



Appeal Decision

Site visit made on 6 December 2024

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/G5750/D/24/3351190

157 Boundary Road, London E13 9QF

- 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 Nasar Ahmad against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/00616/HH.
 - The development proposed is described on the application form as the demolition of existing first floor rear extension and erection of first floor part rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Whilst the description of development solely refers to the replacement of the existing first floor extension it is clear from the information before me that planning permission is also being sought retrospectively for the existing ground floor addition with some minor amendments.

Main Issues

3. The main issues are the effects of the proposals on:
 - (i) the character and appearance of the host property and the surrounding area,
 - (ii) the living conditions of the occupiers of 155 and 159 Boundary Road with particular regard to outlook and privacy, and
 - (iii) the biodiversity value of the site.

Reasons

Background

4. The appeal property forms part of a terrace of 2-storey houses of similar age and appearance which creates a residential area with a cohesive and distinctive character. The end of terrace properties include 2-storey outriggers and the mid-terrace properties feature a mix of single and double storey extensions that are generally of a modest height and scale and utilise a sympathetic palette of materials. The terraces to the rear of the appeal site include a more varied array of rear additions.

5. Full-width ground and first floor extensions have been added to the appeal property without planning permission. These are the subject of an extant enforcement notice¹ that requires the demolition of these additions and the return of the affected elevations of the property to their form prior to the unauthorised works. In November 2023 an appeal² against the enforcement notice was dismissed and retrospective planning permission for the extensions was refused. I attach significant weight to my colleague's observations set out in the 2023 appeal decision.

Character and Appearance

6. The proposal primarily comprises the retention of the ground floor full-width extension and the replacement of the full-width first floor addition with a narrower and shorter extension with a hipped roof and brickwork elevations. The reduced bulk and massing of the latter would result in a first floor element that is compatible in scale to other first floor additions in the terrace and the use of brickwork and a hipped roof form would be compatible with the host building. For these reasons I am satisfied that the first floor addition would not have an unacceptable effect on the character and appearance of the host building and the surrounding area.
7. However, due to its size and boxy form the full-width ground floor addition is an entirely incongruous, disproportionate and overly prominent addition that is out of keeping with the more modest additions in the terrace. Due to its size and siting this element of the proposal has an unacceptable effect on the character and appearance of the host building and the surrounding area.
8. For this reason the proposal fails to accord with Policies SP1 and SP3 of the London Borough of Newham's Local Plan (2018) (NLP). Amongst other matters these policies require high quality development that enhances local context, delivering buildings and spaces that positively respond to local distinctiveness. The proposal also fails to accord with the aims of the National Planning Policy Framework (2023) and the Council's Altering and Extending Your Home, Supplementary Planning Document (2018).

Living Conditions

9. The ground floor addition extends a significant distance beyond the main rear elevation of the terrace and creates a very long single-storey high wall along a large proportion of the garden boundary shared with 159 Boundary Road. Due to its height and linear extent this flank wall severely encloses the neighbouring garden and results in a significant loss of outlook from this property.
10. The combined effect of the flank wall along the boundary shared with No. 155 and the height and bulk of the first floor addition would similarly enclose the rear garden of No. 155 and reduce outlook from rear windows and the garden. These impacts on outlook from both neighbouring properties would have unacceptable effects on the living conditions of the occupiers of these properties. As such the proposal is contrary to NLP Policy SP8, which requires all development to achieve good neighbourliness.
11. The unlawful single-storey addition currently includes kitchen windows in both flank elevations. The proposed amendments to this addition include the

¹ Enforcement notice reference: 21/00496/ENFC

² Appeal reference: APP/G5750/C/22/3312424

removal of these windows but the retention of a small window in the flank wall facing No. 159. As this window serves a small shower room I am satisfied that any privacy impacts resulting from this inappropriately positioned window could be adequately overcome by the imposition of an appropriately worded planning condition.

Biodiversity Value

12. My colleague considered this matter at paragraphs 22-25 of the 2023 appeal decision and concluded that an appropriately worded planning condition could be imposed on a grant of planning permission to secure a scheme of landscaping which would deliver biodiversity enhancements. I find no good reason to come to a contrary view on this matter and therefore conclude that the proposal accords with NLP Policies SC1 and SC4, which seek to protect and enhance biodiversity with all development contributing to the achievement of net gain, and where compatible, improvements to access to nature. There is also compliance with Policy G6 of the London Plan (2021) which has similar aims and sets out that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.

Other Matters

13. The Council's reasons for refusal refer to London Plan Policies D1 and D4 which relate to design management procedures and policy guidance for London planning authorities, and NLP Policies S6 and H1, which relate to the promotion of healthy neighbourhoods. As these policies are not directly related to the matters before me there is no conflict with them.

Conclusion

14. For the reasons set out under the first and second main issues, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR