

Appeal Decision

Site visit made on 15 November 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 25 November 2016

Appeal Ref: APP/U5930/D/16/3156905
28 Goldsmith Road, Leyton E10 5HA

- 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 Ms Jenny Hunt against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 160962, dated 31 March 2016, was refused by notice dated 27 May 2016.
 - The development proposed is a side and rear ground floor extension, insertion of two rooflights in the rear outrigger and the blocking up of rear first floor bathroom window.
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Decision

1. The appeal is allowed and planning permission is granted for a side and rear ground floor extension, insertion of two rooflights in the rear outrigger and the blocking up of rear first floor bathroom window at 28 Goldsmith Road, Leyton E10 5HA in accordance with the terms of the application, Ref 160962, dated 31 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of the occupants of 30 Goldsmith Road, with regards to outlook.

Reasons

Character and Appearance

3. The appeal site is a semi-detached dwelling in a residential area containing a mixture of architectural styles and finishes which include brick and render. Properties immediately adjacent to the appeal site use a mixture of roof forms, including mono-pitched, dual-pitched and hipped roofs.
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4. The appeal site and No 30 occupy the full width of each plot. As a result, along with the position of each dwelling either side, there is no public view of the rear elevation of Nos 28 and 30. Whilst the proposed extension is in its own right deep, it would replace the existing conservatory and the host property is nevertheless of a substantial depth. Therefore it would remain subordinate.
5. The proposal would replace the existing mono-pitched roof conservatory roof, with a similar design, albeit the materials and the amount of glazing would differ. Even so, I concur with the Council that the proposed use of materials would match the host property. Furthermore the two roof lights would satisfactorily integrate into the existing roof plane of the property.
6. A dual pitched roof would extend over the furthest part of the extension. Whilst this would lead to a variety of roof forms at the rear of the dwelling, this would only reflect the local variety. I also consider the modest scale of the proposed extension would satisfactorily harmonise with the host building and No 30, given the eaves and ridge height of the development.
7. Although the extension's rear elevation would contain a high proportion of glazing which would lead to a contemporary finish, this would be broken into linear panels that would reflect the linear nature of windows and doors in the property. While the loss of the first floor bathroom window would result in a blank brick elevation, given this is at the rear, I do not consider its loss would adversely harm the character and appearance of the area.
8. For these reasons, on this issue, I conclude that the proposal would comply with Policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy (Core Strategy), Policies DM4 and DM29 of the Development Management Policies Local Plan (DMPLP), the Residential Extensions and Alterations Supplementary Planning Document (REASPD) and the Urban Design Supplementary Planning Document (UDSPD). These policies and guidance, together, amongst other things, seek to secure high quality design that responds to local context and positively contributes to the urban environment.
9. Whilst the Council cite Policy DM32 of the DMPLP in terms of the proposal's effect on the character and appearance of the area, this policy is not relevant to this issue as it is concerned with ensuring satisfactory living standards for neighbours and facilities for the storage, collection and disposal of refuse.

Living Conditions

10. The proposed rear extension would extend beyond the south west facing rear elevation of No 30 which comprises of the original building with a conservatory of the same depth and style to the appeal site in the recess adjacent to the shared boundary. A timber fence extends away from the conservatories for two panels, before giving way to a landscaped boundary to the rear.
11. The outlook of the occupants in No 30 is into their rear landscaped garden and into the rear gardens of properties either side. The proposed extension would, once beyond the rear elevation of No 30, step away from the boundary by roughly 1.5 metres. Although the eaves of the extension would extend above the boundary fence, only the upper most part of the extension's flank elevation would be visible to the occupants of No 30 and the roof plane of the extension would angle away from their rear facing windows.

12. It is central to the appellant's case that a fallback position exists as the result of a larger extension which has received prior approval¹ on 29 June 2016. The appellant has compared the layout and external appearance of each scheme. Whilst the prior approval scheme has not been built, it appears, based on the evidence before me that the appellant could very well build the prior approval scheme providing it is completed on or before 30 May 2019. It would be the alternative to the appeal proposal, nevertheless I have no reason to question or reason to suppose that there would be no reasonable prospect of it actually being carried out between now and then. Moreover, it appears to me that only one of the schemes could be built.
13. Whilst the appeal scheme would extend marginally further away from the original dwelling than the prior approval scheme, it would not extend up to the boundary with No 30. Thus, overall it is smaller than the prior approval scheme. As the scale and massing of the appeal scheme would be drawn away from the boundary and the windows in No 30, the effect of the appeal proposal on their living conditions, with regards to outlook would not be as great.
14. On this basis, I consider the appeal scheme would be less harmful than the prior approval scheme. As such, it represents a genuine fallback position that is of a sufficient justification to outweigh the Council's concerns regarding the outlook of the occupants in No 30.
15. For these reasons, on this issue, I conclude that the proposed development would comply with Policies CS2, CS13 and CS15 of the Core Strategy, Policies DM4, DM29 and DM32 of the DMPLP, the REASPD and the UDSPD. These policies and guidance together, amongst other things, seek to ensure the living conditions of neighbouring occupants are not adversely affected by residential extensions through high quality design that responds to the local context.

Conclusion and Conditions

16. I have regard to the conditions suggested by the Council. I have imposed a condition specifying the development permitted shall be carried out in accordance with the approved plans. A condition is necessary relating to matching materials to ensure the extension harmonises with the character and appearance of the area.
17. For the reasons set out above, I conclude that the appeal should succeed.

Andrew McGlone

INSPECTOR

¹ Council Ref: 161656