



Appeal Decision

Site visit made on 15 March 2019

by N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2019

Appeal Ref: APP/G5750/W/18/3218622

28-30 Westbury Road, Forest Gate, London, E7 8BU

- 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 Sameer Patel against the decision of London Borough of Newham.
 - The application Ref 18/02809/FUL, dated 12 October 2018, was refused by notice dated 7 December 2018.
 - The development proposed is erection of mansard roof extension above part two storey back addition at 28-30 Westbury Road Forest Gate London E7 8BU.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the address of the site from that shown on the planning application form for greater accuracy.
3. The Newham Local Plan 2018 was adopted after the planning application that is the subject of this appeal was determined by the Council. The Council addressed what they say as relevant, at that time, emerging policies in their report and the appellant had an opportunity to comment on them in their own statement. Accordingly, I am satisfied that neither party has been prejudiced by this development.
4. For the avoidance of doubt, the Council has confirmed that the policies of the London Borough of Newham Local Plan: Core Strategy 2012 and the London Borough of Newham Local Plan: Detailed Sites and Policies Development Plan Document 2016 have been superseded. I have assessed this appeal on that basis.

Main Issue

5. The main issue in this case is whether the effect of the proposal on the character and appearance of the buildings and the area would be acceptable.

Reasons

The appeal site comprises two neighbouring terraced houses on the west side of Westbury Road. The adjoining roofs are of a typical butterfly design set behind front parapet walls. At the rear, the butterfly form remains clearly visible. At a lower level at the back of each property is a two-storey projecting

- 'outrigger'. Together with its neighbour, these outriggers create second, subordinate gable features.
6. I consider that the relative intricacy and consistency of roof design between the pair (and to a large degree, their neighbours along the terrace) to be a positive characteristic that I regard as good housing design.
 7. The main parties agree that planning permission has been granted for a mansard roof extension to both properties that would sit behind the parapet wall. I do not have full details of that case before me, but the appellant has provided an 'approved rear elevation' in their statement, which the Council does not dispute is accurate.
 8. This shows that the distinctive butterfly roof forms that I have described would be undisturbed by that development, with the mansards sat behind them. The appeal proposal is for mansard extensions to the roofs of both 'outriggers'. These extensions would be set back from the rear facing wall and set in to a much lesser extent from the other edges of the existing building. They would sit above the ridge level of the outriggers and would be of a style similar to the approved extensions to the main roofs of the houses.
 9. When taken together with the main roof extension, and particularly given that both properties would be extended in the same way, cumulatively, the extensions would appear bulky and dominating. They would, in my view, substantially undermine the original design intention of the buildings through the loss of the design and relationship between the roof forms, which I have identified as being as an important characteristic.
 10. The appellant has directed me to the decision of another Inspector¹ relating to part of this appeal site. I do not have full details of that scheme before me although I note that it only related to No 30, and not Nos 28 and 30. In that case, the Inspector did not find the mansard extension to the main roof to be acceptable, and so appeared to be judging the extension to the outrigger in isolation. In this appeal, I am being asked to assess the impacts of extensions to two neighbouring outriggers in the context of mansard extensions to the main roofs of both properties and so I am satisfied that the circumstances are materially different.
 11. I note that the extensions to the outriggers would not be visible from the public realm but that does not, in my view, negate the importance of good design. I also note various references by the appellant to other roof extensions in the local area. I do not have full details of those cases before me and so I cannot be sure that the details of the proposals or the design of the buildings in those cases are the same as they here. One drawing is provided (of 24 Westbury Road) and it appears not to show an extension to the outrigger in that case.
 12. Some details are also provided of properties on Palmerston Road and Ratcliff Road. These appear to show the design of the original houses to be different to those at the appeal site.
 13. I am also mindful of the development taking place at No 32 Westbury Road. That property will have a different character and design to the properties at the appeal site. Given its position at the end of the terrace and that it will be in a

¹ APP/G5750/D/17/316620

different use, those works do not persuade me that a different approach to the one that I have described should be taken at the appeal site.

14. A number of residents have written in support of the proposals and I have carefully considered the points raised, including that the extensions will allow for more internal living accommodation for the occupiers of the houses. However, I do not find those matters to outweigh the concerns that I have described.
15. Accordingly, I find that the appeal development would be in conflict with policies SP1, SP3 and H1 of the Newham Local Plan 2018 and policies 7.4 and 7.6 of the London Plan 2016, which amongst other requirements, seek to secure a high quality of design that reflects local distinctiveness. Reference is made to the Draft London Plan, but given the current status of that document I have given more weight to the policies contained within the adopted version. The Council also cites the Altering and Extending Your Home Supplementary Planning Document 2018 in its decision notice, but I do not have that before me.
16. In reaching this decision, I have also had regard to paragraph 130 of the Framework, which says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, which I consider would be the case here.

Conclusions

17. For the reasons I have described, the proposed development would conflict with the development plan as a whole, and so this appeal is dismissed.

N Smith

INSPECTOR