



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: 19 July 2024

Appeal Ref: APP/G5750/W/23/3327536

First Floor Flat, 36 Pulleys Avenue, East Ham, Newham, London E6 3LZ

- 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 M A Khan against the decision of the Council of the London Borough of Newham.
 - The application Ref is 23/00983/FUL.
 - The development proposed is a first-floor 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.
3. A separate appeal¹ has been submitted against an Enforcement Notice at the adjoining property 34 Pulleys Avenue (No.34) which relates to an unauthorised first-floor extension. I have also had regard to the planning history of the adjacent property No.34, which includes a planning application² for the retention of a similar extension to that proposed by the appeal scheme. Although the appeal is yet to be determined, this current appeal relates to a proposed extension to 36 Pulleys Avenue (No.36) only, and I have therefore considered the appeal before me on its own individual merits.

Main Issues

4. The main issues are the effect of the proposed development on:
 - The character and appearance of the host property and surrounding area; and
 - The living conditions, No.34 and No.38 Pulleys Avenue, with particular regard to daylight, sunlight, and outlook.

¹ Appeal Ref: APP/G5750/C/23/3326899

² Application Ref: 23/00980/FUL

Reasons

Character and Appearance

5. The appeal site comprises the first floor flat of No.36, which is a two-storey mid-terrace property that has been sub-divided³ to create two self-contained flats. The surrounding area is predominantly characterised by two-storey terraced properties. Although many of the properties have been altered to some degree, there is a high degree of uniformity to the rear elevations.
6. The proposed development would involve the construction of a first-floor extension to the rear of the property. It would be built above an existing flat roofed, ground floor outrigger and would have a mono-pitched roof. The submitted plans indicate that it would use materials to match the exterior of the existing building. However, I note that the application form indicates the use of brick. I observed at my site visit that the rear elevation of No.36 is currently rendered, so the use of brick in the proposed extension would not match the existing materials of No.36. Notwithstanding this, in the event that I am minded to allow this appeal, then I am satisfied that this could be dealt with by imposition of a planning condition.
7. The guidance contained within the Newham Local Plan Altering and Extending Your Home Supplementary Planning Document, adopted 2018 states that an extension should be an attractive development which compliments the character and appearance of the original house and the group of buildings which it forms a part. In this particular case, the scale and massing of the extension would dominate the rear elevation, failing to respect the proportions of the original property and it would harm the uniformity and original form of the terrace which for the most part has been retained. The proposed extension would also unbalance the terrace, introducing a bulky and incongruous element to the rear elevation. Therefore, by virtue of its scale and bulk, the proposed extension would fail to appear subservient to the host property detracting from its character and original form.
8. Whilst not immediately prominent in the street scene, the rear elevations of this part of Pulleys Avenue are visible from a gap on Sandford Road. From this location, the proposed development would be clearly visible, extending the host property at first floor level by approximately 2.8 metres. This would fail to respect the character of the terrace and in this particular context, would appear as an incongruous, extending beyond any extensions elsewhere on the street.
9. I have had regard to the planning history of the site including the planning permission granted⁴ in 2018 for a first-floor extension. Although I have not been provided with full details, I understand that it permitted a 1 metre deep first-floor extension and therefore is not directly comparable to the appeal. For the reasons set out above, the depth and bulk of the proposed extension would cause harm to the character and appearance of the host property and surrounding area.
10. Consequently, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the host property and the surrounding area. It would therefore be contrary to Policies S6, SP1, SP2, SP3, SP8, and H1 of the London Borough of Newham Local Plan, adopted 2018

³ Certificate of Lawful Development Ref: 14/00300/CLE

⁴ Application Ref: 18/02276/FUL

(NLP) and Policies D1, D3, and D4 of the London Plan 2021. These policies require, amongst other things, high standards of design that have regard to local character and distinctiveness and the function of buildings.

Living Conditions

11. As outlined above, the appeal site is a mid-terraced property, the proposed extension would extend the first floor of the host property to the rear and would be sited in close proximity to the windows in the rear elevations the adjoining terraced properties, 34 and 38 Pulleyns Avenue (No.34 and No.38).
12. In respect of No.38, the Council accepts that that the loss of daylight and sunlight would not be adverse and that the proposed extension would not result in any privacy concerns. Based on the evidence before me and my own observations, I see no reason to disagree with this assessment. However, the proposed extension, would by virtue of its scale and proximity, appear overbearing and result in a harmful loss of outlook from the rear upper floor window.
13. In respect of No.34, the proposed extension by virtue of its position and scale would lead to a reduction in daylight and sunlight, as well as a reduction in outlook. The proximity of the proposed extension to the window in the original rear elevation of No.34, not the extension, which was visible at my site visit, would lead to unacceptable harm to the living conditions through loss of daylight, sunlight, and outlook.
14. The submitted plans indicate that the proposed development would match a similar extension to No.34. Whilst I accept that the extension which has been built to No.34 would mean that there would be less harm to the living conditions of the occupiers of this property if it were to be retained, this extension has not been granted planning permission, nor does it form part of the proposal. Therefore, whilst I have had regard to this, I have considered the effect of the proposal on the living conditions of the occupiers of No.34, on the basis that it has not been extended.
15. I have also had regard to the appellants case which states that No.34 is owned by the appellant. However, in determining this appeal I need to consider the potential impact of the proposed extension on the living conditions of the occupiers of the property. Therefore, whilst I have had regard to the appellant's case, the ownership of the adjoining properties does not alter my findings.
16. Consequently, I conclude that the proposed extension would cause harm to the living conditions of No.34 and No.38 Pulleyns Avenue, with particular regard to daylight, sunlight, and outlook. It would therefore be contrary to Policies S1, S6, SP1, SP2, SP3, SP8, and H1 of the London Borough of Newham Plan (2018) and Policies D1 and D4 of the London Plan. These policies require, amongst other things, new development to achieve good neighbourliness and to minimise overlooking, loss of privacy, overshadowing, and overbearing impacts.

Other Matters

17. In reaching my findings I have had regard to the benefits of the proposed extension that have been put to me in favour of the proposal. These include the provision of larger, improved accommodation for the occupiers of the flat.

However, whilst these benefits are afforded some limited weight, they are not sufficient to outweigh the harm which has been identified.

18. I also note the appellant's concerns about Council's approach to the consideration of the application. However, these matters have had no bearing on my determination of the appeal as I have only had regard to the planning merits of the case.

Conclusion

19. 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