

Appeal Decision

Site visit made on 21 November 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 24th November 2016

Appeal Ref: APP/U5930/D/16/3159548
70 Orford Road, Walthamstow, E17 9QL

- 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 Rob Atkin-House against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 161952, dated 17 June 2016, was refused by notice dated 2 September 2016.
 - The development proposed is the formation of a new zinc clad double dormer to the existing dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a double dormer to the existing dwelling house at 70 Orford Road, Walthamstow, E17 9QL, in accordance with the terms of the application, Ref: 161952, dated 17 June 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council were asked to supply a copy of its Residential Extensions and Alterations Supplementary Planning Document 2010 (SPD) as this was referred to in the reasons for refusal on the decision notice. I have taken this document into consideration in my assessment of the appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal property is a mid-terrace period house constructed from brick and slate with ornate detailing around the front door and the double storey bay window. In this respect, the appeal property has a scale, form and external appearance that is broadly characteristic of the area, which is predominately comprised of Victorian era terraced housing. Some of these properties have been extended at roof level through the insertion of dormer windows. Notable examples include 74 and 76 Orford Road to the east of the appeal site.
 5. The appeal scheme would encompass the insertion of a rear dormer extension. It is proposed that the dormer would be 'L' shaped and flat roofed with metal framed windows and clad in zinc. As part of the proposed development it is also intended to increase the height of the party walls.
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6. The dormer window would not be visible from the front of the appeal property but public views of it would be possible from First Avenue, especially in the vicinity of the junction between First Avenue and Second Avenue. Longer distance views of the proposed dormer when looking in a southerly direction along First Avenue towards the appeal site would generally be obscured by surrounding buildings. Closer views of the dormer from First Avenue would be obscured by the rear outrigger of 72 Orford Road. Consequently, the proposed dormer would have a limited visual envelope.
7. The proposed dormer would not have a harmful impact on this visual envelope because it could be finished in a dark material that would blend the dormer with the roof scape of the existing terrace. In this respect, it is necessary to use a matching slate, as opposed to the different texture and colour of zinc cladding, as the slate would better integrate the proposed structure with the architecture and roof scape of the appeal property and the wider terrace. This can be secured by a planning condition.
8. The examples of zinc cladding used elsewhere, which have been referred to by the appellant are not viewed in the same context as the appeal site. Consequently, they do not alter my findings on this point. In any event, I have considered the appeal scheme on its own merits.
9. The dormer would also be viewed in the context of other nearby rear extensions, some of which are exposed to the public realm and incorporate flat roofed dormer extensions. As such, the proposed dormer would not appear as an incongruous addition to the street scene of First Avenue or a discordant break in the rhythm of the surrounding roof scape. Furthermore, some attempt in the design has been made to subordinate the proposed dormer to the host property as the section over the outrigger would be set back from the rear elevation, thereby leaving part of this roof unaltered and in its original form.
10. Significantly, the appellant has referred to an approved Lawful Development Certificate (Ref. 161973), which confirms that a dormer extension of a similar design and form, albeit finished in a matching material and slightly smaller than the appeal scheme, could be constructed at the appeal property without the need to first secure planning permission from the Council. There is nothing before me to suggest the appellant would not implement this scheme if his appeal is unsuccessful. Consequently, this is a fall-back position to which significant weight must be afforded.
11. Importantly, the LDC confirms that a flat roofed dormer extension spanning the width of the property, which would include an increase in the height of the party walls and the ridge of the rear outrigger, is permitted development. As such, these aspects of the proposal are not objectionable in this instance. The appeal development would not have a materially greater impact on the street scene than the LDC scheme and it is within this context that the appeal must be considered. As such, this matter weighs heavily in favour of granting planning permission.
12. The Council has referred to its SPD in its reason for refusal. However, a particular section has not been referenced and the Officer's report does not expand upon this point. Nevertheless, having considered the SPD, it is apparent that 'L' shaped dormer extensions are a form of development the Council generally seeks to resist. However, the SPD is only guidance, an indication of what is likely to be approved or refused. In this instance, there are

material considerations which indicate permission should be forthcoming, namely the absence of appreciable harm and the fall back position articulated through the LDC. As a consequence, the conflict with the SPD is not a determinative matter.

13. I therefore conclude that the proposal would preserve the character and appearance of the area. Therefore, the appeal scheme would adhere to Policy CS15 of the Waltham Forest Local Plan Core Strategy 2012 and Policies DM4 and DM29 of the Waltham Forest Local Plan Development Management Policies 2013, which together seek to secure development that responds to a site's context, reinforces local character and respects the street scene.

Conditions

14. I have had regard to the advice in the Planning Practice Guide and in addition to the standard commencement period, it is necessary in the interests of safeguarding the character and appearance of the area to impose conditions requiring implementation in accordance with the submitted drawings and for the use of slate cladding, the details of which must be approved.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall commence before the expiration of three years from the date of this decision.
- 2) The development hereby approved shall be carried out strictly in accordance with the following approved drawings:
 - Drawings 100, 101, 102, 201, 202
- 3) Notwithstanding the submitted details, the hereby approved double dormer extension shall be finished in slate, the details of which shall have been submitted to and approved in writing by the Local Planning Authority before it is first applied. The development shall be carried out in accordance with the approved details.