



Appeal Decision

Site visit made on 14 April 2026 by S Wilson LL.B. MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2026

Appeal Ref: APP/G5750/C/24/3343373

183 Charlemont Road, East Ham, London E6 6AG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Kazi Rahman against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 20 March 2024.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a first floor rear extension.
 - The requirements of the notice are:
 - (1) Demolish the first floor rear extension (as shown edged in yellow on the photograph attached at Appendix 1).
 - (2) On completion of step 1, remove all materials and debris from the site.
 - The period for compliance with the requirements is three months after the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended).
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Decision

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

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appellant did not attend the pre-arranged site visit, although the Council was present. In the appellant's absence, I did not discuss the merits of the appeal with the Council. From my observations made from the public realm, I am satisfied that I am able to determine the appeal.
4. A revised National Planning Policy Framework (the Framework) was published December 2024. Having regard to the main issues in this appeal, it has not been necessary to invite submissions from the parties on the revisions that have been made to the Framework. The decision is based on the current Framework.
5. The Council has applied Policies D1 and D4 of the London Plan (2021) in their decision making. These Policies relate to strategic plan making and I have not been directed to their relevance in relation to the subject appeal. As such these Policies have not been determinative.

Reasons for the Recommendation

Ground (a) – Main Issues

6. These are the effect of the development on the character and appearance of the host dwelling and the surrounding area, and the effect of the development on the living conditions of No.185 with particular regard to outlook and light.

Character and Appearance

7. The appeal property is a two storey terraced residential dwelling with a two storey rear outrigger, rear roof extensions, and a ground floor rear extension. The terraced properties in the immediate surrounding area also have two storey rear outriggers. Whilst front elevations are mainly painted render, the rear elevations are mainly brick.
8. The first-floor rear extension has been constructed beyond the original rear outrigger and directly above the ground-floor rear extension, incorporating a flat roof. This results in a box-like form which fails to reflect the pitched roof profile of the original dwelling. Whilst I accept the rear window is typical of others in the area, the development introduces an unduly bulky form that increases both the massing and vertical emphasis of the rear extension in relation to the rear outrigger, dominating the host dwelling. The appellant maintains this design is common amongst first floor extensions. However, I do not have any substantiated evidence before me to demonstrate this assertion nor how this would apply in the context of the development.
9. Furthermore, the use of uPVC cladding contrasts poorly with the prevailing brickwork of the rear elevations, drawing undue attention to the uncharacteristic form of the development. Whilst I note that the appellant has indicated a willingness to amend the external materials, such changes would not mitigate the fundamental issues arising from the form and scale of the extension. The development is clearly visible from the public domain. I therefore conclude that the development fails to complement the host dwelling and causes harm to its character and appearance. In addition, the extension does not respect the established character and local distinctiveness of the wider area.
10. I accept that No 187 has a two storey outrigger longer than those at other properties in the row. However, I have not been presented any substantive evidence to demonstrate which iteration of the development plan and against which policies this was considered, or if it even has been granted permission at all. Even if this rear outrigger is the result of a grant of planning permission, its appearance is that of an unaltered brickwork rear outrigger that is subservient to its host. It matches the host dwelling roof profile and is of a similar design to other outriggers in the area. Consequently, I afford this matter little weight in my consideration of the appeal.
11. The development causes harm to the character and appearance of the host dwelling and the wider area. Accordingly, it conflicts with Policies S6, SP1, SP3, SP8 and H1 of the London Borough of Newham Local Plan (2018) (the Local Plan), insofar as they seek high-quality design which respects the character and appearance of the host dwelling and the distinctiveness of the local area, amongst other things. Furthermore, the development conflicts with the guidance contained within the Altering and Extending Your Home Supplementary Planning Document

(the SPD), which promotes extensions that replicate the style, design and detailing of the original dwelling, including roof forms, and the use of high-quality materials that complement or appropriately contrast with the host building.

Living Conditions

12. The rear outrigger extension projects approximately 2.65 metres beyond the rear outrigger. The outrigger at No 185 is symmetrical to the appeal property outrigger and contains a first floor rear elevation window. Notwithstanding the fact I could not access No 185, I was able to see that the depth and proximity of the development in relation to No 185 had an adverse effect on the outlook from its first-floor rear outrigger window, creating an unacceptable sense of enclosure and overbearing. The outlook from this window would have been towards the facing flank of the property behind, but relatively open to both sides, as the outrigger to No 187 is set some distance away. The development has significantly restricted the outlook to one side of this window. While of relatively limited depth, its proximity and height in relation to this window has had an adverse effect on the outlook, creating an unacceptable sense of enclosure and appearing overbearing.
13. I note the appellant's contention that the depth is within permitted development parameters for single storey rear extensions, however those rights do not apply to flats. Even if they did apply, the legislation permits extensions more than a single storey in height only if they are limited not only in depth but also in height and proximity to the boundary. Therefore, that legislation does not imply that first floor extensions of similar depth will not harm the living conditions of neighbours, and this does not justify the harm I have identified.
14. I note that there is no evidence presented to demonstrate the lack of harm caused by a loss of daylight/sunlight. However, upon my site visit I observed the orientation of the development and its neighbour No. 185. Given the orientation of the properties, the position of the development and the trajectory of the sun, No. 185 is not unacceptably affected by loss of sunlight or daylight as a result of the extension to the appeal property. Nonetheless, this is a neutral effect that does not outweigh the harm found above when considering the development plan as a whole.
15. The development has an unacceptable effect on the living conditions of No.185 with regard to outlook, creating a sense of enclosure and overbearing, but not light. Nevertheless, the development conflicts with Policies S6, SP1, SP3, SP8 and H1 of the Local Plan, insofar as they seek high-quality, considered design which achieves good neighbourliness.

Other matters

16. I note that the appellant sets out that permitted development rights allow for a 3 metre single storey rear extension to a single dwelling. The appeal property is not a single dwelling and therefore the permitted development rights for single dwellings do not apply. The subject appeal concerns a first floor rear extension. I therefore afford this matter little weight.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused in respect of the development on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

L McKay

INSPECTOR