



Appeal Decision

Site visit made on 23 May 2023

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

an Inspector appointed by the Secretary of State

Decision date: 27th June 2023

Appeal Ref: APP/G5750/D/23/3317417

2A Park Road, Stratford, Newham, London E15 3QP

- 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 A Chaudhury against the decision of London Borough of Newham.
 - The application Ref 22/02959/HH, dated 16 December 2022, was refused by notice dated 15 February 2023.
 - The development proposed is erection of a first floor side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the:
 - Living conditions of residents of 176 and 178 Portway with regards to outlook and light; and
 - Character and appearance of the host property and the surrounding area.

Reasons

Living Conditions

3. The proposed extension would be located directly adjacent to the boundary with the dwellings at 176 and 178 Portway. Due to its proximity and massing, the proposal would be an overbearing feature in views from the rear gardens of Nos 176 and 178. There would also be a limited separation distance between the rear elevations of the neighbouring dwellings and the side wall of the extension, which would add to the overbearing impact of the proposal.
4. The appeal site is also located to the south of Nos 176 and 178. Due to this arrangement, the extant dwelling would affect the amount of daylight and sunlight reaching the neighbouring properties. However, the scale and massing of the proposed extension projecting closer to the neighbouring gardens and rear elevations would exacerbate the existing loss of light to an unacceptable degree.
5. No 178 is served by a garage located to the rear. This leads to a degree of separation between the open amenity area of No 178 and the appeal site. I also saw that the garage was being extended upwards at the time of my visit, which may also mitigate, to some extent, the impact of the proposal on the outlook from No 178. However, even allowing for the garage as extended, the

side elevation of the appeal proposal would still be apparent as an overbearing feature in views from No 178. In any event, this does not affect my conclusion in respect of the harm to No 176.

6. I conclude that due to its scale and location, the proposal would lead to significant harm to the residents of Nos 176 and 178 in respect of outlook and light. The proposal would therefore be contrary to the amenity, housing quality and living conditions requirements of Policy D3 of the London Plan 2021; and Policies SP1, SP2, SP3 and SP8 of the London Borough of Newham Local Plan 2018 (the Local Plan). The proposal would also be contrary to the National Planning Policy Framework (the Framework) which seeks a high standard of amenity for existing and future users of land and development.
7. The proposal would also conflict with the advice of the Council's Altering and Extending your Home Supplementary Planning Document (2018) in respect of achieving neighbourly development.
8. Policies D1 and D4 of the London Plan as well as Policies S6 and H1 of the Local Plan are not relevant to this main issue as they relate to strategic considerations, design procedures or development directly affecting the public realm.

Character and Appearance

9. The proposed extension would be located above an existing ground floor flat roofed extension.
10. The Council refers to the excessive massing of the development. However, it would respect the footprint of the ground floor extension, would be set back from the main front elevation of the host dwelling and would have a ridge line lower than the main roof. Although it would project to the rear, the degree of projection would not be excessive and the hipped roof on the rear element would be significantly lower than the main roof. Due to this scale and arrangement, the proposal would not appear to be an overdominant addition to the dwelling.
11. Due to the arrangement of the site and neighbouring properties, the extension would be readily visible from the streetscape as well as from private viewpoints. However, the appeal site is located in an area which contains a mixture of designs of buildings. The use of materials and the window designs of the proposal would also complement the host dwelling. Due to this design and context, the proposal would not appear to be an incongruous addition to the host building or the streetscape.
12. I conclude that the proposal would harm the character and appearance of the host property and the surrounding area. The proposal would therefore not conflict with the design requirements of Policies D3 and D4 of the London Plan; and Policies S1, SP1, SP3 and SP8 of the Local Plan. The proposal would also not conflict with the Framework in respect of achieving well-designed places.
13. Policies D1, D4 and D8 of the London Plan and Policy S6 of the Local Plan are not relevant to this main issue as they relate to strategic considerations, design procedures, or development directly affecting the public realm.

Other Matters

14. I have had regard to the benefits of the proposal, including the improvements to accommodation at the dwelling. However, these are a private benefit to the occupant, and it has not been demonstrated that the existing layout is unfit for purpose. Potential improvements to the layout of the dwelling therefore carry only limited weight in favour of the proposal.

Conclusion

15. Notwithstanding my conclusion in respect of character and appearance, the proposal would lead to significant harm to the living conditions of residents of Nos 176 and 178. The adverse impacts would outweigh the benefits of the proposal, when assessed against the policies of the development plan and Framework taken as a whole.
16. For the reasons given above I conclude that the appeal should be dismissed.

David Cross

INSPECTOR