

Appeal Decision

Site visit made on 20 April 2015

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 May 2016

Appeal Ref: APP/U5930/D/16/3143132

40 Forest Drive East, Leytonstone, London, E11 1JY.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs S Shafiq against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 153183, dated 24 September 2015, was refused by notice dated 16 November 2015.
 - The development proposed is for a first floor rear extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is the effect of the scheme on the character and appearance of the host dwelling . The second main issue is the effect of the scheme on the living conditions of the occupiers of the neighbouring property, with particular regard to visual impact.

Reasons

Character and appearance

3. The Appeal dwelling is one of a row of terraced dwellings with modest sized centrally positioned two storey wings at the rear. These wings have mono-pitched roofs which fall away from the eaves lines of the host dwellings. Planning permission has been granted for a ground floor rear extension across the whole of the rear elevation of the Appeal property, together with the enlargement of the central projecting wing. With the approved scheme the roof of the first floor section of the central wing would have the same pitch as the main roof and would project over 2.5 metres from the first floor rear wall of the host dwelling. Its rear building line would be consistent with the pitched roof section of the existing rear ground floor extension.
 4. Amongst other things policies DM4 and DM29 of the Waltham Forest Local Plan Development Management Policies (DMP) and policy CS15 of the Waltham Forest Local Plan Core Strategy (Core Strategy) seek to ensure that new development is designed to a high standard and reinforces/enhances local character and distinctiveness. New development should respond to its context
-

and extensions should relate to the original building. These policies are consistent with the National Planning Policy Framework (NPPF) which states that new development should be visually attractive as a result of good architecture and add to the overall quality of the area.

5. With the Appeal scheme the depth of the rear central wing would be increased to approximately four metres and would project forward of the adjacent pitched roof at ground floor level. It would have a shallow pitched roof which would contrast with the pitch of the existing roofs and would have two asymmetrically located windows in its rear elevation. Due to its depth and shallow roof pitch the extension would have uncharacteristically large plain flank walls, which would project to within three metres of the side boundaries of the site.
6. As a result of these factors the first floor extension would look unbalanced, unduly bulky and top heavy, with large areas of unrelieved brickwork. It would dominate the upper part of the host dwelling and materially detract from the character and appearance of the host dwelling and the neighbouring terraced dwellings.
7. As advised in the Council's *Residential Extensions and Alterations Supplementary Planning Document (SPD)*, extended dwellings should not be out of character with neighbouring dwellings.
8. I conclude on the first main issue that the proposal would unacceptably harm the character and appearance of the host dwelling. It would therefore conflict with policies DM4 and DM29 of the DMP, policy CS15 of the Core Strategy, the SPD and the NPPF.

Living conditions

9. The outlook from the adjacent ground and first floor windows of the adjoining properties are partially restricted by their own two storey central wings. They would be further restricted by the approved ground and first floor extensions at the Appeal property. Despite this the outlook from the adjacent rooms of the adjoining properties would remain reasonable and appropriate having regard to the spatial characteristics of the locality.
10. With the proposal, due to their combined height and depth the flank walls of the proposed extension would materially add to the sense of enclosure experienced by the occupants of the adjoining properties. Together the flank walls of the ground and first floor extensions would be visually stark and overbearing, resulting in a strong and unacceptable sense of enclosure.
11. Finally the Council has referred to policy CS13 of the Waltham Forest Local Plan Core Strategy. However, this policy addresses forms of pollution and health issues and so is not directly applicable to the Appeal scheme.
12. I conclude on this main issue that the proposed extension would unacceptably harm the living conditions of the occupiers of the adjoining properties due to its enclosing visual impact. It would therefore conflict with policies DM4 & DM32 of the DMP and the SPD. Amongst other things these policies and advice seek to ensure that new development respects the living conditions of existing residents.

Other matters

13. Concern has been expressed regarding the construction of a rear dormer extension and the possible change of use of the dwelling. Such matters fall outside the scope of this Appeal. Similarly any matters relating to the Party Wall Act are a private matter.

Conclusion

14. The conclusions on both main issues represent compelling reasons for dismissing the Appeal, which could not be satisfactorily addressed through the imposition of conditions. The harm that would be caused would outweigh the benefits for the Appellant and their family that would result from the additional living space.

Elizabeth Lawrence

INSPECTOR