The Planning Inspectorate

Appeal Decision

Site visit made on 10 January 2023

by Ms Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2023

Appeal Ref: APP/G5750/C/21/3279968
Land at Sarwan House, 339 Katherine Road, Forest Gate, London, E7 8LW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Dalbir Sanger against an enforcement notice issued by the Council of the London Borough of Newham.
- The notice, numbered 21/00145/ENFC, was issued on 25 June 2021.
- The breach of planning control as alleged in the notice is without planning permission the erection of a single storey infill extension.
- The requirements of the notice are: 1. Demolish the single storey infill extension and return the affected elevations of the property to their form prior to the unauthorised works being undertaken and 2. On completion of step 1, remove all materials and debris from the site.
- The period for compliance with the requirements is: 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue

2. The main issue is the effect of the extension on the living conditions of existing occupiers in respect of daylight and outlook.

Reasons

3. An extension has been erected over a roof of a block of flats. This has resulted in the blocking up of two large windows on a communal corridor which provides access to flats. Whilst one window remains on the corridor, it is closely surrounded by external walls of the existing building, including the side elevation of the unauthorised extension. This enclosure limits the daylight which can come through the window and I noticed at my visit that it lets in little light to the long corridor which was lit by artificial lights. The two large windows would have allowed more natural light into the corridor than in the present situation.

4. In addition, the corridor is narrow and the bricking up of the windows has reduced the outlook to the outside. Whilst the view I could see from the remaining windows was of a flat roof and other buildings, the previous outlook would have been less enclosed due to the lack of the unauthorised extension.

The removal of the windows results in a claustrophobic feel within the long and narrow corridor. Whilst at my visit, my attention was drawn to other corridors without windows but this does not justify the harm that has resulted.

5. The Council has commented that the extension has a harmful impact upon the outlook for residents of the neighbouring Bridgepoint Lofts. However, no specific affected windows have been identified in this respect. Nevertheless, as I am dismissing the appeal anyway, there is no need to explore this matter further.

6. Due to the reduction in daylight and outlook, the extension results in harm to the living conditions of the existing occupiers. Therefore, it conflicts with Policies SP3, SP8 and H1 of the London Borough of Newham Local Plan (LP) which in combination seek to promote high quality residential accommodation and adequate access to daylight.

7. Policies D1 and D4 of the London Plan and Policies S6 and SP1 of the LP are not directly relevant to living conditions.

Other Matters

8. The appellant claims that the extension could provide an additional flat which would make a more efficient use of land in a sustainable location. However, the enforcement notice relates to building operations. A flat does not form part of any of the matters alleged in the notice. I cannot therefore consider a potential future use under the ground (a) appeal.

9. Furthermore, there is no evidence that a flat has been created and there is no dispute over the allegation. When I looked inside the extension it appeared to be a large room and did not contain any facilities for day-to-day living.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ms Watson

INSPECTOR