
Appeal Decision

Site visit made on 19 September 2016

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 23 September 2016

Appeal Ref: APP/U5930/W/16/3152704

37a Wolsey Avenue, Walthamstow, Waltham Forest, London E17 6RE

- 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 Graham Fall against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 153576 dated 26 November 2015 was refused by notice dated 21 January 2016.
 - The development proposed is an apartment within roof-space.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council has withdrawn the reason for refusal with regard to contributions towards the provision of affordable housing. Therefore, I consider the remaining main issue to be the effect of the proposal on the living conditions of occupiers of nearby residential properties, with particular reference to visual impact.

Reasons

3. The appeal proposal would provide an additional flat within a pitched roof extension over the existing building. The appeal property lies adjacent to 35 Wolsey Avenue. That property has a roof extension to the rear with large glazed windows/doors at roof level and a large window below at first floor level. These windows face down the rear garden of No. 35 and are close to the side boundary with the appeal property.
 4. A large area of the proposed roof extension would extend out to the rear and be visible from the windows/doors at No. 35. Due to the bulk, close proximity and scale of the proposed extension, I consider it would have an overbearing impact on neighbours at No. 35, particularly when viewed from the upper floor windows/doors. I consider this would create an unacceptable tunnelling effect to the detriment of the outlook from these windows/doors.
 5. For the above reasons and having taken into consideration all matters raised, I conclude that the proposal would have an adverse effect on the living conditions of neighbours. Thus, the proposal would be contrary to Policies
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CS13 and CS15 in the Waltham Forest Local Plan Core Strategy (2012) and Policies DM29 and DM32 in the Waltham Forest Local Plan Development Management Policies (2013), where they seek to protect residential amenity.

6. It is necessary to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. It must be acknowledged that at the heart of the National Planning Policy Framework is the presumption in favour of sustainable development. It sets out the three dimensions that need to be considered, and that the roles should not be taken in isolation.
7. As regards the economic role, some very small benefit would accrue in relation to the construction of the proposed residential unit. In terms of the social role, the proposal would have an adverse effect on the living conditions of neighbours. As regards the environmental role it would contribute towards protecting and enhancing the built environment. Taking the three dimensions together, due to the harm I have identified with regard to the social role, the proposal would not constitute sustainable development.

J L Cheesley

INSPECTOR