

Mr Jay Nicholls

71 Masterman Road
Newham
East Ham
London
E6 3NW

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England)
Order 2015 (as amended)

Schedule

Application Reference: 23/01072/HH
Date of Application: 5th June 2023
Proposal: Construction of Garden Roof terrace.
Location: 71 Masterman Road, East Ham, London, E6 3NW,

The London Borough of Newham in pursuance of its powers under the above Act, hereby gives notice that **planning permission has been REFUSED** for the carrying out of the development referred to in the schedule above, and shown on the plans and documents submitted with the application for the following reasons:

1. The proposed roof terrace, by reason of its design and position, would fail to either complement or appropriately contrast the original dwellinghouse, and those forming part of the same terrace row. It would constitute a dominating and discordant architecture feature, prominently visible in a visually sensitive location. To permit this development proposal would give rise to substantial harm to the appearance of the host dwelling, the character and street scene of the site surroundings, contrary to:
 - The National Planning Policy Framework (NPPF) (MHCLG, 2021)
 - Policies D1, D3, and D4 of the London Plan (GLA, 2021); and
 - Policies S6, SP1, SP2, SP3, SP8 of the London Borough of Newham Local Plan (2018)
2. The proposed roof terrace, by virtue of its size and position, would give rise to a direct overlooking impact upon the rear garden of those living at no.69B Masterman Road to the detriment of their privacy. In addition, the provision of an unenclosed and elevated amenity space suitable for various outdoor activities in close proximity to the neighbours' first floor habitable room window would have the potential to cause unacceptable noise and disturbance to those living at no.73 and thus unduly prejudice their amenity. To permit this development would cause substantial concerns from a residential amenity perspective, contrary to
 - The National Planning Policy Framework (NPPF) (MHCLG, 2021)
 - Policies D1, D2 and D14 of the London Plan (GLA,2021); and
 - Policies S6, SP1, SP2, SP3 and SP8 of the London Borough of Newham Local Plan (2018)

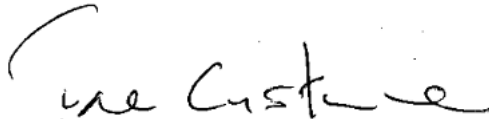
The above policies can be viewed online via the respective government websites ie. the Council's website www.newham.gov.uk the GLA's website www.london.gov.uk and the www.gov.uk website.

Your attention is drawn to the following informative(s):

1. In dealing with this application, Newham Council has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. As with all applicants, the Council has made available detailed advice in the form of our statutory policies and all other Council guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period.

Dated: 31.07.2023

Signed:



Jane Custance
Director of Planning and Development
London Borough of Newham

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Ministry of Housing, Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice:

- **Six months:** Full (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time, and prior approval applications.
- **12 weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **8 weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#)

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council. This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the Council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.