
Appeal Decision

Site visit made on 29 June 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2021

Appeal Ref: APP/G5750/W/21/3268685

12A Cranmer Road, London E7 0JW

- 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 Hakan Sen against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/02380/FUL, dated 5 November 2020, was refused by notice dated 23 December 2020.
 - The development proposed is described as 'removing existing verandah and having conservatory on the side and rear'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The new London Plan 2021 (LP2021) was published on 2 March 2021. It replaces previous versions of the London Plan and can be given full weight. In terms of policies relevant to this appeal, there have been no material changes in LP2021 from those contained in the Intend to Publish (December 2019) and Publication (December 2020) versions of the plan. No party has been prejudiced by me proceeding with the appeal in light of this change in policy.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.
 - Whether the proposed development would prejudice the ability of adjacent landowners from undertaking future development.
 - The effect of the proposed development on the living conditions of the occupiers of No. 14 Cranmer Road, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal property is a Victorian 2 storey semi-detached building comprising 2 flats. The rear elevation of the property features a 2 storey gabled outrigger, and a small single storey element comprising a W.C. extends further to the rear. There is currently a verandah to the rear of the property, which the

Council indicates is un-authorised and subject of an enforcement investigation. A railway viaduct runs adjacent to the southern side boundary.

5. The properties in the immediate vicinity of the appeal site are mainly Victorian, and the rear elevations feature 2 storey outriggers that are separated by a recess. Some of the neighbouring properties have had rear extensions. Whilst there is some variation in design, the extensions are modest in scale and generally adjoin the rear of the outrigger, maintaining a recess to the side. This results in a proportionate appearance and a consistent rhythm to the rear of the properties.
6. The proposed conservatory would wrap around the side and rear walls of the existing 2 storey outrigger. Its rear elevation would cover the full width of the plot and would infill the recess between the outrigger and the southern side boundary. The combined width and depth would result in a bulky addition which would fail to respect the massing and proportions of the dwelling. This would appear at odds with the rhythm of built form to the rear of the properties in the vicinity of the appeal site. Moreover, the flat roofed design would not reflect the form of the dwelling, which, combined with the excessive size of the conservatory, would emphasise its discordant relationship. Furthermore, the external elevations of the proposed conservatory include limited architectural details, and the deep fascias would result in a crude and un-refined appearance. As such, the proposal would fail to achieve high quality design.
7. Whilst the proposed conservatory would not be conspicuous in the street scene, it would be visible from neighbouring dwellings and their gardens. In any event, the lack of visibility from main roads does not obviate the need to achieve high quality design.
8. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the host dwelling and the surrounding area. It would therefore be contrary to Policies SP1, SP3 and H1 of the Newham Local Plan 2018 (the Local Plan), Policies D1, D3 and D4 of the LP2021, and guidance contained in the Newham Local Plan Altering and Extending your Home Supplementary Planning Document Adopted February 2018, which amongst other things, seek high quality design in all new development and reinforce or create positive local distinctiveness. The proposal would also be contrary to Chapter 12 of the National Planning Policy Framework, which contains similar objectives.

Future development

9. The southern elevation of the proposed conservatory would be in close proximity to the adjacent railway viaduct. The levels of daylight and sunlight received by the southern side windows of the proposed conservatory would already be significantly impacted by the viaduct, and so I consider that the proposal would not prejudice any future development at the railway line or the narrow strip of land to the side of it.
10. The window in the northern side elevation of the conservatory would adjoin the boundary with No. 14. Given that the rear windows of the proposed conservatory would provide sufficient daylight and sunlight to the internal space, the position of the side window would not prejudice any future development at No. 14.

11. For the above reasons, I conclude that the proposed development would not prejudice the ability of adjacent landowners from undertaking future development. In this regard, the proposal would accord with Policy SP8 of the Local Plan, which, amongst other things, states that change brought about by development must not cause problems for existing lawful neighbours.

Living conditions

12. Should the northern side window of the conservatory be clear glazed it would afford views into the neighbouring garden, which would cause an unacceptable loss of privacy to the occupiers of No. 14. Nevertheless, I am satisfied that a condition could be imposed to require the window to be fitted with obscure glass, which would prevent overlooking of the neighbouring property.
13. For these reasons, I conclude that the proposed development would not be harmful to the living conditions of the occupiers of No. 14, with particular regard to privacy. The proposal would therefore accord with Policy SP8 of the Local Plan, which, amongst other matters, seeks to minimise overlooking and loss of privacy.

Conclusion

14. Whilst I find that the proposed development would not prejudice future development on adjoining land or cause harm to the living conditions of the occupiers of neighbouring properties, it would be harmful to the character and appearance of the host dwelling and the surrounding area which amounts to sufficient grounds to withhold planning permission. For the above reasons, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR