effects being in relation to a particular property as opposed to wider, more general effects on character and appearance.
21. Although the Council's Delegated Report and correspondence with the appellant refers to the volume of the proposed extension there is no indication as to what the significance the volume itself has in relation to consideration of the proposal or to development plan policies.

Other Matters

22. A neighbour has raised concerns about the ground floor rear extension element of the proposal. However, given its single storey size and extent of projection beyond the rear of No 55 I do not consider that this aspect would have any materially harmful effects on neighbours' living conditions. I note that the Council considered this aspect of the development to be acceptable.
23. The strategic, vision based nature of Core Strategy Policy S6 and the Healthy Neighbourhoods aims of Core Strategy Policy SP2 cited by the Council means they are less pertinent to the consideration of this appeal.

Conclusion

24. For the above reasons, and having had regard to all matters raised, the development would harm living conditions of adjoining residential occupiers, contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR