



Appeal Decision

Site visit made on 10 January 2024

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2024

Appeal Ref: APP/G5750/D/23/3332462

43 Latimer Road, Forest Gate, Newham London E7 0LQ

- 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 The Green Brain against the decision of the London Borough of Newham Council.
 - The application Ref 23/01402/HH, dated 26 June 2023, was refused by notice dated 29 September 2023.
 - The development proposed is an open, first floor rear extension for use as a small roof terrace enclosed by balustrade with planters and obscured glass panels, including an access door within the first floor rear bedroom elevation.
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Decision

1. The appeal is allowed and planning permission is granted for an open, first floor rear extension for use as a small roof terrace enclosed by balustrade with planters and obscured glass panels, including an access door within the first floor rear bedroom elevation at 43 Latimer Road, Forest Gate, Newham London E7 0LQ, in accordance with the terms of the application, Ref 23/01402/HH, dated 26 June 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 3126.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. Subsequent to the decision made by the Council on the planning application to which this appeal relates, the National Planning Policy Framework was revised. I have therefore made my decision with regard to the National Planning Framework (December 2023) (the Framework).

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the appeal dwelling and that of the local area; and

- The living conditions of neighbouring residential occupiers.

Reasons

Character and Appearance

4. The appeal dwelling is a two storey mid terrace house located on a street of similar properties, many of which, including the appeal dwelling appear to have undergone substantial alteration and extension, particularly to the rear.
5. To the rear of the appeal dwelling, a roof terrace with timber planter surrounds and an access door from the existing first floor extension development has already been implemented. The proposal would appear to add two 1.8m tall obscured glazed screens to the sides of this already implemented roof terrace area, to the outside of the timber planters.
6. The roof terrace implemented is approximately the same width as the existing first floor outrigger extension and the same depth as the existing flat roofed ground floor rear extension. The addition of the proposed glazed side screens would have a negligible effect on the footprint of the roof extension as already implemented. However, as a whole the roof terrace as proposed would, be readily visible from the rear gardens and the windows of the first floor and roof extensions of neighbouring dwellings.
7. In these views, the proposed open roof terrace would be of a scale that it would appear as a secondary and subordinate addition to the appeal dwelling. Within the context of the many extensions of differing designs and finishes, the roof terrace as proposed would appear to reflect its immediate context. As such the roof terrace as proposed would result in no significant harm to the character and appearance of the appeal dwelling or that of the local area.

Living Conditions

8. The obscure glazed side screens would result in there being no views from the roof terrace, as proposed, into the rear rooms of neighbouring dwellings. The only views from the unscreened rear of the terrace would only be over rear gardens of neighbouring properties. The extent of these views would be similar to that already afforded from the rear windows of the appeal dwelling, and from the windows to the rear of neighbouring properties. These views would not result in an additional degree of overlooking that would lead to a significant loss of privacy.
9. The roof terrace, as proposed, would be associated with, and accessed from a first floor bedroom. When in normal domestic use, the noise generated from the terrace would be no greater than that associated with a ground floor rear patio or garden area. As such I find that the proposal would not inherently result in noise that would be to the extent that it would cause a nuisance to existing and future occupiers of neighbouring dwellings.
10. For the reasons given above, the roof terrace as proposed would not result in any significant harm to the character and appearance of the appeal dwelling or that of the local area, or to the living conditions of neighbouring residential occupiers. The proposal would, therefore, accord with the guidance set out in the Newham Altering and Extending Your Home Supplementary Planning Document (2018), Policies S6, SP1, SP3, SP8 and H1 of the London Borough of Newham Local Plan (2018), Policies D3 of the London Plan (2021) and Section

12 of the Framework. These collectively seek to ensure that development, including extensions and alterations, is of high quality design, securing integration and coherence with local context, and avoid negative impacts for neighbours.

11. The Council's decision notice sets out that the proposal would be contrary to Policies D1 and D4 of the London Plan (2021). I have not come to this same conclusion, as Policies D1 and D4 relate to design management procedures and policy guidance for London planning authorities.

Conditions

12. As well as a standard condition setting out the time limit for commencement of the development, and in the interests of design quality, I have included conditions requiring compliance with approved plans and use of materials that match those of the existing building.

Conclusion

13. The appeal is allowed.

Victor Callister

INSPECTOR