



Appeal Decision

Site visit made on 19 June 2025

by **John D Allan BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Appeal Ref: APP/G5750/D/25/3363794

27 Milton Avenue, East Ham, Newham, London E6 1BG

- 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 Imran Haroon Soratia against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/02594/HH.
 - The development proposed is described as the erection of a *'13.5 m rear extension (From Original House) at Ground Floor'*.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal upon the character and appearance of the appeal property and wider area, and upon the living conditions of neighbouring occupiers at Nos 25 and 29 Milton Avenue, with particular regard to visual impact.

Reasons

Character and Appearance

3. The appeal relates to a two-storey property set within a terraced row of similar style and aged dwellings in a predominantly residential area. The dwellings to this side of Milton Avenue have long and fairly narrow gardens which back on to a railway line. In common with the other properties in the terrace, No 27 has a two-storey outrigger which is shared and mirrored by its attached neighbour to one side at No 29. There is an existing single-storey extension which projects beyond the outrigger by a short distance and which wraps around its side to fill the original space adjacent to No 25. Beyond this is a further and very deep, single-storey flat roofed projection which runs along the boundary with No 29 with a flight of steps giving access to a terrace above its lower end. At the time of my visit, part of the space to the side of the extension was roofed over with what appeared to be polycarbonate sheeting fixed to the fence along the boundary with No 25. The proposal seeks to replace the combined form of the existing single-storey extensions with a single-storey flat roof extension which would wrap around the outrigger and project 12m beyond it, spanning the full width of the garden.

4. The majority part of the existing additions to the rear of the appeal property is low grade and of mostly timber construction with a low profile appearing obviously below the height of the more substantial part of the extension principally to the side of the outrigger, and exceeding the height of the boundary fence with No 29 by only a reasonably small margin. Whilst significant in terms of its depth, it did not strike me as having a particularly dominant visual presence within its rear garden setting, appearing, despite its attachment to the dwelling, more akin to a linear outbuilding rather than an integral part of its living space.
5. The appellant asserts that the proposal would merely regularise the existing in a comparable form and that there would only be a limited increase to the size of the building which has become established as lawful. I disagree. Regardless of any reduction to its depth, the proposal would be significantly more imposing. The plans show an extension that would noticeably increase the height to the majority part of the existing to one equivalent with the more substantial part of the extension adjacent to the side of the outrigger. Further, it would span the full width of the plot as a block of solid built form, replacing in part what is currently merely a partially covered walkway adjacent to the boundary with No 25. Despite only being seen within the context of its rear garden setting it would not be out of sight and would be openly viewed from surrounding properties. My impression overall is that a moderately inharmonious structure would be replaced with a bulk of solid built form that would be vastly disproportionate and out of keeping with the modest scale of the original building.
6. Whilst I observed a variety of extensions and outbuildings to others in the terrace, none appeared to me as comparable with the appeal proposal in terms of scale, form, or purpose. I share the Council's view that the proposal would be out of keeping with the local development pattern to the detriment of the character and appearance of the host property and wider area. As such, there would be conflict with Policies SP1, SP2, SP3 and SP8 of the Newham Local Plan 2018 (NLP) and Policies D3 and D4 of The London Plan 2021 (LP) which between them require high quality urban design and development which enhances local context and distinctiveness.

Living Conditions

7. I saw a range of outbuildings in the garden to No 29 which appeared to butt-up against the existing extension at the appeal site and run for a similar depth into the garden and with a similarly low profile. Although the proposed extension would be taller and more dominant than the existing and would run along the boundary for an excessive distance, given the existing range of outbuildings at No 29, I find any visual impact upon the outlook from this neighbouring property, and from its garden space, would be minimal.
8. To the opposite side, beyond an existing infill extension which wraps around the outrigger to No 25 and projects by only a small margin, there were no further extensions or buildings adjacent to the boundary with the appeal site. The extension would rise significantly above the boundary fence between these two properties and would impose itself at close quarters for an excessive distance in the outlook from the ground floor living space and from the garden area as a visually dominant and overbearing presence.

9. I acknowledge that there would be some betterment through the removal of the existing roof terrace but any benefits from this would be far outweighed by the visual harm that I have identified. There would therefore be further conflict with NLP Policies SP1 and SP8 and LP Policies D3 and D4 which together, amongst other things, seek to ensure development achieves good design that is neighbourly and minimises overbearing impacts.

Other Matters

10. The appellant has pointed out that outbuildings could be lawfully constructed in the rear garden of the appeal property as permitted development. I accept that this is a legitimate fallback position. However, the height of any such building would be restricted to a maximum of 2.5m adjacent to the boundaries of the site, lower than that proposed. I am therefore unable to conclude that any legitimate fallback position would have a similar degree of harm. Furthermore, as a detached building that could only be used for a purpose incidental to the enjoyment of the dwellinghouse, there is no substantive evidence to suggest that such an option would be a real prospect for the appellant to achieve the additional living accommodation they are seeking. The weight I attach to any fallback position is therefore only slight.
11. I accept that construction of the proposal would create some economic benefits in terms of construction work and expenditure, but this is not solely dependent upon the precise form of the proposal that is before me.

Conclusions

12. For the reasons given, I find that the proposal would be harmful to the character and appearance of the host dwelling and wider area, and that there would be harm to the neighbours' living conditions, particularly at No 25. Other material considerations do not indicate to me that the proposal should be determined other than in accordance with the development plan. The appeal therefore fails.

John D Allan

INSPECTOR