



Appeal Decision

Site visit made on 27 March 2025

by **Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

Appeal Ref: APP/G5750/D/24/3356843

41 Cecil Road, Plaistow, Newham, London E13 0LS

- 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 S Mania against the decision of the London Borough of Newham Council.
 - The application Ref is 24/01692/HH.
 - The development is the infill of side courtyard with roof & install of 3 x Velux rooflights in existing rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal relates to development that has already been carried out. As the application is therefore retrospective, I have considered the submission accordingly.
3. Subsequent to the Council's decision, the Government published a revised National Planning Policy Framework (December 2024) (the Framework). I consider that there have been no major changes relevant to the main issues in this appeal. It will therefore not prejudice any party by making my decision with regard to the revised Framework.

Main Issues

4. The main issues are the effect on:
 - The character and appearance of the host dwelling; and
 - The living conditions of neighbouring residential occupiers.

Reasons

Character and Appearance

5. The appeal dwelling is a mid-terrace two storey house that has been the subject of a ground floor rear extension that is the full width of the appeal dwelling. This rear extension created a rear courtyard area out of the original side passage to the appeal dwelling. The appeal development has resulted in the enclosure of this area, creating a side extension to the appeal dwelling.

6. This side extension has a flat roof with a rooflight that sits above the existing and retained side bay window. The appeal development absorbs the original side bay, which remains inside the extension, and visually replaces it with a substantial box like side extension with extensive windows at high level. These partly protrude above the boundary fence with 43 Cundy Road (No.43).
7. The previously approved full width rear extension slopes down from its full height of approximately 3.060 metres towards the boundary fence, which appears to be approximately 2 metres in height. The flat roof of the side extension appears to sit slightly below the full height of the rear extension, but as it does not follow the slope of the rear extension roof, it sits proud of this slope in rear views. The flank and rear wall cladding appear to be a vertical uPVC panel material that matches neither of the brick types used for the original house or rear extension.
8. Newham's Altering and Extending Your Home SPD (2018) advises that extensions should generally reflect the design and detailing of the original house and be constructed from high quality materials, which either compliment or appropriately contrast with the original house. As the appeal development neither reflects the design, form, proportions or materials of the original house or the previous rear extension, this results in it appearing as a discordant element. For these reasons, the appeal development appears as a poor quality and incongruous addition to the appeal dwelling.

Living Conditions

9. By enclosing the full extent of the courtyard space, the appeal development sits in close proximity to the rear ground floor bay, windows and door of No.43. Whilst the rear extension reduces significantly in height to the boundary, the appeal development of a side extension fails to do so.
10. From my site visit it was apparent that an obscuring film had been fixed to the inside of the ribbon window in the side extension. This currently stops overlooking of No.43, but as a removable and temporary type of installation, I am not convinced that this would be effective in securing the long term privacy of occupiers of No.43 from otherwise immediate and intrusive views into their dwelling, albeit from high level windows, which results in a significant loss of privacy.
11. Whilst the council have not found that the appeal development has a harmful effect on the outlook from No.43, I find that the height and proximity of the side extension has an unacceptable enclosing effect to the rear of No.43, especially to the bay window directly opposite, resulting in a significant loss of outlook.
12. In combination with the ribbon of glazing, I find the effect of the side extension to be intrusive and oppressive to occupiers of this neighbouring property, resulting in a significant loss of outlook and privacy. As such the appeal development is detrimental to their living conditions.
13. For the reasons given above, the appeal development of a side extension results in moderate harm to the character and appearance of the appeal dwelling and substantial harm to the living conditions of neighbouring residential occupiers. This is contrary to Policies S6, SP1, SP2, SP3 and SP8 of the London Borough of Newham Local Plan (2018), Policy D3 of the London Plan (2021) and Section 12 of the Framework. Collectively, these seek development, including extensions, that is of high quality design, and that do not undermine the quality of life of neighbours.

14. The Council's decision finds that the appeal development is contrary to policy D4 of the London Plan (2021). As policy D4 relates to policy guidance and design management procedures for London planning authorities, I have not come to this same conclusion.

Conclusion

15. The benefits of the proposal are limited and primarily private. I find that these do not outweigh the harm that I have identified. Accordingly, the appeal is dismissed.

Victor Callister

INSPECTOR