



Appeal Decision

Site visit made on 28 March 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/G5750/D/24/3355273

21 Chester Road, Canning Town, Newham, London E16 4NL

- 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 Ms Leila Dirir against the decision of the Council of the London Borough of Newham.
 - The application ref. is 24/01825/HH.
 - The development proposed is construction of a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on the:
 - character and appearance of the area and
 - living conditions of the occupiers of 19 Chester Road in terms of natural light, sense of enclosure and outlook

Reasons

Character and appearance

3. The site comprises a two-storey Victorian mid-terrace house with dual pitched roof and a single storey rear extension with mono-pitch roof. As the appellant notes, the property is not in a conservation area or listed. The rear of the terrace and that backing on to it on Desford Road have a variety of original outriggers and single and two-storey extensions with both flat and pitched roofs. These are visible only from rear windows and gardens but are obscured by fences or nearer outriggers and extensions in many cases, creating a confined and varied visual context.
4. The proposal would add a further storey to the existing rear extension, at a depth of about 4m, in similar materials to the host building and with a flat roof over. There is little consistency in the form or height of rear extensions on Chester Road and other two storey flat roofed extensions on Desford Road. Given this visual context, I do not consider that an extension of this form would be unduly out of place. Indeed, the proposal is similar in form to that previously granted permission. As the appellant notes, no changes are proposed to the front of the property.
5. Consequently, the proposal would not harm the character and appearance of the area and would comply with Policies D3 and D4 of the London Plan (2021), Policies SP1, SP2, SP3 and SP8 of the London Borough of Newham Local Plan

(LBNLP) (2018) and the Altering and Extending Your Home Supplementary Planning Document (SPD) (2018), which require adequate design analysis, buildings that respond to local distinctiveness, and attractive development that compliments the house and the group of buildings of which it forms part.

Living conditions

6. The proposal would add a storey to the single storey rear extension, of about 4m depth, with a flat roof, the parapet of which would be just above the eaves of the main house. Other existing outriggers include paired two-storey examples to the western half of the terrace. These are about 3.5m deep with dual pitched roofs, the ridges of which are atop party walls and the eaves of which are below those of the main house, so that they restrict the outlook for adjoining windows less.
7. At the eastern end of the terrace, similar paired outriggers are about 3m deep, again with eaves below those of the main house. There are few examples of two-storey rear extensions of up to 6m depth, but those that exist abut neighbouring two-storey extensions, such that the length of wall adjacent to the rear windows of neighbours is no more than around 3m.
8. The proposed extension would be on the boundary with 19 Chester Road and, whilst that neighbouring property has an abutting ground floor extension, it also has a first-floor window close to the boundary. The proposed upper storey would extend vertically above that window and present a wall over 4m in length near to the window. Whilst its orientation is such that it currently benefits from good natural light, the proposal would nonetheless unacceptably reduce daylight and afternoon and evening sunlight, increase the sense of enclosure and negatively impact the outlook from this window.
9. Consequently, the proposed development would unacceptably harm the living conditions of the occupiers of 19 Chester Road in terms of natural light, sense of enclosure and outlook. This would be contrary to Policies D1 and D4 of the London Plan (2021), which require adequate analysis to inform design, LBNLP Policy SP8 and the Altering and Extending Your Home SPD (2018), which require neighbourly development, particularly on common boundaries. I do not find conflict with LBNLP Policies S6, SP1, SP2, SP3, and H1, which relate to housing quality, place-making, healthy neighbourhoods, urban design and mixed communities.

Other Matters

10. I cannot assume a neighbour will extend and must determine the appeal on the current position. Whilst longer ground floor extensions may have been permitted; these tend to have different impacts on living conditions.

Planning Balance and Conclusion

11. In respect of the appellant's wish to adapt the property to evolving family needs, I have had due regard to Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998 (HRA), Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. Age is a relevant protected characteristic to which the PSED applies.
12. The HRA rights are qualified, and interference may be justified where it is in the public interest. I have limited evidence in respect of the need for the proposed living spaces, and I am not satisfied that the proposal would be the only means of

improving the appellant's home. In terms of the UNCRC, whilst the best interests of the child are a primary consideration, the harm that would be caused to the living conditions of the neighbour at No 19 would outweigh this and the acceptable effect on character and appearance. I am satisfied this is a necessary and proportionate conclusion.

13. The harm to the living conditions of the neighbour would outweigh the acceptable effects on character and appearance, and considerations under the HRA, UNCRC and PSED. I conclude, therefore, that the appeal should be dismissed.

S Simms

INSPECTOR