



Appeal Decision

Site visit made on 18 January 2022

by Elizabeth Pleasant BSc(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2022

Appeal Ref: APP/G5750/C/20/3260761

43 St. Georges Road, Forest Gate, London E7 8HT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Gul Din against an enforcement notice issued by London Borough of Newham.
 - The notice was issued on 8 September 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission the erection of an extension.
 - The requirements of the notice are to:
 1. Demolish the extension (as shown edged in blue on the attached plan).
 2. On completion of step 1 above, remove all materials and debris from the site.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act, as amended.

Appeal on ground (a), deemed planning application

Main Issues

- The main issues in this case are the effect of the development on the living conditions of the occupiers of No 41 St. Georges Road, and on the living conditions of existing and future occupiers of the host property, with particular regard to daylight and outlook.

Reasons

Living conditions

2. The unauthorised extension comprises a ground floor rear extension which wraps around an existing substantial two storey outrigger at the rear of this mid-terraced property. The ground floor of the property now extends across the full width of the plot and has been built onto its common boundary with No 41 St. Georges Road.
3. No 41 has a ground floor habitable room window in its main rear elevation adjoining the common boundary with the appeal site. In addition, there is a bay window within its rear outrigger which faces towards the unauthorised

extension. Considering the depth and proximity of the unauthorised rear extension to those neighbouring windows, there is no doubt that the amount of daylight now able to access the rooms served by those windows and the outlook from them has been severely impacted.

4. The ground floor extension has resulted in the creation of a narrow passageway between it and the existing outrigger at No 41. Consequently, outlook from No 41's adjacent windows, as set out above, is either down a tunnel or directly onto the flank wall of the adjacent extension. I have considered the daylight and sunlight report¹ (DSR) prepared to support the appellant's case and note that the report concludes that there would be no adverse effect on daylight to rooms within No 41. However, the windows which I have identified as being most affected (windows 3 and 4 in the DSR) both fail the Vertical Sky Component test, and the Daylight Distribution test has not been undertaken and is marked as n/a. Moreover, the proximity of the flank wall of the extension to No 41's facing bay window means that the outlook from the room which it serves is severely restricted. The extension in my view has a significant overbearing and enclosing effect on the living accommodation served by windows 3 and 4 at No 41.
5. Furthermore, the unauthorised extension has resulted in a room at ground floor level within the outrigger of the host property which has no meaningful outlook. The inner dining/living room has only a high-level window within it, and this window is fitted with obscure glass. Consequently, there are no views of the outside from this room. In addition, the only natural light available to this room is via the high-level window and two small skylights, this means that the room is poorly lit.
6. I conclude that the unauthorised extension has a harmful effect on the living conditions of the occupiers of No 41 St. Georges Road and on existing and future occupiers of the host property, with regard to daylight and outlook. There is conflict with the development plan, and in particular with Policy SP8 of Newham Local Plan, 2018 which seeks to ensure, amongst other things, that new development has adequate access to daylight and minimises overbearing impacts. I also find conflict with the Council's Altering and Extending your Home Supplementary Planning Document, adopted 2018, which promotes neighbourly development and advises that all new extensions should ensure that reasonable levels of daylight are maintained to neighbours' rooms and outlook for neighbours is not harmed. I also find conflict with paragraph 121 of the National Planning Policy Framework which aims to create new development with a high standard of amenity for existing and future users.

Other Matters

7. I have had regard to the other extensions in the locality which the appellant considers to be very similar to the extension which has been constructed in this appeal case. However, I do not know the exact planning circumstances of those other extensions. Moreover, the existence of other extensions which may also have a harmful effect on their neighbours, would not justify the unauthorised development in this case, and are not a precedent that should be repeated.

¹ Daylight and Sunlight Assessment for Development at 43 St. Georges Road, Ref: 20-150, dated August 2020.

Conclusion

8. For the reasons given above and taking into account all other matters raised, the appeal on ground (a) fails. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177 (5) of the 1990 Act, as amended.

Elizabeth Pleasant

INSPECTOR