



Appeal Decision

Site visit made on 4 April 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2023

Appeal Ref: APP/G5750/D/23/3314897

94 Hatherley Gardens, East Ham, LONDON, E6 3HQ

- 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 Akthar against the decision of the Council of the London Borough of Newham.
 - The application Ref. 22/02701/HH, dated 14 November 2022, was refused by notice dated 11 January 2023.
 - The development proposed is described as 'retrospective application for the retention of rear extension and loft extension with dormer'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of first floor rear extension and rear and side dormer extension with front roof lights at 94 Hatherley Gardens, East Ham, LONDON, E6 3HQ in accordance with the terms of the application, Ref. 22/02701/HH, dated 14 November 2022, and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Scale 1:1250 Location Plan; Block Plan; E-GFP1 Rev A (Existing Ground Floor Plan); E-FFP1 Rev A (Existing First Floor Plan); E-LFP1 Rev A (Existing Loft Floor Plan); E-RP1 Rev A (Existing Roof Plan); E-SEC1 Rev A (Existing Section AA); E-FE1 Rev A (Existing Front Elevation); E-RE1 Rev A (Existing Rear Elevation); E-SE1 Rev A (Existing Side Elevation Sth); and E-SE2 Rev A (Existing Side Elevation Nrth).

Procedural Matters & Background

2. The description of development in the formal decision has been taken from the Council's decision notice and the appellant's appeal form. Whilst normally this would be taken from the original application form, the above more accurately reflects the extent of the development. However, I have omitted reference to the application being retrospective to reflect the definition of development within the terms of the Planning Acts.
3. The name of the appellant (Akthar) in the heading above was confirmed by the agent during the appeal process. However, the appeal form and the Council's questionnaire both identified a Miss Laura Bloomfield as the appellant, although that is the agent's name on the original planning application form; and the only name given on the Council's decision notice, without specifying as agent or applicant. The planning application form also gave the surname only for the applicant as "Akthar", with the declaration made by S. Akthar. On this basis, I

have used the name as confirmed by the agent for the appeal, whilst considering it necessary to clarify the above points.

4. Planning permission was granted for a 3m deep first-floor rear extension at the appeal property under ref. 17/02493/HH, following the refusal of a 4m deep extension (ref. 16/00894/HH). A Certificate of Lawfulness was later issued for a loft conversion with rear and side dormers and velux windows to the front, under ref. 18/01720/CLP. This involved an 'L-shaped' dormer window on the rear roof slope of the dwelling and extending out over the 2017 extension. However, the 2017 extension and dormer above were built deeper than shown on the submitted plans, and the Council's position is that neither permission was implemented, as the works were undertaken as a single operation and with material differences from the approved plans. An enforcement notice was issued on 23 May 2022.
5. In 2021, under ref. 21/02129/HH, planning permission was granted for a part first floor rear extension and side dormer extension on the attached property, 92 Hatherley Gardens (No.92), and this development has been built, albeit to a lesser depth than that at the appeal site.

Main Issues

6. The main issues are the effect of the development on (1) the character and appearance of the appeal property, the terrace of which it forms part and the surrounding area; and (2) the living conditions of occupants of 92 Hatherley Gardens, with particular reference to outlook.

Reasons

Character and Appearance

7. The appeal property is a mid-terrace house in an area where terracing prevails, and front elevations are reasonably consistent in terms of building line and architectural features. However, the rear elevations of the terraced houses have been more widely altered, and I do not find the terrace to be as consistent as suggested by the Council. In contrast to the facade, the varied heights, depths and designs of rear extensions have resulted in an eclectic pattern to the rear of the terrace of which the appeal property forms part. The Council makes reference to much older extensions further afield that are of mixed quality, but these are all part of the variety in the area.
8. In this context, the appeal development is a notable feature, but it does not appear incongruous or discordant due to the local mix. It is not noticeably deeper than the outriggers on the terrace to the north, nor disproportionate to the host house. Whilst it is visible from Frinton Road across neighbouring gardens, it is not unacceptably obtrusive, and I do not consider that its visual impact would be vastly different from the approved 3m deep extension, had it been built; the same would apply to the dormer extension that could have been built pursuant to application 18/01720/CLP.
9. The Council has not drawn attention to any policy or guidance which seeks to restrict the depth of first-floor rear extensions to 3m. I am mindful that it has been consistent in its efforts to limit the depth of extensions on this and the attached property, but for the reasons outlined above I am not convinced that the greater depth results in any manifest harm; the perceived increase of the first floor and dormer window beyond those built at No.92 is not significant on

the terrace or in the surrounding area. I appreciate that national and local design policies seek to secure high quality development but having granted permission for a similar scheme at No.92, I do not find that design quality would be better achieved at this site with a depth of 3m rather than 4m. With the development now built at No.92, the impact of the appeal development would be less disruptive to the terrace and has not eroded its character.

10. I therefore conclude that the appeal development is acceptable in its effect on the character and appearance of the appeal property, the terrace of which it forms part and the surrounding area. In the context of neighbouring development, it would be of sufficiently high quality to accord with Section 12 of the National Planning Policy Framework (the Framework), Policy D4 of The London Plan 2021 (TLP), and Policies SP1 and SP3 of the Newham Local Plan 2018 (LP), as supported by the Newham 'Altering and Extending your Home Supplementary Planning Document' 2018 (SPD). On this point I do not find the more strategic aims of LP Policies S6 and H1, and TLP Policy D1, to be relevant, nor LP Policy SP8.

Living Conditions

11. The appeal property and No.92 both have loft conversions, first floor and ground floor rear extensions. Whilst the ground floor extension at No. 92 is deeper than that at the appeal property, its first-floor extension and loft room are shallower. The supplied plans of the layout of No.92 indicate that the closest first floor and loft rooms to the boundary with No.94 are bedrooms.
12. The parties agree that the first floor and side dormer of the appeal property project 1m beyond those of No.92. However, at this depth, the development would not be unduly dominant and overbearing to the outlook from No.92, nor result in an unacceptable sense of enclosure for current or future residents of the property.
13. I therefore conclude that the appeal development would not diminish the living conditions of current and future occupants of 92 Hatherley Gardens and would accord with the requirement for good neighbourliness and to minimise overbearing impact set out in LP Policy SP8, and paragraph 130 f) of the Framework. On this matter, I find LP Policies S6, SP1, SP3 and H1, and TLP Policies D1 and D4, to be of no direct relevance. There would be no conflict with the recommendations of Section 3 of the SPD, in that neighbouring outlook would not be harmfully compromised.

Conditions

14. As the appeal development has been built, it is not necessary to attach the conditions recommended by the Council regarding the implementation time limit and use of materials. However, I have attached a condition specifying the approved drawings as this provides certainty.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

H Lock

INSPECTOR