
Appeal Decision

Site visit made on 12 September 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 23 September 2016

Appeal Ref: APP/U5930/W/16/3151680

317 Brettenam Road, London, E17 5AT

- 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 Miss Charlotte Parker against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 153330, dated 6 November 2015, was refused by notice dated 21 December 2015.
 - The development proposed is described as “erection of a rear dormer window and installation of 4 rooflights on the front roofslope to create ancillary living accommodation at roof level”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council altered the description of development to “loft conversion with 2 rear dormer windows and 4 rooflights to the front.” The proposal is for a large L shaped dormer and so the description of 2 rear dormer windows does not accurately reflect the nature of the proposal.
3. Following the refusal of the proposal by the Council, the appellant submitted amended plans, which show 3 rooflights on the front elevation. I am normally required to deal with an appeal on the basis of the same plans that informed the Council’s decision. However, in deciding whether to accept amendments to an appeal scheme, I am mindful of the *Wheatcroft* principles¹. The key test in this regard, is whether dealing with the proposal in that way would so change the development that to grant permission on that basis would deprive those who should have been consulted on the changed development, the opportunity to make representations. In this case, the amendment reduces the number of windows, and reflects a previously approved scheme on the site². I am therefore satisfied that this approach would not prejudice the interests of any parties and in accordance with the appellant’s stated intentions, I have determined the proposal on the basis of the revised plans ref 103-B and 106-C.
4. Accordingly, I have determined the appeal on the basis of the following description: “erection of a rear dormer window and installation of 3 rooflights on the front roofslope to create ancillary living accommodation at roof level”.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, p37]

² Application reference: 160578

Main Issues

5. The main issues for the appeal are:

- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on the living conditions of adjoining residential occupiers.

Reasons

Character and Appearance

6. The site comprises a two storey end of terrace property on the northern side of Brettenham Road. The property is a purpose built maisonette with a long rear outrigger. It is constructed in red brick and slate with a modest rear garden which backs onto Matthews Memorial Methodist Church and a residential property, 31a Penrhyn Avenue.
7. The appeal relates to the erection of an L shaped dormer which would extend across the width of the main roofslope and along around a third of the depth of the rear outrigger. It would have 2 rear facing windows and 3 rooflights and would sit below the height of the main ridge line. It would occupy a large proportion of the main roof, and due to its height would be a visible addition above the existing roofline of the outrigger. In this regard, it would form a bulky and uncomplimentary feature which would obscure much of the original roof plane and its large, boxy profile would fail to reflect the simple proportions of the existing dwelling.
8. I noted on site that due to the position of the outriggers and the enclosed nature of the site, it would be visible from a limited number of viewpoints in and around the site. However, it would be seen in gaps in the frontage along the side of Matthew Methodist Church and would be clearly apparent in views from rear gardens along Brettenden Road where due to its size it would appear as an overly dominant and incongruous addition. During my visit I also noted that a small number of other dormers were present in the wider area. However their presence was not so widespread as to constitute a common feature and in any case would not negate my concerns in relation to the proportions of the appeal proposal and its effects on the appearance of the host dwelling.
9. On the first matter I therefore conclude that the proposal would have an adverse effect on the visual amenities of the area. It follows that it would conflict with policy CS15 of the *Waltham Forest Local Plan - Core Strategy* and policy DM29 of *Development Management Policies* which together seek new development which responds positively to the local context and character in terms of scale, height, and massing. It would also fail to comply with guidance in the *Supplementary Planning Document - Urban Design* and with guidance in the *National Planning Policy Framework* (the Framework) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Living Conditions

10. The dormer would face directly on to side windows in the outrigger of no 321 Brettenden Road and due to the size of the dormer it would be clearly visible in these views. However, it would not have any side facing windows and so there

would be no immediate overlooking. Although the bulky profile of the dormer would be a prominent feature, it would not be so dominant as to be overbearing, or significantly reduce the light available to facing windows. Furthermore, although the dormer would introduce additional windows facing the garden, there are already a number of rear facing windows on the rear elevation, and so overlooking of gardens would not be materially increased.

11. On the second matter I therefore conclude that the proposal would not materially harm the living conditions of adjoining residential occupiers. Of the policies put forward by the Council, I consider policy DM32 of the *Development Management Policies* to be most relevant and I find no conflict with the aim of ensuring that daylight/sunlight, outlook and privacy is maintained. I also find no conflict with guidance in the Framework and the *Supplementary Planning Document - Residential Extensions and Alterations Document*, which has similar aims.

Other Matters

12. I take into account the proposed revisions to reduce the velux windows on the front elevation to 3, and the existing permission which includes this element. Whilst I have no objections to this element of the scheme, it does not alter my reasoning in relation to the dormer at the rear. As permission already exists for the velux windows as part of an approved scheme, I do not consider it expedient to deal with the matter as a split decision.

Conclusion

13. Although the proposal would impact upon the living conditions of nearby occupiers, the effect of the character and appearance of the area would be significant and harmful. I have been provided with no significant considerations which would outweigh this harm. Accordingly, for the reasons set out above, and having regard to all other matters raised, the appeal must be dismissed.

Anne Jordan

INSPECTOR