
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: 19 October 2016

Appeal Ref: APP/U5930/D/16/3154805

95 Chestnut Avenue South, Waltham Forest, Walthamstow, London E17 9EJ

- 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 Neil Daffin against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 160933, dated 10 February 2016, was refused by notice dated 24 May 2016.
 - The development proposed is a ground floor refurbishment with single storey rear extension and associated ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor refurbishment with single storey rear extension and associated ancillary works at 95 Chestnut Avenue South, Waltham Forest, Walthamstow, London E17 9EJ in accordance with the terms of the application, Ref 160933, dated 10 February 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 plans: 007_L10_001_P1, 007_L10_002_P1, 007_L11_001_P1, 007_L15_003_P1, 007_L15_002_P1, 007_L15_001_P1, 007_L14_003_P1, 007_L14_002_P1 and 007_L14_001_P1.
 - 3) Notwithstanding the details submitted, no development shall take place until details of the colour of the external materials proposed have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details

Procedural Matter

2. As part of the site visit the appellant had present a 1:40 scale model of the proposed development which, for logistical reasons, was not submitted as part of their statement of case. However, the model is referred to in a number of places in the appellant's statement which includes photographs of it. The Council also confirmed at the site visit that the model was the same one that they had previously has sight of during the planning application process. On
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this basis, I am content to take the model into account as part of the appellant's evidence.

Main Issues

3. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the existing dwelling and the area and b) the living conditions of the occupiers of neighbouring dwellings, with specific regard to whether or not it would be overbearing to the occupiers of Number 93 Chestnut Road South.

Reasons

Character and Appearance

4. The appeal site is a two storey dwelling which is part of a densely developed residential area of back to back terraced housing. Development lines both sides of, is set back from and faces in towards Chestnut Road South with linear rear gardens. Each pair of dwellings in the terrace extends over two storeys in a mirror image format to the rear and a number have also been subsequently extended further rearwards at single storey.
5. The Council do not appear to object to the siting of the proposed timber bin store to the front of the dwelling and I have no reason to take a contrary view.
6. As the proposed extension would be to the rear of the dwelling it would be well screened from public view. I accept that its design would not share any common form, materials or detailing with the host dwelling but equally acknowledge that this is largely the intention of the contemporary and contrasting approach proposed. In addition, the use of simple shapes and large glazed elements would allow the original and traditional form and detailing of the host building to still be appreciated.
7. Notwithstanding the mixed height of the extension itself, it would be read in the context of a number of other extensions to the rears of dwellings in the terrace which vary in terms of their overall height, projection and width. When taking this together with my findings above, the extension would not cause harm to the character and appearance of the area.
8. As such, the extension would not conflict with Policy CS15 of the Core Strategy¹, Policies DM4 and DM29 of the Local Plan² or the Residential Extensions³ and Urban Design⁴ SPDs.
9. These Policies and additional guidance seek to ensure that, amongst other things and along with section 7 of the Framework⁵, new development (extensions to dwellings specifically) are of a high quality and contextually appropriate design and appearance and reinforce and/or enhance local character.

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 Waltham Forest Urban Design Supplementary Planning Document 2010

⁵ The National Planning Policy Framework 2012

Living Conditions

10. Part of the side wall of the extension would be located on the shared boundary with Number 93 Chestnut Road South. Whilst it would be taller than the existing close boarded timber fence, the exterior treatment would not be dissimilar and the taller sections of the extension would be sited obliquely from the rear and side bay windows serving downstairs rooms and the kitchen in No 93 respectively. In addition to this, the proposed courtyard area would maintain some spacing.
11. Whilst I accept that to some degree the extension would have an enclosing effect on No 93, this would not in my view amount to being overbearing. Particularly when taking my findings above in the context of the existing darkening effect on each garden caused by the more substantial two storey rear projections of each dwelling in the terrace.
12. For these reasons I do not find that the extension would be harmful to the living conditions of the occupiers of No 93.
13. I note that the extension in totality would exceed the three metre length that the Council's Residential Extensions SPD considers acceptable. This is however noted by the SPD as a rule of thumb and the acceptability of any extension would depend on the arrangement of the back of a dwelling with its neighbours. Since I have not found harm in respect of the effect of the extension in this regard, it would not conflict with the aims of this guidance.
14. I acknowledge the Council's concerns over the precedent value of granting a planning permission in this case. Understanding that each development proposal is considered on its own merits, I have given weight in my findings to matters that are specific to the individual circumstances of the extension, specifically its siting, scale and design. I do not consider therefore that granting a planning permission in this case would set an unacceptable precedent.
15. For these reasons, I find that the extension would not conflict with Policy DM32 of the Local Plan or the Residential Extensions SPD. This Policy and additional guidance seek to ensure that, amongst other things and along with one of the core principles of the Framework, the impact of development on occupiers and neighbours is managed and a good standard of amenity is provided for all existing and future occupants of land and buildings.

Conditions

16. I note the conditions as suggested by the Council and, having regard to the guidance set out by NPPG⁶, have made the following changes for clarity and enforceability.
17. As well as the standard time condition, and for certainty, I have imposed a condition specifying the approved plans. Whilst I note the Council have suggested a condition requiring the external materials of the proposed development to match the existing building, its design and appearance would mean this approach would not be appropriate.

⁶ National Planning Practice Guidance

18. No further detail of the external colour of the proposed timber cladding has been provided. It is only stated that it would be painted. I have therefore stated that such detail should be agreed. This is to ensure that the external appearance of the development is appropriate and since it goes to the heart of the planning permission, would be necessary to agree prior to the commencement of development.

Conclusion

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

John Morrison

INSPECTOR