



Appeal Decision

Site visit made on 20 May 2025

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

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Appeal Ref: APP/G5750/W/25/3359301

2a Durham Road, Manor Park, Newham, London E12 5AX

- 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 W Bailey against the decision of the Council of the London Borough of Newham.
 - The application Ref. is 24/01800/FUL.
 - The development proposed is an extension at roof level to create 2 no. further flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the Durham Road Conservation Area (CA), wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - character and appearance of the area, including the CA, and the
 - living conditions of the occupiers of 41 and 43 Manor Park Road with particular regard to outlook and enclosure

Reasons

Character and appearance

4. The site contains a modern detached two-storey block of six flats in buff brick. Its dual pitched roof presents eaves and two projecting gables to the street, the larger to the right as seen from the street and the smaller atop a rendered bay a third of the way from the left. Another larger gable projects further to the rear.
5. Between the block and street is hard surface comprising eight parking spaces at right angles to the street with no boundary treatment except drop bollards. To the rear is a small area of landscaped amenity space, bounded by fences of about two metres' height, and dominated by the canopy of a neighbouring tree.
6. The site is located within the Durham Road CA, comprising the eponymous and subject street and several other side streets from it, fronted by two-storey late

Victorian terraced houses, retaining many of their original features, including bay windows and bounded front and rear gardens containing soft landscape.

7. Opposite the site is a modern development of three-storey terraced houses, the front gardens, materials and fenestration of which, reference characteristics of the CA. The roof form and scale are less in keeping, albeit the upper storey is rendered and set back behind a parapet.
8. The proposal would replace all gables, except the small rendered one, with a parapet, behind which would be a recessed upper storey on a rectangular plan with a shallow hipped roof. The rear projecting gable would be replaced with a balcony and the retained gable would be relocated a storey higher.
9. Whilst almost all original terraces in the area have hipped roofs, they tend to be atop two storeys, not set back, and of steeper pitch than that proposed.
10. Whilst uncharacteristic of the area, the set back and pitch of the proposed roof would limit its visibility from ground level in surrounding streets. In these respects, it would replicate the modern scheme opposite. However, it would not replicate any characteristics of that scheme that are shared with the wider CA.
11. Proposed window boxes and planted recycling stores would offer some relief to the hard surfaces presented to the street, which would remain under the proposal. However, visible soft landscape elsewhere in the CA comprises front gardens with enclosure and trees, which the proposal would not reflect.
12. On balance, the visible additional height, without any of the characteristic features referenced by the scheme opposite, causes less than substantial harm to the CA and the character and appearance of the area generally, contrary to Policies D3, D4, D8 and HC1 of the London Plan (2021) and London Borough of Newham Local Plan (2018) Policies SP1, SP3 and SP5, which require an understanding of character, response to context, and designs that respond to distinctive features.

Living Conditions

13. To its right, the block presents the main gables of its roof to rear gardens on Manor Park Road and, to its left, to the side of a house at 2 Durham Road. Relationships similar to this exist to the rear windows and gardens of terraces at street corners elsewhere in the area, sometimes in worse orientations than this.
14. Despite the concerns of neighbours, an expert report concludes that adequate natural light will continue to reach the gardens and affected windows of 41-43 Manor Park Road. The Council does not dispute this but remains concerned about the effect on outlook and enclosure, referring to a cumulative impact.
15. Whilst the proposal would raise the eaves height to a parapet, it would remove the upper part of the existing gable facing these neighbours. The upper storey would then be set in from this and have a very shallow hipped roof, so that only the parapet and recessed eaves would be visible from ground level.
16. With the other examples of existing relationships at street corners elsewhere in the area and the findings of the report in respect of daylight in mind, I am persuaded that the proposal would not have an unacceptable impact on the outlook for occupiers of Nos 41 and 43 Manor Park Road.

17. Consequently, it would comply with London Borough of Newham Local Plan (LBNLP) (2018) Policy SP8, which expects development to minimise overbearing.

Other Matters

18. The site is within the 6.2km Zone of Influence of Epping Forest Special Area of Conservation (SAC). I have taken this and evidence of payment of a visitor recreational impact mitigation payment into account.
19. I note the benefits of the proposal in terms of its sustainability, albeit many of the features referred to in the Design and Access Statement are requirements of the Building Regulations. I attach modest weight to these.
20. Proposed balconies would contribute to adequate living conditions for occupiers of the proposed dwellings and improve those of some existing. The moderate weight I attach to this is tempered by privacy impacts, which would need to be managed.
21. Some comments by nearby residents focussed on the style, design, maintenance and tidiness of the existing building, rather than the proposal. They nonetheless illustrate some of the scope to enhance the CA, which I refer to above.

Conclusion

22. The Government's objective is to significantly boost the supply of housing, and the proposal would provide two new standards-compliant dwellings on land at low risk of flooding in a location with good access to a well-served railway station, with the social and economic benefits that would bring.
23. However, I have identified harm in relation to the effect of the scale of the proposal on the character and appearance of the area, including the CA, without mitigating enhancement. Whilst less than substantial in respect of the CA, this outweighs the benefits associated with the development.
24. I conclude that the proposal would therefore conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal is dismissed.

S Simms

INSPECTOR