
Appeal Decision

Site visit made on 16 September 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

Appeal Ref: APP/G5750/C/25/3361639

52 Green Street, London E7 8BZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Mohammed Ibrahim Rahman against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 5 February 2025.
 - The breach of planning control as alleged in the notice is Without planning permission, the erection of a ground floor rear extension.
 - The requirements of the notice are:
 1. Demolish the ground floor rear extension (as shown in the approximate location edged in blue on the attached plan, and as shown edged in yellow on the photograph attached at Appendix 1) and return the affected elevations of the property to their form prior to the unauthorised works being undertaken.
 2. On completion of step 1, remove all materials and debris from the site.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matters

2. The Appeal has only been lodged under ground (a). However, it is clear from the substance of their appeal submissions that the appellant is also seeking to appeal under ground (b), in so far as they state that the allegation incorrectly refers to the development as a “rear extension.” As the Council have provided detailed comments on the appellant’s statement, I am satisfied that neither party would be prejudiced by the inclusion of this. I have therefore determined the appeal on this basis.
3. I was unable to undertake an internal inspection of the appeal site as the appellant was unable to provide access for the pre-arranged site inspection on 16 September 2025. However, I was able to view the site and the development from the street. Therefore, this appeal will be determined on the basis of the evidence and the plans before me, which is considered appropriate given that pre-existing, existing and proposed plans, which includes the internal layout of the site, have been submitted.

The Appeal on Ground (b)

4. To succeed on this ground, the onus is upon the appellant to demonstrate on the balance of probabilities that the allegation has not occurred as a matter of fact.
5. The appellant states that the Council has incorrectly referred to this development as a rear extension. In particular the appellant states that the original rear extension was made good by the applicant and that only new tiles were installed to the pre-existing structure.
6. However, Google Street View photograph dated March 2022 has been submitted with the Council's statement. Whilst there was a small wooden structure with a plastic sheet roof constructed over part of the area to the side of the original two storey back addition, this occupied only a relatively small section of the area to the side of the back addition. In contrast, the current addition infills the entire area to side of the original two storey back addition and also extends beyond the two-storey back addition. The side boundary wall has been built-up with new block work, above the pre-existing brick wall, to support the new tiled roof structure over this extension.
7. Furthermore, the extension is constructed to the rear of the main original building. The rear extension was further confirmed by my own site inspection. Therefore, the matters as alleged by the notice have occurred as a matter of fact.
8. Accordingly, the appeal on ground (b) must fail.

The Appeal on Ground (a) and the Deemed Planning Application (DPA)

Main Issues

9. The main issues are the effect of the development on the:
 - the character and appearance of the host building and area; and
 - the living conditions for the occupiers of the appeal site with regard to light and ventilation

Reasons

Character and appearance

10. The appeal site is an end of terrace Victorian property on the corner of Green Street and Westbury Terrace. The traditional design, form and materials in the terrace, which includes double storey original bay windows on the front elevation, two-storey back addition paired with their neighbour, London stock brickwork, and slate roofs contributes positively to the character and appearance of these terraced properties and area generally. This appeal relates to the retention of ground floor rear extension to the side of the original two storey back addition.
11. The Newham Local Plan 'Altering and Extending Your Home Supplementary Planning Document, 2018 (SPD) states that new extensions should generally try and replicate the style, design and detailing of the original house, and that all new extensions, whether of traditional or contemporary design, should be constructed from materials of the highest quality to complement or appropriately contrast to the original house

12. However, contrary to the above SPD, the current rear extension has been poorly constructed with a ramshackle appearance, comprising new unfinished blockwork above the pre-existing brick boundary wall, excessive cement filling in gaps in the red tiles (which contrast unfavourably with the slate tiles used at roof level), and the use Duct tape where the extension adjoins the rear main wall of the building. In addition, unfinished timber boards clad to the side wall of the extension with guttering attached, overhanging the public footway on Westbury Terrace, has resulted in a poor-quality design and finish, accentuated by its prominent corner position, visible from public vantage points on Green Street and Westbury Terrace.
13. The development represents a visually discordant and incongruous feature within the street scene. Neither rendering the side wall, nor repositioning the gutter above the wall would be sufficient to overcome the harm caused, since it would still not match the London stock brickwork of the original back addition nor overcome the visual harm in relation to the poor-quality finish of the extension.
14. I therefore conclude that the development results in harm to the character and appearance of the host building and the area, contrary to Policies SP1, SP3, SP7 and H1 of the London Borough of Newham Local Plan, 2018 (LP), and Policies D1 and D4 of the London Plan, 2021 (London Plan). Amongst other things, these seek to deliver high quality of urban design in the new buildings and spaces created, which respects, takes advantage of, and enhances the positive elements and distinctive features of the borough.

The living conditions for the occupiers of the appeal site with regard to light and ventilation

15. The appeal extension has been built to the side of the original back addition and now obscures three ground floor windows which serves a bedroom, a dining room and a kitchen. All of these ground floor rooms are served by no other windows, and therefore all of these rooms have extremely poor levels of natural light and ventilations for occupiers of the appeal site. No further details have been provided to explain how this will be addressed.
16. I therefore conclude that the development fails to provide acceptable living conditions for occupiers of the appeal site, with regard to natural light and ventilation, contrary to Policies D3, D4, D6 and GG4 of The London Plan, and Policies SP1, SP2, SP3 and H1 of the LP. Amongst other things, collectively these require that development proposals should deliver appropriate amenity, and that the design of development should provide quality homes that meet high standards of design and provide sufficient daylight and sunlight to new and surrounding housing, whilst avoiding overheating.

Conclusion on Ground (a) and the DPA

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development harms the character and appearance of the building and area and fails to provide acceptable living conditions for occupiers of the appeal site in conflict with the development plan taken as a whole. None of the other matters raised by the appellant outweigh the harms identified. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.

18. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the DPA should be refused.

Overall Conclusion

19. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Satheesan

INSPECTOR