



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: 02 October 2025

Appeal Ref: APP/G5750/C/23/3328510 297 Shrewsbury Road, London E7 8QU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Asif Patel against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 24 July 2023.
 - The breach of planning control as alleged in the notice is: The erection of a rear extension comprising of additions at ground floor, first floor and roof level.
 - The requirements of the notice are:
 1. Demolish the rear extension comprising of additions at ground floor, first floor and roof level (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 periods for compliance with the requirements is 6 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 insofar as it relates to the erection of a rear extension at roof level and planning permission is refused in respect of the rear extension at roof level, on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
2. However, the appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the rear extension at ground and first floor level at 297 Shrewsbury Road, London E7 8QU referred to in the notice, and subject to the following condition:
 - 1) The ground and first-floor rear extension hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for the external materials and finishes to be used on the walls of the ground and first-floor rear extension shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the

- prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

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

Main Issues

3. The main issues are the effects of the development on:
- the character and appearance of the host building and area; and
 - the living conditions for the occupiers of adjoining properties at 295 and 299 Shrewsbury Road with regard to outlook.

Reasons

Character and appearance

4. The appeal site is an end of terrace two storey Victorian property with an original two storey back addition which is paired with the neighbouring property at No 295 Shrewsbury Road. The traditional design, form and materials in the terrace, which includes double storey original bay windows on the front elevation, two-storey back additions which are paired with their neighbour, stock brickwork, and slate and tile roofs contributes positively to the character and appearance of these terraced properties and area generally. The rear elevations of properties along the terrace are visible from public vantage points in Plashet Park. This appeal relates to the retention of a rear extension at ground floor, first floor and roof level.
5. The Newham Local Plan 'Altering and Extending Your Home Supplementary Planning Document, 2018 (SPD) amongst other things highlights that new extensions should generally try and replicate the style, design and detailing of the original house; 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; and finally that any new extension should be subservient to the original house and demonstrate clear setbacks from existing elevations.
6. Planning permission was previously approved on 30 June 2022 for the erection of ground floor rear wrap around extension and part first floor rear extension (the 2022 approval¹). That scheme comprised a wrap around ground floor rear extension with the height of the extension on the boundary with No 299 reduced to approximately

¹ Council Ref: 22/00872/HH.

- 2.5m. That approval also included a first-floor extension which would be approximately 1m deep, made of brick with a pitched roof design which matches the original back addition. This design ensured that the approved ground and first floor rear extension had an acceptable visual appearance and integrated successfully with the adjoining back addition at No 295 and the terrace.
7. In relation to the ground floor extension, whilst the height on the boundary with No 299 has increased since the 2022 approval, ground floor extensions of various sizes and designs are a feature of this area. The current design includes a flat roof, and the rear elevation is finished in a brick slip material which is in keeping with the original building and terrace. As such, in isolation, I find no harm the principle of the ground floor rear extension as built. In addition, in a recent appeal decision² (the 2023 appeal decision) the Inspector for the same development also found no harm in relation to the ground floor wrap around rear extension with regard to character and appearance, and I find no reason to disagree with that assessment.
 8. Similarly, the height of the first-floor extension where it adjoins the rear main wall of the house has increased slightly since the 2022 approval. Nevertheless, the eaves line of the first floor matches the eaves line of the rear main wall of the house, and the depth of the first-floor extension is approximately 1m deep, similar to the 2022 approval. It appears to me it is the current unfinished nature of first floor extension, which causes harm to character and appearance of the area. The proposed elevation drawings submitted indicate that the walls would be finished in brick slips to match London Stock, and the finish at ground floor level. However, such details could be secured by condition to ensure that the extension has a satisfactory external appearance. I therefore find that, subject to a condition requiring the implementation of a satisfactory external finish, the first-floor extension would not harm the character and appearance of the subject building and terrace.
 9. However, the L-Shaped dormer at roof level extends across the entire rear main roof in addition to the entire roof of the original two-storey back addition. The roof extension extends the rear of the building considerably and fails to be subservient to the original building. Whilst I observed other L-shaped dormers in the vicinity of the site, those other examples appeared to be smaller and more modest in scale and size than the current appeal development before me.
 10. Furthermore, the excessive size and scale of the unauthorised development, at roof level is accentuated by its close proximity and visibility from neighbouring properties, and Plashet Park to the rear of the site. Therefore, despite the current development being located to the rear of the property, the effect of the scheme is overly dominant and diminishes unacceptably the character, appearance, and integrity of this building, and terrace, with consequent harm to the character and appearance of the area.
 11. Whilst I find no harm to the ground and first floor rear extension, I conclude that the rear roof extension harms the character and appearance of the host dwelling and area. Accordingly, the development conflicts with Policies SP1 and SP3 of the London Borough of Newham Local Plan, 2018 (LP), Policies D1 and D4 of the London Plan, 2021 (London Plan) and the Council's SPD. Amongst other things, these seek to deliver high quality of urban design in the new buildings and spaces created and states that high quality development will be expected, which respects,

² Appeal ref: 3323921.

takes advantage of, and enhances the positive elements and distinctive features of the borough.

12. However, I find no conflict against Policies S6 and H1 of the LP which relates to strategic policies aimed at promoting larger new housing sites within Newham. Furthermore, I find no conflict against LP Policies SP2 and SP8, which relate to providing healthy neighbourhoods and protect neighbouring amenity, which is not relevant to this main issue.

The living conditions for the occupiers of adjoining properties at 295 and 299 Shrewsbury Road with regard to outlook

13. The Council's SPD states that all new extensions should ensure that the outlook of neighbouring amenity is not harmfully compromised.
14. I have had regard to the 2023 appeal decision for the same development which found no harm in relation to the ground floor wrap around extension. Indeed, given the acceptable size and depth of this extension, and flat roof single storey nature of the extension, I agree that the size and scale of the ground floor rear extension does not result in harm to neighbouring occupiers in relation to outlook. However, it is the current unfinished nature of the ground floor flank walls, facing towards both neighbouring properties which causes harm to neighbours. Nevertheless, details of a satisfactory external finish could be secured by condition to ensure that the ground floor extension has a satisfactory external appearance when viewed from neighbouring properties.
15. A first-floor rear extension built along the boundary with No 295 Shrewsbury Road has been previously approved by the Council under the 2022 approval. Whilst the design of the extension has changed, the flank wall along the boundary with No 295 would have been similar in depth and height to the current unauthorised development. Similarly, with regard to the outlook from No 299 Shrewsbury Road, the 'as built' first floor extension is similar in depth to the 2022 approval, and the height of the extension is not significantly different to the approved scheme. Therefore the 'as built' first floor extension does not result in any further loss of outlook or an increased sense of enclosure to occupiers of Nos 295 and 299 than the approved scheme.
16. Turning to the development at roof level, this would not project beyond the rear wall of the back addition at 295 Shrewsbury Road and thus would not result in any demonstrable loss of outlook to occupiers of this neighbouring property. With regard to the outlook from No 299 Shrewsbury Road, the L-shaped dormer has significantly increased the size, height and bulk of the former two storey back addition. The extension at roof level results in a visually intrusive and unneighbourly form of development for occupiers of No 299. Indeed, the outlook from the first-floor window in the main rear house is particularly restricted by this high-level extension resulting in an increased sense of enclosure for the occupiers of this neighbouring property.
17. Consequently, in light of the 2022 approval, the development would not harm the living conditions of the occupiers at No 295 with regard to outlook. However, the roof level extension has resulted in an unacceptably harmful effect on the living conditions of the occupiers at No 299 with regard to outlook, in conflict with Policies D1 and D4 of the London Plan, Policies SP2, SP3 and SP8 of the LP and the aims and objectives of the Council's SPD. Amongst other things, these state that

development proposals should deliver appropriate outlook and amenity and that all development is expected to achieve good neighbourliness.

18. However, I find no conflict with Policies S6, SP1 and H1 of the LP given the strategic nature of these policies.

Conclusion on ground (a) and the DPA

19. For all of the above reasons, I conclude that the ground and first floor rear extensions do not harm the character and appearance of the host building and area and does not harm the living conditions of the neighbouring occupiers with regard to outlook.
20. On the other hand, the extensions at roof level results in harm to the character and appearance of the host building and the area and the living conditions of the neighbouring occupiers at 299 with regard to outlook, in conflict with the development plan taken as a whole. None of the other matters raised by the appellant, including the improved living standard for the occupiers of the appeal site outweighs 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.
21. Following on from these conclusions, I intend to allow the ground and first floor rear extensions only. As the roof extension is physically and functionally severable from the ground and first floor rear extension, I consider a split decision would be a logical outcome.

Split decision - the effect of Section 180 of the 1990 Act

22. S180 provides that where, after the service of a notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as it is inconsistent with that permission. In this case, the appeal on ground (a) will be allowed in part. If the requirements of the notice were varied to exclude that part of the development for which planning permission is being granted, then this could give rise to two inconsistent permissions, one being granted under S173(11) of the 1990 Act as a variation of cutting down the requirements. To avoid this possibility the requirements of the notice will not be varied in this way and reliance will be placed on S180 of the 1990 Act to mitigate the effect of the notice in so far as it is inconsistent with the permission.

Other Matters

23. Condition 1 is imposed is to ensure that details of the external materials and finishes are submitted, approved and implemented to overcome the harm caused to the character and appearance of the area the living conditions of neighbouring occupiers, and thus make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding detailed matter before the development takes place. The condition will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved

but not implemented in accordance with an approved timetable. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission falls away.

24. No further conditions have been suggested by the Council and as the development appears to be largely completed, there is no need for any additional conditions.

Conclusion

25. For the reasons given above and having considered all other matters, I conclude that Ground (a) should succeed in part only, and I will grant planning permission for the ground and first floor rear extension but otherwise uphold the notice and refuse to grant planning permission for the roof level rear extension. The requirements of the upheld notice will cease to have effect so far as inconsistent with the permission that I will grant by virtue of S180 of the 1990 Act.

R Satheesan

INSPECTOR