



Appeal Decision

Site visit made on 10 January 2025

by **A M Nilsson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **21 FEBRUARY 2025**

Appeal Ref: APP/G5750/W/24/3349452

213, 215, 217 Boleyn Road, Forest Gate, London E7 9QH

- 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 Kishor Pandya against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/00493/FUL.
 - The development proposed is for a roof extension above two storey rear extension with timber cladding and external stairway to second floor level at 213- 215 -217 Boleyn Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has been undertaken. I am therefore considering the appeal retrospectively.

Main Issues

3. The main issues are the effect of the development on 1) the character and appearance of the properties and the surrounding area, and 2) the living conditions of occupants of surrounding residential properties.

Reasons

Character and appearance

4. The appeal site comprises three properties which form part of a two-storey terrace on Boleyn Road which is a residential street comprising of properties of a similar size and design, many of which have been extended and altered.
5. There is a large shopping complex building to the rear of the site. This runs for much of the length of this side of Boleyn Road and is a rather dominant feature at the rear of these properties. The site, being at the end of the terrace, is also visible from the rear of the properties on Green Street which contains several commercial properties with residential properties above.
6. The site has an extensive planning history which is set out in the evidence. This appeal however relates to the roof extension constructed above the existing two storey rear extension.
7. Aside from the development subject to the appeal, the pre-existing plans show how the properties have previously been extended by way of two storey rear

extensions with a flat roof and rear dormer windows. These extensions span across all three properties to give a continuous appearance.

8. The development subject to the appeal has significantly accentuated the bulk of the properties at the rear. It has formed a considerable addition which results in the rear elevations being highly dominant and overbearing when viewed from the rear. The overall scale and massing appear excessive and out of keeping with any of the extensions to the surrounding properties, particularly considering it has been applied unceasingly to the three properties at the appeal site. This has resulted in a clear and evident sense of overdevelopment at the site.
9. The development also incorporates a protruding section and a staircase leading to the extended second floor. When combined with the almost continuous horizontal fenestration across the three properties at a high level, the overall appearance is cluttered and disorderly. It appears as an incongruous feature which is exemplified by the use of white painted timber cladding throughout, that conflicts with the materials used in the surrounding buildings.
10. Although my attention is drawn to the proximity of the appeal site to commercial properties and the large shopping centre complex to the rear, these do not justify the harm I have identified and do not lead me to conclude in favour of the appeal.
11. The development therefore causes significant harm to the character and appearance of the properties and the surrounding area. It is contrary to Policies SP1, SP3 and SP8 of the Newham Local Plan (2018) and Policies D3 and D4 of The London Plan (2021). Collectively, these policies require that new development is of a high quality of design.

Living conditions

12. The appeal site adjoins an existing residential property at 211 Boleyn Road. This property has a two-storey outrigger that projects a similar distance to the rear as the existing extension at the appeal site. There also appeared to be residential properties located above the commercial units on Green Road which look onto the appeal site from their rear elevation.
13. I have found that the development causes significant harm in terms of the impact on the character and appearance of the area. It is visible from surrounding residential properties and their gardens and in this regard, due to its overall bulk, scale and clear sense of overbearingness, the harm also equates to harm to living conditions in terms of outlook, albeit this is secondary to the harm caused to character and appearance.
14. Due to the northerly orientation at the rear of the appeal site, the development does not result in an unacceptable loss of daylight or sunlight. Given the position of windows in the development relative to the position of windows in the surrounding residential properties, there is not an unacceptable loss in terms of privacy caused by overlooking.
15. I therefore find that there is moderate harm caused to the living conditions of occupants of surrounding residential properties in terms of outlook. The development is therefore contrary to Policy SP8 of the Newham Local Plan (2018) and Policy D3 of The London Plan (2021). Collectively, these policies require that

developments deliver appropriate outlook and amenity whilst avoiding negative impacts for neighbours and minimise overbearing impacts.

Conclusion

16. I therefore conclude that the development conflicts with the development plan for the area when considered as a whole and there are no identified other considerations that outweigh this conflict.
17. For the reasons set out above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR