

Appeal Decision

Site visit made on 20 August 2024

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

an Inspector appointed by the Secretary of State

Decision date: 17 September 2024

Appeal Ref: APP/G5750/D/24/3340450

218 Clements Road, Newham E6 2DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Ahmed Khankhara against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/00013/PREHH.
 - The development proposed is application for prior approval for erection of a ground floor single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the amenity of adjoining premises with regard to outlook, light, ventilation, use and design.

Reasons

3. The appeal proposal is part of a terrace of dwellings with gardens extending to the rear.
4. An objection to the proposal was received from the resident of 216 Clements Road on matters including daylight, sunlight, use, air, visual amenity and design. On the basis of further details provided by the appellant, the objection from No 216 has been withdrawn subsequent to the Council's decision. However, it is a matter of fact that an objection was received in response to the application, and the Council's decision was made accordingly. Therefore, the appeal in respect of prior approval should still be determined, even if the objection has been withdrawn.
5. It is also necessary to consider the amenity of all adjoining premises in accordance with the provisions of the GPDO, even allowing for the fact that no representations have been received from 220 Clements Road.
6. The extension would project along part of the side boundary to the rear of No 220. Due to the degree of projection and the height of the proposal, it

would appear as an overbearing and obtrusive feature extending along the boundary, particularly in views from habitable rooms on the ground floor of the rear elevation and the garden area immediately to the rear of No 220.

7. As a result of its scale and location, the proposal would also lead to a significant degree of overshadowing and loss of light to the garden area immediately to the rear of No 220 and ground floor windows on the rear elevation.
8. Although there is an existing extension to the rear of No 218, the proposal would project significantly beyond this with a commensurate increase in the impact on No 220.
9. The proposal would also be located adjacent to the boundary with No 216. However, there is an existing extension to the rear of No 216 and the projection of the proposal beyond that extension would not be of a degree that would lead to an unacceptable impact on outlook and light or on ventilation and air circulation. Due to the length of the rear garden, the proposal would not harm the amenity of residents of properties to the rear of the site. The use of the proposal would be for residential purposes which would complement this residential area. The flat roofed design is also typical of many rear extensions in the area. These matters do not therefore weigh against the proposal, but they do not negate my conclusions in respect of the harm to No 220.
10. The appellant refers to consents granted for similar extensions in the area. However, it has not been demonstrated that these are a direct parallel to the appeal proposal in respect of the relationship with neighbouring properties. In any event, I have determined this appeal on its individual merits.
11. I conclude that due to its effect on residents of No 220 in respect of outlook and light, the proposal would lead to significant harm to the amenity of an adjoining premises. The appeal should therefore be dismissed.

David Cross

INSPECTOR