



Appeal Decision

Site visit made on 21 September 2022

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2022

Appeal Ref: APP/G5750/D/22/3297143

30 Oliver Gardens, Beckton, London E6 5SE

- 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 Z Lwin against the decision of the London Borough of Newham Council.
 - The application Ref 21/02995/HH, dated 28 November 2021, was refused by notice dated 24 January 2022.
 - The development proposed is the erection of rear dormer extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of rear dormer extension at 30 Oliver Gardens, Beckton, London E6 5SE in accordance with the terms of the application, 21/02995/HH, dated 28 November 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PR 01-02, PR 03, PR 11-12 REV B and PR 21-22 REV B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The windows in the rear dormer extension hereby permitted shall at all times be glazed with obscured glass and no part of any window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the host building and that of the local area; and
 - the living conditions of neighbouring residential occupiers.

Procedural Matters

3. The Council have imposed a condition on the planning approval for the housing development of which the appeal property forms part, which restricts permitted development rights for extensions of the type proposed. However, notwithstanding that there may be a restriction to permitted development in place, the proposal before me is by way of an application for planning permission.
4. The appellant has submitted revised plans Ref: PR 11-12 REV B and PR 21-22 REV B with the appeal. These are intended to overcome concerns expressed by the Council regarding the character and appearance of the proposal in relation to the appeal property and that of the local area, along with overlooking of the property to the rear. Given that the Council and other interested parties have had opportunity to comment on the revised plan, I have accepted these plans in line with the Wheatcroft principles¹.

Reasons

Character and Appearance

5. The appeal property is a detached bungalow located in a predominantly residential area comprising detached and semidetached bungalows and two storey houses that form part of a planned estate. Many of these, including the appeal property have been the subject of previous extension and alteration. The appeal property has been the subject of an earlier loft conversion with two dormer windows added to the front roof slope. The housing in the area is relatively densely developed, with shallow rear gardens.
6. The proposed dormer extension would be set into the rear roof slope and would be positioned to be below the existing roof ridge and be set in from the roof edges and eaves. It would not be generally visible from the street and would only be visible from the rear gardens and windows of neighbouring dwellings that back on to the appeal property. In being visible in this context, the proposal would be seen with other dormer extensions on neighbouring dwellings, which, from my site visit, were evidently visible from the garden of the appeal property.
7. In submitting revised plans as detailed above, the appellant has sought to match the proposal to a greater extent with the design and finishes of the appeal property. This would entail the cladding of the rear and flanks of the proposed dormer extension being in a tile that would match those used for the existing roof. This would integrate the proposal more effectively with the existing building than the originally proposed metal cladding.
8. The windows in the proposed rear dormer extension would be symmetrically positioned within the extension and in relation to the original dwelling. Whilst these would not strictly align with the rear windows and doors in the existing rear elevation, which vary in width and separating distances, in this regard, the proposal adds a symmetrical cohesion that sits comfortably with this existing eclectic fenestration pattern.
9. The revised cladding materials for the proposed dormer extension, along with the recessive positioning of the proposal on the rear roof slope, would result in

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37])

it appearing as a subservient addition to the appeal property. When seen in the round, the proposal would appear to take into account the local scale of housing development in the wider area and would be consistent with the local roofscape.

10. For these reasons, I find that the proposal would not be an unduly prominent alteration and addition to the appeal property, but would result in a subservient addition to the appeal property, reflecting its original design and detailing. In this regard the proposal would be a congruent addition to the appeal dwelling, complementary to the local streetscene and would accord with design guidance set out in the London Borough of Newham Council's adopted Altering and extending your Home Supplementary Planning Document (2018). The proposal would, therefore, not have any significant harmful effect on the character or appearance of the appeal property or streetscene of the local area.

Living Conditions

11. As I have noted above, the housing development of which the appeal property forms part is tightly developed with relatively shallow gardens. However, within the context of a developed residential area of this type, the scale of the proposal and the separating distances involved, I do not find that the proposal would have an overbearing presence that would have any significant harmful effect on the outlook from 9 Waverley Gardens (No.9), which backs onto the appeal property. Rather, I find that the proposal would result in the appeal property having no greater effect than any other surrounding dwelling in this regard.
12. The revised plans submitted by the appellant include proposals for the windows of the proposed dormer to be obscure glazed. This would result in no potential for overlooking of the rear garden and rear rooms of No.9. The proposal would not, therefore, result in a loss of privacy to its occupiers and would not result in any significant harmful effect on their living conditions

Conditions

13. Along with the standard conditions relating to timing of implementation and compliance with drawings, to protect the character and appearance of the appeal property and the local area I have attached a condition requiring materials that match the existing dwelling. To protect the living conditions of neighbouring occupiers I have imposed a condition requiring obscure glazing to the rear windows of the proposed dormer extension.

Conclusion

14. For the reasons given above, I conclude that the appeal be allowed.

Victor Callister

INSPECTOR