
Appeal Decision

Site visit made on 5 October 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 14 October 2016

Appeal Ref: APP/U5930/W/16/3153703

120C Albert Road, Walthamstow, London E17 7PU

- 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 Joan Li against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 153748, dated 6 January 2016, was refused by notice dated 25 February 2016.
 - The development proposed is the reduction in size of loft conversion and associated amendments to windows and materials within top floor (second floor) self-contained flat (resubmission following refusal of application 152823).
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Decision

1. The appeal is allowed and planning permission is granted for the reduction in size of loft conversion and associated amendments to windows and materials within top floor (second floor) self-contained flat at 120C Albert Road, Walthamstow, London E17 7PU in accordance with the terms of the application, Ref 153748, dated 6 January 2016, 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 hereby permitted shall be carried out in accordance with the following approved plan 249-14/P201 Rev B.
 - 3) Prior to the first use of the outrigger section of the dormer window hereby permitted, the window shown in the side (east) elevation shall be fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be inserted in the side or rear elevations of the development hereby permitted.
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Procedural Matter

2. The proposed development as it is described on the planning application and appeal forms as well as the Council's decision notice refers to the reduction in size of a loft conversion with associated works. However, and having regard to both the planning history of the building and the nature of the development for which planning permission is sought, it would be better described as being for the insertion of a dormer window in the rear roof slope which is in part retrospective.
3. For clarity, I refer to the dormer window as being comprised of projections from both the roof of the main building and that of the outrigger extension to the rear. I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the building and the area.

Reasons

5. The appeal site is a two storey terraced dwelling which has been converted to three self-contained flats, one of which occupies the roof space on the second floor and therefore, for some part, the proposed development. The rear of the building is visible in the public realm and the wider area includes a number and variety of extended roof spaces in visually prominent locations.
6. It is in this context that the proposed development would be read. The outrigger section would be a revised version of a previously refused scheme which would include a reduced size, higher quality materials and amended fenestration. From the evidence before me as well as my site visit, I accept that these changes would improve the visual appearance of the outrigger section of the dormer from what it is currently. Furthermore it would be contained within the outrigger roof slope and thereby appear as a more subservient addition.
7. With regard to the size and scale of the dormer on the main roof of the building, this would be partially obscured from public views by the enhancements that are referred to above as well as its own rear section also being clad in a similar higher quality material. Whilst the main roof dormer section would still occupy the full width of the roof slope on which it is attached I do not consider that this alone would be sufficient for planning permission to be withheld.
8. In coming to a view on this particular point, I have regard to the planning history of the building, specifically the appeal against the enforcement notice concerning the subdivision of the building into three flats and the retention of the dormer. Whilst it was dismissed, it established the lawful use of the building as three flats. One of which is in the roof space and occupies the existing dormer extensions.
9. I am of the view that any reductions in the width or height of the dormer in the main roof slope purely to make it visually subservient would likely be taken at best so as not to unacceptably constrain the internal living space any further. Specifically so following the proposed reductions in the size of the outrigger section. Any works to the dormer in the main roof slope therefore would

unlikely make a material difference to the overall scale and ultimately its current appearance.

10. In this context, and alongside the reasons set out above, the proposed development would not harm the character and appearance of either the building itself or the wider area. As such, there would be no conflict with the aims of Policy CS15 of the Core Strategy¹, Policies DM4 and DM29 of the Local Plan² or the Council's Residential Extensions SPD³.
11. These Policies and additional guidance seek to ensure that, amongst other things and along with section 7 of the Framework⁴, new development (extensions to dwellings specifically) are of a high quality and contextually appropriate design and appearance and reinforce and/or enhance local character.

Conditions

12. I have regard to the conditions as suggested by the Council as well as the guidance set out by NPPG⁵. I have made some consequential changes in the interests of clarity and enforceability.
13. As well as the standard time condition I have specified the approved plan for certainty. Whilst I note the Council's suggested condition with regard to matching materials, the external materials are set out on the approved plan which is referred to by a separate condition.
14. In the interests of clarity and the living conditions of the occupiers of neighbouring dwellings, I have also imposed two restrictive conditions. The first concerning the glazing type and opening of the new side window and secondly the insertion of any new windows in the future. The former condition is with specific reference to the outrigger section of the dormer and as such the relevant timing part of this condition has been worded accordingly.

Conclusion

15. For the reasons and subject to the conditions set out above, the appeal is allowed.

John Morrison

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¹ Waltham Forest Local Plan Core Strategy 2012

² London Borough of Waltham Forest Development Management Policies Local Plan 2013

³ Waltham Forest Residential Extensions and Alterations Supplementary Planning Document 2010

⁴ The National Planning Policy Framework 2012

⁵ National Planning Practice Guidance