



Appeal Decision

Site visit made on 19 September 2024 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2024

Appeal Ref: APP/G5750/D/24/3345222

38 Bushey Road, Upton Park, Newham, London E13 9EN

- 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 Christine Mandac against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/00402/HH.
 - The development proposed is described as 'loft conversion with dormer and single-storey rear extension'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of rear and outrigger dormer roof extension and installation of 2x rooflights at 38 Bushey Road, Upton Park, Newham, London E13 9EN in accordance with the terms of the application, Ref 24/00402/HH subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance the following approved plans, reference 04, 06, 07, 08, 09, 10 and location plan.
 - 3) Prior to the construction of the extensions hereby permitted, details of the materials to be used in the construction of their external surfaces shall be submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details.
 - 4) The extensions hereby permitted shall not be first used/occupied until the side window has been fitted with obscured glazing. No part of that window shall be capable of being opened below 1.7 metres above the internal floor level. The obscured glazing shall be retained thereafter.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The decision notice refers to Policy S5 of the London Borough of Newham Local Plan 2018 (LP) which the Council have confirmed was an error. It should have been S6. The evidence from the appellant demonstrates that they understand the main issue of the appeal and therefore the error has not been detrimental

to their case. The main issue is covered within the other cited policies on the decision notice. In addition, the description in the header is taken from the application form. It is however misleading as to the precise nature of the scheme proposed. Specifically, in that there is no single storey rear extension. The extensions relate to a dormer and one over the outrigger. The description, in this decision, is therefore from the decision notice which is most accurate and better identifies the development to which the planning permission granted relates. It also takes account of the front rooflights which have been referred to by both main parties and are shown on the plans.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal building is an attractive bay fronted semi-detached property in a dense residential area. Such window designs and a uniformity of setback from the road are defining features of the street scene but in terms of property type, there is significant variance. Many, including the appeal building, have been extended in a variety of ways. Mostly to the rear. The single storey garage to the side of the appeal building allows some views of its rear from the street.
6. The proposed extensions would add more form to the building but not beyond the existing footprint. They would be somewhat blocky in their appearance through the use of flat roofing but for the most they would be obscured from public view by the existing dwelling. In the case of views from neighbouring gardens, the use of flat roofs to the rear of buildings locally is not uncommon. A deliberately contrasting material to both roof additions would also allow some distinction from the original dwelling and thus be less subsuming in their impression. The extended parts would also be set lower than the main dwelling and they would therefore appear more recessive and subservient.
7. The scheme would not therefore be harmful to the character and appearance of the area. It would thus meet the requirements of Policies D1, D3 and D4 of the London Plan 2021 and Policies S1, SP1, SP3 and SP8 of the LP which are concerned with integrating development into its surroundings amongst other things.

Other Matter

8. There are existing structures in the rear garden that create quite a cramped effect for users which has been alluded to by the Council. However, the proposal is concerned with development above the existing property and would not reduce the amount of outdoor space available. In any event, the effect of the proposals on the living conditions of existing or future occupiers is not a contentious matter in the appeal.

Conditions

9. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for certainty and enforcement purposes. A condition relating to further details of materials is also necessary given that there was an incomplete picture provided by the appellant pertaining thereto. It would be sufficient to agree this detail prior to

those built elements being started. A condition requiring the proposed second floor side window of the extension to be obscure glazed and non-opening prior is necessary to protect the privacy of the occupiers of nearby residential properties. It would be sufficient to agree this detail prior to the first occupation of the extensions.

Conclusion and Recommendation

10. For the reasons given above, the appeal scheme would comply with the development plan and there is nothing compelling to suggest otherwise. I therefore recommend that it be allowed subject to the conditions set out.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the above conditions.

John Morrison

INSPECTOR