
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/21/3287413

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. 21/01793/HH, dated 16 July 2021, was refused by notice dated 10 September 2021.
 - The development proposed is loft conversion to roof and single storey rear extension.
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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. It is clear from the plans and accompanying details that the 'loft conversion' includes a rear dormer, as described on the appeal form and decision notice. I have dealt with the proposal on this basis.
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. It included a single storey rear extension of similar design to this appeal proposal, but one metre deeper than now proposed. As a recent decision of which the parties would be aware, I have had regard to it in my assessment.
4. The third reason for refusal includes reference to the likely construction on the parapet wall and the installation of front skylights. However, these do not form part of the proposal and I have not included these matters in my assessment.
5. The Combined Heritage and Design & Access Statement (March 2021 REV D) [CHDAS] which accompanied the application refers to the removal of 20th century stone cladding. This work was marked on the submitted plan but not included in the description of development. Although the Council has referred to it in its officer report, as this factor would not affect my assessment of the dormer window and rear extension, I have not taken it into account.

Main Issues

6. 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

7. The first reason for refusal refers to the lack of submitted side elevations and an accurate ground floor roof plan, such that a full and proper assessment of the proposal could not be made. The proposed rear elevation and side section show a lantern roof to the rear extension, but this roof is marked as 'flat roof – green roof' with no lantern shown on the 'proposed first floor plan'. The proposed 'second floor plan' also suggests that the rear dormer would be wider than indicated on the 'proposed rear elevation'. 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 was provided to enable an assessment of the effect of the proposal.
8. In addition, although two opposing side elevations were not supplied, I consider that sufficient detail is included in the 'proposed side section' in order to assess the side elevations of the proposed dormer window.
9. I therefore conclude that, although the proposed details supplied did not fully accord with Policy D4 F 1) of The London Plan 2021, to ensure maximum detail appropriate for the design stage is provided, this has not prevented a full and proper assessment of the proposal.

Character and Appearance

10. 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.
11. 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. The proposed dormer window would occupy much of the rear roof slope, and combined with its height reaching to the ridge it would appear as an unduly bulky and dominant addition to the building, at odds with the traditional architecture of the host house. This would undermine the roofscape of the remainder of the terrace, and would detract from the contribution that it makes to the conservation area.
12. The CHDAS refers to the dormer cheeks being set in, to be 3/4 of the width of the roof. In principle, this would accord with the criteria of the Durham Road Design Guide 2021 (DRDG), which also requires a roof extension to achieve a minimum 50cm setback from the original eaves and for 2/3 of the dormer face to be glazed with window proportions to match the main dwelling.
13. The size, siting and glazing proportions of the proposed dormer window would appear to conflict with these requirements. Whilst I accept that this is guidance

only and not adopted policy, I have given this weight as a document which aims to secure development of sufficient quality to preserve or enhance the character and appearance of the conservation area.

14. The appeal is accompanied by photographs of dormer windows in the area, with some planning application numbers given. 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 be sure that these examples required, or have been built in accordance with, planning permission, nor if they were assessed against the same planning policies now in place.
15. The proposed rear extension would replace an unremarkable addition, the removal of which would enhance the property. Although the proposal would be deeper than neighbouring extensions, it would be of similar depth to those built at Nos. 21, 23 and 33 Manor Park Road. However, the Council's report indicates that these extensions do not benefit from planning permission, and I agree with its assessment that they do not form a positive precedent.
16. The extension would not be as deep as that dismissed in the appeal referred to at paragraph 3 above. However, despite the reduction, I am not convinced that the proposed depth would create a proportionate addition to the original dwelling of sufficiently high design quality to accord with the design aims of the policies of The London Plan 2021 (TLP) and Newham Local Plan 2018 (NLP). It would appear overly large and of a form out of keeping with the traditional design and architecture of the original house.
17. I appreciate that both the dormer window and extension would be at the rear of the property, and therefore would have little visual impact beyond the rear garden environment. Whilst this may be a less sensitive part of the conservation area, the quality of buildings in a conservation area contribute to its character and appearance overall, and neither extension would be of a scale and design appropriate to the setting.
18. 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), I consider that the proposal would lead to less than substantial harm to the significance of the Durham Road Conservation Area. However, paragraph 199 of the Framework makes clear that when considering the impact of 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.
19. 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.
20. I therefore conclude that, as a result of the size, design and siting of the proposed dormer window and rear extension, they 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 'Altering and Extending your Home Supplementary Planning Document 2018', which together include aims for all developments to provide high levels of design quality that reinforce positive local distinctiveness.

21. 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.
22. 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

23. The appellant raises concern that the Council assessed the proposal against guidance that had not been approved. Neither party has confirmed the date at which the latest Durham Road Design Guide was approved by the Council, nor its status. The appellant has supplied a copy of a former, undated, Durham Road Conservation Area Design Guide. However, both documents confirm that an Article 4(2) Direction is in place, and that dormer windows would need planning permission. Whilst the updated document provides more specific technical criteria, I find no inconsistency in the approach aimed at conservation of heritage assets regardless of which version of the Design Guide is applied.
24. 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.
25. 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.
26. 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

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

H Lock

INSPECTOR