The Planning Inspectorate

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: 25th November 2016

Appeal Ref: APP/U5930/D/16/3159290
17 Salters Road, Walthamstow E17 3PQ

- 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 Muhammed Azam Sandhu against the decision of the Council of the London Borough of Waltham Forest.
- The application Ref 162052, dated 24 June 2016, was refused by notice dated 18 August 2016.
- The development proposed is a double side to rear extension with hip roof. Front extension.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on: 1) The character and appearance of the area; and 2) The living conditions of the occupants of 19 Salters Road with particular reference to light and outlook.

Reasons

The effect on the character and appearance of the area

3. The appeal property is a semi-detached dwelling located in a residential street that displays a strong and identifiable character. This is due to the repetition of semi-detached house types exhibiting architecture from the early to mid-twentieth century which are arranged in discernable building lines. The appeal property positively contributes to the overall character of the area.

4. The appeal property is located close to the junction with The Risings. The properties at this junction follow the alignment of the road and consequently the side elevation of the appeal property is exposed to the public realm in views looking west along Salters Road.

5. The proposed extension would have a long and unbroken side elevation which would project past the existing rear elevation of the appeal property. The depth of the proposed extension relative to the form and size of the existing house would result in it appearing discordant and bulky in views from the east along the street scene of Salters Road. As a consequence, the depth of the extension would appear excessive and thus out of proportion with the appeal property.

6. The extension would also span the existing gap between the side elevation of the appeal property and the boundary with 19 Salters Road. This, along with the hipped shape of the roof and the wraparound form of the front extension, are features of the appeal scheme which would heighten the sense it has been squeezed into the available space rather than being a natural extension of the appeal property.

7. In this respect, the appeal scheme would be unlike the extensions at 2 The Risings and 21 Salters Road, where the depth of two storey extensions are not excessive and space has been retained with the side boundaries. Alternatively, the appeal scheme would appear contrived and would not integrate with the established form and grain of built development in the area. As such, the proposal would significantly harm the character and appearance of the area.

8. The two storey extension at 33 The Risings does not have an excessive depth that is visible from the street. The effect of this extension is thus materially different to the appeal scheme. Likewise, the extensions at 29 and 39 The Risings complement the form of the host properties by echoing their hipped roof and general proportions, whereas the appeal scheme on the other hand would not. The flush flat roofed side extensions nearby are not particularly sensitive additions that should be used as template to guide future extensions elsewhere. Consequently, the examples referred to by the appellant are materially different to the appeal scheme and do not justify it. In any event, I have considered the proposed development on its own merits.

9. The highest point of the proposed extension would be lower than the ridge of the appeal property and the extension would also be set back from the front elevation by approximately 0.5m. These aspects of the design would create a design break between old and new, which would soften the impact of the extension on the form and appearance of the host property and thus the street scene. Nevertheless, these positive aspects of the proposal would not mitigate for the overall and significant harm to the character and appearance of the area that would otherwise arise from the excessive depth of the extension alongside the other limitations I have identified.

10. I therefore conclude that the proposed extension would significantly harm the character and appearance of the area. This impact would be contrary to Policies CS2, CS13 and CS15 of the Waltham Forest Local Plan – Core Strategy 2012 (CS) and Policies DM4, DM29 and DM32 of the Waltham Forest Local Plan – Development Management Policies 2013 (DMP). These policies together seek to deliver extensions that are of a high quality of design that are sensitive and responsive to the local context and distinctiveness of the area whilst relating well to the host building and street scene.

11. The Council have also stated that the proposed development would be contrary to its Residential Extensions and Alterations Supplementary Planning Document 2010 (SPD). Nevertheless, the Council have not directed me to any specific part of this document and it is not clear whether the policies it supplements are still extant. However, in light of the conflict with development plan policies outlined above, this has not been a determinative matter.

The effect on living conditions

12. The appeal scheme would result in an extension around 3m deeper than the existing house over two storeys and sited on the boundary with 19 Salters

Road (No. 19). The occupants of No. 19 would not be able to escape viewing the flank elevation of the extension at close quarters when in their garden and also, to an extent, when within some of the rear rooms of their house. The extension would be constantly apparent, creating a sense of enclosure when in the modest side and rear garden of the property. As the extension would tower above the occupants of No. 19 it would be an excessive, oppressive and overbearing addition that would dominate the outlook from No. 19. Consequently, the living conditions of the occupants of No. 19 would be significantly harmed.

13. The Council have suggested there would be a harmful loss of light to the occupants of No. 19 arising from the proposed development, but it has not clarified whether it is referring to direct sunlight or ambient daylight. I have therefore considered both.

14. The proposed extension would be located on the western side of No. 19. As such, it would not disrupt morning sunlight and the side garden would retain a southerly aspect uninterrupted by the proposed extension. There is no substantive evidence before me to suggest the impact of the extension on direct sunlight penetration at other times of the day into No. 19 would be significantly greater than that of the existing house. In the absence of such evidence, I am unable to conclude the overall impact on sunlight would be harmful.

15. The proposed extension would be sited closer to No. 19 than the existing house and thus it may result in a reduction in daylight to the garden and windows of No. 19. However, whilst reference has been made by an interested party to a '45 degree rule' in the Council's SPD, I have not been presented with any detailed analysis that would suggest the anticipated reduction in daylight would be harmful.

16. Alternatively, the appellant has demonstrated that the proposed extension would not encroach past the main aspect out of the rear windows of No. 19. Therefore, a reasonable level of daylight would penetrate the rooms served by these windows, the nearest being bathroom and kitchen windows, which can be considered secondary living spaces. I have no reason to disagree. Furthermore, the extension would not entirely block daylight to the garden of No 19.

17. Consequently and when considering the evidence presented, the proposal would not have a harmful impact on the level of daylight entering No. 19. However, the absence of harm in this respect would not outweigh the harm that would arise to the outlook from No. 19 if the appeal scheme were to proceed.

18. I therefore conclude that the proposed development would significantly harm the living conditions of the occupants of No. 19. This would place the appeal scheme in conflict with Policies CS2, CS13 and CS15 of the CS and Policies DM4, and DM29 of the DMP. These policies seek to protect occupiers of neighbouring properties from an excessive loss of residential amenity.

Other Matters

19. The occupants of 1 The Risings have raised concerns that the proposed development would impinge upon their living conditions. But given the

orientation and intervening distance between this property and the proposed extension, I do not share this view.

20. Substantive evidence has not been submitted that demonstrates the development would be unable to adhere to any local parking standards, that any additional parking demand that may arise from the proposal could not be accommodated by the existing on street parking currently available or that the area is one of parking stress. Consequently, the effect on highway safety has not proven to be a determinative matter.

Conclusion

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

Graham Chamberlain
INSPECTOR