



Appeal Decision

Site visit made on 31 October 2023

by D Fleming BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2023

Appeal Ref: APP/G5750/C/22/3301414

2 Stafford Road, Forest Gate, London E7 8NN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Mohsin Patel against an enforcement notice issued by the Council of the London Borough of Newham.
 - The enforcement notice was issued on 13 June 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of an extension comprising additions to the ground floor rear, first floor rear and roof, and without planning permission the erection of a front porch.
 - The requirements of the notice are
 1. Demolish the extension comprising additions to the ground floor rear, first floor rear and roof (as shown in the approximate location edged in blue on the plan attached to the notice and as shown edged in blue on the photographs attached to the notice labelled as Appendix 1) and return the affected elevations and roof of the property to their form prior to the unauthorised works (as shown on the photographs attached to the notice labelled Appendix 2).
 2. Demolish the front porch (as shown in the approximate location edged in green on the plan attached to the notice and as shown edged in green on the photographs attached to the notice labelled Appendix 1) and return the front elevation of the property to its form prior to the unauthorised works (as shown on the photographs attached to the notice labelled Appendix 2).
 3. On completion of steps 1 and 2, remove all materials and debris from the site.
 - The period for compliance with the requirements is six 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.
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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.

Procedural Matter

2. Despite repeated requests and being professionally represented, the appellant failed to submit any facts or grounds to support his appeal and has submitted no Statement of Case or made any comments on the Council's case. As such, I shall proceed on the basis that the appellant simply seeks planning permission for the development.

The ground (a) appeal and the deemed planning application

Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the area; and ii) the living conditions of neighbouring occupiers, having regard to light and outlook.

Reasons

Character and appearance

4. The appeal site lies within an established residential area bordering a local shopping area and comprises an end of terrace property situated adjacent to a former public house. The property has been extended to the front with a porch and to the rear at ground, first and roof level. Stafford Road runs east to west with parallel roads to the north and south. The appeal site is situated on the south side of the road.
5. The Victorian houses in the area are homogenous in style though over the years occupiers have carried out alterations such as replacing windows and adding various extensions. The area has no particular designation by the Council. However, there is an attractive street scene created by the uniformity of paired recessed doorways set behind decorative arch features, the regular rhythm of ground floor bay windows and the presence of intermittent street trees.
6. The new porch is the most visible part of the extensions, situated within a shallow front garden. It extends across half the width of the bay window area, obscuring one of the decorated columns marking the corners of the window as well as the decorative arch feature above the doorway. The roof extends below the guttering on what remains of the bay window and although the front window of the porch matches the new windows in the bay, I find the porch is an ill-conceived addition to the front elevation. It significantly diminishes the contribution the bay window design makes to the attractiveness of the building as the principal feature of the front elevation.
7. In support of the appeal, my attention was drawn to other properties along the road that have been extended in a similar manner to the porch at the appeal site. I saw that these are very much in the minority and only serve to confirm that such porch designs also diminish the attractive bay window features, to the detriment of the character and appearance of the area. In conclusion, I find that the porch extension is an inappropriate addition that harms the character and appearance of the host property and the surrounding area.
8. Turning now to the rear extensions, the property had the benefit of a half width two storey outrigger with a mono pitch roof, which had been extended at single storey level to the rear with a flat roof. The single storey extension has now been replaced with a larger extension approximately 9m in depth that infills the lightwell area and extends further into the garden, occupying the full width of the garden. A flat roof design has been retained, which includes rooflights. The outrigger at first floor level has been extended approximately 1.8m into the garden, maintaining the mono pitch roof. At roof level, the appellant has added an L shaped flat roof dormer which extends the full width of the main roof and covers most of the mono pitch roof area. The Council allege that in order to erect the latter, that this involved raising the height of the main roof.

9. Although not subject to the enforcement notice, the appellant has also erected an outbuilding in what remains of the garden. Even without this addition, the full width and disproportionately deep ground floor extension significantly erodes the openness of the rear garden area, which causes harm. I consider the gardens make a significant contribution to the character and appearance of the area as the Stafford Road gardens back onto the Derby Road gardens, which results in a pleasant expanse of greenery. This provides some visual relief from the lines of terraced housing.
10. The L shaped dormer, due to its height, depth and width is an extremely large addition to the roof. Together with the extension to the outrigger, it appears top heavy on this modest sized house and is a substantial alteration to the roof and the overall appearance of the rear elevation. Any semblance of the original roof is now lost. The first floor and dormer extensions are visible across a wider area as it is possible to see these additions from across the curtilage of the former public house on Katharine Street as well as from surrounding properties at the rear. They are dominant features overlooking what remains of the garden area at the appeal site. Overall, these extensions fail to complement the character and appearance of the building in terms of its scale, style and form.
11. Whilst the appeal site is an end of terrace property, it is clear from the design of the front elevation that it was not originally an exact match to the adjoining property. In particular, it seems to me that the overall height of the roof was built higher than the adjoining house as it includes a dogtooth brickwork detail below the eaves as well as two raised party walls, as opposed to one. Having regard to those details, it has not been demonstrated by the Council that the roof height has increased following the development. Whilst the chimney stack has been removed, the dogtooth brickwork remains and the raised party walls have just been rendered following the laying of new roof tiles. I accept these works may give the appearance that the height has increased, however, I find no harm arises from this aspect of the development to the character and appearance of the area.
12. During my visit I noted that there was what appeared to be a fairly recent L shaped dormer and single storey extension at No 8 Stafford Road as well as other older dormer extensions in the area. However, it seemed to me that the developments at No 8 were not as deep or as wide as the appeal site. In addition, I do not know the circumstances or the policies that applied either at the time of the developments at No 8, or in respect of the other dormers. They may also have been built with the benefit of deemed consent as various developments are permitted by the Town and Country (General Permitted Development) (England) Order 2015. In any case, I have determined the appeal before me on its own merits.
13. Overall, I find the various extensions at the appeal site have resulted in harm to the character and appearance of the area. They therefore do not accord with Policy D4 of The London Plan (TLP)¹, which promotes high quality design. They also do not accord with Policies SP1 and SP3 of Newham Local Plan (NLP)², which expect high quality design that enhances the distinctive features of the borough. They also fail to have regard to the Council's Altering and

¹ The London Plan – The Spatial Development Strategy for Greater London, March 2021

² Newham Local Plan, A 15 year plan looking ahead to 2033, adopted December 2018

Extending Your Home Supplementary Planning Document (SPD), which was adopted February 2018.

14. The Council also seek to rely on Policies D1 and D3 from TLP and Policy S6 from NLP. However, the first two policies are directed at assessments of an area's characteristics to establish capacity for growth and the third policy is a spatial policy which addresses strategic criteria. Therefore, it is considered that these policies are not relevant to the development that has taken place.

Living conditions

15. There is a lightwell between Nos 2 and 4 and within the main rear wall of No 4 there is what appears to be a bedroom window (the back bedroom) and below that what appears to be a habitable room window. Both these windows look into the lightwell and the garden beyond.
16. The infilling of the lightwell at No 2 and the depth of the single storey extension into the garden create an outlook that resembles a long narrow tunnel for the occupiers of the ground floor accommodation at No 4. The increased depth of the outrigger and the L shaped dormer above further enclose the lightwell space resulting in an oppressive outlook for the occupiers of the back bedroom. The properties generally face south and therefore have the benefit of some direct sunlight. However, the overall effect of the various extensions at No 2 results in a significant reduction in daylight and outlook enjoyed by the occupiers of No 4 within their dwelling.
17. The single storey extension, due to its width and depth, also affects the adjoining occupiers' enjoyment of their garden as it diminishes the open outlook from the garden and unacceptably encloses it.
18. For these reasons I find the rear extensions cause unacceptable harm to the living conditions of the occupiers of No 4, having regard to light and outlook. The rear extensions therefore do not accord with either Policy D4 of TLP or Policy SP8 of the NLP, which requires all development to achieve good neighbourliness. They also fail to have regard to the Council's SPD.
19. The appeal on ground (a) therefore fails.

Conclusion

20. 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.

D Fleming

INSPECTOR