
Appeal Decision

Site visit made on 17 December 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Appeal Ref: APP/G5750/D/19/3237432

29 Gladstone Avenue, Manor Park, London E12 6NR

- 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 Ms Aysha Ibrahim Patel against the decision of the Council of the London Borough of Newham.
 - The application Ref 19/01492/HH, dated 25 January 2019, was refused by notice dated 19 July 2019.
 - The development proposed is 'demolish existing ground floor rear extension and erect a new single storey ground floor rear extension'.
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Decision

1. The appeal is allowed and planning permission is granted to 'demolish existing ground floor rear extension and erect a new single storey ground floor rear extension' at 29 Gladstone Avenue, Manor Park, London E12 6NR in accordance with the terms of the application Ref 19/01492/HH, dated 25 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL 01, PL 02, PL 03, PL 04, PL 10, PL 11 & PL 12.
 - 3) The external surfaces of the extension hereby permitted shall match those used in the construction of the host property.

Procedural Matters

2. The description I have used in the banner heading and the decision comes from the original planning application form and I have no evidence that the appellant has agreed to the changed description in the decision notice of the Council.
3. Drawing PL 11 'side elevation to Gladstone Ave' omits the parapet detailing to the east facing elevation of the extension. It is however included on the 'rear elevation' plan and I have considered this appeal based on the inclusion of this feature as shown on this plan.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 31 Gladstone Avenue with particular regard to light and outlook.

Reasons

5. The appeal property is a terraced dwelling. It has a two-storey rear outrigger and has previously been extended to the rear including an infill extension within its side return. The proposal would see the provision of a single storey flat roofed extension of modest depth beyond the rear elevation of the outrigger.
6. 31 Gladstone Avenue sits to the east. The main opening which would be affected by the alterations is a bay window in the rear elevation of its outrigger. However, this bay window is set a reasonable distance away from the boundary with the appeal site.
7. The more substantial form of the houses themselves would continue to have a far more significant impact in terms of sunlight at most times of day than the single storey appeal proposal. Further, a Daylight and Sunlight Assessment (DSA) has been submitted in support of the appeal proposal. I have no reason to disagree with the findings that any loss of light or sunlight to No. 31 would be limited and acceptable under BRE guidelines. The impact of the proposal on other windows at the rear of No.31 would be similar to any impacts of the existing extension.
8. The opening would retain outlook over the well sized rear garden of No. 31 and for this reason and those above, I am not persuaded that the proposal would create an unacceptable sense of enclosure or lead to a harmful loss of outlook from the opening or from this property at large.
9. The occupier of No. 31 has raised concerns in relation to the impact on their garden, partly due to the personal circumstances of one of the occupants. However, only limited details of the particular circumstances have been supplied and therefore I can only afford this matter limited weight. In any event, the rear garden at No. 31 is well sized and I do not consider that the appeal proposal would have a significant detrimental impact on the occupiers' enjoyment of their garden. I have no reason to disagree with the DSA which considers that there would be no loss of sunlight of significance to the rear garden.
10. Therefore, the proposal would not have a significant effect on the living conditions of the occupiers of 31 Gladstone Avenue with particular regard to light and outlook and would therefore comply with the aims of Policies 7.1, 7.4 and 7.6 of the London Plan (2016), Policies SP1, SP2, SP3 and SP8 of the Newham Local Plan (2018) (NLP) and Policies D1 and D2 of the Draft London Plan (2018) which seek amongst other things, good design that is appropriate to local character, healthy neighbourhoods and the protection of living conditions of adjoining occupiers.
11. The proposal would also comply with the National Planning Policy Framework (2019) and SPD¹ guidance requiring neighbourly development.
12. Policy S6 of the NLP is an overarching strategic policy which has limited relevance to this proposal. Policy H1 also has limited relevance as it relates to the provision of new housing.

¹ Newham Local Plan Altering and Extending your Home Supplementary Planning Document (2018)

Conditions

13. Planning permission is granted subject to the standard three-year time limit. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. Matching materials are required in the interests of the character and appearance of the area and to ensure a complementary relationship with the host dwelling.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be allowed subject to the conditions.

T J Burnham

INSPECTOR