
Appeal Decision

Site visit made on 6 September 2021

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/G5750/D/21/3272609

35 Outram Road, East Ham, London E6 1JP

- 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 Riyaz Yusaf against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/02430/HH, dated 3 November 2020, was refused by notice dated 18 January 2021.
 - The development proposed is a single storey rear extension (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension (retrospective) in accordance with the terms of the application Ref 20/02430/HH, dated 3 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall not be carried out other than in accordance with the following approved plans: Location Plan, Block Plan, PD01, PD03 (pre-existing elevations), PD03 (existing/proposed elevations), PD05 and PD07.
 - 2) Any side windows retained or formed in the side walls of the extension hereby approved shall be obscure glazed, and non-opening.

Procedural matter

2. Since the Council refused this application the London Plan 2021 (LP) has been adopted, taking the place of the London Plan 2016, and a revised version of the National Planning Policy Framework (the Framework) has been published. The appellant and the Council were both given an opportunity to comment on these new policies, which I have considered as part of this decision.

Main issues

3. The main issues are the effects of the proposal on:
 - i) the character and appearance of the house and the local area;
 - ii) living conditions at the neighbouring properties, in terms of the effect on outlook and any overlooking or perception of overlooking; and

- iii) the potential for future development at adjacent properties in light of the existence of side windows in the new extension.

Reasons

Character and appearance

- 4. 35 Outram Road is a mid-terrace 2 storey house within a residential neighbourhood of similar houses. Typically for the area, it has a 2 storey rear wing or outrigger. There is also a previously existing flat/very low pitch roofed single storey rear extension. The appeal extension is a flat roofed extension added to the back of that previous extension.
- 5. The Council's Supplementary Planning Document *Altering and Extending your Home* (SPD) advises that extensions should be attractive development which compliments the character and appearance of the original house and the group of buildings. It says that any new extension should be subservient to the original house.
- 6. Although the overall rear extension here is now very deep in plan, it is low in height and is not visible from the public realm. It can only be seen from a small number of neighbouring properties. It does not challenge the visual dominance of the main house and remains a subservient structure. It also leaves a reasonable area of garden so that the site is not overly cramped. Red bricks have been used, in contrast to the buff bricks of the original structure, but this is not harmful in this limited visual context. At my site visit, I saw that nearby properties have been extended at the back in various ways, without seemingly harming local character. I note the Council's submission that the 2 nearest of these extensions have not been approved through full planning applications, but they do exist and form part of the character of the area.
- 7. I conclude that the appeal extension does not significantly affect the character or the appearance of the house or the local area. It accords with the aims of LP Policies D1, D3 and D4, Newham Local Plan 2018 (NLP) Policies SP1, SP2, SP3 and SP8 and the Framework, to secure high quality development that responds to local character. The Council also refers to NLP Policy S6 here, but this more strategic level policy appears to have little bearing on this particular matter and I find no conflict with it.

Living conditions

- 8. The appeal extension is low in height – not much higher than a potential 2m high boundary fence which could be built as permitted development without the need for a planning application. There is already such a fence on the boundary with No 33 so that the extension has no more than a minimal effect on the outlook from that property. To the other side, the existing fence on the boundary with No 37 is much lower, but the low height of the extension ensures that it does not dominate views from the rear windows or back garden of that property, which retains a largely open outlook
- 9. The appeal extension has a high level side window on each side. These are obscure glazed and appear to be fixed shut. They are not excessive in size and are not overly intrusive on the neighbouring properties.

10. Subject to a condition to safeguard the existing situation, I conclude that there are and would be no undue impacts on neighbours' living conditions. The proposal accords in this respect with the aims of LP Policy D3, NLP Policies SP2 and SP8 and the Framework, to ensure good neighbourliness in development by minimising overbearing and overlooking impacts. The Council has again mentioned other policies (LP Policies D1 and D4 and NLP Policies S6, SP1 and SP3) which do not appear to be directly relevant to this matter. I find no conflict with them.

Future development of neighbouring properties

11. The Council is concerned that the side facing windows might prejudice the development potential of the adjacent neighbouring properties. These windows are obscure glazed so provide no outlook and the main light to the room is provided by glazing at the back. The side windows therefore do not have any crucial role to play in the quality of living conditions at No 35. As noted above, fences could be built on these boundaries under permitted development rights without the need for a planning application and these might potentially block part or all of the appeal extension's side windows. Any planning application would fall to the Council to determine on its planning merits.
12. I conclude that the side windows should not prejudice development at the adjacent neighbouring properties and find no conflict here with any of the above-mentioned policies.

Conditions

13. I impose a condition specifying the relevant plans to provide certainty. As the extension has already been built and is acceptable, there is no need for conditions requiring a start within 3 years or governing the use of facing materials. As set out above, a condition is necessary to ensure that any existing or new side facing windows are obscure glazed and non-opening to protect neighbours' privacy.

Conclusion

14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR