



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/24/3355363

51 Cundy Road, Canning Town, Newham, London E16 3DJ

- 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 Valdoni Hotaj against the decision of the London Borough of Newham Council.
 - The application Ref is 24/00350/HH.
 - The development proposed is a two part double-storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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

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

Reasons

Character and Appearance

4. The appeal dwelling is a modestly scaled two storey end of terrace house of simple design, which sits within a planned estate of terraced houses and larger blocks of purpose built flats. To the rear of the appeal dwelling is a small rear garden that backs onto the rear gardens of earlier 2 storey 20th century terraced houses that front onto Berwick Road.
5. The proposal is for a part-one, part- two storey rear extension that, at ground level, would extend across the full width of the appeal dwelling. The first floor element of the proposal would be narrower, positioned towards the gable end and approximately 2 thirds of the width of the appeal dwelling. The roof of the proposal would be set well below the main roof ridge, hipped in form and integrate with the

rear slope of the existing pitched roof of the appeal dwelling. Whilst there appear to be some lightweight lean-to garden structures attached to the rear elevation of other houses in the terrace, there appears to be no substantial rear extensions to the terrace as a whole.

6. The rearward extent of the proposal would reduce the extent of the existing already small rear garden by approximately half. Although the proposed first floor element of the proposal would be narrower than the ground floor part, due to the modest scale of the appeal dwelling and its small rear garden, the rearward extent and bulk of the proposal would appear as an overscale addition that would visually dominate the appeal dwelling.
7. I find that the hipped form and height of the proposed roof of the proposal would sit comfortably with the design of the appeal dwelling when seen in pure elevation. However, I concur with the Council's conclusion that the bulk of the roof of the proposed extension would combine with that of the rest of the proposal when seen in the round from neighbouring properties.
8. For these reasons, I find that the proposal would appear as an overscale addition to the appeal dwelling that would, due to its bulk and rearward extent, fail to reflect the existing scale and appearance of the appeal dwelling. The proposal would not, therefore, appear as a secondary to the appeal dwelling and would fail to give the impression of a subordinate addition.
9. As such, the proposal would result in the appeal dwelling appearing as overscale in relation to its adjoining and neighbouring properties and as a cramped form for development on its plot, which would appear as discordant in relation to the other modestly sized houses in the terrace.

Living Conditions

10. The rearward extent of the of the proposal would result in a reduction in distance between the rear of the appeal dwelling and the rear 74 to 78 Berwick Road (No's 74 to 78). This would also result in windows in the proposed extension at both ground and first floor levels being closer to these 3 dwellings than existing windows.
11. However, I find that the resulting distance between the rear of No's 74 to 78 and the extended appeal dwelling would not be so reduced that it would result it being overbearing to the extent that it would have any significant effect on outlook from these neighbouring properties.
12. Further, whilst the views of the rear of No's 74 to 78 would be from a reduced distance than existing, I find that this would not result in any significant additional degree of overlooking or loss of privacy. Rather, the proposal would appear to reflect the overlooking to be expected in a developed residential area of this type.
13. The proposal would not, therefore, result in a degree of overlooking that would result in a loss of privacy to the extent that it would be harmful to the living conditions of neighbouring residential occupiers. Lack of harm in this instance is a neutral factor in my considerations.
14. For the reasons given above, the proposal results in substantial harm to the character and appearance of the appeal dwelling and that of the local area. This would conflict with Policies SP1 and SP3 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, securing integration and coherence with local context.

Planning Balance and Conclusion

15. The benefits of the proposal are embodied in the enlarged dwelling that would result from the proposed extension and the improved amenity for occupiers. The benefits of the proposal are, therefore, limited and primarily private. I find that these do not outweigh the harm that I have identified, and the appeal is dismissed accordingly.

Victor Callister

INSPECTOR