



Appeal Decision

Site visit made on 23 November 2021 by Darren Ellis MPlan

Decision by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/G5750/D/21/3280007

27 Manor Park Road, Manor Park, London E12 5AB

- 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 Ben Gostling against the decision of the Council of the London Borough of Newham.
 - The application 21/00936/HH, dated 31 March 2021, was refused by notice dated 29 June 2021.
 - The development proposed is described as a loft conversion to roof and back addition with single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description of the development on the planning application form omitted the proposed front rooflights and the removal of the stone cladding on the front elevation. On the basis of the evidence before me I am satisfied that the Council considered these elements as part of the scheme before them at application stage. Therefore, I have determined this appeal on the basis of the description as found on the appeal form and decision notice, which accurately describes the proposal as 'construction of a single storey rear extension, a rear and side dormer extension including rooflights to the front and the removal of the stone cladding on the front elevation to restore the original brickwork'.
4. There is an inconsistency on the submitted drawings between the proposed elevations and section, which show a roof lantern on the proposed single-storey rear extension, and the proposed floor plans which do not show this lantern. However, the Council has included the lantern in their assessment, and I have proceeded on this basis.

Main Issues

5. The main issues are:
 - whether sufficient details have been provided to allow a full and proper assessment of the proposal;
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- the effect of the proposal on the character and appearance of the dwelling, the terrace, and the wider street scene, and whether the proposal preserves or enhances the character or appearance of the Durham Road Conservation Area; and
- the effect of the proposal on the living conditions of the occupiers of numbers 25 and 29 Manor Park Road with specific reference to outlook.

Reasons for the Recommendation

Whether sufficient details have been provided

6. The submitted drawings do not appear to show the existing parapet tiles that separate the roofs of adjoining properties or whether the proposed dormer would be built up to this parapet. The appellant also refers to a green roof however this is not shown on the drawings. As such a full assessment of these specific matters is not possible and the proposal therefore does not comply with policy D4 F(1) of the London Plan (March 2021) (LP) which requires the maximum detail appropriate for the design stage to be provided. Nevertheless, there is sufficient information before me to determine the appeal and as I am recommending that the appeal is dismissed for other reasons, these matters are not determinative.

Character and appearance

7. The appeal property is a mid-terrace two-storey dwelling on the western side of Manor Park Road. The site is set on the edge of the Durham Road Conservation Area (CA), with the properties on the opposite side of the street falling outside of the CA. The appeal property is identified as a Positive Building on the Townscape Appraisal Map in the Durham Road Conservation Area Character Appraisal and Management Proposals (2006) document. The properties on the western side of the street are divided into two terraces. The properties in these terraces are built to the same design as the appeal property with bay windows and exposed lintels above the entrance door and first-floor windows, albeit with variations in external materials. The uniformity in the design and appearance of the properties creates a coherent street scene and defines the character of the area, which contributes positively to the significance of the CA.
8. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
9. The proposal would see the removal of the stone cladding and the restoration of the original brickwork to the front elevation, which would improve the cohesion of the property into the street scene and would therefore enhance the character and appearance of the CA. However, although the proposed roof lights would be conservation-style and therefore flush to the roof slope, the rooflights would break up and add clutter to the largely unblemished roofline of the terrace to the detriment of the character and appearance of the terrace, street scene and CA. Furthermore, Appendix 4 of the Durham Road Conservation Area Design Guide does not support alterations to street-facing roof slopes, including Velux-style windows.
10. I note that the property at No 5 has two roof lights in its front roof slope; however, no details have been provided and I cannot, therefore, be certain that the rooflights benefit from planning permission which limits the weight which

can be attached to them in my decision. In any case, these roof lights are an anomaly in the street scene and No 5 is in a separate terrace to the appeal property, and as such the presence of these roof lights do not justify the proposed roof lights.

11. My attention has also been drawn to roof lights in dwellings in Wentworth Road, which is also within the CA. Again, no substantive details of any planning permissions for these roof lights have been provided so I cannot be certain that the context of these properties is directly comparable to the proposal before me. Moreover, these properties are in a different street and are not visible from the appeal property, and therefore the rooflights at these properties have no bearing on the street scene at the appeal site.
12. The proposed single-storey rear extension would replace the existing rear extension. The existing extension is of a low-quality design and its removal would improve the appearance of the appeal property. The proposed extension would use exterior materials that best match the materials of the existing dwelling. However, the extension would project considerably from the rear elevation and beyond the rear extensions of the adjoining properties. Furthermore, the proposed rear dormer extension would span almost the whole width of the house and would cover nearly all of the rear and side roof slopes. As such the proposed extensions would add considerable bulk and mass to the rear of the property.
13. Many of the properties have single-storey rear extensions of varying widths and depths, however dormer windows are scarce in the terraces and where present they are subservient additions to the roof slope. In this case, the substantial bulk and depth of the extensions would not be subservient to the existing dwelling and would fail to reflect the uniform nature of development in the area. Furthermore, the extension and in particular the dormers would be visible to the occupiers of properties to the rear and from the gardens of adjoining properties. For these reasons the proposal would not respond well to its context and would detract from the character and appearance of the appeal property, the terrace and the CA. Overall, the proposal would be an incongruous alteration that would detract from the contribution of the appeal property to the CA.
14. The harm would be localised and therefore, in the context of the approach in National Planning Policy Framework (the Framework), the harm to the CA as a whole would be less than substantial. Nevertheless, it is a matter of considerable weight and importance. In such circumstances, the Framework provides that the harm should be weighed against the public benefits of the proposal.
15. The proposal would see the replacement of an existing poor quality rear extension and the removal of the existing stone cladding and the restoration of the original brickwork to the front elevation. The restored brickwork would enhance the character and appearance of the CA however the rear extension is not visible from the street scene. I therefore attach moderate weight to these benefits. The proposal would also provide additional living space for occupiers of the appeal property, although this would be a private benefit. Overall, the public benefits of the appeal scheme would not outweigh the harm identified to the CA, to which I afford considerable weight. The proposal as a whole would therefore fail to preserve or enhance the character or appearance of the CA.

16. In view of the above, the proposal would conflict with policies D3 and D4 of the LP and policies SP1, SP3, SP8 and H1 of the Newham Local Plan (2018) (NLP), which all seek, amongst other things, to ensure that developments are of a high-quality design that respond to local distinctiveness and that integrate with the street scene. The proposal would also conflict with LP policy HC1 and NLP policy SP5 which require heritage assets to be conserved and enhanced and that development proposals should be sympathetic to the asset's significance. The proposal would also fail to comply with the design and heritage policies of the Framework. Having regard to the requirements of Sections 72(1) of the Act the harm in that respect is a matter that attracts significant weight.
17. The proposal would also fail to comply with the guidance of the Newham's Local Plan Altering and Extending Your Home Supplementary Planning Document (2018) (SPD), which requires development to complement the character and appearance of the original house and the group of buildings of which it forms a part, and the Durham Road Conservation Area Design Guide.
18. The reason for refusal also refers to policies D1, D5 and D8 of the LP and policies S6 and SP2 of the NLP. Policy D1 has regard to defining an area's capacity for growth and for planning for growth. Policy D5 refers to accessible and inclusive design. Policy D8 involves protecting public realm. Policy S6 sets out the over-arching strategic criteria and spatial strategy for development proposals in urban Newham. Policy SP2 sets out the over-arching strategic principles and spatial strategy for healthy neighbourhoods with specific regards to matters including air pollution, healthy eating and health facilities. None of these policies mention residential extensions or make any specific references to the design quality of individual development proposals. Furthermore, in this case no harm has been identified by the Council in respect of the public realm, accessibility or healthy neighbourhoods and based on the evidence before me I have no reason to disagree.

Living conditions of the occupiers of the neighbouring properties

19. The proposed single-storey rear extension would project beyond the existing single-storey rear extensions at the adjoining properties. However, although the proposed extension would have a higher roof level and project further to the rear than the existing extension, the flat roof design ensures the extension would be of a limited height above the boundary treatment. Consequently, there would not be a significant impact to the ground floor windows of No 25 and rear gardens of Nos 25 and 29.
20. The small courtyard area at No 29 provides the occupiers with an outlook of the space above the rear gardens of the appeal property and No 29. The additional height and depth of the rear extension adjacent to this area would result in the occupiers of No 29 facing a significantly greater expanse of brick in close proximity to the courtyard and the windows that are served by the courtyard. As such the proposed rear extension would be an obtrusive feature that would have an overbearing impact and would cause a loss of outlook to the occupiers of No 29. This would make the courtyard area less pleasant to use, and the impact would be exacerbated by the proposed large roof lantern and the dormer extension which would both be in close proximity to No 29 as a result of the narrowness of the plots. Overall, the proposal would be detrimental to the living conditions of the occupiers of No 29.

21. The rear dormer extension would add an extra storey to the two-storey outrigger, however the presence of the adjoining outrigger at No 25 would ensure that a reasonable distance would remain between the dormer extension and the first-floor window in the main rear elevation of No 25. The dormer extension would therefore have no significant impact on the living conditions of the occupiers of No 25.
22. The appellant has argued that both the single-storey rear extension and the dormer extension would constitute permitted development outside of the CA. However, the site is within the CA and is also subject to an Article 4 direction which has removed certain permitted development rights, including for extensions to dwellinghouses and alterations to the roof, in order for increased planning control over these types of development. Consequently, the appeal property does not benefit from permitted development rights for the proposed elements and as such the appellant's argument carries no weight in this instance.
23. I note that the image on page five of the SPD shows a similar single-storey rear extension to the one before me. However, it is not clear whether the extension in the image is the same size as the proposed extension or that the context surrounding the property in the image is comparable to the appeal property, such as whether it is in a conservation area. The image in the SPD therefore does not show what would be an acceptable extension in all circumstances.
24. Overall, the proposal would cause an overbearing impact and loss of outlook to the courtyard area and the windows that are served by this area. Consequently, the proposal would detract from the enjoyment and thereby cause harm to the living conditions of the neighbouring occupiers at 29 Manor Park Road. The proposal would therefore conflict with policy SP8 of the NLP which seeks, amongst other things, for proposals to provide neighbourly development with appropriate levels of amenity. The proposal would also fail to comply with paragraph 130(f) of the Framework, which requires development to have a high standard of amenity for existing and future users, and the guidance of the SPD, which requires extensions to be designed to be respectful of neighbouring privacy, daylight and outlook.
25. The reason for refusal also refers to policies D1 and D4 of the LP and policies SP2 and H1 of the NLP. These policies are described earlier in this report. None of these policies mention residential extensions or make any specific references to the effect of development proposals on the living conditions of the occupiers of neighbouring properties. Furthermore, in this case no harm has been identified by the Council in respect of healthy neighbourhoods and based on the evidence before me I have no reason to disagree.

Other Matters

26. I acknowledge that the occupiers of the adjacent properties have signed a document stating that they have no objection to the proposal. However, the absence of an objection from these neighbours does not alter my conclusion on the harm that would be caused.

Conclusion and recommendation

27. The proposal would cause harm to the character and appearance of the dwelling, the terrace, and the wider street scene, and fails to preserve or enhance the character or appearance of the CA. The proposal would also cause harm to the living conditions of the occupiers of 29 Manor Park Road. There are no material considerations which would indicate a decision other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Caroline Mulloy

INSPECTOR