



Appeal Decisions

Site visit made on 11 March 2025

by R Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal A: APP/G5750/C/23/3328381

Land at 49 Ashford Road, East Ham, Newham London E6 2AP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Tilly Sivanantham against an enforcement notice issued by the Council of the London Borough of Newham.
- The enforcement notice, numbered 23/00220/ENFC, was issued on 24 July 2023.
- The breach of planning control as alleged in the notice is Without planning permission the erection of a ground floor rear extension.
- The requirements of the notice are 1. Demolish the ground floor rear extension (as shown in the approximate location edged in blue on the attached plan); 2. On completion of step 1, remove all materials and debris from the site.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B: APP/G5750/W/23/3328327

49 Ashford Road, East Ham, Newham London E6 2AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Tilly Sivanantham against the decision of the Council of the London Borough of Newham.
- The application Ref 23/01284/AH, dated 11 June 2023, was refused by notice dated 17 August 2023.
- The development proposed is Conservatory at the rear of the property with a transparent clear roof to use as a storage space for the main house.

Summary of Decision: The appeal is allowed, and planning permission granted subject to the condition set out below in the Formal Decision.

Procedural Matter

1. For the avoidance of doubt, from the evidence before me I am satisfied that both appeals relate to the same development.

Appeal A on ground (a) and Appeal B

Main Issue

2. The appeals are that planning permission should be granted. The main issue is the effect of the development on the character and appearance of the host property and surrounding area.

Reasons

3. The appeal site is part of a traditional terraced street, with two-storey, back to back off-shoot extensions to the rear elevations. In common with other properties along the street, including in the immediate vicinity, the appeal site has also been the subject of a single storey rear extension, and dormer roof additions.
4. It was apparent from my visit that the character of building materials at the rear of the terrace is varied, and includes bare brick, painted brick, painted render and different types of hanging tile to the roof extensions.
5. The conservatory, the subject of this appeal, extends across the full width of the rear yard. Its rear elevation consists of a rendered low wall and white plastic framed glazing, with a centrally placed external door. The shallow, lean-to roof is comprised of translucent plastic sheet panels.
6. The structure is entirely screened from public viewpoints due to the continuity of the main terrace and that of the adjacent street. Although an addition to the existing single storey extension, the conservatory, with a depth of some three metres, is not in itself unusually large. From the rear yard, it appears subordinate in scale to the main dwelling and does not interrupt any strong sense of uniformity along the terrace.
7. The centrally placed door, with equally proportioned windows on either side, gives a sense of symmetry to the design of the structure. The white colouring of the window frames and render do not appear out of place when considering the variety of finishing materials and colours in the surrounding area. Furthermore, whilst the structure does not replicate the design and detailing of the original dwelling, this is not unusual for a conservatory extension, and would form an acceptable contrast in this case.
8. The choice of a plastic sheet material for the roof covering, with its functional composition and appearance, including somewhat crudely joined together panels, is not an ideal construction material in this case. However, I have taken into consideration that its visibility would essentially be limited to fleeting views from the upper floor windows of the host and neighbouring properties, with very little visibility available from the respective rear yard areas and none at all from public viewpoints.
9. Drawing the above considerations together, on balance, I consider the development does not result in harm to the character and appearance of the host property or surrounding area. Accordingly I conclude that it complies with Policies D1 and D4 of the London Plan 2021, and with Policies S6, SP1, SP3, SP8 and H1 of the Newham Local Plan 2018 insofar as they seek high quality, neighbourly development that respects the character of the local area.
10. Because of the plastic roof construction, I do not consider the extension to be strictly in accordance with the Council's 'Altering and Extending your Home' Supplementary Planning Document, which recommends that construction materials should be of the highest quality. However, the above considerations justify an exception to the guidance in this case.

Conclusion

Appeal A

11. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development described in the notice. The appeal on ground (g) does not therefore fall to be considered.

Appeal B

12. For the reasons given above I conclude that the appeal should be allowed.

Formal Decisions

Appeal A

13. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a ground floor rear extension at 49 Ashford Road, East Ham, Newham London E6 2AP as shown on the plan attached to the notice.

Appeal B

14. The appeal is allowed and planning permission is granted for Conservatory at the rear of the property with a transparent clear roof to use as a storage space for the main house at 49 Ashford Road, East Ham, Newham London E6 2AP, in accordance with the terms of the application, Ref 23/01284/AH, dated 11 June 2023 and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 49CA Revision A – Proposed Ground Floor Plan; 49CC Revision A – Proposed Side Elevations; 49CD Revision C – Proposed Rear Elevation; 49CE Revision A – Block Plan; 49CG Revision A – Proposed Roof Plan.

R Merrett

INSPECTOR