



Appeal Decision

Site visit made on 1 December 2020

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th December 2020

Appeal Ref: APP/G5750/D/20/3258543

84 Claremont Road, Forest Gate, London E7 0PZ

- 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 Jeeves Sanger against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/00915/HH, dated 7 May 2020, was refused by notice dated 2 July 2020.
 - The development proposed is demolition of existing rear extension and erection of single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing rear extension and construction of a single storey ground floor rear extension at 84 Claremont Road, Forest Gate, London E7 0PZ in accordance with the terms of the application, Ref 20/00915/HH, dated 7 May 2020, 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 approved plans numbered: 019-PL-010; 019-PL-100; 019-PL-101; 019-PL-102; 019-PL-103; 019-PL-104; 019-PL-105; 019-PL-200; 019-PL-201; 019-PL-202; 019-PL-203; 019-PL-204; 019-PL-205.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those set out in section 3.3 of the Design & Access Statement accompanying the application.
 - 4) The planting set out on plan no. 019-PL-200 and the installation of the bat box in section 3.3 of the Design & Access Statement accompanying the application, shall be completed in the first available planting season following the completion of the development hereby permitted. Any trees, shrubs or plants that die within a period of five years from the completion of the planting, are removed, or become damaged or diseased in that period, shall be replaced in the first available planting season with others of similar size and species.

Procedural Matters

2. The original application was made in the name of Sanger. However, it has been subsequently confirmed the applicant was Mr Jeeves Sanger which is the name I have used in the banner heading above, and the appeal proceeds on this basis.
3. The description of the development from the original planning application form is set out in the banner heading above. This differs from that set out in the Council's decision notice and appellant's appeal form which refers to the 'Demolition of existing rear extension and construction of a single storey ground floor rear extension'. The parties have agreed to this description, which I have used in the decision paragraph. The Council has dealt with the proposal on this basis and so shall I.
4. The Council has stated it has no records of a prior planning permission for an existing rear extension and that it may be unlawful. There is no substantive evidence before me to contradict this. Therefore, on the basis of the evidence before me, I have not regarded the existing extension as a lawful development. The appellant has stated the rendering has been present on the appeal site at least since around 1979, and there is no substantive evidence to dispute this. Therefore, I have considered the appeal on this basis.

Main Issue

5. The main issue is the effect of the proposed development upon the character and appearance of the host dwelling and whether the development would either preserve or enhance the character or appearance of the Woodgrange Estate Conservation Area.

Reasons

6. The appeal site is a two storey double bay fronted Victorian dwelling and gardens located within the Woodgrange Estate Conservation Area (WECA). The Woodgrange Design Guide (WDG) (2018) explains the Woodgrange Estate was built as a smart middle class Victorian suburb between 1877 and 1892. The appeal site is one of a number of similar large buff brick properties on Claremont Road.
7. Within the WECA there is a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. Paragraph 193 of the National Planning Policy Framework (2019) (the Framework) requires when considering the impact upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. Harm to the significance of a designated heritage asset should require clear and convincing justification (paragraph 194).
8. The appeal site dwelling retains original features such as its distinctive hipped roof, lower pitched roof side projection, substantial chimneys, buff brickwork frontage, decorative classical style stucco front doorway, large decorative bay windows, sills and lintels, and generous front garden/driveway space. The front garden/driveway has a higher proportion of paving than most, although many have significant proportions of paving with limited front garden vegetation in this part of the WECA. Such front spaces allow greater visibility of the main dwellings. Overall, the appeal site positively contributes to the

significance of the WECA as one of a number of well-preserved similar Victorian dwellings in this part of the WECA.

9. In contrast the rear of the appeal site and many nearby dwellings are characterised by fewer historic decorative features, some variation in first floor window positioning, some with extensive rendering, and a variety of boundary fencing projecting above the retained original garden walls. A multitude of different forms, shape and scale of rear projections and some sizeable outbuildings are clearly visible at neighbouring properties. No 77 Windsor Road was permitted having regard to the circumstances of that particular case. However, there are multiple other significant visible projections nearby of varying scale, character and appearance that form part of the established and prevailing character and appearance of this part of the WECA.
10. Overall, the contribution to the significance of the WECA of the rear of the appeal site is more limited. However, it retains a large vegetated open rear garden, visible chimneys and traditional shaped first floor window openings. Having regard to the character and appearance of the WECA to the rear of the properties in this part of the WECA, the appeal site makes an overall neutral contribution to this part of the WECA.
11. The existing rear garden is generously sized with much given over to lawn and vegetated borders. The new extension would retain the significant majority of this. The overall retained space would be of a proportion that is similar to many of the properties nearby, and would preserve the character, appearance and contribution that the garden makes to the WECA.
12. While being full width, due to its limited stepped depth and stepped height, in comparison to the large scale and proportions of the existing dwelling, the development is subservient in its size and scale. The flat roof and glazed form, and character and appearance of the proposed extension, creates a more modern addition to the dwelling. However, there are a variety of rear projections in this part of the WECA visible from the appeal site, some of which are of a similar size to the appeal proposal, including some flat roof additions and projections with significant proportions of glazing.
13. The framing and proportions of the doors within buff brickwork would be in keeping with and complementary to the brickwork on the front and side of the dwelling and the chimneys. It would be stepped to sympathetically reflect the relationship between the main dwelling and annex, and the form and materials limit the massing of the development. The roof lights would be largely screened by the parapet walls. Overall, while comprising a more modern addition, the development would be a high quality of development integrating a high quality and balance of materials that would, preserve the character and appearance of the host dwelling and this part of the WECA.
14. The scheme at No 77 is understood to be similar in scale and character to the appeal proposal. However, the full details, evidence and circumstances surrounding its approval are not before me, and so a direct and reasoned comparison is not possible. I have considered this appeal proposal on its own merits based upon the evidence before me. The Council has referenced some existing site features in its reason for refusal, of which the front drive and boundary treatments are not proposed to change. The existing features form part of the existing character and appearance of the appeal site to which I have had regard in considering this appeal.

15. For the reasons set out above, the development would not be harmful to the character and appearance of the host dwelling, and would both preserve the elements that make a positive contribution to the significance of the WECA and would preserve the character and appearance of the WECA. Therefore, it would not conflict with paragraphs 127, 193 or 194 of the Framework. The development is compliant with Policies 7.4, 7.6 and 7.8 of the London Plan (2016) (the London Plan), Policies D3 and HC1 of the Draft London Plan (intend to publish version, December 2019) (the DLP) and Policies S6, SP1, SP3 and SP5 of the Newham Local Plan (2018) (the Local Plan). In combination and amongst other things these policies require that development affecting Conservation Areas should be of a high quality design that preserves or enhances their character, appearance and significance, and are sympathetic to scale, proportions and materials.
16. The development would be compliant with the Altering and Extending your Home Supplementary Planning Document (2018) as it would complement the character and appearance of the original house, including with reference to being subservient and utilising high quality materials. The development would conflict with some aspects of the advice in the WDG as it is of a greater depth than 3m and would be full width. As the WDG is design advice only it attracts limited weight. For the reasons set out above the development preserves the WECA and the elements that make a positive contribution to its significance, is compliant with the development plan policies I have set out above. and would not be harmful as a result of the conflict with the WDG.
17. The Council's reason for refusal refers to Policy 7.5 of the LP and D8 of the DLP. As these relate to development within, visible from and directly influencing or shaping the public realm, and the development has highly limited visibility if any from the public realm, those policies are of limited relevance. Policy D1 of the DLP sets out requirements for the preparation of local plans and D4 relates primarily to the design process. Therefore, these are of limited relevance to this proposal. Policy SP8 of the Local Plan primarily relates to neighbourliness, so is of limited relevance to this reason for refusal.

Other Matters

18. The Council has concluded that the development would not result in harmful living conditions to the occupiers of neighbouring properties with reference to outlook, privacy, daylight and overshadowing, and I see no reason to disagree. The appeal scheme proposes some biodiversity enhancements to the rear garden space in the form of some additional planting and a bat box and so complies with Policy SC4 of the Local Plan.

Conditions

19. As well as a standard condition specifying the time limits for commencement of development, compliance with the approved plans is necessary to provide certainty. To ensure the development preserves the character and appearance of the WECA, conditions are necessary to require external materials are carried out in accordance with the submitted details. To ensure the development makes provision for a gain in biodiversity in accordance with Policy SC4 of the Local Plan, a condition is necessary to secure the proposed planting and bat box.

Conclusion

20. For the reasons set out above, and having regard to all the matters raised, I conclude that the appeal should be allowed, and planning permission is granted.

Dan Szymanski

INSPECTOR