
Appeal Decision

Site visit made on 12 April 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2022

Appeal Ref: APP/G5750/D/21/3287414

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 Ref. 21/01803/HH, dated 19 July 2021, was refused by notice dated 14 September 2021.
 - The development proposed is loft conversion to roof including over back addition.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, it is clear from the plans and accompanying details that the 'loft conversion' includes a rear and side dormer extension and roof lights to the front, as described by the appellant on the appeal form and by the Council on the decision notice. The Council dealt with the proposal on this basis and I have done the same.
3. On 10 March 2022, and since this appeal was lodged, application 21/00936/HH (appeal ref. APP/G5750/D/21/3280007) was dismissed for a 'loft conversion to roof and back addition with single storey rear extension' at the site. That proposal included two front rooflights, and an 'L' shaped rear dormer of a similar size and design proposed in this appeal. As a recent decision of which the parties would be aware, I have had regard to it in my assessment.
4. The Combined Heritage and Design & Access Statement dated 18 July 2021 (CHDAS) which accompanied the planning application refers to the removal of 20th century stone cladding, to return the building to its original brickwork. However, although annotated on the submitted plan, this is not included in the description of development, and I have not therefore taken it into account in my assessment.

Main Issues

5. The main issues are (1) whether sufficient details have been provided to enable a full and proper assessment of the proposal; and (2) the effect of the proposal on the character and appearance of the dwelling, the terrace of which it forms part, and the Durham Road Conservation Area.

Reasons

Whether Sufficient Details have been Provided

6. The first reason for refusal refers to the lack of side elevations or an accurate roof plan, such that a full and proper assessment of the proposal could not be made. There appears to be a discrepancy between the width of the proposed dormer window on the main roof slope on the 'proposed rear elevation' and that shown on the 'proposed second floor plan' and 'proposed roof plan'. This lack of certainty as to what would be built would have been a significant issue had the appeal not been dismissed, but I am satisfied that sufficient detail has been provided to enable an assessment of the effect of the proposal.
7. In addition, although two opposing side elevations were not supplied, I consider that sufficient detail is included in the 'proposed side elevation/section' in order to assess the proposal.
8. I therefore conclude that, although the proposed details supplied would not fully comply with the requirements of Policy D4 F 1) of The London Plan 2021 (TLP), to ensure maximum detail appropriate for the design stage is provided, this has not prevented a full and proper assessment.

Character and Appearance

9. The appeal property is a mid-terrace dwelling located on the outer edge of the Durham Road Conservation Area, opposite more modern buildings beyond the conservation area boundary. The Durham Road Conservation Area Character Appraisal and Management Proposals 2006 (CAMP) identifies the area as being an 1880s suburban housing development. Amongst the many qualities noted in the CAMP is two-storey terraced housing of repetitive design and detail, sharing a common eaves and building line. The terraced houses of which the appeal property forms part are identified as positive buildings in that document.
10. In this context, although some dwellings in the vicinity have been extended, their original architectural design and form remain discernible. There is more variety to the rear elevations of dwellings in the terrace, although dormer windows are not prevalent. Within the terrace, a two-storey rear wing (an 'outrigger') spans pairs of properties, and this creates a largely consistent pattern along the group.
11. The proposed rear dormer window would be a disruptive addition to the terrace and the 'L'- shaped design would add considerable bulk to the dwelling. It would appear as top-heavy addition that would subsume the roof, and would undermine the original form and appearance of the main dwelling and its outrigger. The extent of the change would be detrimental to the character and appearance of the rear elevation of the building, the wider terrace and its contribution to the conservation area. Whilst there are some flat-roofed dormer windows visible in the area, none appear to be of the scale and design proposed in this case.
12. I appreciate that the development would be located at the rear of the property, and as such its visual impact would largely be confined to the rear garden environment. Whilst this may be a less sensitive part of the conservation area, there is nevertheless a need for any development to preserve or enhance the character or appearance of the setting. In this context, the proposal would not be of sufficient design quality to achieve this objective.

13. The appellant has drawn attention to an image included on the front of the Council's published 'Altering and Extending your Home Supplementary Planning Document' (SPD) for a similarly designed 'L'- shaped dormer window. I can appreciate the appellant's concern regarding consistency, but there is no indication that the example in the SPD is a property within a conservation area, where more sensitive and sympathetic design solutions would be expected.
14. The appeal is accompanied by photographs of dormer windows and rooflights visible in the surrounding area, with some planning application reference numbers identified. However, no plans or details have been supplied to enable comparison with the proposal. On the basis of the limited information before me I cannot gauge their relevance to the proposal: for example, it is not known whether or not they required, or have been built in accordance with, planning permission, nor if they were assessed against the same planning policies now in place. Moreover, none appear to include a roof extension over an outrigger, and therefore are materially different in their scale and impact.
15. The proposal includes 2no. conservation-style rooflights on the front elevation. These were also a feature of the dismissed appeal referred to in paragraph 3 above. The Durham Road Conservation Area Design Guide (DRDG) advises that alterations to street facing roof slopes, including rooflights, are not supported. The previous appeal decision includes a detailed analysis of the incidence of rooflights found in Manor Park Road and the wider conservation area, and notes the absence of any details of planning permissions granted for these installations. On the basis of the limited information supplied in this appeal, given the largely consistent front roofscape I have no reason to disagree with the previous Inspector's assessment, that the proposed rooflights would break up and add clutter to the largely unblemished roofline of the terrace to the detriment of its character and appearance, and that of the street scene and conservation area.
16. There is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions. In the context of paragraph 202 of the National Planning Policy Framework (the Framework), the proposal would lead to less than substantial harm to the significance of the Durham Road Conservation Area as a heritage asset. However, paragraph 199 of the Framework makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the level of harm. In accordance with paragraph 202, the harm of the proposal should be weighed against its public benefits.
17. In this instance, the improved level of accommodation would enhance the facilities of the property for the appellant's family and future residents, but this would not outweigh the resulting visual harm that would result from the scale and design of the proposal.
18. I therefore conclude that as a result of the size, design and siting of the proposal it would detract from the character and appearance of the dwelling, the terrace of which it forms part, and the Durham Road Conservation Area. This would conflict with the aims of TLP Policies D3 and D4, which amongst other criteria seek developments that respond to the existing character of a place and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; and with NLP Policies SP1,

SP3 and H1, as supported by the SPD, which together include aims for all developments to provide high levels of design quality that reinforce positive local distinctiveness.

19. In addition to the identified conflict with the Framework, the proposal would be contrary to TLP Policy HC1 and NLP Policy SP5, as supported by the DRDG, which together include requirements for proposals affecting heritage assets to conserve their significance and the contribution of their settings.
20. I find no conflict with TLP Policy D1, which focuses on the capacity for growth; with TLP Policy D8, which relates to the public realm; with the strategic spatial strategy set out in NLP Policy S6, and the aim to create healthy neighbourhoods and neighbourly development set out in NLP Policies SP2 and SP8. However, this does not alter my assessment.

Other Matters

21. The appellant raises concern that the Council had applied guidance to the proposal that had not been approved. Neither party has confirmed the date at which the latest DRDG was approved by the Council, nor its status, but an e-mail from the Council dated 2 September 2021¹ states that the document was in force when the application was made. The appellant has supplied a copy of a former, undated, Durham Road Conservation Area Design Guide. However, that document also confirmed that an Article 4(2) Direction is in place, and that roof lights and dormer windows would need planning permission, and would not normally be permitted in front roof slopes. As such, whilst the updated document provides more specific technical criteria, I find no inconsistency in the approach aimed at the conservation of heritage assets regardless of which version of the Design Guide is applied.
22. The appeal is accompanied by a signed list of neighbouring residents in Manor Park Road, raising no objection to the proposal, albeit in respect of the previously submitted planning application ref. 21/00936/HH. Whilst I am mindful that no surrounding residents objected to the proposal, the views of individual residents are only one aspect of the decision-making process.
23. The appellant has set out the reasoning behind the design of the proposed dormer window and the staircase position. Whilst the construction constraints are appreciated, they have a material impact on the resulting scale and appearance of the extension. When balanced against the impact on the conservation area, these constraints would not outweigh the visual harm.
24. I note the appellant's comments regarding inconsistency in the processing of this and other applications, but such matters cannot be explored in a Section 78 planning appeal, and I have considered the appeal on its planning merits.

Conclusion

25. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR

¹ Included in an appendix ('email correspondence') to the appellant's grounds of appeal.