



Appeal Decision

Site visit made on 29 November 2022

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 JANUARY 2023

Appeal Ref: APP/G5750/D/22/3305722

18 Grosvenor Gardens, East Ham, Newham, London E6 3EP

- 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 Imram Ahmed Bashir against the decision of the Council of the London Borough of Newham.
 - The application Ref 22/01225/HH, dated 23 May 2022, was refused by notice dated 18 July 2022.
 - The development proposed is erection of rear dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon the character and appearance of the host property and the surrounding area; and upon the living conditions of the neighbouring occupiers of No.20 Grosvenor Gardens (No.20), with regard to outlook and loss of daylight and sunlight.

Reasons

Character and Appearance

3. The wider area is characterised as rows of terraced two-storey pitched roof properties with small front and rear amenity space. While frontages to terraces in the wider area are generally uniform in appearance, the rear has lost some degree of uniformity due to various extensions and alterations of differing forms and designs.
4. The appeal property is a mid-terraced two-storey dwelling, adjacent to the end terrace of No.20, which sits on the corner of Grosvenor Gardens and Hubert Street. A portion of the rear part of the terrace at this point is open to public views from along Hubert Street.
5. The appeal property benefits from rear extensions. These include a full width extension at ground level, partial width at first floor level, and a rear dormer at roof level which provides a loft extension. The proposal would effectively extend the existing dormer and loft extension out from the roof level to create an additional bedroom. It would be positioned above the existing first floor extension, with setbacks from its rear and side edges, with a flat roof.
6. The appellant contends that the overall mass would not result in overdevelopment of the plot, given the size of the proposed extension and the size of the remaining plot. However, the proposed addition of a dormer of this

design, form and scale would result in considerable massing to the rear elevation. In effect, it would appear as a third storey at roof level, at odds with the prevailing two-storey character, and it would not appear subservient to the host property. Furthermore, when approaching from along Hubert Road or from the easterly end of Grosvenor Gardens, the proposal would be seen as an incongruous addition and detract from the character and appearance of the street scene. The use of matching materials would do little to mitigate these harmful effects.

7. I have had regard to the examples in the area cited by the appellant, and I visited those in public view. However, I have not been provided with the precise details of these sites, and I am not aware of their full circumstances as to whether they are directly comparable to the proposal before me. In any event, I have dealt with the appeal on the basis of the evidence, and my own site observations.
8. For the reasons above, I conclude that the proposal, due to its form, scale, design and massing, would unacceptably harm the character and appearance of the host dwelling and the surrounding area. Therefore, it conflicts with Policies S1, S6, SP1, SP3, and SP8, of the London Borough of Newham Local Plan 2018, and Policies D1, D3, D4 and D8 of the London Plan 2021. These policies seek to realise successful, healthy, attractive and distinct places; to ensure good neighbourly development; to ensure a high quality of design; to ensure that development respects and reinforces local character and distinctiveness and does not harm the character and appearance of the area.
9. The proposal would also conflict with the design aims embodied in section 12 of the National Planning Policy Framework 2021 (the Framework).

Living Conditions

10. The rear elevation of No.20 includes windows to several habitable rooms. Due to the position, projection and excessive massing, the proposal would appear overbearing, reducing daylight to these windows, and result in an oppressive outlook when viewed from the first-floor windows of No.20. Furthermore, when viewed from the rear amenity space of No.20, the proposal would also appear overbearing, causing some overshadowing and result in an unacceptable sense of enclosure. Thus, likely reducing the daylight and sunlight which is currently afforded to the existing private amenity space of No.20. As such, the proposal would result in unacceptable levels of daylight, sunlight and outlook to the rear elevation windows and private amenity space of No.20.
11. For the reasons above, I therefore conclude that the living conditions of the neighbouring occupiers of No.20 would be unacceptably harmed with regard to outlook and loss of daylight and sunlight. The proposal therefore conflicts with Policies S6, SP1, SP2, SP3, SP8 and H1 of the London Borough of Newham Local Plan 2018, and Policies D1, D3, and D4 of the London Plan 2021. These policies seek healthy places and quality neighbourhoods; to achieve and deliver high quality and appropriate design that responds to context; to ensure good neighbourly development, with adequate access to light; and to minimise overshadowing and overbearing impacts.
12. The proposal would also conflict with the amenity aims embodied in section 12 of the Framework.

Other Matters

13. The appellant has drawn my attention to a need for additional family space, and states that the proposal would be a low cost solution to meet that need. However, no substantive evidence is submitted to justify that need, nor am I persuaded that the proposal is the only way to achieve that objective. The appellant claims that the proposal would not increase occupancy of the appeal property and thus not cause additional noise or disturbance. This would not outweigh the harm I find in my reasoning above.
14. The appellant states that the use of high quality, energy efficient, low carbon, and high performing insulation materials, products and construction methods has been the over-riding factor in the design of the proposal. Such benefits would not overcome or outweigh the harm I have identified.
15. The appellant suggests that the Council is reluctant to approve the proposal due to it being inappropriate development in the Green Belt. The appeal proposal is not located within the Green Belt. Therefore, I have given this matter no weight.
16. I note that other interested parties raised concerns relating to the proposal's impact on rear gardens, in particular No.16. However, given the nature of the terrace row, and siting of the proposal, I consider that there would be no harm to the rear private amenity space of No.16. I consider that the objection can only be attributed to No.20.

Conclusion

17. For the reasons given, I conclude that the proposed development conflicts with the development plan, when read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. The appeal is therefore dismissed.

J Moore

INSPECTOR