



Appeal Decision

Site visit made on 10 January 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/G5750/D/22/3309052

10 Durham Road, Canning Town, London E16 4NF

- 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 Michael Chisholm of Populo Living against the decision of the Council of the London Borough of Newham.
 - The application Ref 21/02147/HH, dated 26 August 2021, was refused by notice dated 26 July 2022.
 - The development proposed is loft extension to existing mid-terrace house to provide additional accommodation (two double bedrooms and a bathroom).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are the effect of the proposal on the:
 - Character and appearance of the host building and the area; and
 - Living conditions of residents of 8 Durham Road with regard to outlook and light.

Reasons

Character and Appearance

4. The appeal site is part of a terrace of properties. Although the pitched roofs of the terrace are separated by projecting parapet walls, the consistent ridge line is readily apparent as a defining feature in the character of the terrace.
5. Within this context, the proposed increase in the ridge height of the host building would be apparent as a jarring feature which would significantly detract from the roofscape of the terrace. Due to the increase in height, part of

the flat roof of the loft extension would also be apparent from the front of the site, adding to the incongruous appearance of the scheme.

6. Parapet walls and chimney stacks would screen the development in longer distance views along the front of the terrace. However, the unacceptable appearance of the increased ridge height would be apparent in views from the front of the site, as well as in views along Addington Road which is roughly opposite the site.
7. The loft conversion would also include a significant flat roofed element projecting to the rear of the building, practically subsuming the main rear roofslope as well as the roofslope of the 2-storey rear outrigger. Due to its scale and design, this element of the proposal would be of an oversized, clumsy and box-like appearance dominating the rear of the building. The placement and design of windows which would not reflect those on the existing dwelling would add to this unfortunate appearance, as would the use of non-traditional building materials. It may be possible to address the use of materials by condition, but this would not be sufficient to overcome the harm arising from the scale and appearance of the development.
8. Due to the location to the rear of the terrace, this element of the proposal would not be readily visible from the public realm. However, it would be apparent in fleeting views from Star Lane, especially when intervening trees are not in leaf. In any event, the obtrusive design of the proposal would be visible from the rear of surrounding properties.
9. Due to its design and scale, I conclude that the proposal would lead to significant harm to the character and appearance of the host building and the surrounding area. The proposal would therefore be contrary to policies D3 and D4 of the London Plan 2021; and policies S1, S4, SP1, SP3 and SP8 of the Newham Local Plan 2018 (the Local Plan) which together seek to ensure good design which complements the character and context of the area. The proposal would also conflict with the National Planning Policy Framework (the Framework) in respect of achieving well-designed places.
10. The proposal would also be contrary to the advice of the Council's Altering and Extending your Home Supplementary Planning Document (the SPD) with regards to achieving a high quality of urban design.
11. Policy D1 of the London Plan is not relevant to this appeal, as this policy relates to the preparation of area assessments and allowing for growth in the preparation of development plans. The proposal would also not conflict with Policy D8 of the London Plan as this relates to development within, or directly affecting, the public realm. I find no conflict with Policy SP2 of the Local Plan as it has not been demonstrated how the proposal would harm healthy lifestyles in respect of this main issue. However, these matters do not lead me to a different conclusion on this main issue.

Living Conditions

12. Due to the arrangement of the terrace, including 2-storey outriggers to the rear, the appeal site has a close-knit relationship with the adjacent property of 8 Durham Road. The 2-storey outriggers on the appeal site and No 8 are set back from the site boundary, with roofslopes which reduce the apparent scale of the building from the neighbouring property. There are a number of windows

- which look onto the gap to the rear, including windows of main habitable rooms.
13. The proposed loft conversion would result in a significant increase in the scale of built development to the rear. The extension above the outrigger would be particularly obtrusive, increasing the eaves height of this part of the building with a further large addition above that. The upper element would be built practically within the footprint of the outrigger, extending the full length to the rear. Due to this scale and location, the proposal would result in an overbearing sense of enclosure in views from the rear of No 8.
 14. For the same reasons, the proposal would lead to a loss of daylight and sunlight to the rear, which would exacerbate the oppressive impact of the proposal. The appellant has submitted a Daylight and Sunlight Assessment¹ (DAS) which concludes that the proposal would result in a reduction in both daylight and sunlight for some windows of No 8. However, the DAS goes on to conclude that this would not be notable. Nevertheless, I consider that the indicated reduction in both sunlight and daylight reaching No 8 would add to the harm I have identified in respect of outlook.
 15. Furthermore, the Council states that the consideration of the Average Daylight Factor has only been undertaken for one of the windows at No 8, which calls into question the robustness of the DAS.
 16. Also, the DAS refers to the methodology of the Building Research Establishment publication 'Site Layout and Planning for Daylight and Sunlight - A Guide to Good Practice' second edition published in 2011 (the BRE Guide). However, the BRE Guide 2011 has been superseded by a 2022 edition which has significantly altered the assessment of daylight and sunlight associated with new developments. This further undermines the robustness of the DAS, and had I been minded to allow this appeal I would have given the main parties the opportunity to respond on this matter.
 17. I am mindful that when considering applications for housing, a flexible approach should be taken in applying policies or guidance relating to daylight and sunlight. However, given my consideration of this issue I am not persuaded that the proposal would result in providing acceptable living conditions for residents of No 8.
 18. I therefore conclude that, due to its scale and location, the proposal would lead to significant harm to the living conditions of residents of No 8 in respect of outlook and light. The proposal would therefore be contrary to policies D3 and D4 of the London Plan and policies SP2 and SP8 of the Local Plan which together seek to ensure urban design which improves housing quality, and prevent unneighbourly development with due regard to outlook and light. The proposal would also be contrary to the Framework with regards to providing a high standard of amenity.
 19. The proposal would also be contrary to the advice of the SPD in respect of ensuring neighbourly development, particularly in respect of ensuring reasonable levels of daylight and sunlight as well as outlook for neighbouring property.

¹ Herrington Consulting Limited, August 2021

20. The proposal would not conflict with Policy D1 of the London Plan as this relates to the preparation of area assessments and development plans. However, this does not negate my conclusions on this main issue.

Other Matters

21. The appellant has provided details of a scheme that could be built under the property's permitted development rights. However, both in terms of character and appearance as well as the living conditions of No 8, this fallback scheme would be of a lesser scale and a more suitable design, and does not therefore outweigh my conclusions on the harm I have identified.
22. Reference is also made to advantages in respect of living accommodation, energy efficiency and construction of the proposal compared to the permitted development fallback. The proposal would also enable a more intensive use of the site which would contribute to the mix of housing in the area. However, whilst I have had regard to these benefits, I am not persuaded that they are of a degree that would outweigh the significant harm arising from the appeal proposal.
23. My attention has been drawn to permissions for development on other sites, including proposals resulting in an increase in ridge height. However, it has not been demonstrated that these represent a direct parallel to the appeal proposal, including in respect of the form of the original building as well as the planning policies and guidance that were in place at the time. In any event, I have determined this appeal on its own merits.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR