



Appeal Decision

Site visit made on 2 July 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2024

Appeal Ref: APP/G5750/D/23/3334895

209 Harold Road, Upton Park, Newham, London E13 0SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Tabraiz Chaudri against the decision of the Council of the London Borough of Newham.
 - The application Ref is 23/01762/HH.
 - The development proposed is the erection of double storey side/rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area.

Reasons

4. The appeal site, 209 Harold Road is a two-storey, end terrace property located at the junction between Carter Road, Harold Road, and Terrace Road. The surrounding area is characterised by mostly two-storey terraced dwellings, most of which have been altered or extended.
5. The host property has been extended and its original form altered, which can be viewed by virtue of its position close to the junction. These extensions include two large roof dormers¹, a single-storey rear extension which spans the width of the original outrigger, and a large outbuilding at the end of the rear garden.
6. The appeal is seeking approval for a part single storey, part two storey extension to the side and rear of the appeal property. The single storey element of the proposed extension would have a mono-pitched roof and the two-storey extension would have a flat-roof. The proposals would also involve

¹¹ Application Ref: 14/00142/ENFNOT

the demolition of an existing rear extension and single storey outbuilding. The proposed extension would be finished in materials to match the existing property.

7. The overall increase in floorspace, at approximately 12m², would be a modest increase. However, in combination with the existing extensions, the scale of the proposed extensions would fail to appear subservient to the host property and would result in the original form of the property being less, or even not at all legible.
8. Whilst I accept that most of the single-storey extensions would be situated behind the existing side boundary wall, the first-floor side extension would be prominent when viewed from the street. In combination with existing extensions, the proposed development, when viewed as a whole, would be disproportionate to the size and shape of the existing building. Furthermore, whilst the extension would be constructed using materials to match the host property, the design, scale, and bulk of the extensions would by virtue of their size and prominence cause harm the character and form of the host property.
9. My attention has been drawn to a similar style extension on the opposite side of Carter Road, at 116 Terrace Road (No.116), which I was able to observe at my site visit. Whilst I do not have full details of the planning history of this property, the Council has confirmed that this was granted planning approval in 2010, under a different local plan and set of policies. This is not disputed by the appellant. However, since this approval was granted, both local and national policies have evolved and now place a greater emphasis on high quality design. Furthermore, whilst No.116 has a two-storey extension to the boundary, it does not have the number or scale of alterations to the roof as the appeal property. Therefore, whilst I accept the extension to No.116 is highly visible, it is not as bulky as the appeal proposal and therefore not directly comparable.
10. I have had regard to the potential benefits of the proposal which include the removal of an existing single storey rear extension, that the development would make use of an under-utilised area to the side of the property and create additional garden space through the demolition of the large outbuilding. The development would also provide more living space and functionality for the residents by improving the usability and versatility of the property, as well as accommodating the changing needs and lifestyles of the existing and future occupants. However, whilst I accept that the proposed development would result in some benefits, particularly in relation to the provision of a larger area outdoor amenity space and provision of additional living accommodation, on balance, these benefits are not sufficient to outweigh the harm to the character and appearance of the host property and surrounding area.
11. Consequently, I conclude that the proposed development would cause unacceptable harm the character and appearance of the host property and the surrounding area. It would therefore be contrary to Policies SP1, SP2 and SP3 of the Newham Local Plan 2018 and Policies D1, D3 and D4 of the London Plan. These policies, require amongst other things, high-quality design that respects the character and local distinctiveness of the area through layout, orientation, scale appearance, and form.

Other Matters

12. I have found no reason to disagree with the Council's assessment in relation to the effect of the proposal on the living conditions of neighbouring properties. However, the absence of harm is a neutral factor which neither weighs for or against the proposal.
13. Whilst it may be the case that the design was informed by the pre-application advice² provided by the Council, for the reasons set out above, it does not overcome the harm which would be caused to the character and appearance of the host property and the surrounding area. Furthermore, pre-application advice is given without prejudice to any future decision and therefore whilst mindful of the appellant's frustrations, this has no bearing on my considerations of the appeal proposal.
14. I also acknowledge that the appeal proposal is a revised scheme submitted following the Council's refusal of a previous application³, which has reduced the overall scale and bulk of the extensions proposed. However, this does not alter my above findings in respect of the current scheme.

Conclusion

15. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

K Lancaster

INSPECTOR

² Pre-Application Advice Refs: 20/02481/PREAPP and 21/01018/PREAPP

³ Planning Application Ref: 22/02623/HH