

Appeal Decision

Site visit made on 12 July 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 15 August 2016

Appeal Ref: APP/U5930/D/16/3144866

9 Clarendon Road, London E11 1BZ

- 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 Mr Palli Manku against the decision of the Council of the London Borough of Waltham Forest.
 - The application, Ref. 153447, dated 16 November 2015, was refused by notice dated 12 January 2016.
 - The development proposed is the erection of a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor rear extension at 9 Clarendon Road, London E11 in accordance with the terms of the application, Ref. 153447, dated 16 November 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Drawing Nos. 01; 02; 03; 04; 06;
 - 3) The materials to be used in the construction of the external surfaces of the proposed development shall match those of the existing building.

Main Issues

2. The main issues are (i) the effect of the proposed extension on the character and appearance of the area, and (ii) the effect on the living conditions for the occupiers of No. 7 Clarendon Road by reason of outlook and light.

Reasons

3. On the first issue, the Notice of Refusal refers to the proposed development as being out of character with the prevailing form of the 'streetscape'. However, as the extension would be to the rear, the only change to the front of the building would be an alteration from one to two rooflights.
 4. In contrast to the front of the building, which in common with other dwellings in the terrace has an attractive and well-detailed period frontage, the rear of Nos. 7, 9 and 11 have quite different roof forms and elevations, with the asymmetric form of No. 7 drawing the eye. In my view these elevations have only limited visual merit both individually and collectively and the proposed first floor
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extension would be subservient in scale to the existing roof and fully hipped to further limit the visual impact. As there is no rhythm or prevailing form to the rear elevations of the buildings and as they cannot be seen from the public realm, I do not consider that the Council's objection can be supported. I accept that the proposed fenestration is different from that of the adjoining buildings but do not regard this as being a sufficient reason to reject the scheme.

5. As regards the second issue, the Council has referred to an adverse effect on the residential amenity for the occupants of No. 7. However, the ridge height of the proposed extension would be lower than that property and would not extend beyond it. In these circumstances I do not see how there could be any loss of outlook or light as alleged.
6. If the intention was to refer to the effect on No. 11, the proposed extension would have a modest depth of about 3.8m and is offset from the boundary with that property. No. 11 already has a two storey outrigger and the proposed addition would not extend beyond it; this dwelling also lies to the south west of No. 9. Taking these points into account and the fact that the Council has referred to No. 7 in both its report and refusal notice, it is difficult for me to conclude on this issue that the appeal proposal would have a significantly adverse effect on either the light or outlook enjoyed by the occupiers of No. 11. However, I note that there is no objection to the proposal from this address.
7. There is an objection from the occupiers of No. 7 that the building will be used for multi-occupancy but there is no evidence or objection from the Council in this regard. There is also concern that damage will be caused to a party wall, but this matter will be covered by other legislation and the building regulations.
8. On both main issues I conclude that the appeal scheme would not be in harmful conflict with Policies CS2, CS13 & CS15 of the Waltham Forest Core Strategy 2013; Policies DM4, DM29 & DM32 of the Waltham Forest Development Management Policies Local Plan 2013; the Council's Residential Extensions and Alterations SPD 2010, and Government policy in the National Planning Policy Framework 2012.
9. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for accuracy and in the interests of proper planning. A condition in relation to external materials will safeguard visual amenity.

Martin Andrews

INSPECTOR