



Appeal Decision

Site visit made on 14 February 2023

by I Jenkins BSC CENG MICE MCIWEM

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/G5750/D/22/3302530

19 Bond Street, Stratford, Newham, London, E15 1LT

- 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 Shah Malique against the decision of London Borough of Newham.
 - The application Ref 22/00587/HH, dated 9 March 2022, was refused by notice dated 27 April 2022.
 - The development proposed is a ground and first floor side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue in this case is the effect of the proposal on the living conditions of the residents of No. 30 Pine Avenue, with particular reference to outlook and light.

Reasons

3. No. 30 Pine Avenue has a small back garden. From the roughly rectangular northern section of the garden it tapers down to the south. The 2-storey back wall of No. 30 runs along much of the western side of that rear garden and terraced properties that form part of Walnut Gardens are positioned close by to the north and northeast. No. 19 Bond Street is a 2-storey end of terrace dwelling, which is positioned to the southeast of No. 30's back garden. I consider that, as a result of the proximity of 2-storey development to the west, north, northeast and southeast, the sense of space enjoyed by residents of No. 30 when using their back garden is likely to be reliant in large part on the relatively open aspect to the east. Due to its position to the southeast of No. 30, No. 19 is likely to cause some overshadowing of part of the southern section of the back garden of that neighbouring property. In contrast, No. 21, which is an end of terrace property situated to the east of No. 19, is likely to be sufficiently distant so as not to cause any notable overshadowing of No. 30.
4. The council has granted planning permission for the erection of a 2-storey extension which would project from the northern side wall of No. 19 by 2 metres and would be positioned to the east of the southern section of No. 30's back garden. I have no reason to believe that it would not be implemented in the event that this appeal were to be dismissed and that fallback position is a material consideration. I consider that, due to its position, proximity and bulk, the approved extension would be likely to have an adverse

effect on the outlook and sunlight enjoyed by residents of No. 30 when using their back garden.

5. The appeal scheme would involve the erection of a 2-storey extension, with a hipped roof, which would project from the northern side wall of No. 19 by 3 metres and would be positioned a short distance to the east of part of the rear garden of No. 30. I consider that in comparison with the approved extension, this larger extension would be likely to have an even greater adverse impact on the outlook and sunlight enjoyed by residents of No. 30 when using their back garden. Furthermore, due to the closer proximity and additional bulk, the greater harm caused by the appeal proposal would be likely to be significant. In my judgement, it would conflict with guidance set out in the Council's '*Altering and Extending your Home Supplementary Planning Document*' (2018) to the effect that extensions should ensure that the outlook of neighbouring amenity is not harmfully compromised and should ensure that reasonable levels of sunlight to neighbours' outdoor garden/amenity space are maintained.
6. I conclude that the proposal would be likely to cause unacceptable harm to the living conditions of the residents of No. 30, with particular reference to outlook and light. In this respect it would conflict with Policy D3 of the *London Plan* and Policy SP8 of the *London Borough of Newham Local Plan 2018*, which seek to ensure that development provides for appropriate outlook and amenity, as well as the *National Planning Policy Framework*, which requires a high standard of amenity for existing and future users.

Other Matters

7. The appellant has indicated that the proposed extension would provide much needed space for the existing occupants of No. 19. However, in my judgement, the benefit of the scheme in that regard would not outweigh the harm that it would cause to the living conditions of residents of No. 30.

Conclusion

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

I Jenkins

INSPECTOR