
Appeal Decision

Site visit made on 29 October 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2019

Appeal Ref: APP/G5750/D/19/3234493

29 Alestan Beck Road, West Beckton, London E16 3TW

- 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 Petru Padurent against the decision of the Council of the London Borough of Newham.
 - The application Ref 19/00822/HH, dated 14 March 2019, was refused by notice dated 10 May 2019.
 - The development proposed is construction of a rear conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a rear conservatory at 29 Alestan Beck Road, West Beckton, London E16 3TW in accordance with the terms of the application, Ref 19/00822/HH, dated 14 March 2019.

Preliminary Matters

2. The appeal relates to a rear conservatory which has already been constructed. The conservatory is the same as the development shown on the proposed plans and I have therefore determined the appeal on the basis of the conservatory that has been built.

Main Issues

3. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the host dwelling and neighbouring properties;
 - (ii) the living conditions of the occupiers of the host dwelling in respect of the size of the rear outdoor amenity space;
 - (iii) the living conditions of the occupiers of No 27 Alestan Beck Road, with particular regard to outlook; and
 - (iv) biodiversity and flood risk.

Reasons

Character and appearance

4. The appeal property is a 2 storey end-of terrace dwelling which is located in an established residential area. There is a mix of housing types in the area and the rear gardens are generally modest in size. The rear elevation of the dwelling

- features a conservatory and there is a garden to the side. There is mature vegetation adjacent to the eastern and southern boundaries of the appeal site.
5. The rear conservatory is modest in size and appears subordinate to the host dwelling. The design of the conservatory, which includes a glazed pitched roof and windows positioned above a dwarf wall, provides a lightweight appearance that integrates satisfactorily with the host dwelling and the wider terrace. Whilst the conservatory extends close to the rear boundary, it does not appear dominant in relation to its surroundings due to its modest size; its lightweight construction and the garden area that is retained to the side.
 6. The land level of the appeal site is set down from Stansfeld Road and only the glazed roof of the conservatory protrudes above the rear boundary fence. These factors, together with the screening provided by the vegetation to the rear of the appeal site, mean that there are limited views of the conservatory from Stansfeld Road.
 7. For these reasons, I conclude that the proposed development has caused no material harm to the character and appearance of the host dwelling and neighbouring properties. The proposal therefore complies with Policies 7.4 and 7.6 of The London Plan March 2016 ('LP'), Policies S5, SP1, SP3 and SP8 of the London Borough of Newham Local Plan 2018 ('NLP'), guidance in Altering and Extending Your Home Supplementary Planning Document 2018 ('SPD') and Chapter 12 of the National Planning Policy Framework (Framework'), which, amongst other things, seek high quality urban design and integration and coherence with the local context.

Living conditions of host dwelling

8. Whilst the rear conservatory has reduced the size of the garden, a garden area has been retained to the side of the host dwelling which provides an outdoor amenity space for the occupants of the dwelling. The size of the retained garden is comparable to the size of the gardens at Nos 23, 25 and 27 Alestan Beck Road. In this context, the garden provides an acceptable outdoor amenity space for occupants of the host dwelling.
9. For these reasons, I conclude that the proposed development has caused no material harm to the living conditions of the occupiers of the host dwelling. The proposal therefore accords with Policy SP8 of the NLP, guidance in the SPD and paragraph 127 of the Framework, which, amongst other things, seek a high standard of amenity for existing and future users.

Living conditions of No 27 Alestan Beck Road

10. The rear conservatory, owing to its lightweight construction and modest height and depth, has caused no significant loss of outlook to the habitable rear windows of No 27. For the same reasons, the conservatory does not appear overbearing when viewed from the rear garden of the neighbouring property.
11. I therefore conclude that the proposed development has caused no material harm to the living conditions of the occupiers of No 27 Alestan Beck Road. The proposal therefore accords with Policy SP8 of the NLP, guidance in the SPD and paragraph 127 of the Framework, which, amongst other things, seek neighbourly development.

Biodiversity and flood risk

12. There is no evidence before me to suggest the presence of any protected species on the appeal site. The conservatory is positioned in a small residential garden which is of limited ecological value. The conservatory therefore has caused no material harm to biodiversity. Given the minor nature of the development, it would not be reasonable to require enhancements to biodiversity.
13. There is no evidence before me to show that the appeal site is located in an area at risk of flooding. Given the minor scale of the development it would not increase off-site flood risk.
14. As such, I conclude that the proposed development conserves biodiversity and would not increase off-site flood risk. The proposal is therefore in accordance with Policies SP8 and SC4 of the NLP, guidance in the SPD and Chapters 14 and 15 of the Framework, which, amongst other things, seek to conserve and enhance the natural environment and avoid an increase in flood risk.

Conditions

15. The rear conservatory has been constructed and there are no conditions that are necessary.

Conclusion

16. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR